

Address by Colonel Xavier Denis, Commandant du Groupement de Gendarmerie du Jura – “Examples of Good Practice”

Let me start first with thanking the OSCE and especially Mrs Seftaoui for this invitation that provides me with the pleasure to stand up today in front of you in order to present how the French law enforcement agencies, the gendarmerie in particular, tackle with violence against women.

As I was told when preparing this speech, I will on purpose restrict the scope of my presentation to domestic violence also called family violence; I mean violence sustained by women and being perpetrated by their male partners within the limits of private accommodations.

The commitment of French law enforcement agencies in dealing with this form of violence against women is in proportion with the level of harmfulness reached by what must be clearly considered as a crime although it is relating to privacy.

In France, a woman dies every third day because of deadly violence perpetrated by a partner or an ex-partner. Recent surveys revealed that, every year, almost three percent of women aged from eighteen to sixty confront, at least once, violent behaviours from their partner, whatever the form it could have taken.

In reaction, fighting against domestic violence has become for years a high priority for French justice and law enforcement agencies. Since two thousand and four, successive three-year plans have reached dramatic improvements in tools dedicated to assess and prevent domestic violence, to protect the victims as well as to sentence offenders. Let me give you some examples of what has been achieved so far regarding criminal justice:

- An article in our criminal law provisioning on violence entitles judges to increase the sentence in case the offender and the victim were engaged in an intimate relationship
- Legally speaking, forced sexual intercourses between partners are considered as criminal sexual abuses
- In case of repetition of crime, and in addition to the criminal sentence, judges may oblige the offenders to join a rehabilitation program including medical treatment if necessary
- A special article in our criminal law provides law enforcement officers, prosecutors or judges with the power to evict violent partners either immediately or later, depending on the result of investigations. The average number of cases entailing such a decision is about one thousand a year.

Reinforcing and extending the scope of criminal justice in the perspective of protecting victims thanks to a specialized legislation went along with strengthening efforts in preventing violence and in assisting victims. This has been the objective of a large number of raising awareness campaigns through TV, press and Internet that started from two thousand and one. Let me mention the most significant:

The first campaign, *Break the Silence*, targeted women with messages that their situation was not shameful but that in order to find help, they must speak about the problem. The second, *Stop the Violence: Acting is Speaking About It*, emphasized prevention with leaflets, posters and public service advertising on television that all contained national telephone hotlines, information about organizations that can help and advice on the law and seeking assistance. In two thousand and seven a third campaign, *Speak Before It Is Too Late*, was used to widely promote the single national toll-free phone line dedicated to victims.

I have with me the materials of the last campaign launched very recently and dedicated to victims as well as to perpetrators.

In the same time, the co-operation with and support to French local NGOs operating in the field of domestic violence has been dramatically improved. Currently, French governmental officials are working on a daily basis with a network of one hundred and sixty eight NGOs able to welcome victims in one thousand three hundred and fifty places that are to be found throughout the country, not including gendarmerie and police stations.

At the very local level, the co-ordination between NGOs and governmental agencies is ensured by a governmental representative for Women Rights who, as you may understand, the gendarmerie is used to work with on a daily basis.

Going now on the daily involvement of the gendarmerie when dealing with domestic violence against women, I would like to make three preliminary statements in order to provide you with a clear picture from the law enforcement agencies perspective. Please do not get me wrong: this is not because domestic violence is a very specific crime that we could do nothing. But it is a fact that some aspects of this violence are likely to hamper our efficiency.

Firstly, domestic violence is mainly a "private crime" that contributes to render it invisible to the community and, as a consequence, less damaging than other forms of crime. As such, the public is not as careful they could be for thefts or burglaries for instance and may think "this is not their business". It is also a crime being perpetrated within limits officers are not supposed to infringe without special permission. Finally, domestic violence occurs in no special places, during no special time and is not perpetrated by partners with a special profile. Considering this, law enforcement agencies cannot prevent, detect or investigate this crime according to their usual practices and techniques.

Secondly, this is not a crime we are usually reported by victims or witnesses. We estimate that less than twenty five per cent of the victims come to us for lodging an official complain. And among those twenty five per cent, almost fifty per cent withdraw their complaint before trial.

