

## DOMESTIC VIOLENCE

### What makes a domestic violence?

Any form of violence inside a couple may be considered as domestic violence.

It is **aggressive behavior, violent and destructive** towards its partner.

Violence may be **physical, oral** (insults, threats), **psychologic** (disparagement, humiliations), **sexual, material** (trashing goods), **economic or confiscation of documents**.

These behaviors are criminally objectionable.

**Caution:** Forced sex inside a couple, married or not, constitutes a rape as well as any other sexual relationship without consent.

### What alternative to filing a complaint exists?

If the victim does not consider complaining yet, it may start by **dropping a statement** at the police station, explaining the facts.

Basically, it does not give rise to an investigation or a judicial supervision. Simply **leaves a trace of a written event that might be used in case of later judicial proceedings**, especially to prove and recount the domestic violence.

When the violence occurred, it is wise of going to see a doctor to have cares and to establish a medical certificate.

The statement made by a health professional allows to prove traumatic lesions or symptoms traducing a psychological pain.

This medical exam do not have to be, but, allows to provide necessary cares by a professional under professional privacy.

If the victim of domestic violence feels unsafe, he or she **may leave home**, alone or with the children, **but only warning police or gendarmerie**.

### How can the victim make a report?

The victim can complain near a police or gendarmerie unit to report an offense he or she has been through, and to identify the offender.

If the investigator service refuses to register the complaint, it is possible to seize straight the Public Prosecutor in writing, giving all the details of the violence and the circumstances the report was refused.

**Caution:** The lodging does not lead necessarily to the violent spouse incarceration.

The lodging does not lead neither to the children placement of the couple into another family except if the victim cannot look after them.

### What are the proceedings that exist to protect quickly the victims of domestic violence?

A victim of violence inside a couple may seize the judge for family business in emergency in a goal to obtain a **protection order**.

This order enables measures to be put in place **to put the violent spouse away**.

It targets especially the offender to come close to the victim. The judge may order the eviction of the violent spouse from marital home.

The judge **may decide on the parental authority exercise**. The judge will organize immediately the separated life of the spouses and children (parental authority exercise, contribution to marriage expenses).

The measures inside the protection order are taken for 6 months and might be extended.

The victim may be assisted with a lawyer for this request. He or she may crave the legal aids if the financial resources are not enough. Totality or part of the legal fees (Lawyer fees, ushers remunerations, expert fees...) will be taken care of by the state.

If the victim is married the offender, this protection order must be followed by a divorce

### FORM TO FILL IN

Fill in the form: "Protection order":

[http://www.justice.gouv.fr/art\\_pix/modele\\_requete\\_OP.pdf](http://www.justice.gouv.fr/art_pix/modele_requete_OP.pdf)

To be sent by letter, or on spot with the must documents to/

**Tribunal de Grande Instance de Cayenne  
Cayenne, High Court  
15 Av. du Général de Gaulle  
97300 Cayenne**

**Chambre détachée de Saint Laurent du Maroni  
Chamber from Saint Laurent du Maroni  
5 Av. Lieutenant-Colonel Chandon  
97320 Saint Laurent du Maroni**

### DOCUMENTS TO PROVIDE

- Complete copy of your birth certificate IN ORIGINAL
- Simple copy of the last legal decisions intervened in family matters about you
- Complete original up-to-date copy of the birth certificate of each child concerned (an acknowledgement of recognition for unmarried parents)

- Proof of residence
- Copy of the family book
- Any documents justifying your request (for instance: quick statement, certificates and medical ones...)

The documents in support of your request will be enclosed in **three copies**

**This request may be made by a lawyer as well.** If you cannot afford paying one, you may request legal aids filling in Cerfa form n°12467\*02, to load on the following link: <https://www.service-public.fr/particuliers/vosdroits/R1444>.

### What are the penal sanctions?

In case of **penal sanctions**, after recording the complaint and before the judgement, **immediate measures exist to ensure the victim safety** and, if applicable, the children'.

Waiting for the trial, the alleged violence offender may be **forced into leaving the marital home**, being placed under legal control, subjected to obligations fixed by the judge (live out of the marital home, not get contact, cares obligations...) or being placed on remand.

Caution: Some victims do not want the violence offender to be subject to a criminal conviction but simply end violence.

However, the Public Prosecutor is the only one to decide on the follow-up to the complaint. Prosecution against the domestic violence offender independently of the complaint.

The Prosecutor may decide to summon the alleged offender near high Court, to give a warning, to pronounce a suspended sentence, a penal mediation, a criminal mediation or to propose health, social or professional measures.

In case of trial, the victim may **sue for civil injury (1)** to be aware of the proceeding, appeal and subpoena. The victim could obtain damages.

Violence towards a spouse, a partner being considered as aggravated violence, penal sanctions can be up to ten years imprisonment and 150 000 euros fine, depending on severity and frequency of the violence.

In case of rape inside a couple, the maximum penalty is 20 years in jail.

### EMERGENCY CONTACTS

Legal card “SUE FOR CIVIL INJURY”

Police help 17

SAMU 15

Emergency home 115

## CONTACTS FOR ASSISTANCE

- Phone support

### **Violences Femmes Info (Violence towards women information)**

By phone: 39 19 (free call from a house phone or mobile)  
Open from 8am to 10pm, Monday to Friday and from 9am to 6 pm on Saturday, on Sunday and public holidays.

### **08 Victimes (Victims)**

By phone: +33 (0) 1 41 83 42 08 from overseas or abroad  
Open 7 days a week from 9am to 9pm (Cost of a local call from a home phone)

- Reception and support

### **Association l'Arbre Fromager (Cheese tree Association)**

By phone: 05.94.38. 05.05  
On spot: 1 rue François Arago, 97300 CAYENNE

### **Centre d'Information sur les Droits des Femmes et des Familles (CIDFF) : Information center on the Women and Family Rights**

By phone: 05.94.38.62.48  
On spot or by mail: 7 rue Felix-Eboué, 97300 Cayenne  
By Email: [cidffguyane@yahoo.fr](mailto:cidffguyane@yahoo.fr)

- Legal information

### **Bureau d'aide aux victimes (Victim assistance Office)**

By phone: 06.94.95.34.03  
Tribunal de Grande Instance de Cayenne, 15 Avenue du Général de Gaulle, 97300 Cayenne

### **Conseil départemental d'accès au droit de Guyane (Council of access to rights)**

By phone : 05.94.29.76.33  
Cayenne, High Court 15 Avenue du Général de Gaulle, 97300, Cayenne  
Permanence in Kourou, Saint-Laurent du Maroni, Saint Georges, Maripasoula, Macouria et Matoury  
By mail: [cdad.guyane@orange.fr](mailto:cdad.guyane@orange.fr)

- Bureau d'aide juridictionnelle : TGI de Cayenne/ Legal aid Office in Cayenne, High Court

By phone : 05.94.29.76.30  
On spot : Cayenne, High Court Home, 15 Avenue du Général de Gaulle, 97300 Cayenne