

# Report of Various Size – Fieldwork research (FRANET)

## Rights of crime victims to have access to justice – a comparative analysis

### Country Report France 2017

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## Executive summary

This report on the rights of crime victims to have access to justice was produced in the first half of 2017, following social fieldwork research carried out by several interviewers during the first months of the year. Each set of themes appearing in this report was completed in accordance with the questionnaires received. The report highlights certain shortcomings in the treatment of victims by the judicial and law enforcement authorities, and these shortcomings are recognised by all of the legal professionals and victims interviewed. An illustration of this is the insufficient level of information provided to victims on their rights and their role in criminal proceedings. Moreover, this report attests to the existence of certain differences in opinion or interpretation of the current state of the law concerning the role of victims and their rights, depending on the position and role of the people questioned. Whereas for some of these, in particular magistrates, lawyers, or members of the police, the state of the law in connection with victims' rights is satisfactory, for others, such as victims and members of associations, progress must be made in this area, and in particular, although the law may appear to be satisfactory, its implementation is sometimes imperfect.

Looking a little more at the details, here are some broad outlines of the principal lessons which may be drawn from this report on access to justice for victims of crime.

In connection with the perception of the victim in criminal proceedings, professionals regard them as a part of the criminal proceedings, taking their own legal action for civil interests. Members of the police may consider the victim as a witness, as part of the investigation, and more precisely as the starting point of this investigation: the victim is part of the evidence (their body may carry traces of violence; only victims can report a criminal offence committed within the privacy of the couple). In view of this it is possible to consider that the victim incarnates a violation of criminal law. On their side, victims may not be satisfied with their role in criminal proceedings; certain victims may feel that they were dispossessed of their case, that the criminal proceedings go ahead without them, that they were not sufficiently listened to.

The reporting of offences by victims to the police depends on several factors: the attitude of the victim, the personality of the victim, the type of offence suffered, the attitude of the police who see the victim, the perception that the victim has of the police reaction, and possibly a negative experience in the past. Professionals subscribe to certain proposals which facilitate victims' actions in order to lodge a complaint: making victim support associations more accessible so that they support the victim with such a step and inform them as well as possible of their rights, and improving training of police officers who handle victims to raise their awareness of the suffering caused by certain offences. Better reception of the victim would avoid certain annoyances advanced by the victims questioned, for example, having to go to the police station several times in order to lodge a complaint.

The large majority of the people surveyed have a favourable opinion of victim support organisations. They are an essential link between the victim and justice. Victims and professionals affirmed that without victim support associations and without a lawyer, the victim quickly gets lost in the criminal proceedings, by not knowing the role which they should have or how the procedure happens. Nevertheless, the lack of resources in the association sector was underlined. More particularly, for violence against women specific resources are necessary, for example, in order to have places to shelter a woman whose violent husband remains in the home. Additionally, information on the existence of victim support services is considered by victims to be inadequate. Although formal information is systematically provided, victims may not understand what it is about and not think of contacting an association.

The victim in criminal proceedings: the public prosecutor may exercise discretionary power over prosecutions, and the police do not investigate all the allegations which are reported to them, mainly due to a question of resources; they have room for manoeuvre and may thus disregard certain offences or direct the victim to lodging an incident report instead of a complaint. Nevertheless, for domestic violence, investigators and the public prosecutor show vigilance, as these offences are regarded as a priority. If the police refuse to investigate, or the public prosecutor refuses to prosecute, the victim can circumvent this position by standing as civil party. It also arises from the report

that at the end of the proceedings victims may be disappointed with the role which was attributed to them and with the decision returned by the judges.

The participation of the victim in criminal proceedings seems tenuous. There is no predetermined pattern of meetings, the victim can ask for a legal act of procedure but it is the investigator (judge or police officer) who decides to carry this out or not, at the trial the witness speaks through the lawyer and/or upon authorisation from the President of the Court. The majority of the victims met for this report considered that their participation in criminal proceedings was unsatisfactory.

Police and judicial institutions are expected to assess secondary victimisation. However, due to a lack of time and resources, the police only rarely proceed with this. There exist certain measures to avoid secondary victimisation, but these arise from common sense, not a legal framework. These measures may consist of not calling in the victim and the attacker at the same time, seeing the victim in a secure place, preparing and reassuring the victim if a procedural act involving a police meeting with victim and the attacker is necessary, trying to limit the number of times the victim is seen, and trying to have victims seen by a person of the same sex if the victim requests this. Victims underlined that these measures may be insufficient; in particular, the trial can be painful for a victim who sees their attacker again, as this is the time of the adversarial hearing where all those concerned are brought together.

Protection against repeated victimisation is not provided for in law. Therefore, the police rarely proceed with this. Consequently, the victim benefits from no, or few, protection measures. There are more such measures for domestic violence. The police can take emergency measures (for example enabling the victim to spend a few nights in a hotel), but for the adoption of longer term measures, the courts must intervene: a protection order from the judge for family affairs, or orders banning suspected attackers from approaching victims. The majority of victims see these protection measures as insufficient (when they are implemented), and even underline the lack of consideration which the police may sometimes show towards victims.

Civil claims which follow from an offence are generally also dealt with by the criminal court judge to whom the offence was known. The victim receives information on their right to compensation. However, without the presence of a lawyer or a victim support association it is difficult for the victim to proceed with the steps necessary to take advantage of this right.

The situation of the victim within the criminal justice system is seen as secondary by legal professionals. Criminal proceedings are firstly related to the criminal charges and the defence. The victim has a role, an important role, but they cannot take the place of the criminal charges. In recent years there has been much progress made in favour of the rights of victims. However, there remains room for improvement. In this sense, certain victims stated that their legal action had added to their suffering; also, certain victims said that during the investigation and/or the hearing their concerns and rights had not been sufficiently taken into account by the police.

## Introduction <sup>1</sup>

The production of this report on the rights of crime victims to have access to justice required significant fieldwork research which was carried out between January and July 2017. Due to the consequent number of interviews to be conducted, these were divided into two groups between the researchers. The first group includes the following professionals: four lawyers, five police officers and seven judges and prosecutors. The second group includes five members of victim support associations and twelve victims. This division of the interviews seemed to us the most judicious since it was through a member of a victim support association that it appeared easiest to access victims.

Two main types of difficulty were encountered within the framework of this study. On the one hand, and this constituted the principal difficulty, obtaining certain interviews was not always easy. In particular, it was difficult to find victims who agreed to speak to a researcher. The study relates to serious offences for which it is easy to understand a certain reluctance from victims. Thus, it was difficult to find victims who agreed to answer our questions, even by going through associations which do, in principle, constitute a reassuring framework for victims. As a corollary, certain victims who had accepted in principle to be interviewed and had made an appointment, subsequently chose not to attend. Moreover, during the interviews with victims, it was necessary to take care and show sensitivity since, understandably, such an experience can be difficult for a victim. Certain victims could not be interviewed as they were not able to travel or did not have the time to meet us, they accepted only to talk by telephone, but this option was limited by the study guidelines. Certain victims refused the recording of the interview.

In addition, another difficulty in obtaining interviews, which varied according to the interviewee, was due to a fear of the questionnaire. It is understandable that it is not easy for victims to be questioned on their feelings with regards to the contact and exchanges which they may have had with legal and police institutions. Nevertheless, even certain legal professionals had reservations, wondering whether they could answer all the questions and fearing a form of questioning of their competence and legal knowledge.

In total thirty-three people were interviewed, and the profiles of these respondents who have enabled the production of this report are as follows:

Five police officers were interviewed - two women and three men. Some of these work in the Paris area, others in rural areas.

Four lawyers were interviewed - one woman and three men. Some of these work in Paris, others in the provinces.

Seven judges were seen - Four women and three men. Among these judges, some belong to the public prosecutor's offices, and others are sitting judges. Some work in the Paris area in large jurisdictions, others in the provinces in smaller jurisdictions.

Five professionals from the association sector were interviewed - Four women and one man. The people questioned work in Paris and in the Provinces.

Twelve victims were seen. These people were victims of offences both in Paris and in the provinces. Among these victims, there were two men (FR/V/5, FR/V/10) and ten women. Among these victims, there were five victims of domestic offences (FR/V/1, FR/V/4, FR/V/6, FR/V/7, FR/V/9) and seven victims of an offence of a different nature (FR/V/2, FR/V/3, FR/V/5, FR/V/8, FR/V/10, FR/V/11). The victims suffered the following offences:

- Domestic violence (FR/V/1, FR/V/4, FR/V/6, FR/V/7, FR/V/9)
- Non-domestic violence (FR/V/5)
- Non-domestic rape (FR/V/2, FR/V/3, FR/V/8)

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<sup>1</sup> Regarding the contents of the introduction please refer to the explanation in paragraph [42] above.

- Non-domestic attempted murder (FR/V/10)
- Affected by an act of terrorism (FR/V/11, FR/V/12).

Given that this report is based on small-scale qualitative research, which is reflected in the small number of interviews for certain categories of respondents, the reader should bear in mind that the findings reported here are only representative of those persons who were interviewed.

## 1. Perceptions of the victim's role in the criminal justice system

### 1.1. Views of practitioners

1.1.1. How do practitioners of various professional groups view the primary role of victims in criminal proceedings and its significance (please refer to Question Pr 1.1)?

	S	P	J	L
As a witness testifying and thus providing evidence;				
As a damaged party seeking restitution;	2 (FR/S/2, FR/S/5)	4 (FR/P/1, FR/P/3, FR/P/4, FR/P/5)	2 (FR/J/6, FR/J/7)	
As a party to the criminal proceedings entitled to have a say in the proceedings;	3 (FR/S/1, FR/S/3, FR/S/4)	1 (FR/P/2)	5 (FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5)	4 (FR/L/1, FR/L/2, FR/L/3, FR/L/4)
Other, please specify below!				
Don't know				
TOTAL	5	5	7	4

As well as completing the above table, please provide an analysis and your own interpretation of the results:

**Initially, it is important to stress that some of the interviewees (in particular magistrates and lawyers) stated that it was not possible to make a choice between the suggested roles of the victim. They have several roles.** Only the first choice is indicated in the table, in order to allow for comparisons; the second choices will be taken into account below to clarify the position of professionals.

Several points can be highlighted from this this table.

Firstly, **police officers (P)** largely see the victim as someone who asks for compensation for the suffering undergone (the same applies to certain magistrates, for example FR/J/6). Indeed, it arises from the exchanges with the police, but also with certain legal professionals, that the victim is the starting point in the investigation, but that beyond their initial statement, they are not otherwise useful for the investigation. According to police, the role of the victim within the framework of the investigation, but also more broadly within the framework of the criminal proceedings, is secondary and is limited to a claim for compensation.

It should be noted that one member of the police (FR/P/4) stressed that a victim taking the step to lodge a complaint may also be seen as a request for help and assistance in an urgent situation, in particular in the event of domestic violence. *“Certain victims are there because they are looking for assistance, they need help, they do not want compensation, they want to be immediately protected and looked after”* (FR/P/4).

**Magistrates (J)** mainly see the victim as a party in the proceedings. On the one hand, magistrates do not agree to confine the victim to only one role: they are a party in the legal proceedings, but also an important witness as well as someone who asks for compensation. Magistrates are the professionals who provided the most second choices.

*“The victim has the three roles [witness, civil party, party having the right to be heard]”* (FR/J/5).

*“The victim fulfils several roles; these roles change over time according to the progression of the proceedings. So, at the beginning, the person is a plaintiff and then they adopt the role of victim”* (FR/J/1).

*“In France, the victim is part of the criminal proceedings. Now, there are also cases where the victim is seen as a simple witness because they did not stand as civil party”* (FR/J/4).

In addition, in considering the victim as a party in the legal proceedings, magistrates highlight the need to maintain a balance throughout the legal process between the interests of the victim and those of the accused. More especially as perhaps at the end of the procedure the victim will not be recognized as such, one thus should not sacrifice the interests of the accused beforehand. Only the decision of the ruling court will effectively recognise a victim as being a victim (see FR/J/1 in particular).

*“During the procedure, there is a balance to find between the fact that this person has been the victim of an offence: it is necessary to afford them all the attention required, all the support they deserve. But, in addition, this victim may be a malevolent person, or someone who lies or who does not measure the consequences what they say [...]. It is therefore necessary to maintain a balance between the interests of the victim and the rights of the defence”* (FR/J/1).

As with magistrates, **lawyers (L)** mainly see the victim as a party in the proceedings. Lawyers state that successive legislative changes have led to victims playing an increasingly important role in criminal proceedings. As such, the victim can initiate the public action, they are a principal witness (*témoin privilégié*), they can request legal procedures, and claim their rights (see in particular FR/L/1, FR/L/3).

**A very small majority of members of victim support organisations (S)** consider the victim as a party in the proceedings, since the legal procedure is initiated by the complaint and the victim's

statement (FR/S/1, FR/S/3). Other members of support associations prefer to see the victim as someone who **requests compensation** (FR/S/2, FR/S/5). **Nevertheless, opinions are not so divided** since those members of associations who see the victim as a party underline that this status of party in proceedings gives them the right to compensation (FR/S/1, FR/S/3); in effect, the victim has the right to obtain reparation for the harm suffered, but in order to obtain such reparation, the victim must stand as civil party.

1.1.2. How significant do practitioners assess the role of victims in criminal proceedings, apart from victims testifying as witnesses? (Question Pr 1.2)?

Police representatives (P) highlight the fact that the victim, through their statement, makes it possible to at least partly establish evidence of the offence and serves as a **starting point for the police investigation** (FR/P/2, FR/P/4, FR/P/5). Beyond this, the **victims themselves constitute part of the evidence**. Indeed, it is possible to find evidence of offences on victims, such as injuries caused by violence. (FR/P/1).

Beyond the victim's testimony, magistrates (J) regard the victim as **the initiator of the procedure** (FR/J/1). The victim's statement, for certain offences, is a determining factor because if the offences were committed in private, only the victim can report them (FR/J/2); in general, the victim sheds light on the events which occurred (FR/J/7).

Although the justice system is perfectly able to convict the perpetrator of an offence without the intervention of the victim, the victim provides **legitimate grounds for initiating legal proceedings and for sentencing** (FR/J/6). *"Even the actual presence of the victim...in these cases [of domestic violence] situates the judicial action".* (FR/J/6).

The victim is also important at the time of the hearings. Seeing victims at the hearing allows them to be recognized as a victim; this also allows the perpetrator of the offence to realise the seriousness their actions and, possibly, to explain themselves and apologise (FR/J/3, FR/J/4). For example: *"What is interesting it is that the victim can be seen and what they say can be taken into the court"* (FR/J/4); *"It is important that the victim is present at the trial so that the perpetrator realises the suffering which they have endured following the offence"* (FR/J/3). Moreover, this allows the judge to understand the context in which the offence occurred and to assess the suffering of the victim and thus the seriousness of the offence; the victim's contribution constitutes, therefore, an element to be taken into account in the determination of the sentence (FR/J/5, FR/J/6).

*"The role of the victim is important to explain the context. For domestic violence in particular, it is through the victim that the context is best clarified: family, social context... It is even the actual presence of the victim which is important in these cases; their actual presence situates the judicial action [...], the legitimacy of the prosecution"* (FR/J/6).

Lawyers (L) advance that beyond giving testimony, the **victim embodies a violation of criminal law** (FR/L/1). They make it possible for the legal authorities to get an idea of the impact of an offence on a human being, and more particularly to better understand the suffering that the victim may undergo; the participation of the victim in the investigation and the legal procedure sheds light on the level of suffering, and this may be physical or simply psychological (FR/L/2).

The **representatives of associations (S)** say that the victim, beyond giving testimony, must be seen both as a person **having suffered injury**, and as a person who may **need protection** (FR/S/1). The role of the victim is important because it makes it possible to better understand the offence (FR/S/4). Moreover, **during the investigation the victim has rights**, they can be active in uncovering the truth, and in particular they can request legal procedures from the investigating judge so that s/he understands the case better (FR/S/3). It is through their lawyer that the victim will be able to fully exercise the rights which they have (FR/S/5). **Nevertheless, the victim has fewer rights than the accused**, access to the casefile is less easy, and certain hearings in the investigation phase can be held without them (FR/S/2). Moreover, one member of an association stated that the victim should have more rights within the framework of sentencing: the victim is almost never informed or consulted in connection with the handing down of sentences, or the release of the perpetrator (FR/S/5).

## 1.2. Views of victims

### 1.2.1. How did the interviewed victims assess their role in the proceedings (Question V 1.1 – V 1.3)?

The accomplishment by victims of the various steps within the framework of criminal proceedings (lodging a complaint, hearings, trial) have **two main motivations**. Victims act for a personal interest: the procedure has to constitute a form of psychological help to try to surmount the suffering from the offence (FR/V/3), and the proceedings must allow for justice to be done (FR/V/5, FR/V/9, FR/V/10, FR/V/12) and for the truth to be revealed (FR/V/11) or allow the victim to leave the violent situation (FR/V/6, FR/V/7, FR/V/8). Other victims take legal action to prevent the attacker from starting again and to prevent suffering for new victims (FR/V/4, FR/V/8).

FR/V/4: "I had the impression that it was the man who was listened to more. Not only did he not [have to] pay for his lawyer, he was also listened to more. The judges and the others, they were on his side, me, I was not listened to at all. So that motivated me to say "no, it is unjust, it is out of the question for me to give up, I'm not giving up any more, because the truth is on my side... What motivated me was for justice to be done... Not only me, I am a victim, but they don't believe me, they don't listen to me, that motivated me, I said to myself "I will not let him do it".

**The position of victims in connection with their role in the criminal proceedings varies.**

**Certain victims are satisfied** with their role in the criminal proceedings. They feel they have been supported and listened to by those involved with the procedure and associations (FR/V/3, FR/V/10). Moreover, some victims do not wish to have increased involvement in the criminal proceedings because certain stages of the criminal proceedings are already difficult to go through and difficult to bear (FR/V/3).

**Conversely, certain victims can feel excluded from the criminal proceedings** which concern them. Indeed, it is sometimes necessary for them to go to the police several times to lodge a complaint, they may not be correctly informed of their rights, and they may not be seen by the police or judges (FR/V/1, FR/V/4).

*"The police did not listen very well. They tried on several occasions to make me withdraw the complaint. I did not do that, I left it, but it was difficult"* (FR/V/1).

The victim may sometimes feel that the rights of the accused are taken into account more than those of the victim (for example, one victim questions why the attacker benefits from a free lawyer and the victim does not) (FR/V/4). The victim may not understand the length of the criminal proceedings, and more particularly why the perpetrator of the offence has not been convicted when he has admitted the offence and other victims complain of similar offences (FR/V/8).

The victim may feel that they serve no purpose in the criminal proceedings which proceeded almost without them (FR/V/6, FR/V/7).

FR/V/6: "...when I went to the police, I saw things that had already been typed and they said to me 'we will read and then you say if it is right or not', they said that to me. And then when they read I said 'no, there are certain things which you say there, it is not like that'. And after they changed it and told me to sign. Before signing, I said 'why am I signing?' They said, 'you sign because you are a victim, it's been reported to us, we came and him, he will go to prison.'"

FR/V/7: "So, you lodge a complaint, believing that by lodging a complaint, there will still be a record of what happened and everything, but no, because when you ask for this complaint to give it to the court, they say to you 'we haven't got it any more, it's of no use'. Then you say, 'and why did I come here to wait at the police station, sometimes for hours, in pain, closed in on yourself, with a baby in your arms and all that for them to say, "everything that you did, it serves no purpose"... I understand that the police have other work, thefts and everything, but there should be a unit just for beaten women, because there are too many of them".

As such, victims say they need more information (or that the information communicated be more comprehensible), more listening and support within the framework of the criminal proceedings (FR/V/1, FR/V/7, FR/V/10), and to be more involved in the legal process (FR/V/8, FR/V/9). Certain victims feel they have "given a lot" to the legal authorities without having obtained any results (FR/V/2, FR/V/5, FR/V/6).

It should be noted that certain victims may show **indifference** as to their role in the criminal proceedings. They have suffered and may now live in fear; in this respect, the criminal proceedings and the part which they may play in them were not important (FR/V/5).

Two victims affected by terrorist acts consider that they cannot be more involved in the procedure because of the particularity of the events (FR/V/12), even if this would help them to better understand the proceedings (FR/V/11).

## 2. Victims reporting their victimization to the police

### 2.1. Views of practitioners

2.1.1. How do practitioners assess the impact of victims' reporting (or underreporting) on the criminal justice system's effectiveness (question Pr 2.1)?

According to members of the police (P), **a victim who goes to the police has thought about it before going**. This time to think is longer or shorter depending on the victim and the view they have of the police and the justice system and the effectiveness of these institutions. Nevertheless, once the victim has decided to go to the police, this indicates that any possible reluctance has been overcome (FR/P/1, FR/P/3, FR/P/4). For various reasons (fear of reprisals, family influences), a victim may not report an offence of which they were victim to the police (FR/P/4); consequently, the police investigation is difficult, even impossible - certain offences occur in private, if the victim does not say anything, the police cannot do anything (FR/P/2, FR/P/5).

On the other hand, the members of the association sector (S) underline that **the victim is often hesitant before reporting to the police**; they are shy, reluctant, vulnerable, febrile, even ashamed, particularly as regards domestic violence (certain magistrates report the same, for example FR/J/6). Certain victims could be dissuaded from lodging a complaint, it is then necessary to insist that they do lodge a complaint. Other victims may lodge a complaint then withdraw their complaint (FR/S/1, FR/S/2, FR/S/3, FR/S/4). Still other victims may have had a poor experience of lodging a complaint previously, and so do not wish to repeat such a step (FR/S/5). When there is a victim referent or a police officer who is attentive to the needs of victims who sees the victim, this part is easier. In effect, if the police officer who receives the victim is attentive to their situation, they may understand that any possible "unusual", or even "strange" behaviour of the victim when they lodge the complaint and thereafter (nervous laughter, indifference) may just be a mechanism for total disassociation in order for the victim to be able to face what they have suffered (FR/S/4). But in less densely populated geographical areas, the victim's lodging of the complaint may be more difficult as a victim referent may not exist and because in certain rural areas, everyone knows everyone else (FR/S/2).

The opinions of lawyers (L) and magistrates (J) are more nuanced. According to these, the attitude of victim towards the police depends on the **personality of the victim**; whereas certain victims go easily to the police, others may need the support of someone close or an association (FR/L/2, FR/L/4, FR/J/5).

*"It is something which varies from one victim to another. Certain victims trust the institutions. For them, it is important to be recognized as victims; consequently, they will be proactive, they will lodge a complaint and cooperate with the police. Other people have less confidence in the authorities or had negative experience with the authorities...there may be a reticence which results in ...not lodging a complaint...(FR/J/1)*

*"It is difficult to generalize and say if the victim will find it easy or not to go to the police. It depends on the place, the police station, if it is a police area or gendarmerie area, there are a lot of factors. What is sure it is that there are still practices of dissuasion from lodging a complaint by the police: a refusal to record the complaint, incident report (main courants)... So, the victim going to see the police depends on the place, but also of the type of victim. It is very variable" (FR/J/5).*

*"Certain victims go to see the police easily, others need to be reassured by associations or welfare officers to go to see the police to lodge a complaint, this is often the case for domestic violence" (FR/L/2).*

There are even victims who feel guilty or believe, at least partly, that they themselves are responsible for the situation, consequently they do not go to the police (FR/J/1).

*“Certain people feel guilty, in particular in intrafamily violence; these people may say “it is my fault that I was hit”. These people may be reluctant to lodge a complaint. It is a real problem” (FR/J/1).*

The attitude of the victim towards the police also depends on **the type of offence**. When the complaint concerns a theft, for example, the process is quite standard, because the police treat many similar complaints daily and the harm suffered for this type of offence is much lower than for other more serious offences. On the other hand, for victims of physical or sexual violence, or domestic violence, things are more delicate, the trauma suffered is much more serious. Therefore, it is more frequent for the victim to be likely to feel uneasy about reporting to the police (FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/7).

**The perception that the victim has of the police** can also play a part in whether they will lodge a complaint or not: fear of being poorly received, fear that the offence suffered does not interest the police, a previously poor experience with the police (for example, the victim may have lodged a complaint previously and not been satisfied with the police investigations or the treatment of their case (FR/L/1, FR/J/1, FR/J/2). Moreover, the police have to keep a certain distance from the victim: although this does not facilitate the victim's approach to the police, it is necessary to maintain a certain objectivity towards the victim (FR/L/3).