Let me now comment these figures. Victims of domestic violence do not report to us because they are ashamed. They consider their family life is a failure given it is not as perfect it should be, referring to social standards according to which family should be the place for trust and confidence. And most of time, victims think they are responsible for this failure. Victims of domestic violence do not report to us because they are scared. Not only about retaliation in case they report to us and not only because of possible loss of incomes but also because they still have feelings. As a surprise, most of victims do not demand the violent partner being sent to jail but they want him to change and to become again the nice guy they met years ago.

Thirdly, this is a crime that is not necessarily a "material" crime. Domestic violence does not only take the shape of physical violence. It could also results from psychological violence as insults, constant humiliation, blackmailing, threats or from violence with no evidence such as deprivation from currencies or forced confinement.

In those cases, I mean violence with no visible prejudice, the burden of the proof belongs to the plaintiff and the investigators who may encounter difficulties in bringing evidence to the court.

Going back to practical aspects, I would like to present how, at the local level, we took into account the specificity of domestic violence against women and, consequently, how we adjusted our practices according to three main objectives.

The first one is about improving our capacities in apprehending the crime and in managing properly the victims. In this perspective, we trained fifteen officers as specialists in this matter who are to be found all over the territory of the jurisdiction. Besides their perfect knowledge in criminal law relating to domestic violence, these officers were provided with a special training in victim interviews as well as in detecting signs likely to alert on a case. On a daily basis, and considering their location to the public, they are tasked to raise awareness among the population as well as collecting information from their colleagues or from any valuable sources and networks about potential cases of domestic violence. In case a victim would like to report, these officers take the whole case into account from the first interview to the trial.

These specialized officers work under the supervision of one of my direct collaborator who is sitting the next door of my office. This officer, with the rank of Lieutenant, was especially hired for this purpose. Her background in psychological studies and her previous experience in working with NGOs is of great added value given she is in charge of coordinating and liaising with all organisations and structures that may assist the victims. Collecting all reports from the officers on the beat, she makes sure the cases are properly forwarded to the relevant NGOs as well to the prosecutor. In addition, she has the responsibility to organise raising awareness local meetings together with the people working with the NGOs and the aforementioned local representative for Women Rights. Finally, she is also tasked to train the officers operating in our call centre in how to deal with victims when calling for reporting or complaining.

I would like here to mention that the role fulfilled by this Lieutenant is, in other gendarmerie or police jurisdictions, devoted to a dedicated social worker, especially hired and settled within stations close to the staff. The number of such social workers has now reached one hundred and fifty.

The second objective is about ensuring better protection to the victims. One of our main concerns was how to manage a woman, sometimes with children, reporting on the phone in the middle of the night that she wants to leave because of violence from her partner. Sometimes, arresting the perpetrator and evicting him from the residence of the family is not possible because he ran away and then still represents a threat for the victim. Thanks to the co-operation with the NGOs which funded this project, the officers working in our operational room are now able to provide, night and day, the victims with free transportation to where they want to go as well as with immediate and secure accommodation in designated hotels.

The third and last objective is to better assist the victims through a follow-up mechanism, for two reasons. Firstly, we noticed that frequent contacts with the victims was a powerful obstacle to repetition of violence. Through these contacts, managed by the Lieutenant in charge in my Front Office and ensured either directly by her or the specialized officers on the beat, we established with the victims a kind of an individual relationship that is likely to ease the reporting process when needed. In addition, violent partners may feel a kind of pressure, being aware that we carry on observing any sign of violent behaviour that would immediately entails a reaction from our part. Secondly, we assessed that regularly informing the victims on progresses in investigations on their cases has a positive effect on their willingness to sue the offender till a criminal sentence.

I am aware that we could do much more for reducing domestic violence. But I do guess that we achieved so far visible results, especially when observing the increasing number of complaining victims that rose to thirty per cent between two

thousand and three and two thousand and seven. Although it could be thought as the sign of an increasing number of cases, it should be considered first as the encouraging evidence we succeeded in convincing these victims that violence from their partners is basically a crime. This is also a benchmark indicating that confidence is growing between victims and law enforcement agencies which are from now on thought to be trustful and skilful enough to deal with private matters as well as to provide relevant assistance.

I would like too to stress the successful partnership established between all actors involved, encompassing social workers, NGOs, law enforcement officers, prosecutors and so many others. Social and criminal approaches to domestic violence are each a part of the solution as they are complementary for bringing a comprehensive response. From my experience, I will conclude by promoting this synergy between people from different horizons and different cultures but able to get together for protecting victims and their fundamental rights.