

Domestic Abuse Reform in France



Introduction

In the last ten years almost 1400 French women have been killed by their partner or ex-partner. Following pressure from the press, feminist organisations, and from the wider public France has introduced a number of significant reforms. With help from the DG Violence Against Women and Girls Subcommittee, I gave an overview of Scots law and practice to two of the working groups.

Forces for change

The forces for change came in different forms but a detailed enquiry by a team of journalists from the newspaper "Le Monde" into each of the 128 murders committed by a partner or ex-partner in 2018 proved to be decisive in turning intention into action.

The reporting of "Le Monde"

The journalists painstakingly reconstructed each murder, revealing to the French public the familiar patterns of psychological domination, threat of violence, violence, and murder. Le Monde also exposed the police, the prosecuting authorities, and the Courts, and called them to account for failing to investigate, prosecute, and use legal means of protection that had been at their disposal for many years.

"The Enquiry"

Responding to the public pressure generated by "Le Monde" and a host of other bodies the French Government held an enquiry that took place between 3 September and 25 November 2019. The 11 working groups presented their findings on 11 October to which the Government responded on 26 November announcing 30 measures for reform.

The Measures in outline

- Awareness raising on domestic abuse in schools.
- Public awareness raising of the national "3919 helpline" for victims of domestic abuse.
- Police awareness training, the introduction of a standardised risk assessment tool, and the extension of legal powers during investigation.
- Improving the care of victims at police stations.
- Increasing availability and use of emergency telephones and geo-localisation bracelets.
- Introducing the concept of coercive control into law.
- The suicide of a victim becoming an aggravating factor in sentencing.
- Amending the strict laws of professional confidentiality to allow medical staff to report suspected abuse.
- Suspending the rights of parents regarding their children and future obligations of children to their surviving parent in the case of domestic murder.
- Extending the provision of emergency accommodation and family contact centres.

- The creation of a special legal process that will allow for assessment of accused persons.

Conclusion

Prime minister Edouard Philippe said, when announcing the government measures that “it is the perspective of a whole society that has to change”. This is something that we are aware of in our own country. When giving evidence to the working group chairs for legal measures and children, I was aware both of how much we have achieved in Scotland and how much more remains to be done.

As I write, the collective “Femicides par compagnons ou ex » have announced the murder of Karine Ducastel by her ex-husband. She leaves behind two children aged 22 and 17. Her death is the 90th so far this year in France.

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Long Version

Introduction

Pressure for a transformation in thinking about male violence to women and children has been growing in France for over a decade, a decade in which 1400 women were killed by a partner or ex-partner. The conviction and imprisonment in 2014 of Jacqueline Sauvage for the murder of her husband Norbet Marot caused a public outcry. The key facts were not disputed: Mme Sauvage killed her husband with three gunshots to the back of the head as he sat outside on a deckchair. That the murder brought to an end 47 years of physical, sexual, and psychological violence at its most extreme was not disputed. Neither was it disputed that the four children of the marriage had suffered the same torments and that the suicide of Mme Sauvage’s son, Pascal, the day prior to the murder, had been preceded by an act of humiliation and a threat from his father that he would murder him. The court at Orléans sentenced Jacqueline Sauvage to ten years in prison for pre-meditated murder and two requests for release would be refused on the grounds of failure to express remorse. She was finally released in December 2016 when the remaining years of her sentence were quashed in a rare intervention in criminal affairs by President Hollande. In her autobiographical account of her marriage, the murder, and her imprisonment (“I just wanted it to stop: It was him or us”), Mme Sauvage gives a very clear analysis of the process of physical, psychological, and sexual terror which she and her children were exposed to and harmed by on a daily basis. Mme Sauvage’s trial, imprisonment, and release remained in the media spotlight for several years. A film (“It was him or us”) was released in 2018.

It was in 2018 that the newspaper “Le Monde” began its campaign of awareness raising. During that year, a team of 12 journalists investigated each of the 128 murders committed that year by partners and ex-partners and the associated murders of 21 children. The portraits of the victims are respectfully crafted, revealing the background and the character of the life (and lives) that were cut short. The “Le Monde” analysis revealed a pattern of police and court mishandling that left

perpetrators at liberty and still in the possession of the weapon that would be used in the murder. Prosecuting authorities were criticised for not proceeding with a high number of cases, for delays in instigating procedures, for liberating dangerous partners, for underusing the range of protective measures already in place, for leaving in their drawers 2/3 of the national stock of emergency telephones that would instantly alert the police to the presence of an offender, and for referring women who complained about domestic abuse to the national mediation service. Courts were criticised for poor sentencing decisions and for allowing defence agents to argue that their clients should receive mitigation for their “crime of passion”.

Not only did the readers of “Le Monde” learn about domestic murder and the failings of public services, they also learned about the process of abuse; gradual immersion into psychological control, threats of violence, violence, separation, and murder. They learned too that children were exposed to the same threats and control, that 21 children had been murdered that year in the context of domestic abuse, and that 60 had witnessed the murder of their mother. Through analysis, the French people learned too that children who had lost a parent due to domestic murder remained under legal obligation to pay for the care of the surviving parent in their old age. This was journalism at its most powerful.

A third driver for change is the actions of feminist organisations such as “Femicide par compagne ou ex” who use social media to publicise and record every death and commemorate the life that has been lost, and “The Gluers”, who were formed in Paris but now exist throughout France raising awareness of domestic abuse and recording the names of victims by clandestinely pasting notices on public buildings, creating memorials to the dead. The #MeToo movement was also an important driver for change in raising awareness not only of male violence, but of the pitiful level of confidence that victims have in receiving justice in the legal system.