**Any reluctance of the victim has a negative impact on the investigation** (FR/S/1); with the victim being a starting point, a first hesitant exchange with the police does not facilitate the investigation. Clearly, the victim is not the only element of the investigation, other investigation acts can be carried out. Nevertheless, interviewing the victim remains an important part of the investigation (FR/L/1).

2.1.2. How do practitioners assess the potential of the following measures in terms of improving the situation of underreporting? Would the following measures make it significantly easier for victims to report (question Pr 2.2)?

Professional groups	S – Agree or strongly agree	P - Agree or strongly agree	J - Agree or strongly agree	L - Agree or strongly agree
2.1.2.1 More victim support services available to victims of violent crime	5/5 (FR/S/1, FR/S/2, FR/S/3, FR/S/4, FR/S/5)	0/5	6/7 (FR/J/1, FR/J/2, FR/J/3, FR/J/5, FR/J/6, FR/J/7)	4/4 (FR/L/1, FR/L/2, FR/L/3, FR/L/4)
2.1.2.2 Raising victims' awareness of their rights and of support services available to them	5/5 (FR/S/1, FR/S/2, FR/S/3, FR/S/4, FR/S/5)	2/5 (FR/P/3, FR/P/4)	5/7 (FR/J/1, FR/J/2, FR/J/4, FR/J/6, FR/J/7)	3/4 (FR/L/1, FR/L/3, FR/L/4)

2.1.2.3 Better protection of victims against repeat victimisation and retaliation	5/5 (FR/S/1, FR/S/2, FR/S/3, FR/S/4, FR/S/5)	5/5 (FR/P/1, FR/P/2, FR/P/3, FR/P/4, FR/P/5)	6/7 (FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7)	4/4 (FR/L/1, FR/L/2, FR/L/3, FR/L/4)
2.1.2.4 Setting up specialised police units or contact officers for victims of certain types of crime	5/5 (FR/S/1, FR/S/2, FR/S/3, FR/S/4, FR/S/5)	1/5 (FR/P/2)	4/7 (FR/J/2, FR/J/4, FR/J/6, FR/J/7)	3/4 (FR/L/1, FR/L/3, FR/L/4)
2.1.2.5 Measures aimed to enhance the trust of the public in the police	3/5 (FR/S/1, FR/S/3, FR/S/5)	3/5 (FR/P/2, FR/P/4, FR/P/5)	7/7 (FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7)	3/4 (FR/L/1, FR/L/3, FR/L/4)
2.1.2.6 Measures strengthening professional, respectful and non-discriminatory attitudes and conduct in the police	4/5 (FR/S/1, FR/S/2, FR/S/3, FR/S/5)	0/5	6/7 (FR/J/1, FR/J/2, FR/J/4, FR/J/5, FR/J/6, FR/J/7)	3/4 (FR/L/2, FR/L/3, FR/L/4)

As well as completing the above table, please provide an analysis and your own interpretation of the results:

**Making victim support services more accessible is strongly supported by associations, magistrates and lawyers. More particularly, this proposition is seen by lawyers and judges as a way of making it possible to facilitate the reporting of offences to the police.** Some of these say that access to associations is already facilitated but that there remains room for improvement (FR/J/1, FR/J/2). In this respect, easier access to victim support services would make it possible for victims to be listened to more in their suffering (FR/L/1). Moreover, when the victim goes to the police after having consulted a victim support association, the steps for lodging the complaint are easier (FR/J/5).

**Conversely, the police are not convinced by such a measure.** None of the five members of the police questioned perceive this measure as being able to significantly increase the reporting of serious offences. One of the arguments advanced is the adequate number of associations; consequently, more victim support services would not impact on the reporting of serious offences by victims to the police. In this sense, the members of the police questioned recognise the utility and the effectiveness of victim support services, but think that increasing their number would not necessarily improve the reporting of serious offences.

FR/P/4: "Of course, victims tend to approach associations before going to see the police (in particular because they are afraid of reprisals, a fear which is less present when the victim turns to an association). But there are already quite a lot of victim support associations, which do good work, too".

FR/P/2: "Victims would not be more encouraged to come to see us [the police] if they knew that behind there were more support services".

FR/P/1: "I think that there are enough victim support services. The press, the media provide enough information on the existing services and what they can do".

FR/P/5: "Victims already have access to many support services outside the police. Now, it is necessary to recognize a difficulty in accessing these services, in particular if the victim lives a long way from a town centre".

**Raising victims' awareness of their rights and the existence of support associations is supported by associations, lawyers and magistrates. This proposal is seen as likely to facilitate reporting to the police.** One can only take advantage of one's rights if one is informed of them beforehand (FR/J/1). However, the question of the resources to implement this arises (how much, and how) for such a measure to be effective (FR/L/1).

Here again, **conversely, the police are not convinced by such a measure.** Only two police representatives out of five subscribe to this idea. According to the police, there is already sufficient information on the existence of victim support services.

**Better protection of victims against the risks of reprisals** has the support of many professionals met. Such a measure would facilitate reporting to the police, in particular for certain cases in which the victim knows their attacker (see in particular, FR/L/1, FR/J/5, FR/J/7). Nevertheless, certain professionals wonder about how to implement such a measure (FR/J/2, FR/J/3, FR/L/4) which is going to require significant resources (FR/P/5, FR/J/6).

**The creation of specialised police units or representatives within police and gendarmerie stations is a measure which receives a mixed reception from the professionals interviewed.** The associations fully subscribe to this proposal. But certain professionals point out that there are already specialised police or gendarmerie units (FR/P/3, FR/P/4, FR/J/1, FR/J/5, FR/J/6, FR/L/2). Nevertheless, such specialization is a good thing which it is therefore advisable to develop (FR/P/2, FR/J/2, FR/J/6). These specialised units are often in the large towns, it would thus be necessary to develop their presence in less populated geographical areas (FR/J/4).

**Increasing public confidence in the police and the justice system is supported by the majority of the professionals interviewed.** It is up to the police and legal institutions to gain this confidence (FR/J/1), and it is a very interesting approach to work on (FR/J/2, FR/J/6). However, the question arises of knowing how to gain this confidence and that this then encourages victims to lodge a complaint (FR/J/4, FR/L/4). Moreover, it should be borne in mind that the police and the justice system cannot do everything. The justice system is perhaps not always the most relevant response to certain domestic problems: certain domestic problems should be resolved without turning to criminal proceedings. Similarly, for neighbour disputes, the intervention of the police and courts can sometimes worsen the situation (FR/J/3).

**Developing a respectful and professional attitude in the police is an adequate measure according to members of associations. However, this proposal is considered to be inadequate by all the police officers questioned:** the police are already respectful with their fellow citizens. **Magistrates and lawyers agree, in a lesser proportion however;** they advance in particular the fact that it is always possible to do better (FR/J/1, FR/J/4, FR/J/6). Any possible development of the respectful and professional attitude of the police supposes additional resources (FR/J/3): necessarily, if the police had less work to do, were not overloaded with work, it would be easier to adopt a respectful and professional attitude.

## 2.2. Views of victims

2.2.1. Did the interviewees report their victimisation to the police (Question V 2.1)?

**The victim may have gone to the police to lodge a complaint** (FR/V/1, FR/V/2, FR/V/3, FR/V/5, FR/V/8, FR/V/9, FR/V/12). Sometimes, the police may have asked the victim to go to the police station to discuss the events and to lodge a complaint: upon leaving hospital where she had been treated for her injuries (FR/V/4) or following a third party reporting to the police (FR/V/6, FR/V/10).

**The victim may also report the offence to the police by calling them at the time of the events** (FR/V/1).

**Sometimes, several visits to the police station are necessary to lodge a complaint.** With the police refusing the complaint or preferring to do an incident report (*main courante*). This situation is difficult for the victim who needs courage to lodge a complaint, in particular they may fear reprisals from a violent husband (FR/V/7).

A victim affected by the terrorist act explained that it was not obligatory to lodge a complaint, she was able to stand as civil party by applying to the judge and so avoiding this stage (FR/V/11).

2.2.2. What are the factors identified by victims, who reported to the police, facilitating this reporting (Question V 2.2)?

Different factors can encourage the victim to lodge a complaint. Among these is the role of the victim's friends and family, who encourage the victim in this (FR/V/3, FR/V/7, FR/V/8, FR/V/9). The role of a victim support association consulted before the lodging of a complaint allows the victim to overcome the fear of lodging a complaint and possible reprisals (FR/V/10). There are also more personal reasons: to prevent the attacker from attacking another victim (FR/V/4), or wanting justice to be done (FR/V/5). For attacks which have occurred in a public place, alerting the police can be facilitated for the victim in that possible witnesses may proceed with this (FR/V/10).

2.2.3. What are the factors identified by victims, who reported to the police, hindering this reporting (Question V 2.2)?

Certain victims said there were no factors which facilitated going to the police to lodge a complaint, meaning that on the contrary this was difficult. For example, the need to go to the police station or the gendarmerie brigade several times to lodge a complaint (FR/V/1), fear of having to meet their attacker within the framework of the procedure, and fear that their case is not considered as being sufficiently important by the police (FR/V/2). Also, the victim must sometimes overcome a strong **feeling of guilt**: the victim may feel they are doing something bad in lodging a complaint (FR/V/6).

One of the victims affected by the terrorist act said that it would be difficult to go to lodge a complaint with the police, because she was not treated in a very respectful way when she went to recover her daughter's personal belongings. However, she was able to avoid lodging a complaint by applying to the judge to stand as civil party (FR/V/11). It was difficult for the second victim affected by the terrorist act to report the events, because she is Spanish and the translation services were not available when she lodged her complaint (FR/V/12).

2.2.4. What are the factors identified by victims, who did not report to the police, impeding this reporting (Question V 2.3)?

2.2.5. Would the victims, if they were victimised again, report to the police? What are the reasons given by interviewed victims for their responses (Question V 2.4)?

Certain victims, in particular because of their first experience of the procedure, think it would be easier for them to go to the police or gendarmerie in the event of a similar offence (FR/V/1, FR/V/2, FR/V/3, FR/V/4, FR/V/5, FR/V/7, FR/V/9, FR/V/10, FR/V/11, FR/V/12). One of the reasons put forward is that of the desire to prevent these violent offences happening again (FR/V/4).

However, other victims say that they would not lodge a complaint with the police because it does not serve any purpose. The procedure is very long and there is no follow-up for victims who feel abandoned and physically, psychologically, socially and financially exhausted (FR/V/8). Although some victims say they would turn to victim support associations for support and assistance (FR/V/6).

### 3. Empowerment of victims (support, advice and information)

#### a) Support and advice

##### 3.1. Views of practitioners

3.1.1. How do practitioners assess the availability of victim support services to victims of crime (Question Pr 3.1)?

**Among the police (P) opinions are very divided.** Some think that the number of victim support associations is inadequate and that the resources which associations have are insufficient (FR/P/1, FR/P/5). For others, there are enough associations but they lack the

resources to fully achieve their mission. For example, it can be difficult to rehouse a female victim of domestic violence in an emergency because of a lack of accommodation places (FR/P/4). For some, there is an adequate number of associations providing several types of permanent cover and which have a significant local area network, making it possible to achieve their mission effectively (FR/P/3). Finally, others feel they are not able to assess the number of associations or the effectiveness of the association sector (FR/P/2).

**According to lawyers (L) and magistrates (J)**, victim support associations merit their place. Efforts have been made at the level of the resources they have. Particularly in 2016, following various terrorist actions, the resources of associations for the protection of victims of terrorism were increased, and as a consequence the resources of general victim support associations were also increased (FR/J/6). Nevertheless, lawyers and magistrates underline certain **imperfections**. First of all, it is possible to question their **visibility**. For example, little information is communicated to the public in connection with victim support associations in the law courts (FR/L/1). Then the question of available means arises: providing quality legal and psychological support requires resources. Associations are often overwhelmed with requests and due to a lack of resources certain associations may offer inadequate support (FR/L/2, FR/L/3, FR/L/4, FR/J/4, FR/J/7). Moreover, this lack of resources varies from one geographical area to another, as obtaining resources depends on the actions of certain local actors: mayors, Regional Councils (*Conseil Général*) (FR/J/2, FR/J/6). The lack of resources of certain associations necessarily affects their effectiveness (FR/J/1).

**Associations (S)** underline that there exists a **very satisfactory structuring of victim support associations around the INAVEM** (*Institut National d'Aide aux Victimes et de Médiation* - National Institute of Victim Support and Mediation). Within this framework associations have multiple specialities: children, women, and men. The members of the associations are also qualified and committed; certain members are also trained in psychological support or social intervention (FR/S/3, FR/S/4, FR/S/5). There also exist welfare officers and psychologists in police stations and victim support offices within courts (FR/S/4). Nevertheless, there are **insufficient resources** available to victim support associations for victims of offences (FR/S/1, FR/S/2, FR/S/4, FR/S/5), in particular, there is a significant lack of accommodation places for victims of domestic violence (FR/S/2). Moreover, if resources were more substantial, it would be possible for there to be a member of an association present in each police station or each gendarmerie brigade; naturally the reception of victims would be of better quality (FR/S/3).

3.1.2. In the view of the interviewed practitioners, are victims provided with information about the general support services available to them in an effective and timely way (Question Pr 3.2)?

All of the professionals met state that **information on the existence of victim support associations is provided when the complaint is lodged**. This information is compulsory under the Code of Criminal Procedure, and it is effective : it takes the form of an indication at the bottom of the complaint slip (*récépissé de dépôt de plainte*) (FR/P/1, FR/P/2, FR/P/3, FR/P/5, FR/L/2, FR/L/3, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/5, FR/J/6, FR/J/7, FR/S/2, FR/S/3, FR/S/5).

FR/P/1: *“When they lodge a complaint, the victim is informed of the existence of support bodies. There is a compulsory mention of these which appears on the complaint slip (récepissé de dépôt de plainte)”*.

FR/L/2: *“After the lodging of the complaint, on the official report, information on the existence of support bodies for victims is indicated: ways of obtaining legal aid, victim support associations”*.

FR/J/1: *“Information on victim support associations is systematically given to the complainant. This information is either accessible upon their reception, or communicated following the lodging of the complaint”*.

FR/J/3: *“There are forms informing the victims of the existence of a support service. It is given to the victim when they lodge a complaint”*.

The **victim support associations** are more reserved in this respect; it was stated that providing information on the existence of a victim support service was not automatic and this information may be communicated only verbally (FR/S/1, FR/S/4). Moreover, this information on the existence of a victim support service could be detailed and explained better by the police, as information on the existence of a victim support association and its contact details may be difficult to identify amidst all the information being provided in the documentation (FR/S/2, FR/S/3, FR/S/5).

FR/S/3: *“At the level of the police there is systematic information because the contact details of a victim support association have to appear on the complaint slip (récepissé du dépôt de plainte) but it is buried in the middle of lots of information and the victim does not understand the importance of this information”*.

Is this automatic provision of information sufficient? (FR/L/1). In effect, the victim may be emotional when they lodge a complaint and **not pay attention to the information relating to the victim support association** figuring on the complaint slip (FR/L/3, FR/J/3). The victim may quite simply not read the document given (FR/J/3). Equally, this **information may not be well understood** by victims, particularly those who do not have a good command of the French language (FR/J/2, FR/J/6). Lastly, it would be a good thing for information be explained more (FR/J/7).

FR/L/3: *“The existence of a support service appears on all the official reports (procès-verbaux). But I am not sure that all the victims necessarily have the reflex to read the official reports until the end”*.

FR/J/2: *“When a victim lodges a complaint, they receive a slip containing references to victim support services. But then what does the victim do with a piece of paper that we give them and which they do not fully understand? What can a victim do who does not speak French well and who does not understand the existing social structures?”*

FR/J/7: *“Materially, the information for the victim on the existence of a support service is provided when they lodge a complaint. But, not being a judicial police officer, I do not know if the explanations given by the police are sufficient for the victim”*.

- 3.1.3. How do practitioners assess the availability of specialist victim support services to victims of sexual or gender-based (including domestic) violence (Question Pr 3.3)?

**A number of professionals highlight a lack of specialization in associations for victims of domestic offences or sexual violence** (FR/P/1, FR/P/2, FR/P/3, FR/L/1). Although they report that general associations may get specialised professionals involved for domestic violence (FR/J/4).

**However, certain interviewees put forward the existence of specialised associations** (FR/L/2, FR/L/4, FR/J/1, FR/J/2, FR/J/4, FR/J/5, FR/J/6, FR/J/7, FR/S/1, FR/S/4) which may manage shelters to accommodate women victims of violence (FR/J/1), and which complement the involvement and the role of the INAVEM (*Institut National d'Aide aux Victimes et de Médiation* - National Institute of Victim Support and Mediation) (FR/S/3). But in principle, the police orient the victim to a general association; this will be able, if needs be, to re-orientate victim (FR/L/3).

FR/P/2: *"Whether the person is the victim of a rape or a burglary, it is always towards same association that they will be directed"*.

These specialised associations are effective when they dispose of sufficient **resources** (FR/J/1); in the absence of resources, certain missions cannot be fulfilled, for example, carrying out public awareness campaigns (FR/S/4). However, as with general associations, these resources may be lacking and unevenly distributed depending on geographical areas (FR/J/2, FR/J/5, FR/J/7).

FR/J/1: *"The resources of associations are often dependent on the authorities: subsidies [...]. I think that their budgetary balance is delicate, that money is often a concern"*.

FR/J/2: *"There is a lack of uniformity with regards to the resources available to these associations. A lot of progress has been made with violence against women. But the coverage is not the same across the whole country. In certain geographical areas, the resources can be insufficient. To develop, certain associations will have to resort to local subsidies"*.

FR/J/5: *"Due to a lack of resources, there can be disparities depending on the geographical areas in the fulfilment of their missions by victim support associations"*.

- 3.1.4. In the view of the interviewed practitioners, how effectively and timely are victims of sexual or gender-based violence provided information about the specialist support services available to them (Question Pr 3.4)?

**For the professionals met, information on the existence of associations largely relates to general associations and more rarely to specialised associations** (FR/J/2, FR/J/7). In accordance with the Code of Criminal Procedure, information on the existence of a victim support association is automatically provided at the time the complaint is lodged (FR/P/1, FR/P/3, FR/P/4, FR/P/5, FR/L/1, FR/L/2, FR/J/3, FR/J/6). If the association mentioned is a general association, either this general association has certain personnel specialised in

domestic violence and can support the victim, or this general association orients the victim to a specialised association.

Ultimately, the police may supplement the compulsory information on a victim support association with verbal information on the existence of a specialised association (FR/S/1, FR/S/3). However, this information should be improved and made systematic (FR/S/3, FR/S/5).

FR/S/3: "the [police] should accompany this [written information] with verbal explanations (nature of the assistance) - that is not done systematically, but associations are working to improve this. Reiterating the information is also very important".

Consequently, the information provided by the police does not relate to an association specialised in domestic violence. The victim's lawyer will be able to advise them and orient them to a specialised association (FR/L/3). In addition, in certain court jurisdictions the Public Prosecutor can her/himself contact an association and communicate the contact details of the victim to them so that the association can contact the victim to see whether they desire the assistance of the association, inform them of their rights, and ask if they require a lawyer (FR/J/1, FR/J/2). Of note here is an experimental practice being implemented in the jurisdiction of the Versailles Court (*Tribunal de Grande Instance*): through a permanent delegation from the Public Prosecutor to the police with respect to the last subparagraph of Article 41 of the Code of Criminal Procedure (recourse to a victim support association by the Public prosecutor), it is now provided for that in the event of complaint a serious offence (a rape), the police send an email to an email account which is consulted by three victim support associations in the jurisdiction. These will therefore be able to contact the victim (FR/J/6).

3.1.5. How do practitioners assess victims' possibilities of being accompanied by a support person of their trust when they are interviewed by the police (Question Pr 3.5)?

**The opinions of professionals are very divided on this question. In effect, no law mentions the possibility of the victim being interviewed by the police while being accompanied by a support person.** Consequently, such a possibility arises from **police practices** (FR/L/1, FR/J/6, FR/J/7).

In the majority of cases, the police prefer to see the victim alone (FR/P/2, FR/P/4, FR/L/2, FR/L/4). Indeed, in the presence of a third party, the victim's statement could be influenced (FR/P/2, FR/L/3, FR/J/2, FR/J/6, FR/J/7); moreover, is this person who accompanies the victim really trustworthy? Nevertheless, based on individual cases, the investigator may allow the victim to be accompanied by a trusted support person (FR/P/3, FR/P/5, FR/J/1, FR/J/2), this may also be a member of a victim support association (FR/S/4); this can carry the advantage of putting the victim at ease in making their statement, and facilitate the victim's statement (FR/P/1, FR/L/3, FR/J/1). In fact, the possibility for the victim to be accompanied during their interview by the police depends very much on the investigator who carries out this interview, their practices in carrying out interviews, the personality of the victim, the type of offence or the ties which connect the victim and the accompanying person (FR/P/2).

FR/P/3: "*If the victim wishes, they can be accompanied [by a trusted support person] at the time when she is interviewed to lodge a complaint.*"

FR/P/5: "Throughout the legal procedure, the victim can be accompanied by a trusted support person."

FR/L/1: "I have heard of the practice consisting of seeing the victim accompanied by a close relation".

FR/J/6: "The acceptance or not of the presence of a third party at the time of lodging the complaint with the police depends on the practices of the investigator. Moreover, the presence of a third party at the time of lodging a complaint is not always advisable"

FR/J/7: "The victim can be accompanied when they lodge the complaint with the police. But the police take care to be sure that the trusted support person really is a trusted support person, so that they do not put the victim under any pressure."

FR/J/2: "The victim can be accompanied by a trusted support person when they lodge a complaint. The police will check that the victim really wants this assistance. If such is the case, I do not see why the police would prevent with this person from accompanying the victim. All the more so as it can be useful if helps free up and facilitate speaking for the victim".

FR/P/2: "When we can carry out the interview of the person with someone else, and when that will not have impact on the investigation, we do it. On the other hand, when we want to make sure that this person does not influence the victim in one sense or another, the victim is seen alone [...]. The principle according to the Code of Criminal Procedure is that interview is conducted with the person alone. But, in certain cases, when we know that there will be no influence and that it is to help, if there is a trusted support person there, we do it [allow them to be present for the interview]".

**Since this possibility of being interviewed while being accompanied by a trusted support person depends on the investigator, no information** is provided on this (FR/L/1, FR/L/3, FR/J/1, FR/J/3, FR/J/4, FR/J/6, FR/J/7, FR/S/3, FR/S/5). The only means for the victim to know that they can go to the police with a trusted support person is to consult a victim support association or a lawyer before going to lodge a complaint (FR/J/2, FR/S/1, FR/S/2).

### 3.1.6. How do practitioners assess victims' possibilities of being accompanied by a support person of their trust during court trial (Question Pr 3.6)?

**It is common for the victim to be allowed to be accompanied by someone close at the time of the trial.** On the one hand, victims know that they can be accompanied as this is obvious; if needs be they can be reminded of this right during the procedure. On the other hand, if necessary their lawyer or the victim support association can remind them of this possibility (FR/P/1, FR/P/3, FR/P/4, FR/P/5, FR/L/1, FR/L/3, FR/J/1, FR/J/2, FR/J/4, FR/J/5, FR/J/6, FR/J/7, FR/S/2, FR/S/3, FR/S/4, FR/S/5). The trusted support person will attend the trial in the public gallery; in the event of a closed hearing, this trusted support person will have to leave the room (FR/L/2). The hearing can be difficult, it is important that the victim can be supported. Yet no specific, formal information is provided at the time of the criminal proceedings (FR/P/1, FR/P/3, FR/P/4, FR/P/5, FR/L/1, FR/L/3, FR/L/4, FR/J/1, FR/S/1). The

associations may provide such information (FR/S/1, FR/S/5), or even set up support procedures such as visiting the courtrooms beforehand, and providing psychological support sessions afterwards (FR/S/3).

It should be noted that certain victims must be accompanied at the time of the hearing; these are child victims and victims under court supervision (FR/J/3).