Finally, when beginning his presidency in 2017, President Emmanuel Macron announced that achieving greater equality between men and women would be the defining policy of his five-year term. His appointment of Marlène Schiappa as Secretary of State for Gender Equality with a track record of confronting violence towards women and children would prove to be prescient in responding to the public outcry that demanded change.

The Enquiry

The enquiry (or “Grenelle” in French) took place between 3 September and 25 November 2019. In that short period of time 102 local events attracted 4,550 people, 60 specialists were interviewed, 51 local victim groups were recruited to record victim accounts, and 11 working groups assembled and formulated evidence which they presented to the government on 11 October. The Government responded to the enquiry report on 26 November announcing 30 measures for reform.

Prime Minister of the time, Edouard Philippe said, when announcing the government measures, “it is the perspective of a whole society that has to change”.

The Measures in more detail

Measures of education: To begin the process of change, Edouard Philippe ordered that all teachers will be trained to recognise domestic abuse and that all secondary school children will study a module on equality between men and women, including domestic abuse.

The “Grenelle” had heard of low public awareness of the **national 3919 helpline** and its lack of availability at key points on the day. The French Government promised to increase publicity and funding so that it could operate 24/7 to meet the demand that was accelerating during the enquiry.

Police competence will be increased with a national training programme, the introduction of a three-part structured professional judgement **assessment tool** developed by the Canadian criminologist Christine Drouin, and the introduction of police powers to confiscate **firearms** at the beginning of their enquiry. The care of victims during the police enquiry will be reinforced by a **30% increase in the number of social workers in French police stations**.

Whereas in Scotland, breach of professional confidentiality is a disciplinary matter, in France it is a criminal one. The law will be changed in France to allow **medical professionals** to report concerns to specialist domestic abuse procurators, without the consent of their patient, where they think that a patient is at risk.

Recognising **the deaths of 217 female victims of domestic abuse by suicide**, the law will be changed to create an aggravation of domestic abuse leading to suicide/attempted suicide.

The concept of “**coercive control**” (“l’emprise” in French) will be introduced into law

The legal process intended to speed up sentencing (“**la compuration à délai différé**”) is amended in cases of domestic abuse, allowing Courts to continue cases for two months for assessment. Two residential centres will be created in each of the 18 regions of France for **multi-disciplinary assessment** under the supervision of psychiatrists and psychologists.

A change to the law makes it illegal for cases where domestic abuse is alleged to be referred to the Judge of Family Affairs for **mediation**.

The **emergency telephone handset** (“Le téléphone du grand danger”) that has been in existence since 2014 but largely neglected in practice will be generalised and 1000 **geolocalisation ankle tags** for alleged and convicted offenders will be introduced.

To raise confidence in Courts **inter-disciplinary training of court staff** will be introduced. Training for all French judges on domestic abuse began in November 2019.

The law is also changed to remove the requirement placed on adult children to pay for the **care of dependent parents** in cases where their surviving parent has murdered their mother.

The reform makes several changes that apply to children. In France the authority of parents over their children is a legal concept. Where a parent is in prison the law requires that **children are taken to see the imprisoned parent** when this is requested by that parent. This requirement is abolished in the case of domestic murder thus demolishing the oft held view that a violent husband is not necessarily a bad father. Although, I thought that the reporting in Le Monde did marginalise discussion on how children are affected by domestic abuse, the law has been changed to acknowledge **the impact of domestic abuse on children** and the circumstances of children are now taken into account during the criminal enquiry. The Government has also agreed to develop a network of places where fathers can either see their children or pick them up in the common case in France of shared care, without having any contact with their former partner.

Finally, the French Government committed itself to the creation of 750 more spaces in **emergency accommodation** and 250 more spaces in more permanent options for victims.

Analysis

It is unusual in French legal reform to introduce changes by announcing that legal reform will not be enough without an accompanying psychological transformation across the whole of French society. The new legislation does put a strong emphasis on awareness raising and training, and it is also fair to say that individual components of the legal system have undertaken their own audits of practice and responded with changes in outlook and practice. Speaking to a female victim of domestic abuse the day following his government's announcement of the reform President Macron captures the dual approach saying, "fear and guilt are going to change sides, something has changed in French society and we mustn't let that drop". His government is accused though of providing inadequate funding to resource his intentions.

Since the announcement of the measures to combat "the plague" of domestic abuse, France has been forced to face other harsh realities, the publication of "La familia grande" by Camille Kouchner in January 2021 in which she alleges incest at the highest level of French public life, led to television debates, disputes within families, calls for help, and skeletons being forced back into the closet. The release of the report of the committee led by Jean-Marc Sauvé published on 5 October 2021 which states that between 1950 and 2020, 216 000 children (over 80% of which were boys) suffered sexual abuse from ordained members of the catholic church. Rape was present in 32% of cases. The committee added that if the scope was extended to include organisations and individuals working on behalf of the church then the number of victims would be extended to 330 000. These are staggering figures.

Whilst it might be tempting to read the words of this article and be shocked at the extent of violence towards women and children in a much larger population, feel dismay at the practice of police and judiciary, and be horrified at the harm that has and is taking place in the home and in the church, we have to remind ourselves of several things; that one victim is one victim too many and that in this country we still have many victims, that we have an ongoing national enquiry into child abuse in our institutions, that our conviction rates for intimate and private violence remain lamentably low, and as we are learning from the Sarah Everard murder misogyny exists where we need it least, in the services where women must be able to go for protection and justice. Whilst I was proud to be able to tell those leading the reform in France about the work in Scotland and in particular the work of the Dumfries and Galloway Violence Against Women and Girls Subcommittee, I am conscious of the words of former French prime minister Edouard Philippe, that the eradication of violence against women and children relies, not on the actions of a few good people but on "a change in the perception of a whole society".

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