3.1.7. How do practitioners assess victims' possibilities of being legally advised when they are interviewed by the police (Question Pr 3.7)?

**In principle, when the complaint is lodged the victim does not receive legal advice.** Any legal advice comes later from a lawyer or a victim support association solicited by the victim, once the victim has been informed by the police of their right to be assisted (FR/P/1, FR/P/2, FR/P/4, FR/P/5, FR/L/1, FR/L/2, FR/J/1, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7).

Therefore, during any possible later meetings with the victim (more particularly when there is a police meeting between the accused and the victim), the victim will be able to be assisted by a lawyer (FR/P/3, FR/L/2, FR/J/4, FR/S/4). However, when the complaint is lodged, the police prefer a direct exchange with the victim rather than the use of language which may be "reformulated" by the intervention of a lawyer, and so be less spontaneous (FR/J/1, FR/J/2).

FR/L/2: *"for the first interview to lodge a complaint, in general there is no lawyer. The lawyer will be present if the police wish thereafter to interview the victim again or to have a police meeting with the victim and the accused"*.

FR/J/1: *"What is important is a sincere statement and not a statement that is altered by a professional, it should be something spontaneous"*.

FR/J/2: *"When the person lodges a complaint, the lawyer should not speak on behalf of the person; it is for the victim to explain what happened [...]. It is rare in practice that the victim lodges a complaint assisted by a lawyer because when they come to lodge a complaint, it is at the beginning of the process, they have not had contact with anybody; because the first reaction of a person who has been a victim of an offence is to go to the police station"*.

Nevertheless, the victim can come to lodge a complaint with a lawyer who can thus be present as of the victim's first contact with the police. The only way for the victim to be informed of this right is to contact a victim support association or a lawyer before lodging a complaint (FR/L/3, FR/J/3, FR/S/1, FR/S/2).

**It is not the role of members of the police to provide legal advice to victims** (FR/P/1, FR/J/4, FR/J/5).

3.1.8. How do practitioners assess victims' possibilities of being legally advised during court trial (Question Pr 3.8)?

**At the time of the trial, but also throughout the entirety of the criminal proceedings (from the police investigation until the court ruling), the victim can receive legal advice, in particular advice given by an association. They can also be assisted by a lawyer.**

**Victims are informed of this possibility from when they lodge a complaint with the police** (FR/P/2, FR/P/3, FR/P/4, FR/P/5, FR/L/2, FR/L/3, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7, FR/S/1, FR/S/2, FR/S/3, FR/S/4). Nevertheless, although information on the right to a lawyer is provided, it is possible to regard it as insufficient as this information does not detail the actual steps necessary. For example, the victim may not know how to contact a lawyer, or the victim knows that they are entitled to legal aid, but does not know who or where to ask for this legal aid (FR/L/2, FR/J/2). A victim support association will be able to help the victim to take certain steps such as completing an application request for legal aid (FR/J/2, FR/S/3).

FR/J/1: *"The victim has the right to legal advice at the hearing and they are informed of this".*

FR/J/2: *"The victim is civil party, so they can have a lawyer at any time".*

FR/P/2: *"It is clearly specified to victims that they can be assisted by a lawyer during legal proceedings".*

FR/P/5: *"Of course, the victim is informed of their right to a lawyer and of the existence of legal aid by the police".*

FR/L/2: *"The victim has a right to legal advice at the hearing. They are informed of this right".*

**The role of lawyer is essential at time of the trial.** Without a lawyer nothing is provided for the victim, and there are no means of providing them information on the rights they have at the time of the trial. As such, a victim may miss a deadline for launching an appeal, but more broadly the victim lacks information throughout the criminal proceedings (FR/L/1). Additionally, at the time of the hearing, the President of the Court cannot give legal advice to the victim because of the principle of equality between the prosecution and the defence. This can be problematic when the victim presents without a lawyer and they are asked to evaluate the harm suffered, and therefore to quantify the damages which they claim, as the judge cannot advise them. Unfortunately, it occurs that victims put forward a claim which is very much lower than what they could ask for (FR/J/3).

FR/L/1: *"When victims do not have a lawyer, they are not sufficiently informed. For example, I have seen a lot of people miss deadlines to appeal because they did not have a lawyer. Nothing is planned specifically for the victim throughout the criminal proceedings in connection with information on their rights if they do not have a lawyer".*

FR/J/3: *"The President of the Court cannot give legal advice to the victim because of the principle of equality between the prosecution and the defence. But sometimes, it is true that it is delicate: there are victims who did not take a lawyer, who want to ask something but they do not know what. The victim has to determine their damages claim and quantify it. But the victim does not know how to do this. They then give a figure which may be lower than that what they have a right to".*

3.1.9. How do practitioners assess victims' possibilities of being legally advised free of charge (Question Pr 3.9)?

**Legal aid** makes it possible for certain victims to benefit from the assistance of a lawyer without having to pay the costs, or not all the costs. Depending on the victim's income they will be given full or partial legal aid, or may not be granted any legal aid (FR/P/1, FR/P/2, FR/P/3, FR/P/4, FR/P/5, FR/L/1, FR/L/2, FR/L/3, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7, FR/S/1, FR/S/2, FR/S/3, FR/S/4, FR/S/5). This measure is not specific to victims, it also applies to the defendant (FR/L/1).

The legal advice given by the association sector is free (FR/P/2).

## 3.2. Views of victims

### 3.2.1. Were the interviewees in contact with an organisation providing victim support services (Question V 3.1)?

Victims may have contacted an association providing assistance and support. The assistance and support provided by associations is both very useful and invaluable (FR/V/2, FR/V/3, FR/V/4, FR/V/5, FR/V/7, FR/V/8, FR/V/9, FR/V/10, FR/V/11); certain victims may, moreover, be supported by several associations: a general association and a specialised association, particularly in cases of violence against women (FR/V/4, FR/V/6).

Conversely, victims may have tried to make contact with an association without success. They may, consequently, not be supported by an association, not benefit from psychological support, and content themselves with the assistance of a lawyer (FR/V/1).

FR/V/1: "I had tried to contact them [the victim support services], I did not succeed and I did not insist".

### 3.2.2. Those who were, how did they know about the service (Question V 3.2)?

Victims may be informed of support services through their own personal research (FR/V/2, FR/V/12) (in particular on the internet), through advice from someone close (FR/V/4, FR/V/5, FR/V/9), through the information communicated by the police at the time of lodging the complaint (FR/V/8, FR/V/10), through a magistrate (FR/V/3), through recommendations from a welfare officer (FR/V/6), or through medical professionals who saw the victim at the hospital following the violent offences they suffered (FR/V/7).

*"Victims are also accustomed to looking for information by themselves. Even though the police recommend victims contact an association specialized in victim support, there is no obligation to do so, and not everyone does this."* (FR/S/1).

### 3.2.3. Those interviewees who were in contact with an organisation providing support services, how did they assess the services provided (Question V 3.3)?

**In the large part, associations receive a favourable opinion from victims:** they listen to them and offer reassuring words (FR/V/2). Victims underline that they were satisfied with the legal assistance (assistance with lodging the complaint, explanation of the procedure and the

role of the victim) (FR/V/11, FR/V/12) and the psychological support received from associations (FR/V/3, FR/V/4, FR/V/5, FR/V/9, FR/V/10). Moreover, prior to any procedure, the victim support association could make it possible for the victim to realise and understand that they were a victim (FR/V/9).

FR/V/4: *"I felt really well supported by the associations... they did good work with respect to me. I found that they listened to me more at the associations, the justice system did not listen to me, the procedure lasted 9 years"*.

FR/V/9: *"The association helped me psychologically but then they made it clear that it was then up to me to sort it out myself."*

**However, some victims say they have a negative opinion of victim support associations.** Among the grievances put forward it is possible to cite not having been given concrete help (FR/V/6); that the support had shortcomings, in particular because one professional (lawyer) who worked within an association was frequently absent (FR/V/7); overall support which was lacking both at the legal level (lack of advice) and at the psychological level (lack of group meetings, and a psychologist who was located at too great a distance geographically) (FR/V/8). The victim of Spanish nationality affected by the terrorist act was satisfied with the services of French victim support associations, but stressed that the Spanish victim support association did not help her (FR/V/12).

- 3.2.4. Those interviewees who were in contact with an organisation providing support services, did they feel that the services provided encouraged and helped them to participate in the proceedings (V 3.4)?

When victims were not satisfied with the support association, they necessarily do not highlight what associations could offer or achieve (FR/V/7, FR/V/8). On the other hand, when the victim was satisfied by the action of the association, the following were put forward: helping to understand the status of victim (associations can help victims realise that they are a victim) (FR/V/9); helping the victim with the steps to take such as **lodging a complaint** (FR/V/6); encouraging the victim not to withdraw their complaint (FR/V/9); **encouraging the victim to continue their legal proceedings** (FR/V/3, FR/V/4, FR/V/10), even in spite of a case being dropped by a Public Prosecutor (FR/V/2); **informing** the victim of their rights (FR/V/4, FR/V/11); helping the victim **to understand** the procedure (FR/V/5, FR/V/11), and translating information relating to the procedure (FR/V/12).

- 3.2.5. In cases of domestic violence ('D'), were the interviewees supported in overcoming the risk of repeat victimisation (Question V 3.5)?

Associations can reassure victims on the risk of repeat victimisation (FR/V/2). Nevertheless, associations cannot guarantee protection to the victim (FR/V/9). Associations can also help victims and their family find a solution for rehousing so as to avoid having to live with the violent partner, for example (FR/V/6).

In certain cases, the assistance of associations to overcome the risk of repeat victimisation is less essential. Such is the case if the attacker was detained soon after the offence (FR/V/4).

- 3.2.6. When being interviewed by the police, were the interviewed victims accompanied by a support person of their trust? Were the interviewees informed beforehand that they would be entitled to such assistance (Question V 3.6)?

Although certain victims go to lodge a complaint alone (FR/V/4), others go to lodge a complaint with someone close (FR/V/1, FR/V/3, FR/V/5, FR/V/6, FR/V/7, FR/V/8, FR/V/9, FR/V/10). But it may be that this support person is not allowed to be present when the victim gives their statement (FR/V/1, FR/V/6, FR/V/8).

The large majority of victims were not informed of the right to go to lodge a complaint accompanied by someone close (FR/V/1, FR/V/6, FR/V/7, FR/V/8, FR/V/9, FR/V/10; for an opposite position see FR/V/5). In order to obtain such information, it is necessary to go to the police or gendarmerie station (FR/V/2) or to meet a victim support association before lodging the complaint.

- 3.2.7. At the court trial, were the interviewees accompanied by a support person of their trust? Were the interviewees informed beforehand that they would be entitled to such assistance (Question V 3.7)?

Sometimes the victim knows that they can go to the trial accompanied by a trusted support person. Consequently, they go accompanied (FR/V/5). Information is not necessary: this is something obvious. Certain legal professionals may nevertheless provide this information (FR/V/3).

Certain victims say they were not informed of the right to attend the hearing with a trusted support person (FR/V/1, FR/V/4, FR/V/6, FR/V/7, FR/V/8, FR/V/11). Consequently, either they go alone (FR/V/4, FR/V/7, FR/V/8), or, despite everything, they go accompanied (FR/V/1, FR/V/12).

One victim says she received some information, notably from a magistrate, but the information was difficult to understand, she is not sure who told her she could be accompanied at the hearing (FR/V/10).

- 3.2.8. When being interviewed by the police, were the victims accompanied or advised beforehand by a lawyer? Were the interviewees informed beforehand that they would be entitled to such assistance or advice (Question V 3.8)?

The police or the gendarmerie do not inform the victim beforehand of the possibility of lodging a complaint while being accompanied by a lawyer (FR/V/1, FR/V/2, FR/V/6, FR/V/12). Because it is at the very time of the interview to lodge a complaint that the victim will be informed of their right to a lawyer (FR/V/4, FR/V/5, FR/V/9, FR/V/10); consequently, it is difficult for the victim to have such information beforehand, except by carrying out personal research or by going to a victim support association before lodging a complaint.

Consequently, the victim is seen alone without the assistance of a lawyer (FR/V/1, FR/V/2, FR/V/4, FR/V/7, FR/V/8, FR/V/9, FR/V/10, FR/V/12). Conversely, other victims say they had a lawyer immediately who accompanied them throughout procedure (FR/V/3).

3.2.9. During the court trial, were the interviewees accompanied or advised by a lawyer? Were the interviewees informed beforehand that they would be entitled to such assistance or advice (Question V 3.9)?

Victims are informed of the right to be accompanied by a lawyer at the trial (FR/V/3, FR/V/4, FR/V/5, FR/V/7, FR/V/9, FR/V/10, FR/V/11, FR/V/12). They can therefore have a lawyer who accompanies them at the hearing, in particular when the victim is granted legal aid (FR/V/7, FR/V/10). Other victims report a lack of information concerning the right to be assisted by a lawyer at the time of the criminal trial; they are therefore likely to go to the hearing without a lawyer (FR/V/1, FR/V/6, FR/V/8).

## b) Information

### 3.3. Views of practitioners

3.3.1. In the view of the interviewed practitioners, how reliably, comprehensively and effectively are victims provided information about their potential role and their rights in proceedings, when they are first in contact with an authority, such as, in particular, the police (Question Pr 3.10)?

**At the time of their first contact with the police, in accordance with the Code of Criminal Procedure, the victim receives full information on the rights they have** (right to a lawyer, right to be supported by an association, right to claim damages). **But no information is communicated to the victim in connection with their role in the conducting of the criminal proceedings** (FR/P/1, FR/P/2, FR/P/5, FR/L/2, FR/L/3, FR/J/1, FR/J/2, FR/J/3, FR/J/5, FR/J/6, FR/J/7, FR/S/1, FR/S/3, FR/S/4). The police may sometimes inform a victim of the next parts of the procedure, and particularly the role of the Public prosecutor (FR/P/3, FR/P/4, FR/P/5). It is the victim support association or the lawyer which will provide information on the role of the victim in the criminal proceedings (FR/L/2, FR/J/2, FR/S/3).

Certain professionals note that although thorough information is provided on the rights of the victim, it is possible to question the effectiveness of this information: does the victim understand the scope of the rights which are indicated to them? Does the victim understand how to actually implement these rights? (FR/L/1, FR/J/2, FR/J/6). Extending this provision of written information with verbal information could be a good thing (FR/J/6, FR/S/1).

FR/J/2: *“There is a minimum framework for information. But then in practice the victim may be better or less informed of progress in the procedure depending on the public prosecutor. Without a victim support service, the victim will not have that minimum amount of information”.*

FR/J/2: *“Without a lawyer, the information communicated to the victim is laconic, in particular when they call the court. That underlines the interest of having a lawyer and a victim support association.*

FR/J/6: *“Information for victims without a lawyer and who are not supported by an association is insufficient”.*

3.3.2. Are victims later informed about any significant progress of the proceedings and their potential role in various phases of the proceedings? If yes, on which occasions (Question Pr 3.11)?

No legal obligation requires the provision of information to the victim on the **progress of the police investigation**; consequently, as a principle, the police do not provide this (FR/P/2, FR/S/1). However, in particular for long investigations, the police may provide information on the progress of the investigation when the victim requests this; this is a practice which depends on the investigator, on police staff available, or of the seriousness of the offence (FR/P/3, FR/L/1).

Beyond information on the rights of victims provided at the time of lodging the complaint, the victim is informed of their rights and their role in the procedure at the end of the investigation, at the time of the **decision to prosecute or not, taken by the Public Prosecutor** (FR/P/1, FR/P/3, FR/J/2, FR/J/5); this information from the Public Prosecutor is not always provided: a victim without a lawyer may not be informed if their case is dropped (*classement sans suite*) (FR/J/6, FR/L/2).

If a **judicial investigation** is opened, the investigating judge informs the victim of their rights and their role (FR/J/2, FR/J/3, FR/J/5, FR/J/6, FR/J/7, FR/S/5). But when the investigation lasts a long time, the victim may not be regularly informed of the progress of the investigations (FR/S/3).

As well as this minimum requirement, there may be **local initiatives for better information for victims**. Some magistrates may establish a “victim” record in the files to know what has been done for the victim during the procedure (in particular information on their rights), to gather together all the elements or mails communicated by the victim, and therefore provide better follow-up and information for victims (FR/J/2).

**In general, without a lawyer or the assistance of the association sector, it is difficult for the victim to obtain information** on the progress of the investigations, their rights or their role during the procedure; the assistance of a lawyer or victim support association is very important (FR/L/3, FR/L/4, FR/J/6, FR/J/7, FR/S/2, FR/S/3).

FR-L-1: *“Victims are better or less informed according to the investigators and police personnel who handle the case. I remember a father whose son was abducted who went to the police station every day to find out where the case stood, if he had not done that I am not sure that he would have received information”.*

FR/L/3: *“Apart from the information and advice from the different victim support associations, without a lawyer, information for the victim is not easily provided by the justice system”.*

FR/J/7: *“If the victim is assisted by a lawyer or a victim support association, they obviously understand their role better. In addition, information on the role of the victim is more delicate in the event of an accelerated procedure because there is a lack of time”.*

3.3.3. How do the interviewed practitioners assess victims' possibilities of having access to the case file either personally or through a legal representative (Question Pr 3.12)?

**The approach of professionals on access to the case file by the victim depends on the stage of the criminal proceedings.**

**At the stage of the police investigation, the victim does not have access to the case file. The victim can only access a copy of their complaint.** The large majority of professionals questioned are opposed to the victim having access to the case file at the investigation phase because the police investigation is confidential (FR/P/1, FR/P/2, FR/P/3, FR/P/4, FR/P/5, FR/L/1, FR/L/2, FR/J/2, FR/J/5, FR/J/6, FR/J/7, FR/S/5).

**For the following stages of criminal proceedings (preparatory investigation, hearing), the victim can access the case file** even if the victim does not have a lawyer (FR/L/2, FR/J/2, FR/J/5, FR/J/6, FR/J/7, FR/S/3).

In the view of the professionals, access to the file must take place **through a lawyer** (FR/P/1, FR/P/2, FR/P/3, FR/P/4, FR/P/5, FR/L/2, FR/L/3, FR/L/4, FR/J/3, FR/J/6, FR/S/1, FR/S/2, FR/S/3). On the one hand, the casefile may contain sensitive information concerning private life or the confidentiality of the investigation; on the other hand, a casefile can be shocking for the victim, in particular due to certain photographs or statements (FR/L/3, FR/J/1, FR/J/3). Moreover, although it is possible to let a lawyer consult a file because they belong to a regulated profession, a victim without a lawyer who consults their file must be supervised, should they remove part of it. In this respect, the justice system needs to make progress in digitising procedures (FR/J/2).

*FR/L/3: "It is essential that there be a filter between the casefile and the victim. A casefile can be difficult to see for the victim (the file may contain remarks or photographs which are shocking for the victim, for example). Also, certain investigations have to be carried out discreetly, you cannot allow leaks from the casefile".*

*FR/L/3: "The procedure is not directly accessible to the victim. The lawyer can see the casefile, can communicate certain points to the victim, but the lawyer does not give the casefile to the victim. The lawyer belongs to a regulated profession".*

*FR/J/1: "Victims have access to the case file through the lawyer. I think the victim should have access to the file, but that direct access can raise difficulties. Firstly, there is a 'shock' aspect'. Is the victim prepared to see certain shocking documents in the casefile (such as a report or forensic photographs)? Then, the casefile contains confidential elements concerning the private lives of those involved in the case. Going through the lawyer allows only the relevant parts to be provided to the victim".*

### 3.4. Views of victims

3.4.1. When the interviewed first came into contact with the police, were they informed but  
A. to their potential and role to their rights in proceedings and  
B. how they edge accesses year appropriate support service (Question V 3.10)?

The feelings of victims on the information communicated by the police is varied.

At the time of their first contact with the police, **certain victims say they were not informed of their potential role and their rights** in the legal procedure (FR/V/1, FR/V/7, FR/V/8, FR/V/9, FR/V/10, FR/V/12).

*FR/V/8: "...the police told me nothing. I did not know anything at all, I waited for them to call me in, for police meetings between the victim and the accused, things like that, then I was abandoned for years or months, then they send me a registered letter from the investigating judge for the reconstruction, I go there, I do a reconstruction, they abandon me...then there is a new judge, "he has to see you, because the judges, they change"...*

For example, the victim may be informed of their right to a lawyer at the time of hearing (FR/V/4, FR/V/6).

*FR V 6: "It was at the court when I went to get the procedures that the person said to me 'you know you have the right to ask for a lawyer, to be there when they took your daughter, to say 'we do not want to'. I didn't know any of that."*

But victims may consider that the information communicated is insufficient (FR/V/9) or not easy to understand (FR/V/10). **Victims also mention a lack of information on access to a victim support service** (FR/V/1, FR/V/7, FR/V/10, FR/V/12); sometimes, information on the possibility of being assisted and of being supported by an association is provided later in the procedure and may be given by the investigating judge (FR/V/3), or this information comes from elsewhere: information from someone close or a welfare officer (FR/V/4, FR/V/5, FR/V/6).

**On the other hand, other victims say they were informed** of their potential role and their rights in the legal procedure (FR/V/2, FR/V/3, FR/V/5) and of the means at their disposal to have access to a victim support service (FR/V/2, FR/V/8, FR/V/9). Information relating to the potential role of the victim and their rights in the legal procedure is sometimes communicated by a victim support service (FR/V/11).

#### 3.4.2. Were interviewees continuously updated on how the case developed and on their potential role and relevant rights over the course of the proceedings (Question V 3.11)?

**Obtaining information on the progress of the procedure and the role of the victim varies and comes from various sources.** Sometimes, the victim is **regularly and well informed by the police or a magistrate** (FR/V/3, FR/V/5, FR/V/8, FR/V/9, FR/V/10, FR/V/12).

*FR/V/3: "Yes [I had access to the casefile documents], but I do not want to receive the documents, if it's going to harm me, there is no point. I received lots of documents about what I had said, of what they had said, but I do not want to receive any".*

Conversely, certain victims underline a **lack of information** on the progress of the procedure and their role (FR/V/6, FR/V/7). Sometimes this **information may be provided by the victim's lawyer** (FR/V/4; this victim highlights that one piece of information from her lawyer is not easy to understand; FR/V/11, FR/V/12). In order to obtain information on the progress of the procedure and their role, the victim must sometimes **act personally**: one victim was

informed of the developments of the case when she telephoned the gendarmerie (FR/V/1), others by personal research, or by going to associations (FR/V/2).

3.4.3. Did interviewees, either personally or through a legal representative, have access to the case file? If yes, at which stages of the proceedings (Question V 3.12)?

**Without a lawyer, the victims questioned could not have access to the casefile** (FR/V/1, FR/V/4, FR/V/5, FR/V/7). They only received information from the casefile through their lawyer (FR/V/4, FR/V/11, FR/V/12); in this respect one victim reports that in spite of her requests her lawyer did not communicate the information which she asked for from the file (FR/V/8).

Moreover, certain victims prefer that only the lawyer has access to the file because this file can be painful for them (FR/V/3).

Other victims say that with at certain stages of the procedure (discontinuation of proceedings - *décision d'un classement sans suite*), they could access the casefile (FR/V/2). Or again at the investigation phase, the victim was able to access certain official reports (*procès-verbaux*): those including her own statements and those including the admission of the offences by her husband (FR/V/9).

## c) General assessment

### 3.5. Views of practitioners

3.5.1. To what extent have the interviewed practitioners, divided by professional groups, agreed with the following statements (Question Pr 3.13)?

3.3.4.1. More needs to be done to ensure that all victims have access to appropriate support services.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	4 (FR/S/1, FR/S/3, FR/S/4, FR/S/5)		1 (FR/S/2)			5
<b>P</b>		4 (FR/P/1, FR/P/2, FR/P/4, FR/P/5)	1 (FR/P/3)			5
<b>J</b>	2 (FR/J/2, FR/J/7)	4 (FR/J/1, FR/J/2,			1 (FR/J/3)	7

		FR/J/5, FR/J/6)				
<b>L</b>	2 (FR/L/2, FR/L/4)	1 (FR/L/1)	1 (FR/L/3)			4
3.3.4.2. Considering that victims, in criminal proceedings, mainly perform the role of witnesses, already too much is done to strengthen their position in criminal proceedings.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>		1 (FR/S/2)	2 (FR/S/1, FR/S/5)		2 (FR/S/3, FR/S/4)	5
<b>P</b>		2 (FR/P/1, FR/P/3)	3 (FR/P/2, FR/P/4, FR/P/5)			5
<b>J</b>		5 (FR/J/1, FR/J/3, FR/J/4, FR/J/5, FR/J/7)	1 (FR/J/6)		1 (FR/J/2)	7
<b>L</b>	1 (FR/L/4)	1 (FR/L/2)	1 (FR/L/3)	1 (FR/L/1)		4
3.3.4.3. More needs to be done to ensure that victims are informed in an effective manner about the proceedings and their potential role in them.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	3 (FR/S/1, FR/S/3, FR/S/5)	2 (FR/S/2, FR/S/4)				5
<b>P</b>		1 (FR/P/4)	3 (FR/P/1, FR/P/2 FR/P/3)		1 (FR/P/5)	5
<b>J</b>	1 (FR/J/7)	3 (FR/J/1, FR/J/2, FR/J/6)	2 (FR/J/3, FR/J/5)		1 (FR/J/4)	7

L	2 (FR/L/2, FR/L/4)	2 (FR/L/1, FR/L/3)				4
3.3.4.4. Not much further action needs to be taken to improve the standing of victims in criminal justice proceedings as a lot has already been done in recent years.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S		1 (FR/S/5)	3 (FR/S/1, FR/S/2, FR/S/4)	1 (FR/S/3)		5
P		2 (FR/P/1, FR/P/3)	3 (FR/P/2, FR/P/4, FR/P/5)			5
J		2 (FR/J/1, FR/J/5)	4 (FR/J/2, FR/J/3, FR/J/6, FR/J/7)		1 (FR/J/4)	7
L		2 (FR/L/2, FR/L/3)	1 (FR/L/1)		1 (FR/L/4)	4

Please provide an analysis and your own interpretation of the results:

**Providing better access for victims to services is supported by a number of the professionals met.** Several of them say that even though there have been advances on the issue (FR/P/3), progress can still be made (FR/J/1, FR/J/2, FR/J/4, FR/L/3). Although they may be considered to be sufficient in number, victim support associations lack resources (FR/P/1, FR/P/4, FR/P/5, FR/S/2). In particular this is so for associations specialised in violence against women, since these victims have a significant need for help and support as we know that many victims of domestic violence dare not lodge a complaint; a more significant presence of associations could encourage reporting to the police (FR/J/5).

FR/P/1: *"We inform people of the existence of victim support associations people at the appropriate time, when they are victims or claim to be victims".*

FR/P/1: *"There are a number of victim support associations but if they had more resources it would be better".*

FR/P/2: *"More should be done so that all victims have access to a support service. These services make it possible for the victim to recover from the offence".*

FR/P/5: *"It is always possible to do more so that victims can access a support service".*

FR/JJ1: *"A lot of progress has been made. But it is still possible to improve things".*

FR/JJ5: *"More should be done to ensure the victim has access to a support service. But it should be done in a targeted way, meaning for victims who chronically under-report offences, so in particular victims of family and/or sexual violence (which are offences for which there are victims who do not lodge a complaint)."*

FR/JJ2: *"As long as there is room for improvement in this matter, improvements should be made. Obviously a problem of budget nevertheless arises".*

**Since the victim is above all a witness in the criminal proceedings, many measures have already been adopted in order to enhance their role. This statement draws divided opinions from among the professionals questioned.** This possibly arises from the fact that for certain offences the victim will mainly be seen as a witness, whereas this is not the case not for others (FR/JJ2).

FR/JJ2: *"It is the victim who, by their statement, can make it possible to orient the investigation. The victim of an offence (for example violence) is a victim but they are also a witness. The victim has this dual status. It is true that often the investigator may see the victim as a witness who advances their investigation, but it is also in the interest of the victim to see the investigation advancing".*

Some consider that the victim has a sufficient role in criminal proceedings; in this respect, it should be stressed that the victim can initiate and take part in the criminal proceedings (FR/L/2). Although others think it is necessary to grant more rights to the victim, and as such one could consider free assistance from a lawyer for victims, without there being a question of the victim's financial resources (FR/P/2), it is necessary to improve the methods of obtaining evidence, observations, and involving forensic medicine (FR/JJ6).

FR/P/2: *"In its current state, the law is satisfactory, however, we could give victims more rights. For example: benefiting from a free lawyer, without the condition of financial resources".*

FR/JJ6: *"It is possible to improve things for the victim. I'm thinking in particular of improvement in the formalization of their testimony, their observations, the legal-medical measures".*

**Providing better information for victims on their rights and their role within the framework of the criminal proceedings once again divides opinions.**

**Certain professionals, and particularly associations, are in favour of better information for victims. They advance the need for understandable information;** although information is planned for and provided, the victim still has to be able to understand it (FR/JJ1). It is also necessary to go beyond providing information in theory to providing concrete information on the rights available to victims (FR/L/2); in effect, one realises that in an everyday situation victims are lost when it comes to rights; they do not know them all, and they do not realise all the rights they can benefit from (FR/JJ2). It is only through a lawyer or an association that the victim has complete information on their rights, and the police should do more (FR/L/3).

FR/JJ1: *"It is possible to improve. There is information on rights but there needs to be useful and understandable information"*

FR/L/2: *"The lack of information is one of the main problems. As such, victims may be informed of certain rights on forms that they do not read."*

FR/J/2: *"Even though a lot has already been done to inform victims, on an everyday basis one realizes that victims are still lost when it comes to their rights and the procedure. The legal system is not well understood, so a lot of people do not know their rights. Which is where the importance of victim support associations lies"*

FR/L/3: *"A victim without lawyer or the support of the association sector is necessarily lost. They lack information and a contact person".*

**Other professionals believe that in legal terms, the information communicated to victims is sufficient** (FR/P/1, FR/P/3, FR/J/3). Providing additional or more detailed information to victims may prove to serve no purpose; what is essential is that the victim understands the information (FR/J/3). Nevertheless, although the law is satisfactory, some people express a doubt as to the police's rigour in the provision of this information (FR/J/5).

**The proposal according to which 'it is not useful to adopt measures in favour of the victim in criminal proceedings, a lot has already been done in this area,' once again divides opinion among the professionals questioned;** except for the representatives of associations who, on the contrary, believe that more should be done.

**For certain professionals, in legal terms, the place of the victim is satisfactory** (FR/L/2, FR/L/3). **It is not useful to do more for victims as it is necessary to maintain the balance in the criminal proceedings between the Public Prosecutor who brings the charge, and the parties, namely the defence and the civil party** (FR/J/1). Certain interviewees even say that there should be a reconsideration of certain provisions taken in favour of victims as they may prove to be inappropriate. As such, the victim has certain rights at the sentencing phase. However, for the victim the procedure ends at the trial (with the decision on damages), so they have no place in the sentencing phase. Although this type of provision can be counterproductive: for example, a victim may be informed several years after the trial that perpetrator of the offence is going to be released from prison, but this victim has turned the page, such information can revive certain unpleasant memories and feelings for the victim (FR/J/5).

**For other professionals, it is necessary to pay more attention to the rights of victims.** There have already been many measures adopted aimed at reinforcing the position of the victim in criminal proceedings, but it is possible to **do more still** to enhance their rights, information and the role of the victim (FR/J/2, FR/J/3). For example, ensuring a duty lawyer for victims within the framework of accelerated procedures; improving compensation (in particular by referring to the Compensation Commission for moreover Victims of Offences or the Recovery Assistance Service for Victims (*Commission d'indemnisation des victimes d'infractions ou du Service d'aide au recouvrement des victimes*) (FR/J/6). But these recommendations face a lack of resources.

FR/J/2: *"A lot has been done. But we can do even more. The only limit that I see it is that the victim is not there to fulfil the role of the public Ministry which defends the interests of society. [...]. I think that for the individual rights of victims there are improvements to be made. Not necessarily in terms of standards (even though there may be room for improvement), but particularly at the level of implementation, local everyday practices where there is room for improvement"*

FR/J/3: “A lot of victims are in a difficult situation: they do not know which rights they have, they do not know how to exercise them. These victims may be lost”.

This opposition is to some extent summarized by a magistrate who states that it is necessary to distinguish between the law and its effectiveness (FR/J/4, and in the same sense, FR/S/5): in law, the victim has sufficient rights available, but in practice, the effectiveness of these right can be questioned as these rights can be difficult to implement.

FR/J/4: “With regards to the procedure, the victim has the same rights as the other parties. But, on the effectiveness of these rights, that is another question. Do victim support associations have sufficient resources to support victims?”

### 3.6. Views of victims

3.6.1. To what extent did the interviewed victims agree with the following statements (Question V 3.13)?

	Strongly agree	Rather agree	Rather disagree	Strongly disagree	Don't know	TOTAL
3.6.1.1 Throughout the proceedings I had the <b>support</b> I needed.	1 (FR/V/11)	4 (FR/V/2, FR/V/3, FR/V/5, FR/V/12)	5 (FR/V/1, FR/V/4, FR/V/6, FR/V/9, FR/V/10)	2 (FR/V/7, FR/V/8)		12
3.6.1.2 Overall, I wish I had more <b>legal advice</b> .	4 (FR/V/1, FR/V/5, FR/V/7, FR/V/8)	5 (FR/V/4, FR/V/6, FR/V/9, FR/V/10, FR/V/11)	3 (FR/V/2, FR/V/3, FR/V/12)			12
3.6.1.3 Throughout the proceedings I received sufficient <b>information</b> about the <b>progress of the case</b> .		3 (FR/V/2, FR/V/3, FR/V/5)	8 (FR/V/1, FR/V/4, FR/V/6, FR/V/7, FR/V/9, FR/V/10, FR/V/11, FR/V/12)	1 (FR/V/8)		12
3.6.1.4 At times, I would have wished for more <b>information</b> about my potential <b>role</b> in the proceedings.	3 (FR/V/1, FR/V/7, FR/V/8)	7 (FR/V/2, FR/V/4, FR/V/6, FR/V/9,	2 (FR/V/3, FR/V/5)			12

		FR/V/10, FR/V/11, FR/V/12)				
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Please provide an analysis and your own interpretation of the results:

**Throughout the procedure, the victim benefited from the support they expected.**

The opinions of victims on the support they received during the procedure are rather negative. They feel they did not receive the support necessary during the procedure (see in particular, FR/V/10). **The negative opinion of victims concerning the support provided throughout the procedure is predominant for victims of domestic violence** (FR/V/1, FR/V/4, FR/V/6, FR/V/9).

To demonstrate a failing in support, one victim reported that the police had recommended that she withdraw her complaint (FR/V/1). This remark is difficult to understand and accept when one knows the difficulty which the step of reporting to the police poses for the victim.

In the same way, one victim reported minimal support. This minimal support enabled her to lodge a complaint and so begin the procedure; but thereafter, she would have liked to have been supported more (FR/V/9).

**As a whole, victims would like more legal advice.**

The large majority of victims expect more legal advice, and in addition, comprehensible legal advice (FR/V/10). **This expectation of more legal advice is very common among victims of domestic violence** (FR/V/1, FR/V/4, FR/V/6, FR/V/9).

**Throughout the procedure, the victim received sufficient information on the progress of the case**

The majority of victims do not feel they received sufficient information on the progress of the case throughout the procedure (see in particular FR/V/9, FR/V/11, FR/V/12). As such, one victim reported that they had no idea as to the progress of the procedure and did not have any information or any support with this (FR/V/7). **This expectation of more information on the progression of the investigation and the progress of the procedure is very common among victims of domestic violence** (FR/V/1, FR/V/4, FR/V/6, FR/V/9).

It should be noted that certain victims prefer not to be informed of the progress of the procedure because such information can be difficult to deal with (FR/V/3).

**The victim would have wished for more information on their potential role in the procedure.**

The majority of victims expect more information on their potential role in the procedure. **This expectation of more information is very common among victims of domestic violence** (FR/V/1, FR/V/4, FR/V/6, FR/V/9).

It should be noted that, sometimes, although information is provided, the victim may not have understood it (FR/V/10). Therefore, in theory, information from the police or the magistrate was provided, but in reality the victim did not understand this information. To inform victims suitably it is necessary to take time to explain and detail the information communicated, in particular the rights which the victim benefits from and the implementation of these.

## 4. Effective remedy

### 4.1. Views of practitioners

4.1.1. According to the interviewed practitioners, do the police view themselves as obliged to investigate whenever there is substantive suspicion that a crime has been committed or do they see themselves as enjoying a margin of discretion whether to investigate or not (Question Pr 4.1)?

**The principle is that the police do not have discretionary power as to the appropriateness of investigating or not.** As soon as the police are called upon, in particular by a victim, they intervene. And whenever there is an intervention, there is an investigation (FR/P/1, FR/P/3, FR/P/4, FR/P/5, FR/L/1, FR/L/4, FR/J/4, FR/S/1, FR/S/3, FR/S/4). However, the investigator needs to suspect an offence has been committed, and this is a highly subjective aspect (FR/L/1).

When faced with minor offences and slight suspicions a police officer may decide on a form of simplified investigation, consisting in collecting information which could be used to determine whether or not it is necessary to go further with investigations (FR/P/4).

**Nevertheless, the lack of police resources leads to a form of discretionary selection;** depending on the context or the seriousness of the offence, the police may not investigate (FR/J/2, FR/J/7, FR/S/2). If for certain offences the police have only suspicions without a victim coming to complain, the investigator assesses the suspicions before deciding whether or not to investigate (FR/P/2). Equally, the police may refuse to investigate when faced with a fanciful complaint (FR/L/3). Similarly, for certain minor offences, at certain Public Prosecutor's there exists a practice of automatically closing cases without prosecuting (*classement sans suite*); necessarily, the police have no interest in investigating these offences since they know in advance that the case will not be prosecuted (FR/J/5). Moreover, the police may advise the victim to submit an incident report (*main courante*) and not a complaint, this allows for a record of the offence without starting an investigation (FR/L/2, FR/J/5, FR/J/6); nevertheless, in the case of domestic violence, even in the event of an incident report, the police are required to investigate: the objective is to put an end to any violence as quickly as possible (FR/J/1).

FR/J/1: *“What has been set up in the jurisdictions for a few years it is that as soon as there is an incident report (main courante) for domestic violence, there are investigations to see whether there is a situation to look into, in particular to conduct a possible interview with the*

*accused or to get information from the social services for example. But a complaint remains stronger than an incident report (main courante) for the investigations which will be carried out”*

If needed the police can ask the Public Prosecutor to inform them on the advisability of investigating or not (FR/P/3, FR/P/4).

4.1.2. According to the interviewed practitioners, do public prosecutors view themselves as obliged to prosecute in any case where there are significant indications that a crime has been committed or do they see themselves as enjoying a margin of discretion in this regard (Question 4.2)?

The law accords the **principle of the appropriateness of prosecuting** to the Public Prosecutor. Therefore, even when faced with clear offences, the Public Prosecutor may decide not to prosecute. The Public Prosecutor also has a middle ground between not prosecuting and prosecuting - these are alternatives to prosecution which make it possible to respond to an offence without starting a prosecution (FR/L/1, FR/L/2, FR/L/3, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7, FR/S/2, FR/S/4).

The Public Prosecutor makes a decision based on the seriousness of the offence, the personality of the accused, and if it is a first offender or a repeat offender (FR/P/1, FR/J/1). Necessarily, for serious offences, it is extremely likely that if the conditions are met the Public Prosecutor chooses to prosecute (FR/S/1, FR/S/3).

In order to obtain information when taking a decision to prosecute, the Public Prosecutor, upon suspicion of an offence, can require the police to investigate or go further in their investigations. This is particularly the case for suspicions of serious offences such as domestic violence to which the public authorities pay great attention (FR/P/2, FR/P/3, FR/P/4, FR/P/5, FR/J/2).

FR/P/2: *“As soon as the Prosecutor is informed of suspicions which are not necessarily proven, depending on the situation, they may decide that the offence is characterized or ask for it to be investigated”.*

FR/P/3: *“Often the Prosecutor asks to continue the investigation in the presence of suspicions”.*

FR/P/4: *“When the Public Prosecutor has doubts about the commission of an offence of domestic violence, they ask the police to continue the investigations. Because it is a sensitive area in which it is necessary “to put the gloves on”; the same applies when a child is a victim”.*

FR/P/5: *“Domestic violence is a sensitive subject which is followed closely by the Public Prosecutor who therefore expects an investigation”.*

FR/J/2: *“In the event of a serious offence, like domestic violence, when the Public Prosecutor is informed of the situation, even without a complaint from the victim, they can request investigations”.*

4.1.3. As assessed by the interviewed practitioners, divided by professional groups, how often does it happen in cases concerning violent crimes that prosecution becomes time-barred because of a statute of limitation?

This occurs	S	P	J	L
Often or very often	2 (FR/S/3, FR/S/5)			1 (FR/L/1)
Occasionally	3 (FR/S/1, FR/S/2, FR/S/4)	1 (FR/P/2)	3 (FR/J/3, FR/J/4, FR/J/5)	1 (FR/L/4)
Only in exceptional cases or not at all		4 (FR/P/1, FR/P/3, FR/P/4, FR/P/5)	4 (FR/J/1, FR/J/2, FR/J/6, FR/J/7)	2 (FR/L/2, FR/L/3)
Don't know				
TOTAL	5	5	7	4

**The large majority of professionals met stress that time-barring because of a statute of limitation is occasional, or even rare.** Time-barring of the public action because of a statute of limitation occurs mainly for offences with a short limit (press offences, for example). For serious offences, the rare cases of time-barring of the public action because of a statute of limitation relate to sexual offences committed on a minor who (despite the lengthening of the term of limitation and putting back the starting point to when the child reaches the age of majority) delays lodging a complaint (FR/J/1, FR/J/2, FR/J/4). Time-barring of the public action because of a statute of limitation exists, but it is rather rare (FR/S/2). On the one hand, the terms of limitation of the public action tend to get longer (FR/J/4); on the other hand, speaking about offences, in particular serious sexual offences, is getting easier today: victims, more so than previously, are more willing to speak about the offences suffered and to lodge a complaint (FR/L/3).

However, a more reserved position should be noted for associations, who consider that time-barring may occur, in particular for sexual offences committed on minors. Despite the lengthened terms of limitation, revealing of the offences may not occur (FR/S/5).

4.1.4. According to the interviewed practitioners, if the police fail to carry out a thorough and effective investigation, does the victim have an effective means of challenging this failure (Question Pr 4.4)?

If the police are reluctant to investigate, the **victim has several possibilities.**

First of all, they can **lodge a complaint with another police** or gendarmerie service (FR/P/2, FR/P/5), or they can submit a **request to the Public Prosecutor** to inform the prosecutor of the situation, or even lodge a complaint directly with the Public Prosecutor (FR/P/2, FR/P/3, FR/P/4, FR/P/5, FR/L/1, FR/L/2, FR/L/4, FR/J/1, FR/J/2, FR/J/4, FR/J/5, FR/J/7). Such a step by the victim has a chance of succeeding since the Public Prosecutor, being the director of the investigation, will necessarily question the police on the situation of the investigation, its progress, and the difficulties encountered. According to the response of the police, the prosecutor will be able to choose to order an investigation or not (FR/P/4, FR/P/5, FR/L/2, FR/J/1, FR/S/4).

The victim can also proceed with a **direct summons or lodge a complaint as civil party** before the investigating judge (FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7, FR/S/2, FR/S/3). This carries as a consequence an obligation for the Public Prosecutor to initiate the public action; the investigating judge then carries out a judicial investigation into the offences (FR/L/1, FR/L/3, FR/J/1). Nevertheless, the victim may be hindered in such a step by the need to deposit a financial guarantee (FR/L/3).

FR/L/3: *“A complaint as civil party implies a financial deposit”*

- 4.1.5. According to the interviewed practitioners, if the Public Prosecutor decides to discontinue prosecution, does the victim have an effective means of challenging this decision (Question Pr 4 5)?

If the Public Prosecutor decides to take no action on the victim's complaint, the victim has **two possible ways to appeal**: a non-jurisdictional appeal and a jurisdictional appeal. The victim is informed of this possibility to mount a challenge in the dismissal notification (*récépissé de classement sans suite*) (FR/J/2).

First of all, the victim can **challenge this refusal with the Prosecutor General** at the Court of Appeal who, on the basis of a report from the Public Prosecutor, will be able to enjoin the Public Prosecutor to prosecute or go further in the investigation (FR/P/2, FR/P/4, FR/L/2, FR/L/4, FR/J/1, FR/J/2, FR/J/4, FR/J/6, FR/J/7, FR/S/1, FR/S/2, FR/S/3, FR/S/5). The decision of the Prosecutor General cannot be appealed (FR/L/2, FR/J/1).

Or, the victim can **proceed with a direct summons or a complaint as civil party with the investigating judge**. The direct summons is employed for simple cases for which the identity of the accused is known (FR/P/1, FR/L/3, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/S/1, FR/S/2, FR/S/4). The complaint as civil party is employed for more serious or complex cases for which the identity of the perpetrator of the offence is not known. Such a step will oblige a Public Prosecutor, who was initially reluctant to prosecute, to start the public action (FR/L/2, FR/L/3, FR/J/1).

4.1.6. To what extent did the interviewed practitioners, divided by professional groups, agree to the following statement (Question Pr 4.6)?

When people fall victim to violent crime they can legitimately expect that the police conduct a thorough investigation with a view to identifying offenders.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	4 (FR/S/1, FR/S/3, FR/S/4, FR/S/5)	1 (FR/S/2)				5
<b>P</b>	4 (FR/P/1, FR/P/2, FR/P/3, FR/P/5)	1 (FR/P/4)				5
<b>J</b>	4 (FR/J/1, FR/J/2, FR/J/4, FR/J/7)	3 (FR/J/3, FR/J/5, FR/J/6)				7
<b>L</b>	2 (FR/L/1, FR/L/2)	2 (FR/L/3, FR/L/4)				4

The statement according to which “When people fall victim to violent crime they can legitimately expect that the police conduct a thorough investigation with a view to identifying offender” draws **the agreement of all the professionals questioned.**

Two remarks made by professionals can be underlined. On the one hand, for the police to investigate thoroughly, it is still necessary for the victim to be convincing and credible (that is to say not making whimsical complaints each week, and not presenting the police with an erroneous and contradictory account - FR/L/3). On the other hand, a serious and thorough investigation can be expected by all victims, not only victims of serious offences (FR/J/4); and all the more so if the offences are flagrant (FR/J/5).

FR/L/3: *“The attitude of the victim can be important in the decision of the police to investigate. The victim must be credible in their statements and avoid certain pitfalls: for example, going every week to the police station to report offences, or giving the police an erroneous and/or contradictory account”.*

## 4.2. Views of victims

4.2.1. According to the interviewed victims, what was the outcome of criminal proceedings in terms of offenders being convicted, of sanctions imposed and of compensation being awarded (Question V 4.1)?

**Necessarily, depending on the offences, the victims, and the attackers, the outcome of the criminal proceedings varies:**

For some, the **procedure is still in progress** (FR/V/3, FR/V/5, FR/V/8, FR/V/11, FR/V/12), with the accused possibly being placed in provisional detention while waiting for the criminal court hearing (FR/V/3, FR/V/10).

For some, the procedure ends **without legal proceedings because of a decision not to prosecute (*classement sans suite*)** (FR/V/2). On occasions, a **discontinuation of proceedings (*classement sans suite*) occurs under conditions**; as such, a violent husband could be the subject of a warning (form of admonition) and of a ban on approaching the victim (FR/V/9).

This type of decision, particularly the closure of the case, can be difficult for the victim who may not have the courage to continue their legal battle, in particular when lodging a complaint as civil party (FR/V/2).

**Sentences vary.** A violent husband may be sentenced to community service and given a warning (FR/V/1) or a fine (FR/V/7). Perpetrators of violence leading to a total incapacity to work have been sentenced to prison terms (FR/V/4, FR/V/6).

On **compensation**, this may not be granted within the framework of the criminal proceedings, but later on. As such, following the criminal proceedings, one lawyer who worked on the divorce proceedings of a victim proceeded with the request for compensation (FR/V/1). Conversely, sometimes compensation is non-existent (FR/V/9).

4.2.2. Do interviewees assess the outcome of the proceedings as appropriate and satisfactory? What were their observations and the reasons they gave to support their assessments (Question V 4.2)?

Some victims may be **disappointed with the legal procedure** (FR/V/7). Either because there was no trial (FR/V/2), or because the punishment pronounced by the criminal justice system for the perpetrator of the offence is insufficient (FR/V/1, FR/V/4, FR/V/9). The victim may consequently feel they have not been taken into account. As such, one victim reports that the procedure lasted seven years and that her attacker was sentenced to five years' prison of which three were suspended, but he was released after only six months in prison (FR/V/4).

**For the procedures in progress, the victims may expect a severe response from the justice system with regard to their attacker** (FR/V/3, FR/V/10). As such, one victim hopes that her attacker will be jailed for life (FR/V/3).

4.2.3. As concerns interviewees who found the outcome of proceedings at the court of first instance not satisfactory, were they informed of any means to challenge the decision taken by the court of first instance (Question V 4.3)?

**Despite a decision considered to be inadequate, victims may not have appealed.** In particular because the victim, without lawyer, may not be informed of this possibility (FR/V/1, FR/V/8). Sometimes, although they are informed of this possibility to appeal (FR/V/9), the victim preferred not to appeal because the procedure had already been long and testing (FR/V/4), or because the victim's lawyer advised against appealing (FR/V/7).

4.2.4. How did the interviewees assess their own influence on the outcome of the proceedings (Question V 4.4)?

On the influence of the victim on the outcome of the proceedings, the positions of victims may be diametrically opposed.

**Certain victims feel they were listened to and that what they said was taken into account well** in the criminal proceedings, and in determining the decision (FR/V/3, FR/V/5, FR/V/10).

**Conversely, other victims feel that their role had no effect in the criminal proceedings and in determining the final decision** on conviction and sentencing (FR/V/1, FR/V/4, FR/V/6, FR/V/7, FR/V/8), and the victim feels they were not listened to (FR/V/7).

FR/V/4: *"I had no role, I did not feel listened to."*

One victim even states that her legal action was "negative". She thinks that she possibly lodged a complaint too soon: she was tired and still in shock; consequently, the police tended not to listen attentively to the offences reported, even "to defend" the accused (FR/V/2).

*"I have the impression that the judicial police department rather took the side of the attacker"* (FR/V/2).

4.2.5. How did the interviewees assess the manner in which the police investigation was carried out; was it

- a) thorough and effective?
- b) timely and efficient?
- c) Any other observations (Question V 4.5)?

Certain victims underline **the effectiveness** of the investigation (FR/V/3, FR/V/5), in particular the rapid arrest of the attackers (FR/V/3, FR/V/5). One victim reports an effective investigation but which took the police a long time; yet, while waiting for the arrest of her attacker, the victim and her family lived in fear (FR/V/10).

Certain victims criticise **investigations which were too brief and too hasty** and which are not thorough enough (FR/V/1) or are even **unsatisfactory** (FR/V/6); the police may therefore be satisfied with simple neighbourhood enquiries, or only question close friends and family (FR/V/9). This speed can be seen as **haste**. This haste is sometimes **partial**: with the police reproaching the

victim or the police concentrating on evidence which is not favourable to the victim (FR/V/2). The victim may feel that what they say is called into question (FR/V/8).

Before the investigation, one victim stresses that the police refused her complaint and even refused to attend her home when she telephoned to ask for the police to come (FR/V/7).

Lastly, between these positions, one victim stated not to have known of the effectiveness of the investigation or what the police achieved. In effect, the attacker went to the police himself and with the victim being hospitalized she was not informed of the investigations carried out (FR/V/4).

4.2.6. To what extent did the interviewed victims agree to the following statements (Question V 4.6)?

	Strongly agree	Rather agree	Rather disagree	Strongly disagree	Don't know	TOTAL
4.2.6.1 Overall, I would have expected to be given a more important role in the proceedings.	3 (FR/V/1, FR/V/4, FR/V/9)	5 (FR/V/6, FR/V/7, FR/V/8, FR/V/11, FR/V/12)	4 (FR/V/2, FR/V/3, FR/V/5, FR/V/10)			12
4.2.6.2 The police appeared to be committed to an effective investigation.		4 (FR/V/3, FR/V/5, FR/V/10, FR/V/12)	4 (FR/V/2, FR/V/4, FR/V/6, FR/V/9)	3 (FR/V/1, FR/V/7, FR/V/8)	1 (FR/V/11)	12

**As a whole, the victim expected to have a more important role in the procedure.**

This assertion **divides the opinions** of victims.

It should be noted that the majority of victims of offences other than domestic offences state that they did not expect a more important role in the criminal proceedings (FR/V/2, FR/V/3, FR/V/5, FR/V/10).

On the other hand, certain victims expected to play a more important part in the procedure. As such, one victim wanted the police to inform her of the development of the case, and of the progress of the procedure, but she never received any news after lodging the complaint; nor did her lawyer explain the progress of the procedure to her (FR/V/4).

### The police seemed to engage in an effective investigation.

**On the effectiveness of the investigation, the opinion of victims is rather negative.** One victim notes that although the police showed that they were carrying out the investigation, at the same time they shed doubts on the charges brought by the victim, and they questioned someone close to her to ask them about their feelings about the victim's report and accusation of rape (FR/V/2). Similarly, one victim feels that the effectiveness of the investigation is also about offering support and protection to the victim, but such was not case (FR/V/9).

On the other hand, it should be noted that the majority of victims of offences other than domestic offences feel that the police investigation was managed effectively (FR/V/3, FR/V/5, FR/V/10, FR/V/12)

## 5. Victims' active participation

### 5.1. Views of practitioners

5.1.1. According to the interviewed practitioners, are victims heard during the proceedings at important stages or before decisions are taken (Question Pr 5.1)?

**Within the Code of Criminal Procedure, there does not exist any outline for seeing victims. The victim is not seen at certain particular stages of the criminal proceedings** (FR/P/5, FR/J/3, FR/L/4, FR/S/2).

Nevertheless, in reality, the logic of the investigation and the criminal proceedings supposes seeing the victim at certain phases of the investigation (FR/J/2, FR/J/6).

As such, the victim is interviewed when they lodge a complaint. The victim may be seen again at the time of the investigation, if the investigations justify this (FR/P/1, FR/P/2, FR/P/3, FR/L/3, FR/J/1, FR/J/2, FR/S/3), in particular to obtain details on the particulars of their statement; also, a possible police meeting between the accused and the victim may be held (FR/L/1, FR/L/2, FR/L/3, FR/J/2, FR/J/6, FR/J/7, FR/S/2, FR/S/4). If the Public Prosecutor considers it useful, they may see the victim again before making a decision on the appropriateness of prosecuting (FR/P/3). If a preparatory investigation is opened, the investigating judge sees the victim again (FR/L/1, FR/L/3, FR/J/2, FR/J/5); a police meeting between the accused and the victim may be held (in particular if this was not done at the time of the investigation). Finally, the victim is heard at the trial (FR/L/3, FR/J/2).

5.1.2. During the investigation, are victims entitled to ask that relevant evidence is secured (Question Pr 5.2)?

**At the time of the investigation, the victim can ask the police to collect and secure a piece of evidence that the victim considers relevant** (FR/P/2, FR/P/3, FR/P/5, FR/L/1, FR/L/2, FR/L/3, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/S/1, FR/S/2, FR/S/3, FR/S/4).

**Yet this is only a request from the victim; the victim cannot demand this.** The investigator (the police or the Public Prosecutor, or the investigating judge if a judicial investigation is opened) is not held to grant this (FR/P/1, FR/L/1, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/S/2, FR/S/3, FR/S/5). If the investigator considers this request useful for the investigation, in accordance with the rules of the Code of Criminal Procedure, the object identified by the victim is retrieved to be used as an evidence exhibit. But if the investigator believes that seizing such an object is without interest for the investigation, they do not proceed with this (FR/P/2, FR/P/3, FR/L/1, FR/L/3, FR/J/1).

FR/P/2: *“If the victim provides something that the investigator judges of no use to the investigation, they do not take it into account. On the contrary, if the victim provides evidence which is interesting for the investigation, the police will take steps to obtain it”.*

FR-L-1: *“The victim can request procedural acts during the procedure. Then, the investigator decides to proceed with this or not”.*

FR/L/3: *“The victim can request that the police obtain evidence. If the investigator finds that this may have a link with the procedure, they proceed with this”.*

If an investigation is opened, the victim can ask the investigating judge for procedural actions to be carried out, but the judge can also refuse if s/he considers the action (seizing evidence) is not relevant to the progress of the investigation; the investigating judge must then justify a refusal to proceed with the action requested by the victim (FR/J/5).

5.1.3. Are victims entitled, during court trial, to call for any evidence they view as relevant (Question Pr 5.3)?

**The victim can request, at the time of the trial, that evidence be obtained,** in particular under the principle of freedom of evidence. It is the judge who makes the decision and who ultimately adjourns the hearing for the time necessary to obtain the evidence requested and for the opposing party to be able, under the adversarial principle, to discuss or challenge this (FR/P/4, FR/L/1, FR/L/3, FR/J/1, FR/J/2, FR/J/5, FR/J/7, FR/S/1, FR/S/3, FR/S/4).

**Nevertheless, such a situation is not very common.** On the one hand, with the police and the Public Prosecutor having carried out the investigation, they present the judge with all the relevant evidence. On the other hand, the victim can, before the hearing, ask for evidence; particularly if the hearing was preceded by a preparatory investigation (FR/L/2, FR/L/4, FR/J/1, FR/J/4, FR/S/5).

5.1.4. According to the interviewed practitioners, are victims entitled, during court trial, to ask questions or have questions being put to witnesses (Question Pr 5.4)?

**The President of the ruling court conducts the hearing. For this reason, it is the President of the ruling court who manages contributions** in the courtroom. If the victim wishes to question a witness or the accused, they put the question to the President who then questions that person. In this manner, the President of the court can reformulate a question which deviates too far from the events or breaches human dignity. The victim can never

question a witness directly. Generally, it is the victim's lawyer who asks the President of the court for a question to be put to a witness. Certain Court Presidents allow legal professionals to directly put their questions to witnesses or the accused. But this applies only for legal professionals and not for the victim (FR/L/1, FR/L/2, FR/L/3, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/S/2, FR/S/3, FR/S/4).

5.1.5. Which safeguards are implemented, if any, ensuring that victims' participation in proceedings is not impeded or rendered impossible by the victim's irregular status of residence (Question Pr 5.5)?

A person in an irregular situation should benefit from the same treatment, the same type of investigation, and the same benefits from the investigation as any other victim. **Normally, criminal law considers that any offence committed on French soil must be treated in the same manner whatever the status of the victim** (foreigner, migrant in an irregular situation) (FR/P/2, FR/P/3, FR/L/1, FR/J/2, FR/S/4).

A person in an irregular situation who is a victim can remain in the country to participate in the procedure. The Prefecture gives the victim a provisional residence permit enabling them to remain in the country to participate in the procedure (FR/L/2, FR/J/1, FR/J/4, FR/J/5, FR/J/6, FR/S/2). The Prefecture is linked in if there are court proceedings (not simply an investigation), that is to say that the person in an irregular situation must be able to remain in the country. Court proceedings are required because a situation must not arise where a person in an irregular situation abuses the situation by claiming to be a victim in order to remain in the country. Attempts to manipulate the justice system exist (FR/J/2).

5.1.6. To what extent did the interviewed practitioners, divided by professional groups, agree to the following statement (Question Pr 5.6)?

Victims should be offered more opportunities to actively participate in the proceedings.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	2 (FR/S/1, FR/S/5)	1 (FR/S/2)	1 (FR/S/3)		1 (FR/S/4)	5
<b>P</b>		2 (FR/P/4, FR/P/5)	2 (FR/P/2, FR/P/3)	1 (FR/P/1)		5
<b>J</b>		1 (FR/J/6)	6 (FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/7)			7

L		1 (FR/L/4)	3 (FR/L/1, FR/L/2, FR/L/3)			4
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**The majority of legal professionals, particularly lawyers and magistrates, do not agree that victims should have more opportunities to take an active part in the criminal proceedings**, only the representatives of associations and the police are divided on this proposal. The professionals questioned think that in this respect the law is satisfactory (FR/L/1, FR/L/2, FR/L/3, FR/J/2, FR/J/5, FR/P/1, FR/P/2, FR/P/3). Granting more rights to the victim would not correspond to the logic of French criminal proceedings which supposes a principal of opposition between the charge and defence (it would be not very judicious to allow the victim the right to appeal the criminal provisions of the decision), and which gives significant power to the judge in the control of the investigation and hearing (FR/J/3, FR/S/3). Moreover, the adversarial principle supposes equal treatment of the parties in criminal proceedings; increasing the rights of one party should not be done to the detriment of another party (FR/J/4).

FR/L/1: *“I think that victims participate sufficiently in criminal proceedings”.*

FR/L/2: *“There are sufficient opportunities for the victim to participate in the procedure. At the present time, the victim cannot challenge a discharge or an acquittal, so affecting the public action; it is the main thing which they cannot do. That is the role of the Public Ministry, it is not helpful to allow the victim the possibility of challenging a decision on the public action”.*

FR/L/3: *“The victim already has sufficient opportunities to participate in criminal proceedings. Granting more opportunities to participate in criminal proceedings would be going more towards a show than towards the quality of justice”.*

FR/P/2: *“In the current state of the law, there are stages of hearings when the victim can actively participate. That seems sufficient to me”.*

FR/J/2: *“There are already a certain number of things allowing the victim to participate in the procedure. What is lacking, especially for the victim, is knowledge of their rights and not exercising them. The victim already has quite a lot of rights in criminal proceedings”.*

FR/J/3: *“Should our French procedure be changed to move towards an accusatory system which would give all its purpose to the victim? But that is not the French system [...] which has a mixed procedure: we grant rights in respect of the observance of the adversarial nature of proceedings, but it is the Public Prosecutor who carries out the investigation”.*

FR/J/4: *“In the current state of the law which includes the adversarial principle, the victim should have as many rights as the defence, but not more, if not the procedure is imbalanced”.*

## 5.2. Views of victims

5.2.1. According to the victims interviewed, were they heard during the proceedings at important stages or before decisions were taken (Question V 5.1)?

**According to victims, there are no meetings held at key moments of the procedure** (FR/V/6). The victim is seen only right at the beginning of the procedure, when they lodge a complaint (FR/V/1, FR/V/3, FR/V/4, FR/V/5, FR/V/7, FR/V/9); this first meeting may possibly take place at the hospital if the violence required hospitalization (FR/V/10). The victim may also be seen at the time of a police meeting between the accused and the victim, if there is such a meeting, and if the victim accepts a police meeting between the accused and the victim (as this can be a painful moment) (FR/V/2, FR/V/3, FR/V/8, FR/V/10). Sometimes the police may contact the victim to ask whether they can identify a certain person who has been arrested (FR/V/5), to specify certain facts or to take part in a reconstruction of the offence (FR/V/8).

The victims affected by the terrorist act were invited to a meeting with the judges who informed them of their rights in the procedure as civil parties, the victims had time to speak to put questions (FR/V/11, FR/V/12).

- 5.2.2. During the investigation, were the interviewees informed that they could ask for the evidence they considered relevant to be secured (Question V 5.2)?

The majority of victims are not informed of the right to ask for the protection of information or a relevant object (FR/V/1, FR/V/2, FR/V/4, FR/V/6, FR/V/7, FR/V/9, FR/V/11). Nevertheless, certain victims say they were informed of this right (FR/V/3, FR/V/5), in particular by a lawyer (FR/V/8).

As a corollary, certain victims reported that they had gone on their own initiative to the doctor to obtain a medical certificate for the injuries suffered. The police had not advised them to take such a step (FR/V/1, FR/V/7).

- 5.2.3. During court trial, were the interviewees informed that they could call for any evidence that they considered relevant (Question V 5.3)?

At the time of the hearing, in the main victims say they were not informed of their right to call upon any relevant evidence (FR/V/1, FR/V/4, FR/V/7, FR/V/8).

- 5.2.4. During court trial, were the interviewees informed that they could ask questions or have questions being put to witnesses (Question V 5.4)?

**At the time of the trial, victims are not informed of their right to put questions or have questions put to a witness** (FR/V/1, FR/V/3, FR/V/4, FR/V/7, FR/V/8). One of the victims affected by the terrorist act was informed of this right during the meeting between the judges and the civil parties (FR/V/12).

5.2.5. To what extent did the interviewed victims agree to the following statement (Question V 5.5)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
Overall, I would have liked to have more opportunities to be involved in the proceedings.	2 (FR/V/1, FR/V/7)	6 (FR/V/4, FR/V/6, FR/V/8, FR/V/9, FR/V/10, FR/V/12)	3 (FR/V/2, FR/V/3, FR/V/5)		1 (FR/V/11)	12

Please provide an analysis and your own interpretation of the results:

**As a whole, victims would have liked to have more opportunities to be involved in the criminal proceedings.**

In the main, victims responded in the affirmative. They expected the police and judicial institutions to accord them a more important place so as to involve them more in the decision-making process.

## 6. Protection against secondary victimization

### 6.1. Views of practitioners

6.1.1. According to the practitioners interviewed, do the police on an individual basis assess whether measures need to be adopted in order to protect a victim of violent crime against secondary victimisation (Question Pr 6.1)?

**Police and judicial institutions are expected to assess secondary victimisation (FR/J/2, FR/J/5).**

However, due to a **lack of time and resources**, the police do not carry out an individual assessment of the measures which should be adopted to protect the victim from secondary victimisation, or do so inadequately (FR/P/5, FR/L/1, FR/L/2, FR/L/4, FR/J/2, FR/J/5, FR/J/6, FR/S/2, FR/S/3, FR/S/5); they may, moreover, ask associations or an expert to proceed with this (FR/J/5, FR/S/1). The assessment of the need to adopt measures in order to protect the victim depends on the individual psychological approach of each investigator, who will be more or less sensitive to the suffering of the victim, and this will vary according to the seriousness of the offence and the personality of victim (FR/P/2, FR/L/3). However, certain investigators are not interested in such a role or do not have adequate training in this respect (FR/J/2).

FR/J/2: *“According to a European Directive, it is necessary to prevent secondary victimisation. It is the police who take the initiative in the determination of a risk of secondary victimisation. On a day-to-day level, do the police have the resources, when one sees their workload? In addition, they are*

*not trained for that. I would say that depending on the state of the local police or gendarmerie services, their workload, the individual motivation of such and such a judicial police officer or agent, you will have very different responses [...]. This determination of the risk of secondary victimisation must be accompanied by better training of professionals”.*

Of course, the police do their best to take into account the situation of the victim and to avoid them facing the risk of secondary victimisation (FR/J/6). Nevertheless, sometimes the constraints of the investigation compel the police to confront the victim with a difficult situation (FR/P/2). In this sense, if the investigator needs to ask new questions, go back over certain statements or go further into certain points, the investigator will do so, because this is necessary for the investigation. In this respect, there is no consideration of secondary victimisation (FR/J/1). Nevertheless, before interviewing the victim, the investigator explains to them that such an interview may be difficult, and that it is possible to take breaks. However, there are questions which the investigator must put; these questions can be uncomfortable, but they have to be asked (FR/J/1).

6.1.2. According to interviewees, are measures adopted routinely in order to avoid that the victim is confronted with the offender

- a) in the court building during the trial or
- b) at other occasions (e.g. an identity parade or the recording of the victim's statement; Question Pr 6.2)?

Throughout the criminal proceedings provisions are made to protect the victim against the risk of secondary victimisation (FR/P/4, FR/P/5, FR/L/3). Nevertheless, it is possible to criticise the non-systematic nature of these (FR/S/3) and the fact that there are no measures imposed by the law to avoid secondary victimisation (FR/L/1, FR/L/4).

FR/L/1: *“No measure is imposed by the law to prevent the victim encountering the attacker. In addition, the police work on the principle that a police meeting with the victim and the accused is necessary at a given moment. They ask the victim if they agree with this police meeting with the victim and the accused, but it remains a difficult time for them. A police meeting with the victim and the attacker is almost an obligatory step”.*

**At the investigation phase** the police avoid calling the victim in on multiple occasions. The police call a victim in if it is useful for the investigation, in particular if the victim has to clarify certain points of their initial statement (FR/J/2). Moreover, when the police see the victim they must do everything possible for the victim to be seen in a separate office, with the door closed to ensure the confidentiality of the victim's statement and to facilitate discussions (FR/J/1).

The police also do not call in the victim and the accused at the same time, in order to avoid them meeting (FR/P/1, FR/P/2, FR/P/5, FR/J/2, FR/J/7, FR/S/5). ~~Except if a police meeting between the accused and the victim is necessary because, when a legal procedural act is necessary, the police must carry it out~~ Unless an investigative act which consists of a police meeting with the victim and the accused is necessary. Since the procedural act of a police meeting with the victim and the accused supposes the presence of the attacker and the victim, they have to be brought together. If the police think that a police meeting with the victim and the accused is necessary, they proceed with this, unless the victim refuses (particularly if it would be too painful for them) (FR/P/5, FR/L/1, FR/L/2, FR/J/1, FR/S/2). In the event of a police meeting between the accused and the victim, the investigator will be able to prepare the victim, to reassure them (FR/L/1). The investigator can also

use a video-link, avoiding the victim and the attacker being in the same room, however a lack of resources makes the implementation of this system difficult (FR/J/2). Lastly, the investigator may employ the practice consisting in not having the victim and accused sat next to each other, but sitting the victim behind and not allowing the accused to turn around; as such, the victim does not see the face of their attacker; this can be less testing for her (FR/J/1).

FR/J/1: *“The police can take measures to avoid an encounter of the victim and their attacker. For example, the taking of the complaint can be carried out in a closed office and not leaving the door open on to the waiting room. Another example: during a police meeting with the victim and the accused, not making the victim and their attacker sit side by side, but sitting the victim behind while clearly telling the attacker that they should not turn around because they could cast the victim a threatening glance. Such a police meeting with the victim and the accused remains difficult for the victim, in particular because the attacker can continue to deny the allegations, this is why it is necessary, moreover, to prepare the victim beforehand”.*

**Within the law courts** protecting the victim against the risk of secondary victimisation proves more difficult. Indeed, the time of the trial is when all those related to the case find themselves together (FR/L/3, FR/J/3). Therefore, in the courtroom, the victim will necessarily be confronted with their attacker (FR/P/2, FR/J/3). Either the defendant appears in a box, when they will be distanced from the victim, or the defendant appears freely and consequently the legal authorities and lawyers prevent the defendant and the victim coming into contact (FR/J/4). To avoid the victim being close to their attacker, they can take a seat in the front rows of the courtroom with the accused taking a seat at the back of the courtroom (FR/S/2). Moreover, with the President of the court controlling the hearing, they can order the accused to leave at certain moments of the hearing (at the time of the victim's statement, for example) (FR/L/3).

At the hearing there also exists a risk of contact between the victim and the accused (when the accused appears freely) and their respective friends or families at the entrance to the Law courts or in the corridors of the Law courts (FR/L/2, FR/J/7). Such a risk cannot be avoided. Although it is possible for the President of the Court to ask for an escort to protect victim (FR/L/3), the legal authorities do not have the resources to offer every victim a police escort to prevent them from encountering their attacker, or to prevent the accused from giving the victim a threatening look. Thus, few measures are implemented within the Law courts to avoid secondary victimisation (FR/J/5). The presence of the victim's lawyer or a member of a victim support association at the victim's side makes it possible to limit such a risk of secondary victimisation (FR/J/2, FR/J/6). Or, the lawyer or the victim support association may give advice to the victim: to come to the court a little earlier so as not to cross paths with their attacker, to report to the President of the court any pressure which the victim has been subjected to by their attacker or the attacker's friends or family (FR/J/1).

FR/L/2: *“Before the trial an unwanted encounter between the attacker and the victim is possible. Such is the case in particular for criminal matters. There are no specific measures to avoid an encounter. On the other hand, if the attacker is in custody when they appear, they enter the courtroom by another entrance so no contact is possible”.*

FR/J/7: *“At the trial, no measures exist to protect the victim. One often finds victims and attackers as well as their families who encounter each other before the trial”.*

FR/L/3: *“At the trial, there are not enough measures to protect the victim from an encounter with the attacker. The trial supposes at least visual contact with the attacker. The only possible measure: the President of the court, who rules over the trial, asks the accused to leave the room so that part of*

*the procedure is held without him. Another measure would consist in calling upon the police who could escort the victim; that would avoid me encounters between the families of the victim and the attacker”.*

FR/J/2: *“To limit the risk of the perpetrator of the offence and the victim encountering each other at the trial, there may exist certain measures. For example, the use of the video links allowing for the victim to give evidence in another room than the perpetrator. They are interesting options, but you need the means to implement them”.*

FR/J/1: *“Measures can be taken at the time of the trial to avoid an encounter between the attacker and the victim. If the attacker is in custody at the time of the trial, there is not a problem since they enter the court by another entrance than the victim. When the accused appears freely, the lawyer of the victim may be careful that the victim does not encounter the attacker. It is also possible to summons the victim and the attacker at different times to prevent them meeting in the law courts. But, we are not going to be able to provide a police escort for the victim or to monitor the accused so as to avoid an encounter. The victim should report any act of pressure from the attacker or the attacker's friends or family. This type of intimidation of the victim by the perpetrator goes considerably against the perpetrator because their actions will be dealt with in the procedure”.*

**Conversely, if the accused appears handcuffed**, they do not take the same route to court as the victim and so there is no risk of them meeting (FR/L/2, FR/J/1).

6.1.3. According to interviewees, do victims have a right to ask to be interviewed by or through a professional trained for that purpose (Question Pr 6.3)?

**The victim does not have a right to be questioned by a person who is specially trained to take different types of statement depending on the offence** (FR/L/1, FR/L/4, FR/J/1, FR/J/6, FR/J/7); it should be noted that certain professionals offer a contrary opinion (see FR/S/4, FR/S/5). For example, for domestic violence, in certain police stations or gendarmerie brigades there are domestic violence referents specially trained for this type of offence, and so to receive complaints from victims. But certain Police stations or Gendarmerie brigades do not have these (FR/P/1, FR/P/5, FR/L/2, FR/L/3) or the person who is the referent is absent or attending elsewhere on the day when the victim goes (FR/J/1, FR/J/2). In this case, the victim is seen by a member of the police who, although not necessarily trained in domestic violence, is trained to receive complaints from all victims (FR/P/3, FR/J/2, FR/J/3, FR/S/3).

**Only child victims are seen by specially trained people** (FR/P/2, FR/L/3, FR/J/2, FR/J/3, FR/J/5).

6.1.4. Can victims ask to be interviewed before the court trial and to have their statement audio-video recorded and played during the court trial (Question Pr 6.4)?

Audio and video recordings of statements is only provided for by the Code of Criminal Procedure **for child victims**. An adult victim cannot benefit from such a recording of their statement (FR/P/1, FR/P/2, FR/P/3, FR/P/4, FR/P/5, FR/L/1, FR/L/2, FR/L/3, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/6, FR/J/7, FR/S/1, FR/S/2, FR/S/3, FR/S/4, FR/S/5).

- 6.1.5. According to the interviewed practitioners, do victims have a right to ask, during the court trial, to be heard without the presence of the public (Question Pr 6.5)

As is the case for the accused, the victim has the right to request a **closed hearing**, therefore allowing the victim to be questioned at the trial without the presence of the public. In order to do this, the victim must make a request for a closed hearing through their lawyer, and this request has to be accepted by the judge after consultation with the Public Prosecutor and the defence (FR/L/2, FR/L/3, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/S/2, FR/S/3, FR/S/4). For rape or offences related to morals (*mœurs*), a closed hearing is automatic if the victim requests it (FR/J/3, FR/J/4, FR/J/5).

For minors, the closed hearing occurs as of right, that is to say automatically: it is not subject to a decision on a closed hearing from the judge (FR/P/5, FR/L/1, FR/L/3, FR/S/3).

- 6.1.6. According to the interviewees, do victims of sexual or gender-based violence have a right to ask that they are interviewed by a person of their sex (Question Pr 6.6)?

**A victim of domestic violence or sexual violence does not have the right to be heard by a person of the same sex** (FR/L/1, FR/L/2, FR/L/3, FR/L/4, FR/J/4, FR/J/5, FR/S/2). **Recommendations from public authorities are provided on this, but it is not a right.** The victim can thus make a request to be seen by a person of the same sex, but it is not a right (FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/S/1, FR/S/3, FR/S/4, FR/S/5).

Problems of resources are an obstacle to recognising being seen by a person of the same sex as a right. Indeed, if such were the case, it would be necessary to ensure the continuous presence of at least one female officer in all police and gendarmerie stations.

However, in practice, the police try to ensure that a victim who requests it can be seen by a person of the same sex (FR/P/1, FR/P/2, FR/P/3, FR/P/4, FR/P/5, FR/J/3, FR/J/5, FR/J/7)

It is not always possible to meet such a request from the victim. In effect, although there are more and more women in the police, these may be on leave, on days off, or attending an incident. Consequently, either the victim is seen by a person of the opposite sex, or they have to return to the police or gendarmerie station at a later date (FR/P/1, FR/L/2, FR/L/3, FR/J/2).

Within the framework of a preparatory investigation the victim is questioned by the magistrate who is overseeing the case; the victim cannot ask to be questioned by an investigating judge of the same sex: you cannot choose your judge (FR/J/5).

- 6.1.7. From their practical experience, did the interviewed practitioners believe that restraint is exercised ensuring that victims are not asked questions about their private or family life unless necessary (Question Pr 6.7)?

**Investigators take care not to ask questions which encroach on the private life of the victim**, they have a duty to discretion with respect to the victim. However, on occasions, the investigation of certain offences (in particular for sexual violence) requires questions which are intimate, concerning private life or sex life (FR/P/1, FR/P/3, FR/P/4, FR/J/3, FR/J/4,

FR/S/2, FR/S/5). **If these questions are useful for the investigation, the police must ask them** (FR/L/1, FR/L/2, FR/L/3, FR/L/4, FR/J/1, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7, FR/S/4). If such questions have to be asked, the police take care not to rush the victim, to be diplomatic with the questioning (FR/P/2, FR/J/6) as such questions, and their repetitive nature, can be troublesome for victims (FR/S/3). The police are trained to question the victim, possibly on questions concerning their private life, by employing the precautions necessary to protect the victim (FR/J/2).

Additionally, not asking every question so as to protect the victim can be counterproductive: if during the interviewing of the victim certain questions are not put or are asked badly, the case may “collapse” in the later phases of the procedure because certain elements will not have been advanced during interview, so investigations will not have been carried out on these elements (FR/J/5).

FR/J/5: *“It is necessary to ask all the questions to victims, including those which are uncomfortable. The police have a duty of delicacy. But all the questions should be asked. There is nothing worse than a botched interview where the judicial police officer, although in good faith, did not want to ask all the right questions and which will lead to something which collapses during the investigation or the trial. You see that effectively the questions were too evasive or vague; the contradictions did not appear, but, they appear during the investigation or the trial and it collapses. So, the victim suffers the consequence of an acquittal because the interview was not done well”.*

6.1.8. According to interviewees, can victims be subjected to a medical examination without their free consent (Question Pr 6.8)?

For certain offences, a medical examination of the victim can be useful for the police investigation; it makes it possible to show the physical suffering of the victim or confirm a sexual assault. Nevertheless, **the victim can never undergo a medical examination if they do not consent to it** (FR/P/1, FR/P/2, FR/P/3, FR/P/4, FR/P/5, FR/L/1, FR/L/2, FR/L/3, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7, FR/S/1, FR/S/2, FR/S/3, FR/S/4).

The only possibility of a medical examination of the victim without their consent is if their life in danger and emergency medical treatment is necessary while the victim is not in a position to give their consent (FR/J/5).

6.1.9. Did the interviewees agree to the following statements (Question Pr 6.9)?

6.1.9.1 The police attach great importance to treating victims in a respectful and sympathetic manner.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>		3 (FR/S/1, FR/S/3, FR/S/4)	2 (FR/S/2, FR/S/5)			5
<b>P</b>	2 (FR/P/1, FR/P/5)	3 (FR/P/2, FR/P/3, FR/P/4)				5
<b>J</b>		5 (FR/J/1, FR/J/2, FR/J/4, FR/J/6, FR/J/7)			2 (FR/J/3, FR/J/5)	7
<b>L</b>		3 (FR/L/1, FR/L/3, FR/L/4)	1 (FR/L/2)			4
6.1.9.2. The police perceive the victim primarily as a witness and hence as a means to the end of a successful investigation.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>		3 (FR/S/1, FR/S/3, FR/S/4)	2 (FR/S/2, FR/S/5)			5
<b>P</b>			5 (FR/P/1, FR/P/2, FR/P/3, FR/P/4, FR/P/5)			5
<b>J</b>		4 (FR/J/1, FR/J/4, FR/J/6, FR/J/7)	2 (FR/J/2, FR/J/5)		1 (FR/J/3)	7
<b>L</b>	2 (FR/L/3, FR/L/4)	1 (FR/L/2)	1 (FR/L/1)			4

6.1.9.3. Public Prosecutors and judges attach great importance to treating victims in a respectful and sympathetic manner.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	1 (FR/S/3)	1 (FR/S/1)	3 (FR/S/2, FR/S/4, FR/S/5)			5
<b>P</b>	2 (FR/P/1, FR/P/5)	3 (FR/P/2, FR/P/3, FR/P/4)				5
<b>J</b>		7 (FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7)				7
<b>L</b>		2 (FR/L/1, FR/L/4)	1 (FR/L/3)		1 (FR/L/2)	4
6.1.9.4. Public Prosecutors and judges don't see the victim as playing a central role in criminal proceedings.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	1 (FR/S/1)	3 (FR/S/3, FR/S/4, FR/S/5)	1 (FR/S/2)			5
<b>P</b>		1 (FR/P/5)	2 (FR/P/1, FR/P/2)		2 (FR/P/3, FR/P/4)	5
<b>J</b>		6 (FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/7)	1 (FR/J/6)			7
<b>L</b>		2 (FR/L/1, FR/L/3)	2 (FR/L/2, FR/L/4)			4

Please provide an analysis and your own interpretation of the results:

**The police attach a great deal of importance to treating victims respectfully.** The majority of the professionals met agree with this assertion (see FR/J/1, FR/J/6, FR/L/1, FR/L/3, FR/L/4, FR/S/1, FR/S/3, FR/S/4). Although such was not necessarily the case a few years ago, nowadays police treatment of victims has improved (FR/J/4). However, progress can still be made on the matter; it would be possible to consider better training for the police concerning the treatment of victims (FR/J/2), and to increase resources to avoid victims waiting too long to lodge a complaint (FR/L/2). Therefore, it is possible to consider that the law is satisfactory as it requires respectful treatment of victims by the police, but implementation of the law may present certain issues (FR/J/5).

**The police see the victim first as a key witness in the investigation.** On this proposition, the opinions of professionals are divided. Members of the police feel that beyond being a witness the victim is seen as a person having suffered (see FR/J/2, FR/L/1).

FR/J/2: *"In terms of police effectiveness, what interests the police officer is what makes it possible to solve the case. But you cannot say that the police officer has a heart of stone. It depends on the police officers. Some will look for things for their investigation, others will listen more".*

FR/L/1: *"I do not think that the police see the victim only as a witness. The police see the victim as somebody who is entitled to compensation".*

Although according to other professionals, the police see the victim above all as the starting point of investigations (FR/J/1, FR/J/4, FR/L/2, FR/L/3, FR/L/4, FR/S/1, FR/S/3, FR/S/4).

FR/J/1: *"The police see the victim as a witness above all. The victim is the one who allows you 'to unravel the ball of wool' to get to the perpetrator".*

FR/J/4: *"The police see the victim as a witness. Because the victim's statement, and the details which it provides will be useful for the course of the investigation".*

FR/L/2: *"The police see the victim as a witness and then as a victim".*

FR/L/3: *"The victim is an essential key in conducting the investigation. Without a victim, no witness, therefore no relating of the events. So, without a victim, you grope around in the investigation".*

**Magistrates attach a great deal of importance to treating victims respectfully.** Although such a respectful attitude can be subjective and depend on the magistrate (FR/L/2), the majority of the professionals met agree with this assertion, however members of associations are divided on this. Moreover, the ethics for magistrates require them to treat all citizens with respect (FR/J/4). It should be noted however that the magistrate can sometimes appear distant to the victim: the magistrate is above all a legal specialist who must remain neutral, which may explain this feeling of distance (FR/L/3).

**Magistrates do not regard the victim as playing a principal role in the criminal proceedings.** It arises from the interviews that magistrates regard the victim as playing a part in the criminal proceedings, but not a principal role (FR/L/2, FR/L/3, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/S/2).

FR/L/2: *"For magistrates the victim is part of the criminal proceedings. For example, sometimes, a case is referred back just because they did not stand as civil party".*

FR/L/3: *"Magistrates see the victim as playing an important role but not an indispensable one. They help the justice system, but magistrates can go without a victim to prosecute and pass judgement. The victim is not indispensable".*

FR/J/1: *"The victim does not play a principal role. It is the Public Prosecutor who prosecutes when the law is violated, even if the victim has withdrawn their complaint. The victim has an important role because*

*they constitute an element of the investigation; if at the trial one realizes that the victim is not reliable, this is likely to have consequences on the criminal prosecution”.*

FR/JJ2: *“The offence comprises a victim so they have an important role in the criminal proceedings. Moreover, they have to vindicate their civil proceedings”.*

FR/JJ4: *“The victim plays their part. It is necessary to distinguish between the part played and rights. The judge has to maintain an equal balance between all the parties, one party cannot have a more important role than the other. Then, the role of the victim can be important in the evidence, depending on the proceedings or the case. In certain proceedings, the victim will have a central role, in others a lesser role (for example, there may be victim who has not seen anything)”.*

## 6.2. Views of victims

6.2.1. According to the victims interviewed, did the police assess the need to protect them against secondary victimisation, in particular as concerns the risk of them being confronted with offenders in an unprotected manner or the risk of interviewees having to testify within a setting that is not sufficiently protective and sympathetic (Question V 6.1)?

**Victims report a lack of inquiring by the police on their protection needs** (FR/V/1, FR/V/2, FR/V/7, FR/V/8, FR/V/9). Furthermore, according to victims, the police do not themselves consider a possible need for protection, even when victims have made such a request (FR/V/2, FR/V/8).

**Certain victims report that there is action by the police to avoid secondary victimisation, but this remains isolated and insufficient.** For example, in one incident when the gendarmes were called to the home of a victim for acts of violence, they remained present until the victim and her children left the house so that they were not left alone with the attacker (FR/V/1).

**Within the framework of the investigation, the police may be attentive to the situation of the victim.** As such, police who considered holding a police meeting between the accused and the victim decided not to proceed with this when the victim stressed that it was difficult for her (FR/V/3).

6.2.2. Did the interviewed victims feel, at any time, exposed to a confrontation with the offender in a situation that the interviewee experienced as intimidating or stressful (Question V 6.2)?

Certain victims report **no contact** or meetings with their attacker (FR/V/1, FR/V/3, FR/V/4, FR/V/6, FR/V/7, FR/V/9, FR/V/11, FR/V/12). In particular, at the time of the **police investigation phase**, the police are careful not to call in the attacker and the victim at the same time, except when there is a police meeting between the accused and the victim (FR/V/1).

Other victims mention a **police meeting between the accused and the victim within the framework of the police investigation**; a moment which may have been painful for them (FR/V/2, FR/V/8, for a victim who was reassured only by having a police presence during the

police meeting between the accused and the victim see FR/V/10). In addition, when the victim has moved house since the events, travelling can take time and be costly (FR/V/8).

Certain victims report a **confrontation** with the attacker at the time of **the trial**. The victim may have to wait with the accused in the same place while waiting for hearing (FR/V/1).

6.2.3. When the police took the statement of the interviewees, did the latter experience the setting as safe and comfortable? How did the interviewees describe the situation (Question V 6.3)?

**Victims say they were quite well received** (FR/V/5). The victim was always questioned by the same police officer at the time of procedure (FR/V/1, FR/V/2). One victim did not request to be seen by a woman, because it did not bother her to be seen by a man (FR/V/1). One victim reports that she was reassured by the police officer who took her statement (FR/V/9).

FR/V/9: *"I was lucky to get a police woman to lodge a complaint. If I had had a man, he would have maybe been defended."*

**For other victims, the experience was more difficult. The conditions for reception are not satisfactory** (FR/V/4); the victim was separated from the person who accompanied her to lodge the complaint, and she felt a form of pressure to lodge a complaint (FR/V/6, FR/V/8). There can be long wait to lodge a complaint, and at the end the police may prefer to log an incident report (*main courante*) to a complaint; moreover, the wait for the victim to be seen may happen in the same corridor as that where the accused is (FR/V/7). One of the victims questioned reports that lodging the complaint was so difficult a stage that she does not remember the conditions under which she was received (FR/V/3).

One of the victims of Spanish nationality who was affected by the terrorist act was well received by the police, but the translation service was not available when she lodged her complaint (FR/V/12).

6.2.4. When the interviewees were heard during court trial, did this happen in a setting that they experienced as safe and comfortable? How did the interviewees describe the situation (Question V 6.4)?

**For the procedures in progress, certain victims could not answer this question since they are waiting for the trial** (FR/V/5). The same applies to those victims who did not go to the trial (FR/V/6, FR/V/9).

**Certain victims have no complaints about the trial.** However, one victim felt that the proceedings in court had been too quick (FR/V/1).

**Other victims say that the hearing with a judge is unsatisfactory** (FR/V/4). In the investigation phase (which can be long) one victim reports that the judges changed during the procedure, and the victim had to repeat everything all over again (FR/V/8). At the time of the hearing, one victim was very disappointed with the low level of attention paid to her by her lawyer (FR/V/7). Moreover, once the hearing finished the victim's attacker tried to approach her to strike her; the victim's friends and family had to intervene (FR/V/7).

6.2.5. Were the interviewees asked questions about their private or family life that they considered inappropriate or unnecessary (Question V 6.5)?

Although victims report that the investigators were completely proper in their questioning (FR/V/9), other victims say that the questions put by the investigators at the various stages of the procedure could be inappropriate or could result from a poor interpretation of their statements (FR/V/1, FR/V/2, FR/V/7).

6.2.6. To what extent did the interviewed victims agree to the following statements (Question V 6.6)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
6.2.6.1 Overall, it was difficult to understand and follow the course of the proceedings.	5 (FR/V/4, FR/V/5, FR/V/6, FR/V/7, FR/V/8)	5 (FR/V/1, FR/V/3, FR/V/9, FR/V/10, FR/V/12)	1 (FR/V/2)		1 (FR/V/11)	12
6.2.6.2 The police treated me in a respectful and sympathetic manner.	1 (FR/V/3)	5 (FR/V/1, FR/V/5, FR/V/8, FR/V/10, FR/V/12)	3 (FR/V/6, FR/V/7, FR/V/9)	1 (FR/V/2)	2 (FR/V/4, FR/V/11)	12
6.2.6.3 During the court trial I was treated in a respectful and sympathetic manner.		5 (FR/V/1, FR/V/3, FR/V/4, FR/V/8, FR/V/10)	3 (FR/V/7, and the victim affected by the terrorist act FR/V/11 and FR/V/12 during the meeting with the judges)		4 (FR/V/2, FR/V/5, FR/V/6, FR/V/9)	12
6.2.6.4 If I look back at the proceedings, there were moments when I experienced the presence of the offender as intimidating.	3 (FR/V/1, FR/V/7, FR/V/8)	4 (FR/V/2, FR/V/4, FR/V/9, FR/V/10)			3 (FR/V/3, FR/V/5, FR/V/6)	10

**As a whole, it was difficult for the victim to understand and follow the course of the procedure.**

The large majority of victims agree that the criminal proceedings leading to a ruling on the offences that they suffered are difficult to follow and to understand. Thus, one victim reports that in spite of the information given by legal professionals, the procedure could be difficult to follow and to understand (FR/V/3).

**The police treated the victim with respect.**

Concerning the respect that the police show to the victim, the opinions of victims are divided. Some report that they were treated respectfully. Conversely, others do not subscribe to this assertion; as such, one victim says that the police were indifferent to her situation (FR/V/4); another victim stated that the police woman who took her complaint was respectful, but that the other members of the police were indifferent to her situation (FR/V/9). This difference in treatment depending on the police officer was also underlined by a victim affected by the terrorist act (FR/V/11).

It should be noted that one victim says she did not expect any particular respect from the police, but that the police fulfilled their role well and obtained satisfactory results (FR/V/10).

**During the hearing, the victim was treated respectfully.**

Certain victims cannot discuss this assertion because the procedure is ongoing, because their case did not get as far as a hearing (case not prosecuted, alternative to prosecution) or because the victim did not wish to be present at the hearing.

Those victims who faced the stage of the hearing or a meeting with the judges (FR/V/11 and FR/V/12) report, in the main, that they were treated with respect.

It should be noted that one victim says she did not expect any particular respect from the magistrates, but that they fulfil their role well (FR/V/10).

**With hindsight, there were moments in the procedure where the victim found the presence of the accused intimidating.**

The large majority of victims report, with hindsight, that certain stages of the procedure were difficult and intimidating because of the presence of the attacker.

In this respect, the words of one victim are telling: the victim was terrorised by the presence of the perpetrator of the offence at the hearing because they had sat side-by-side. At the end of the hearing he even tried to strike the victim and other people had to intervene (FR/V/7).

## **7. Protection against repeat victimization**

### **7a) Cases not involving domestic violence**

#### **7.1. Views of practitioners**

7.1.1. According to the practitioners interviewed, do the police on a regular basis assess whether measures need to be adopted in order to protect the victim against repeat victimisation (Question Pr 7.1)?

**The law does not mention such an assessment or such protection measures against repeat victimisation** (FR/L/1). Frequently the police do not proceed with this (FR/S/1, FR/S/2, FR/S/3, FR/S/4, FR/S/5).

**However, the police may carry out an assessment of repeat victimisation because the role of the police is to uphold law and order.** Although such an assessment makes it possible to avoid future problems with law and order (FR/L/3).

FR/L/3: *“The police have to maintain law and order, to prevent any trouble. That’s already one reason which justifies the police having to intervene more quickly than in other cases”.*

The police can only adopt *emergency* measures in order to avoid repeat victimisation. These are ad-hoc measures and are limited in time: making sure that a victim of domestic violence can be accommodated with friends or family, finding a hotel room for a victim (to this end the police dispose of “hotel vouchers” (*bons de nuitée*)) (FR/P/1, FR/P/4, FR/L/1, FR/J/1, FR/J/6). But the police have few resources to ensure such protection of the victim (FR/P/2). The adoption of more restrictive measures or longer measures requires the intervention of the courts (FR/P/3, FR/J/1, FR/J/4, FR/J/6).

Associations also worry about such situations and try to provide a solution, in particular by trying to accommodate women victims of domestic violence (FR/L/1).

7.1.2. Apart from domestic violence, are there other areas of crime where the police routinely focus on protecting the victim against repeat victimisation (Question Pr 7.2)?

Although the principal offences for which measures to avoid repeat victimisation are the offences of domestic violence, other areas may use similar measures: family violence (FR/J/6), school violence, for example (FR/P/3, FR/P/5, FR/L/1, FR/L/3, FR/J/2), violence at work, or between neighbours. These are mainly **'neighbourhood' offences**, meaning between people who come into contact regularly (FR/J/3, FR/J/4, FR/S/3). The police may also be vigilant of and avoid repeat victimisation for offences against minors (FR/S/2) or vulnerable people (FR/J/6). In fact, these types of measures apply whenever there is a risk of a repeat of the offence or of reprisals (FR/P/1, FR/P/2, FR/P/4). In effect, the police have to uphold law and order, and this is breached whenever there is repeat victimisation; the police must thus avoid repeat victimisation for all offences (FR/J/1).

## 7.2. Views of victims

7.2.1. When the interviewed victims first talked to the police, did the police assess whether they were in need of protection against repeat victimisation or retaliation (Question V 7.1)?

**Victims note an absence of assessment of the need for protection** by the police (FR/V/1, FR/V/2, FR/V/5, FR/V/10). As such, one victim reported that when she asked the gendarmes

to return to her home with her so that she can collect some personal possessions, they refused (FR/V/1).

FR V 5: *"I can't think of any measures, I do not know, if you think that each person who is a victim of a robbery will have a protection measure, you'll need to employ 100,000 police officers."*

FR/V/10: *"The police where I lived, they did things well, they issued a European arrest warrant, but he was not arrested immediately. He was arrested 5-6 months later... As there was a European warrant, I thought that he would be arrested today, tomorrow [this was not the case] During all this time I was afraid... He entered and left France [...] since he carried out this attack, and what's more he had travelled [...]. I did not understand why he was not arrested immediately."*

**Certain victims mention measures taken by the police in order to protect them.** As such, one victim says that the police ensured that the victim left the police station accompanied and that a friend or member of family could come with her for certain visits (FR/V/3).

7.2.2. In cases where the police found that the interviewee was in need of protection measures, which measures were adopted by the police? How did victims assess the effectiveness of these measures (Question V 7.2)?

In the absence of an assessment by the police, no protection measure is adopted (FR/V/2, FR/V/5, FR/V/10). Nevertheless, even without an assessment certain common sense measures may be recommended by the police: making sure that the victim is accompanied for certain visits (FR/V/3).

## 7b) Domestic violence

### 7.3. Views of practitioners

7.3.1. As concerns cases of domestic violence, what are the standard procedures followed by the police in such cases in order to assess the need for immediate protection measures (Question Pr 7.3)?

**There does not exist a standard procedure for a police assessment of the need to adopt a protection measure for the victim.** Nothing is mentioned on this in the Code of Criminal Procedure (FR/J/1, FR/J/5, FR/L/4). The investigator questions the victim to determine the risk of a repeat of the offence (FR/P/2, FR/P/3, FR/P/4, FR/P/5, FR/L/2); what is important is the questioning by the police, the psychological approach of the investigator, and their training (FR/J/2). In this respect, it is necessary here to mention the existence of a pre-filled form making it possible for the police to know if an emergency protection measure should be taken or not (FR/L/3).

To respond to the question of there being a need for protection of the victim or not, the police may orient the victim to social services, psychologists or victim support associations (FR/J/5, FR/J/6, FR/S/1, FR/S/3, FR/S/4).

7.3.2. In cases of domestic violence, what are the standard procedures followed by the police when there is a need for immediate protection measures (e.g. advising the victim to move to a shelter, arresting or banishing the offender)? From the point of view of the practitioners interviewed, how effectively are these protection measures implemented (Question Pr 7.4)?

**The police provide an emergency and short term solution to the risk of repeat victimisation** within the framework of domestic offences (in particular in serious situations): making sure that the victim can be accommodated by friends or family, reserving a night in a hotel (using "hotel vouchers" or going to local council services), or calling in the violent partner to make him understand the seriousness of his actions. Such measures do not have to be confirmed by the courts (FR/P/1, FR/P/3, FR/P/4, FR/P/5, FR/L/2, FR/L/3, FR/J/1, FR/J/2, FR/J/6, FR/S/1). **It is not possible to speak of a 'standard procedure'** (FR/P/2, FR/P/4, FR/P/5, FR/L/2, FR/J/1, FR/S/2, FR/S/3).

However, despite the existing emergency solutions, the situation of the victim of domestic violence remains particularly difficult.

FR/P/1: *"Victims of violence by their partners, once they have left here, after they have lodged a complaint, they are troubled, because either they return home and it starts again, or it is them who has to leave. Victims are double-victims."*

FR/P/3: *"The police can implement protection procedures. There are night vouchers which are provided to place the victim in a hotel. The police can also approach the town council. If the measure is urgent, the police offer it. Thereafter, if the situation is serious, the Public Prosecutor is alerted and can order that the attacker be distanced from the victim"*

FR/P/4: *"The police may be concerned about knowing if the victim or the violent husband can be accommodated elsewhere. The victim should not return to their home if the partner is there. Unfortunately, staying at a hotel cannot last too long, it is temporary. These procedures for leaving the home are difficult to implement; that can discourage victims. I know of a victim who spent several days on the streets in the middle of winter with her little boy"*

FR/P/5: *"For the implementation of measures, it is always possible to do more. It is true that for the police what is most important is the investigation. But we do not let a victim go back home to be with a violent husband; we call upon the social services then"*

FR/L/2: *"What often happens, after having learned of the events, the police can ask the partner to leave the house"*

FR/L/3: *"If the police detect a risk, they can call in the violent husband or partner, and possibly place them in police custody. But that may be looked on badly by victims who may fear an aggravation of the situation. The police may also deal with the case quickly. A protection order from the Judge for family affairs can also be used."*

The courts will intervene afterwards to take more restrictive or longer term measures. For example, the Public Prosecutor may ask for the implementation of the 'woman in great danger'

measure allowing the victim to immediately contact the police by telephone in the event of a threat (FR/P/3, FR/J/2, FR/J/6, FR/S/4), or the Public Prosecutor may be able to order placement of the accused under legal control while waiting for the hearing (FR/J/1); the investigating judge can order the accused not to approach the victim or to attend certain places; a Judge for family affairs can issue a protection order (FR/J/6).

FR/J/2: *“The emergency telephone has been an advance in recent years. [...] This measure makes it possible for the victim to immediately contact the police if their attacker has suddenly shown dangerous behaviour against them again. [...] There is probably a lack of resources in certain areas; the measure is taking some time to develop. Once it is well developed, we could envisage lowering the threshold for danger in order to resort to this device”.*

FR/J/6: *“To avoid repeat victimisation, there are various measures: protection orders from the Judge for family affairs, the emergency telephone”.*

FR/J/1: *“If the events are serious, the police contact the Public Prosecutor to know what follow up action to take. It is the legal authority which has the most coercive means. The police cannot do a lot without the prior consent of the legal authority”.*

7.3.3. If the police learn of a case of domestic violence, do they routinely inform a victim support service? If yes, would it be a generic or a specialist support service (Question Pr 7.5)?

**In principle, the police communicate the contact details of a victim support association to the victim. It is up to the victim to approach the victim support service.** The police do not contact the victim support service to ask them to contact the victim (FR/P/1, FR/P/3, FR/P/4, FR/P/5, FR/J/1, FR/J/2, FR/J/3, FR/J/5, FR/J/6, FR/J/7, FR/S/1, FR/S/2, FR/S/3).

One difficulty consists in the fact that the victim may not read the information contained in the complaint slip (*récépissé de plainte*) which was given to them, and in particular not see the contact details of the victim support association; consequently the victim will not contact an association (FR/J/3).

FR/J/3: *“The police tell the victim that they can contact a victim support association at the end of the interview, this is also written on the complaint slip. But, with all the emotion in particular, the victim may not hear this information and not read the document given to them”.*

**Nevertheless, in practice certain investigators, when faced with particularly serious situations or a particularly fragile victim, may take the initiative of contacting a general victim support association** to report this particular case to them and to ask them to contact the victim (FR/P/2, FR/P/4, FR/L/2, FR/L/4, FR/J/2, FR/J/4, FR/J/5, FR/J/7, FR/S/3, FR/S/4). The services of the Public Prosecutor can also proceed in this way (FR/J/1, FR/J/2, FR/J/6). More particularly, those associations which propose accommodation for women victims of violence may be contacted directly by the police or the Public Prosecutor in order to find a solution for emergency accommodation (FR/J/4, FR/S/2).

FR/J/4: *“Sometimes, there are links between police stations and victim support services. Certain associations can offer accommodation solutions, in particular for women victims of violence who have left the family home in an emergency. The police can contact these*

associations to find accommodation for a victim, and possibly their children, who do not know where to go”.

Of note here is an innovative experimental practice being implemented in the jurisdiction of the Versailles Court (*Tribunal de Grande Instance*): through a permanent delegation from the Public Prosecutor to the police with respect to the last subparagraph of Article 41 of the Code of Criminal Procedure (recourse to a victim support association by the Public Prosecutor), it is now provided for that in the event of complaint for a serious offence (a rape), the police send an email to an email account which is consulted by three victim support associations in the jurisdiction. These will therefore be able to contact the victim (FR/J/6).

7.3.4. In routine cases of domestic violence, are the protection measures adopted by the police followed up by court orders? If yes, which courts adopt such orders and for which time span? How do the interviewed practitioners assess the effectiveness of these orders (Question Pr 7.6)?

**Except in emergencies, the police do not prescribe measures. Consequently, no validation of a measure by the courts is necessary** (FR/P/1, FR/P/2, FR/P/3, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/S/3, FR/S/4, FR/S/5). If more restrictive measures are necessary, it is up to the courts to take them. The victim, when helped by their lawyer, can take steps in this (FR/P/1, FR/P/3, FR/P/4, FR/L/2, FR/J/1, FR/J/2); for example, within the framework of a legal control order decided on by the investigating judge, a partner facing charges can be ordered to live away from the family home during the time taken for the preparatory investigation (FR/L/2).

7.3.5. Did the interviewees agree to the following statements (Question Pr 7.7)?

7.3.4.1 More needs to be done to effectively protect victims of domestic violence against repeat victimisation.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	4 (FR/S/1, FR/S/3, FR/S/4, FR/S/5)	1 (FR/S/2)				5
<b>P</b>	2 (FR/P/4, FR/P/5)	2 (FR/P/1, FR/P/2)	1 (FR/P/3)			5
<b>J</b>	1 (FR/J/5)	6 (FR/J/1, FR/J/2, FR/J/3, FR/J/4,				7

		FR/J/6, FR/J/7)				
<b>L</b>	1 (FR/L/1)	3 (FR/L/2, FR/L/3, FR/L/4)				4
7.3.4.2. A number of good practices are already in place for victims of domestic violence.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	2 (FR/S/4, FR/S/5)	2 (FR/S/1, FR/S/3)	1 (FR/S/2)			5
<b>P</b>		4 (FR/P/2, FR/P/3, FR/P/4, FR/P/5)	1 (FR/P/1)			5
<b>J</b>		7 (FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7)				7
<b>L</b>		3 (FR/L/2, FR/L/3, FR/L/4)	1 (FR/L/1)			4
7.3.4.3. More needs to be done to ensure that victims of domestic violence have access to specialist support services.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	3 (FR/S/1, FR/S/4, FR/S/5)	2 (FR/S/2, FR/S/3)				5
<b>P</b>	1 (FR/P/5)	2 (FR/P/2, FR/P/4)	2 (FR/P/1, FR/P/3)			5
<b>J</b>	2 (FR/J/2, FR/J/7)	4 (FR/J/1, FR/J/4, FR/J/5, FR/J/6)			1 (FR/J/3)	7

L	1 (FR/L/1)	2 (FR/L/2, FR/L/4)	1 (FR/L/3)			4
7.3.4.4. There are competing demands on resources for different groups of victims, and so sufficient resources are already dedicated to support victims of domestic violence.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
S			3 (FR/S/2, FR/S/3, FR/S/5)	2 (FR/S/1, FR/S/4)		5
P		2 (FR/P/3, FR/P/4)	3 (FR/P/1, FR/P/2, FR/P/5)			5
J		2 (FR/J/4, FR/J/6)	1 (FR/J/7)	1 (FR/J/2)	3 (FR/J/1, FR/J/3, FR/J/5)	7
L			2 (FR/L/2, FR/L/3)	1 (FR/L/1)	1 (FR/L/4)	4

Please provide an analysis and your own interpretation of the results:

**More should be done to protect victims of domestic violence against repeat victimisation. All of the professionals questioned agree with this statement.** In particular, these victims should be better informed of their rights and of the steps to take, since a number of victims of domestic violence do not lodge a complaint (FR/J/5). Nevertheless, certain professionals question the means to implement measures to ensure protection of the victim against secondary victimisation, such as the methods and cost (FR/P/5, FR/J/2).

FR/J/5: *“To improve the situation of victims, and in particular on information, it is necessary to proceed in a targeted manner. These victims of domestic violence have to be protected as a priority. In particular it should be made easier to lodge a complaint and there should be encouragement to do that. That applies to all offences committed in a closed circle”.*

FR/P/5: *“I agree that more protection should be granted against repeat victimisation of victims of domestic violence. But the question of resources arises”.*

FR/J/2: *“More should be done. That is certain. But the problem remains the lack of resources. Also, you cannot defend a victim against themselves; so a victim can come to lodge a complaint but ask that the attacker is not prosecuted, other victims may think that they are at least partly responsible for what happens to them. For certain victims, it should be explained to them that it is not right if their husband hits them”.*

**There already exist good practices for victims of domestic violence. All of the professionals questioned agree with this statement.** Nevertheless, progress can still be made (FR/J/2, FR/J/3, FR/L/1, FR/L/2).

FR/J/2: *“Certainly, there are good practices for victims of domestic violence. I'm thinking of the 'serious danger' measures which have been initiated and which are now extended to the whole country. That 'limits the damage', but domestic violence still exists. What one could hope for is to try to identify domestic violence earlier”.*

FR/L/1: *I do not agree, there is still work to do to have good practices for the support of victims of domestic violence.*

FR/L/2: *“There are good things. But the system must be improved”.*

**More should be done to guarantee victims of domestic violence have access to a specialised support service.** The majority of the professionals questioned agree with this statement. Although there are already good practices (FR/P/1), certain aspects could be improved (FR/J/1, FR/J/4, FR/L/3). In particular, it is necessary to do more to handle emergencies in order that the victim can access a support service which can take the first urgent measures, particular to find accommodation (FR/J/4, FR/J/5).

FR/P/1: *“Victims of domestic violence already have access to specialized services, it is not useful to do more”.*

FR/J/4: *“There are a lot of specialized services. The difficulty it is often the urgency. There should be more done for emergencies to be handled better. That is a question of public funding”.*

FR/L/3: *“We already do quite a lot. If we can do more, that's very good. But I do not have the feeling that we are deprived”.*

**There are competing demands on resources for different groups of victims, and so sufficient resources are already dedicated to support victims of domestic violence.** This statement divides the opinions of professionals more. Although a minority think that there are sufficient resources for victims of domestic violence, others, in particular associations, think that the resources are inadequate (FR/S/5). Certain professionals highlight the **specialization of the association sector in the field of domestic violence, which induces particular needs**. These associations are interested in particular victims as they live with the perpetrator of the violence. They need advice and specialised services (FR/L/1). More particularly, these associations need to propose emergency solutions to the victim (FR/L/2, FR/L/3).

FR/L/1: *“You need specific resources for domestic violence against women. These are particular victims in that they live with the perpetrator of the violence. There are thus particular needs”.*

FR/L/2: *“Certain associations would deserve more resources and the means to act quickly. Because these associations are required to offer emergency solutions for victims, and sometimes through a lack of resources they cannot”.*

FR/L/3: *“The support should be diversified. Associations for domestic violence have particular needs. Depending on the harm suffered, there are specific needs. Therefore, a suitable*

*response is needed. One cannot make a system of uniform support for victims. Specialization is needed”.*

In general, it is necessary to underline the precarious nature of financing. This financing comes from various sources (State, local authorities). However, the financing can sometimes be reduced. It requires an annual commitment to the financing of associations to ensure they have a certain stability (FR/J/5). It is also necessary to highlight geographical inequality in connection with the resources available to victim support associations. Certain geographical areas such as towns have resources, others such as rural areas have fewer resources (FR/J/6).

FR/J/5: *“The concern is in the precarious nature of the funding. This funding can quickly be called into question. The funding is under the State, local authorities, and it can be called into question. One would need permanent funding”.*

FR/J/6: *“I think that victim support associations are well equipped. One can always do better, certainly. But it should be noted that there are regional differences. There are fewer places where associations work in rural areas; there are fewer places, the associations offer less”.*

## 7.4. Views of victims

7.4.1. How did the police learn about the interviewees' situation: were they called to the interviewees' homes or did the interviewees call them or turn to a police station (Question V 7.3)?

In certain cases, the **victims report to the police themselves**, by going to lodge a complaint (FR/V/7, FR/V/9) or by telephone **as soon as they are victims when the offence has just happened** (FR/V/1). In this latter case, one woman victim of domestic violence contacted the gendarmerie as soon as the violent actions were committed by her husband (FR/V/1).

In other cases, **someone else** may inform the police. As such, the hospital where the victim went with her injuries alerted the police (FR/V/4). Similarly, a witness to the offence may alert the police (FR/V/6, FR/V/7).

7.4.2. When the police first learned about the interviewees' situation, did they thoroughly assess whether measures were needed to protect the victims against repeat victimisation or retaliation (Question V 7.4)?

When the police were informed for the first time of the victim's situation, they did not proceed with **any** assessment in connection with the need for protection measures to avoid repeat victimisation (FR/V/1, FR/V/4, FR/V/7). The situation of one victim is telling: the police were aware that the victim continued to live in the family home; when the victim asked to be rehoused, the police replied that their mission was already accomplished, because the perpetrator of the offences had been detained. As soon as the perpetrator of the offence was released, he returned to the family home and threw the victim out with her daughter without giving them their belongings (FR/V/6). Another contribution from a victim is instructive: following her lodging a complaint, her husband threatened her; he was then placed in police

custody and was released after he had admitted the offences and said he regretted them. The victim had to change the house locks and take other safety measures herself (FR/V/9).

7.4.3. When the police learned about the interviewees' situation, what concrete measures did they adopt in order to immediately protect victims against repeat victimisation? How did the interviewees assess the effectiveness of the measures adopted by the police (Question V 7.5)?

**Certain victims report an absence of protection measures** (FR/V/4, FR/V/7). As an illustration, in the case of one victim a victim support association has made a request for a police escort for the victim so that she can return to the family home and recover her belongings - the victim is still waiting for the response from the police (FR/V/6). Another illustration is that even though one victim called the police following blows received from her husband, the police response was that they could not come out that she had to go to the police station to lodge a complaint (FR/V/7).

**Other victims mentioned protection measures adopted by the police.** But these were isolated and minimal. As such, in one case the gendarmes remained with the victim at her home while she recovered some possessions and left with her children (FR/V/1).

7.4.4. When the police learned about the interviewees' situation, did they inform the victims of support services available to them or did the police contact a support service themselves (Question V 7.6)?

Certain victims report that **the police did not inform them of the existence of a victim support service and that no member of the police contacted a victim support service** (FR/V/1, FR/V/4, FR/V/6, FR/V/7, FR/V/10).

7.4.5. In cases where victims were in contact with a support service, how did they assess the services provided in terms of supporting them in coming to terms with their victimisation or in finding a way out of a violent relationship (Question V 7.7)?

Certain victims **did not receive the support of a victim support association** (FR/V/1).

**Some victims were helped and supported by associations** thanks in particular to meetings (FR/V/4), psychological help, and help with rehousing (FR/V/6).

It should be noted that certain victims have a negative assessment of the assistance provided by associations (FR/V/7). One of these reports that she was only helped psychologically but did not receive any concrete help (FR/V/9).

7.4.6. According to the interviewed victims, did a court issue at any time a protection order with a view to protect the victim against repeat victimisation? If yes, which court, and how do interviewees assess the effectiveness of these court orders (Question V 7.8)?

Certain victims report that no court ruled on possible protection measures to avoid repeat victimisation (FR/V/1).

Other victims cannot comment because they only received a little information within the framework of the procedure and on possible protection measures (FR/V/4).

Certain victims also say they were informed of the possibility of asking for a protection order from the Court, but that due to a lack of a lawyer and help with this they did not take the steps necessary (FR/V/6).

Certain victims say there were decisions made in connection with protection measures, but that they were unsatisfactory. As such, although a protection measure was ordered by the court, the attacker of one victim still went to the victim's home and when the victim called the police, the police did not come (FR/V/7). Also, although an obligation to leave the family home was ordered for one husband and implemented, it was necessary to wait for the delivery of the divorce papers for the husband to actually leave the family home (FR/V/9).

7.4.7. To what extent did the interviewees agree to the following statements (Question V 7.9)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
7.4.7.1 Overall, the police made all possible efforts to protect me.			4 (FR/V/4, FR/V/6, FR/V/7, FR/V/9)	1 (FR/V/1)		5
7.4.7.2 I would have needed more support in changing my situation with a view to overcoming the threat of violence.	1 (FR/V/1)	4 (FR/V/4, FR/V/6, FR/V/7, FR/V/9)				5

**Overall, the police make every possible effort to protect the victim.**

The victims of domestic violence respond to this statement negatively. Victims did not feel protected by the police, who did not take measures to this end.

**The victim would need more support to change their situation in order to overcome the threat of violence.**

The victims of domestic violence respond to this statement positively. The proximity of the attacker and the victim in this type of conflict induces in the victim strong feelings of a fear of possible reprisals.

## 8. Civil law claims: compensation and restitution

### 8.1. Views of practitioners

8.1.1. According to the practitioners interviewed, do the police routinely inform victims about their entitlement to state compensation (Question Pr 8.1)?

**Informing the victim on their right to compensation is automatically carried out by the investigator** (FR/L/2, FR/J/1, FR/J/5, FR/S/3). However, certain professionals (a very small minority) reported an absence of information in this respect (see FR/S/4). **This information is provided at the time of lodging a complaint** (FR/L/3, FR/L/4, FR/J/2, FR/J/6, FR/J/7). This is a legal obligation (FR/P/2, FR/P/3, FR/P/4, FR/J/2). The victim support association can also provide this information (FR/S/1).

8.1.2. Do the police routinely inform victims about the possibilities to obtain restitution within the framework of criminal proceedings (Question Pr 8.2)?

**Information on the right to restitution does not form part of the legal obligations.** It is therefore not provided automatically. The police inform the victim of their right to restitution, if the case which the police are investigating justifies any restitution and therefore information for the victim on this right (FR/P/1, FR/P/2, FR/P/3, FR/P/4, FR/P/5, FR/L/1, FR/L/2, FR/L/3, FR/L/4, FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/7, FR/S/3, FR/S/4). The victim support association may provide information on the right to restitution (FR/S/1).

8.1.3. As concerns proceedings in cases of violent crimes and judging by your practical experiences, how often does the criminal court adjudicate on the victim's civil law claims (Question Pr 8.3)? According to the interviewees, does this happen

	S	P	J	L
Often or very often	3 (FR/S/1, FR/S/3, FR/S/5)		7 (FR/J/1, FR/J/2, FR/J/3, FR/J/4, FR/J/5, FR/J/6, FR/J/7)	4 (FR/L/1, FR/L/2, FR/L/3, FR/L/4)
Occasionally				
Only in exceptional cases or not at all	1 (FR/S/2)			
Don't know	1 (FR/S/4)			
TOTAL	5	The police are not concerned by this question	7	4

Please provide an analysis and your own interpretation of the results:

**The professionals questioned agree that generally it is the criminal court judge who makes a decision on damages.** Either the judge rules on civil proceedings immediately after having taken a decision on the public action, or the judge rules on the civil proceedings at a later hearing (FR/L/1, FR/L/2, FR/J/5); in effect, particularly if the victim does not present the supporting documents for their damages, or if their damages are continuing to accrue (for example the victim is still in hospital at the time of the ruling and the exact seriousness of the injuries is not yet known), the criminal court judge may prefer to defer the hearing on damages (FR/J/1, FR/J/2, FR/J/3, FR/J/5).

## 8.2. Views of victims

8.2.1. Did the interviewees apply for state compensation? If yes, what was the result (Question V 8.1)?

Some of the victims requested compensation (FR/V/3, FR/V/4). For the cases in progress, they are awaiting the court decision (FR/V/3).

Certain victims, in particular those **not assisted by a lawyer, did not proceed with a request for compensation** (FR/V/1, FR/V/2, FR/V/5, FR/V/6, FR/V/8, FR/V/9).

Certain victims are dissatisfied with the compensation received (FR/V/4).

The Guarantee funds for victims of acts of terrorism and other offences (*Fonds de Garantie des Victimes des actes de Terrorisme et d'autres Infractions*) compensates victims for terrorist attacks (FR/V/11, FR/V/12).

8.2.2. Did the interviewees raise civil law claims within the framework of criminal proceedings? If yes, what was the result (Question V 8.2)?

Certain victims made a request for damages (FR/V/3, FR/V/4). For the cases in progress, they are awaiting the court decision (FR/V/3, FR/V/4).

Other victims, in particular those not assisted by a lawyer, **did not proceed with a request for compensation** (FR/V/1, FR/V/2, FR/V/5, FR/V/6, FR/V/8), in particular because they did not receive information in this respect (FR/V/9, FR/V/10).

8.2.3. To what extent did the interviewees agree to the following statement (Question V 8.3)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
Criminal courts should ensure that victims receive compensation from the offender.	2 (FR/V/1, FR/V/7)	6 (FR/V/4, FR/V/6, FR/V/8, FR/V/9, FR/V/11, FR/V/12)			4 (FR/V/2, FR/V/3, FR/V/5, FR/V/10)	12

**Criminal courts should ensure that victims receive compensation from the offender.**

This statement receives a large majority of positive responses from victims. Indeed, it arises from the interviews carried out that victims are dissatisfied with the compensation that the criminal courts order the offender to pay. On the one hand, sometimes this compensation is non-existent: the case in not prosecuted (*classé sans suite*), or was the subject of an alternative to prosecution. On the other hand, this compensation may be considered a small amount by a victim who does not think that it corresponds to the seriousness of the harm suffered. Lastly, it is important to note that certain victims do not ask for

compensation because they do not know that they can do so (particularly when they are not assisted by a lawyer), as this information was not communicated to them.

## 9. General assessment of victims' situation in accessing justice

### 9.1. Views of practitioners

9.1.1. To what extent did the interviewed practitioners, divided by professional groups, agree to the following statements (Question Pr 9.1)?

9.1.1.1 Criminal justice is mainly a matter between the public and offenders; hence victims' role in criminal proceedings is necessarily peripheral.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	1 (FR/S/1)	2 (FR/S/3, FR/S/5)	1 (FR/S/2)	1 (FR/S/4)		5
<b>P</b>		2 (FR/P/2, FR/P/4)	2 (FR/P/3, FR/P/5)		1 (FR/P/1)	5
<b>J</b>		4 (FR/J/2, FR/J/3, FR/J/5, FR/J/7)	3 (FR/J/1, FR/J/4, FR/J/6)			7
<b>L</b>		2 (FR/L/3, FR/L/4)	2 (FR/L/1, FR/L/2)			4
9.1.1.2 If victims became influential in criminal proceedings, this would come with a risk of unsettling the fragile balance between public prosecution and the rights of defendants.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	1 (FR/S/1)	1 (FR/S/3)	2 (FR/S/2, FR/S/5)	1 (FR/S/4)		5
<b>P</b>		3 (FR/P/1, FR/P/2, FR/P/4)	2 (FR/P/3, FR/P/5)			5
<b>J</b>	1 (FR/J/5)	4 (FR/J/1, FR/J/2, FR/J/3, FR/J/4)	2 (FR/J/6, FR/J/7)			7
<b>L</b>		2 (FR/L/3, FR/L/4)	2 (FR/L/1, FR/L/2)			4

9.1.1.3 Generally speaking, practitioners working in the criminal justice system take the rights and concerns of victims very seriously.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>		3 (FR/S/1, FR/S/2, FR/S/4)	2 (FR/S/3, FR/S/5)			5
<b>P</b>		4 (FR/P/1, FR/P/2, FR/P/3, FR/P/4)	1 (FR/P/5)			5
<b>J</b>	1 (FR/J/4)	6 (FR/J/1, FR/J/2, FR/J/3, FR/J/5, FR/J/6, FR/J/7)				7
<b>L</b>		3 (FR/L/2, FR/L/3, FR/L/4)	1 (FR/L/1)			4
9.1.1.4 In the past, the criminal justice system has not paid due attention to the concerns and rights of victims. It is about time that victims' concerns are taken more seriously.	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
<b>S</b>	2 (FR/S/4, FR/S/5)	1 (FR/S/1)	2 (FR/S/2, FR/S/3)			5
<b>P</b>		4 (FR/P/1, FR/P/2, FR/P/4, FR/P/5)			1 (FR/P/3)	5
<b>J</b>		3 (FR/J/4, FR/J/6, FR/J/7)	4 (FR/J/1, FR/J/2, FR/J/3, FR/J/5)			7
<b>L</b>		1 (FR/L/1)	3 (FR/L/2, FR/L/3, FR/L/4)			4

**Criminal justice is principally a legal case between the public ministry and the perpetrator of the offence; the role of the victim in criminal proceedings is thus necessarily limited.** On this subject, the opinions of all the legal professionals questioned are divided.

For some, the role of the victim in the criminal proceedings is secondary, whereas for others the role of the victim is as important as that of the other parties. However, the opinions are not as divided as they may appear to be. Indeed, there is a form of consensus in saying that the victim is not excluded from criminal proceedings, but each party in criminal proceedings has their role and their place: the Public Prosecutor brings the charge, the private parties (defence and victim) make their arguments (FR/P/1, FR/J/1).

FR/P/1: *“Everyone has their role in criminal proceedings: prosecutor, investigator, judge, victim... The victim has their role of victim”.*

FR/J/1: *“The victim does not have the same role as the public ministry and the defendant or the accused. But they are not completely excluded from the proceedings. And they have an increasingly important role through legislative reforms”.*

At the criminal level, so in connection with the public action which sets the Public Prosecutor against the defence, the victim has a limited role. However, in criminal proceedings as a whole, the victim must be treated as equally as the defence (FR/J/2).

FR/J/2: *“On the criminal law level, justice is the legal case between the Prosecutor and the defence. The criminal sanction aspect is not something for the victim. The interests of society are defended by the Public Prosecutor. The victim defends their own interests. These are two different things. That does not mean that the victim has a lesser role, but their role is shifted to the area of reparation”.*

The victim must take part in the work of uncovering truth; particularly because this gives direction to the hearing (FR/L/2). In the current state of the law, one can no longer describe criminal proceedings as an opposition between the charge and the defence, it is necessary to include the victim (FR/L/1).

FR-L-1: *“One could imagine a tripartite trial with society, the victim and the perpetrator. Today, the legal proceedings are an opposition between the charges and the defence, but we are moving towards more place for the victim. Gradually we are moving towards tripartite proceedings, which I would be favourable to”.*

FR-L-1: *“The role of the victim should be more important. The victim is also present so the hearing has a direction, so that the attacker understands that they have done wrong”.*

**Although victims are gaining in influence in criminal proceedings, this could risk destabilising the fragile balance between the prosecuting authority and the rights of the defence.** On this point also, the opinions of all the legal professionals questioned are divided.

For some, the victim must remain in their role to protect the balance between the charges and the defence. In the law, taking into account the rights of the parties in criminal proceedings ensures a balance between the parties in the case (FR/J/1, FR/J/2). The victim should not intervene within the framework of the public action, which remains an opposition of charge/defence (FR/P/1). It is necessary to take care to maintain a certain balance within the criminal proceedings (FR/J/4). Nevertheless, there should be better information provided for the victim (FR/J/2).

**For others, granting a more influential place to the victim would not affect the balance of charge/defence.** To this end, professionals note that the victim has an influence even from their presence at the time of the procedure; however, this influence does not prevent the proper functioning of the criminal proceedings (FR/L/2). Victims have a necessary and positive influence during criminal proceedings (FR/P/3).

**In general, professionals in the criminal justice system take the rights and concerns of victims seriously.** The majority of the legal professionals met agree with this statement, except for associations who are more divided. This consideration of the victim is all the more true for intra-family violence, which is a government priority (FR/P/1). However, the attitude of legal professionals towards the victim can sometimes seem indifferent or distanced: this is explained by the fact that it is necessary to know how to maintain a distance from the victim to preserve objectivity and to be able to judge in all impartiality (FR/L/2). Moreover, certain professionals are more sensitive than others to the situation of the victim (FR/J/7).

**In the past, the criminal justice system did not pay sufficient attention to the concerns and the rights of victims. It is time that the concerns of victims were taken more seriously.** Whereas the opinions of the all the professionals are **divided** on this statement, it is possible to highlight unity among members of the police. The members of police agree with this statement; according to them it is necessary to better take into account the concerns of victims. But certain professionals have a more moderated position. In recent years, there have been important changes in favour of victims (FR/J/1), but there remains room for improvement (FR/J/2, FR/L/2, FR/L/3, FR/J/5, FR/J/6). More particularly, for domestic violence, twenty years ago the victim was taken into account only a little: it was more difficult for the victim of domestic violence to lodge a complaint, as it was considered that this concerned the privacy of families (FR/J/4). Nevertheless, the current treatment of the victim is still not perfect. In general, the lack of resources available to the judicial institutions is a barrier to taking victims into consideration (FR/J/2). Moreover, information for the victim on their rights and their role can still be regarded as insufficient (FR/J/5). More specifically, a recurrent difficulty should be underlined: that of the victim recovering the damages the convicted person has been ordered to pay by the courts; since if the offender is insolvent or has few resources, the victim remains deprived of this (FR/J/3, FR/J/5).

## 9.2. Views of victims

9.2.1. Did the experience of the interviewed victims in the course of the investigation and the ensuing proceedings rather add to the harm done by the offender(s) or support them in coming to terms with the experience of victimisation (Question V 9.1)?

Overall, what I experienced during the investigation and the court proceedings	rather added to the harm done by the offender;	7 (FR/V/2, FR/V/4, FR/V/6, FR/V/7, FR/V/8, FR/V/10, FR/V/11)
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	mitigated the harm done by the offender;	2 (FR/V/3, FR/V/9)
	I couldn't tell/don't know.	3 (FR/V/1, FR/V/5, FR/V/12)

Please provide an analysis and your own interpretation of the results:

**What feelings did the victim experience during the investigation and the court proceedings?**

The majority of victims feel that the legal process added to their suffering and damage rather than helped them.

It arises from the interviews carried out with victims that the procedure is long, one therefore needs a certain amount courage to commit to lodging a complaint.

It also arises that the outcome of the procedure is often disappointing due to ineffective investigations, an absence of a rulings, insufficient sentences, and insufficient compensation. Consequently, the victim may feel that their damage and their suffering were not truly taken into account by the justice system, and even beforehand, that the words of the victim were not listened to.

Lastly, the legal process in itself can be difficult, mainly for two reasons. On the one hand, it can lead to the victim and their attacker meeting, this always poses a challenge for the victim. In addition, certain professionals may not show themselves to be sufficiently attentive to the situation of the victim.

9.2.2. To what extent did the interviewees agree to the following statements (Question V 9.2)?

	Strongly agree	Agree	Disagree	Strongly disagree	Don't know	TOTAL
1. During the investigation, I had the impression that my concerns and rights were taken seriously by the police and were given due attention.	1 (FR/V/3)	3 (FR/V/5, FR/V/10, FR/V/12)	5 (FR/V/1, FR/V/2, FR/V/7, FR/V/9, FR/V/11)	3 (FR/V/4, FR/V/6, FR/V/8)		12
2. At the court trial, I had the impression that my concerns and rights were taken seriously and were given due attention by the court.		2 (FR/V/3, FR/V/10)	2 (FR/V/1, FR/V/4)	2 (FR/V/7, FR/V/8)	6 (FR/V/2, FR/V/5, FR/V/6, FR/V/9, FR/V/11, FR/V/12)	12

3. Overall, the investigation and the following proceedings conveyed a strong message that justice is done.		1 (FR/V/3)	3 (FR/V/4, FR/V/7, FR/V/9)	4 (FR/V/1, FR/V/2, FR/V/6, FR/V/8)	4 (FR/V/5, FR/V/10, FR/V/11, FR/V/12)	12
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Please provide an analysis and your own interpretation of the results:

**During the investigation, the victim had the impression that their concerns and rights were taken seriously by the police and were given due attention.**

The majority of victims feel that during the investigation their concerns and rights were not sufficiently taken into account by the police. Therefore certain victims reported a disappointing reception from the police, in particular a long wait to lodge a complaint, a rapid investigation carried out without conviction, doubts about the victim's claims, encouraging the victim not to lodge a complaint or to withdraw their complaint, or a lack of information on the rights which the victim has.

**At the court trial, the victim had the impression that their concerns and their rights were taken seriously and were given due attention by the court.**

On the attention paid by the judge to the victim and their rights at the time of the trial, the opinions of victims are divided. First of all, certain victims could not answer this question because they did not get to the stage of the hearing, either because their case is ongoing, because the Public Prosecutor decided not to prosecute, or because the police investigation did not provide sufficient evidence to prosecute the victim's attacker.

For those victims who experienced the stage of the hearing before the court, opinions are divided as to consideration of their concerns and their rights.

It arises from the interviews carried out that certain magistrates may be attentive to the fate of the victim, their situation and their rights. The rights of victims are generally better protected when the victim is accompanied by a lawyer and/or is advised by a victim support association.

Conversely, certain interviews highlight unsatisfactory court decisions with respect to the sentence or compensation granted to the victim. Consequently, the victim may feel that they were not listened to, and that their situation was not taken into account.

**Overall, the investigation and the following proceedings conveyed a strong message that justice is done.**

The majority of victims feel that the court ruling on their case did not send a strong message according to which justice had been done. Victims underlined a lack of prosecutions by the Public Prosecutor, or the use of a simple alternative to the prosecution (which was highly insufficient, according to the victim, when taking into consideration the suffering). Others report insufficient sentencing and/or insufficient compensation. This can lead to people thinking that the justice system did not respond to the offences to which a person was victim, and that the victim was not taken into account. In this respect, the remarks made by one victim are telling; she feels she was forgotten by the justice system. This victim feels she lost everything; she almost found herself in the street, and she was financially ruined by the costs of the proceedings (lawyer, experts). Yet this happened while the perpetrator of the offences received legal

aid, he was listened to better, he spent only six months in prison and he is already free and has begun a new life. This victim is exhausted by a procedure which lasted seven years (FR/V/4).

## Conclusions

This Section draws from the last sections of the interview templates (“Observations and a general assessment of the interview”). In particular, recurring themes and overarching observations and assessments are to be included here.

**Although certain professionals feel, with some reservations, that the law for victims is satisfactory since in recent years progress has been made (FR/P/3, FR/J/1, FR/J/4), others underline the limited role of the victim and the inadequacy of their rights (FR/L/1, FR/L/3).** In the same way, victims may have some criticism towards the current state of the law. Indeed, progress can be made to improve the situation of the victim at the time of criminal proceedings.

First of all, **the reception** of victims within police stations could be improved (FR/L1, FR/L/2). Initially, there may, in certain police stations, be quite a long wait to lodge a complaint (FR/J/3, FR/V/7), the victim may be asked to go back on several occasions to lodge a complaint (FR/V/1), it may be necessary to insist that a member of the police agrees to take a complaint (FR/S/2, FR/V/1), the police may prefer rather to orient the victim to an incident report (*main courante*) than to a complaint (FR/V/7), it may be necessary to insist that the police come out to intervene (FR/S/2), the victim may also criticise the police for distorting their remarks (FR/V/2), or even take sides in favour of the attacker (FR/V/2, FR/V/4). Moreover, better reception could be facilitated if the association sector intervened regularly and directly within police stations and gendarmerie brigades; this would facilitate making contact with victims (FR/J/2, FR/S/3). In addition, audio and/or video recordings of the victim's statement could be carried out to avoid secondary victimisation (FR/P/2).

Subsequently, victims could be better **informed** of their rights and of their role in criminal proceedings (FR/L/1, FR/S/1, FR/S/5, FR/S/4, FR/V/1, FR/V/6, FR/V/7, FR/V/8) as well as of the existence of associations to help victims (FR/S/3, FR/V/6). This information should be provided in clearer and simpler terms (FR/S/3, FR/V/10).

*“At the level of the police there is systematic information because the contact details of a victim support association have to appear on the complaint slip (récépissé du dépôt de plainte) but it is buried in the middle of lots of information and the victim does not understand the importance of this information; the officer should accompany this with verbal explanations (nature of the assistance) - that is not done systematically, but associations are working to improve this. Reiterating the information is also very important” (FR/S/3).*

In particular, there should be better information on the actual implementation of their rights, as information on their rights can sometimes remain very theoretical for the victim (FR/J/1, FR/J/2, FR/L/2, FR/L/3, FR/J/3, FR/J/5). In this respect, local initiatives should be increased where the Public Prosecutor, or even the police, can contact a victim support association for it to make contact with the victim, without waiting for the victim to contact the association (FR/J/1, FR/J/2, FR/J/6). National criminal procedure could also include occasions for informing victims so that they are better informed of their rights and their role (FR/L/2, FR/J/2). Moreover, the victim should be granted better access to the casefile through a legal professional (FR/P/2, FR/L/3). It should be noted that victims may prefer not to be informed of the procedure because it can be very difficult, particularly psychologically so (FR/V/3); in this respect, it would be necessary to be attentive to the possible wishes of the victim to be kept at a distance from the procedure.

**Criminal proceedings must also be improved, in particular in that they must protect the interests of victims.** As such, **certain victims may be disturbed by certain aspects of the procedure.** For example, one victim explains that she was surprised that following her phone call to report violence, the police arrived at her home and asked the woman victim to leave the house with her children, and not the violent husband; the victim then questioned the weight and the value of her words (FR/V/1). Victims may feel that they are not listened to at the various stages of the procedure (FR/V/4). Certain victims also criticise an **absence of protection measures taken** for them (FR/V/9). For example, although aware of the situation, the police refused to go out to a victim who had telephoned the police during a violent incident (FR/V/7). Another illustration is that of gendarmes who refused to accompany a victim to her home so that she could recover personal effects, leaving her alone to face the risk of meeting her violent husband. It would be useful to set up standard protection procedures for victims (FR/V/1, FR/V/6, FR/S/3). Certain victims criticise an **absence of protection measures against the risk of secondary victimisation**; thus, the victim may have to wait in the same place as their attacker while waiting for a court hearing (FR/V/1). **Victims report unsatisfactory court decisions.** Firstly, **victims may report long procedures**, which are psychologically difficult and which have a financial cost (FR/V/8).

*"It is suicide to lodge a complaint. You die, you leave your health behind during the procedure which is very long." (FR/V/8).*

The **sentence** handed down to the perpetrator of the offences is insufficient in comparison with the seriousness of the offence (FR/V/1, FR/V/4, FR/V/7, FR/V/9). **The compensation** for the victim is also insufficient (FR/V/1); moreover taking into consideration the low, or even a lack of, income of the attacker, sometimes the victim does not even consider it useful to request compensation (FR/V/5). Victims also bemoan the slowness of the procedure, which sometimes leads to low sentences and/or low compensation (FR/V/4).

Lastly, certain victims highlighted the value and the contribution of associations within the framework of the procedure, both in providing legal support and psychological support (FR/V/3, FR/V/4, FR/V/5, FR/V/10). Consequently, it is necessary to reinforce the role of **associations** which support victims within the framework of criminal proceedings by granting them more resources (FR/P/5, FR/S/2, FR/S/4) or by the development of specialised support services, particularly for sexual violence and/or domestic violence (FR/L/1, FR/J/5). Moreover, certain victims report a **difficulty in contacting a victim support service**. Such that, on occasions, the victim gives up their attempts to meet a victim support association (FR/V/1). Yet the support of the associations is important for the victim. However, certain victims say they were dissatisfied by action taken by the association both from a legal point of view and from a psychological support point of view (FR/V/8).

**More specifically, for domestic violence the present study shows a failing in the implementation of the rights available to victims, in particular for victims of offences other than domestic offences.** Admittedly, the study in itself does not make it possible to draw general conclusions (it would be necessary to interview more victims), but this study seems to show that there is imbalanced implementation of the rights which victims have, depending on whether it is a domestic offence or not.

Therefore, **more victims of domestic violence report that they are taken into consideration less by the police and legal institutions:** the police are more reluctant to attend when the victim contacts them to report violence, and what the victim of domestic violence says is questioned more. For example, one victim of domestic violence had to go on several occasions to lodge a complaint (FR/V/1, FR/V/4): with the police refusing the complaint or preferring to log an incident report (*main courante*). This situation is difficult for the victim who needs courage to lodge a complaint, in particular they may fear reprisals from a violent husband (FR/V/7). In effect, a victim of domestic violence is often more hesitant in lodging a complaint; as such, she may opt for an incident report, or lodge a complaint then withdraw it. (FR/V/9).

In the same sense, victims of domestic violence stated **that they felt absent from criminal proceedings** (FR/V/6, FR/V/7), and that the police and justice system did not involve them sufficiently. Compared to victims of offences other than domestic offences, the victims of domestic violence expect more support, more attentive listening, that the legal institution involve them more in the decision-making process, and more legal advice and information on the progress of the case and their role (FR/V/1, FR/V/4, FR/V/6, FR/V/9, see point 3.6.1).

*“You are not listened to at all...there was a moment when I regretted it, but I was already in the middle of the procedure, I regretted it, I said “but why did I lodge a complaint?” I shouldn't have”. (FR/V/4).*

Equally, and although the figures are not easily comparable, it arises from the report that there is **less severity from the justice system towards the perpetrators of domestic violence** compared to the perpetrators of other offences (see point 4.2.1). Thus, there may have been a warning (form of admonition) and a ban on approaching the victim for a violent husband (FR/V/9). Similarly, a violent husband may be sentenced to community work (FR/V/1) or a fine (FR/V/7). Conversely, perpetrators of violence leading to a total incapacity to work have been sentenced to prison terms (FR/V/4, FR/V/6). The idea here is not to give a comparison, the data is insufficient in this respect; nevertheless this illustration of less severity shown by the panel of people questioned must be underlined.

It therefore arises from the declarations of the victims questioned that throughout the criminal proceedings, domestic victims of violence are less well treated by the police and legal institutions than victims of offences other than domestic offences. One explanation for this is perhaps found in the fact that domestic violence occurs in private, it is thus more difficult to have witnesses. The police may accord more credit to the statements of a victim of non-domestic offence who is attacked in a public place in front of witnesses (who may have alerted the police (FR/V/10)) than to the claims of a victim of a domestic offence attacked in private. In the same way, the judge may be more inclined to convict the perpetrator of violence if there are witnesses than the perpetrator of domestic violence without witnesses, since in this latter case, the judge is faced with one person's word against another person's word: those of the victim and those of the attacker; this simple opposition may be insufficient for the judge to decide to move towards a conviction.

Although the victim should benefit from more guarantees within the framework of criminal proceedings and they should be better supported, **the victim must, nevertheless, remain in the place they have within the framework of criminal proceedings**. Their role should not merge with that of the Public Prosecutor which brings the charges (FR/J/1, FR/J/2, FR/J/5, FR/L/1, FR/L/3).

Moreover, there also exist delicate difficulties to resolve and which constitute an **obstacle to the better taking into account of victims**.

As such, the question of the victim **feeling guilty** arises on several occasions (FR/P/2, FR/L/3, FR/S/4, FR/V/6). On the one hand, there is a particular difficulty in lodging a complaint for certain offences, in particular those committed within the couple or the family sphere (FR/P/3, FR/P/4), on the other hand, the victim may at least partly feel they are responsible for the situation in which they find themselves. Consequently, they may refuse to alert the police or to withdraw a complaint which was initially lodged, or to minimize the responsibility of the attacker (FR/S/4).

*“What prevents victims from coming to see the police is that, obviously they do not like what they are living, but they feel partly responsible for the situation. So victims do not want to acknowledge to the police that they are partly responsible for what they are living. These victims may feel that they deserve what is happening to them.” (FR/P/2).*

Necessarily, in such a case the intervention of the police and legal institutions is much more difficult. Thus, "the police and legal institutions cannot defend a victim against herself" (FR/J/2). In the same train of thought, certain victims are in a state of dependence on their attacker; thus a woman may go to the police to lodge a complaint without wanting her husband to be convicted because he could be imprisoned; however, it happens that only he is working, that he is the only source of income for the household; the woman victim thus needs this money to live (FR/J/3)

In addition, there may exist a difficult relationship between the police and magistrates and the victims. Indeed, the **police and justice system must maintain a certain distance from the victim in order to carry out an investigation, and to decide or judge with all necessary objectivity**; this attitude can be poorly interpreted by victims (FR/P/5, FR/J/1, FR/L/3). In effect, the victim may be surprised by the distancing which the police and magistrates may adopt, because they know they are a victim. However, the investigators and the judges have the role of showing this. Of course, they will take into account the victim and their rights, but they cannot ignore the accused who benefits from the presumption of innocence until a court convicts them.