

FRANET

Victim Support Services in the EU:
An overview and assessment of
victims' rights in practice

France, 2014

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1. Part A:

The information presented in this phase is primarily based on analysis of the country specific reports received in phases 1 and 2 of the project; the general overview of the situation of victim support in Member States (phase 1) and the more in depth exploration of the situation, including promising practices which offer support to victims of crime in different ways (phase 2). Information has also been taken from secondary sources such as the 2009 APAV study on Victims in Europe.¹ While phase 2 of the project was divided into two parts, focussing firstly on generic victim support services and secondly on specialised areas of victim support, this third phase of the project, comprised of Parts A and B, will focus principally on the structure or lack thereof of generic victim support services; although a limited number of questions relate to specialised areas of victim support. For this part, please provide detailed, concise answers. For guidance purposes, sample answers are often provided, which primarily draw on information provided in country-specific reports from phases 1 & 2 of the project. When returning your report to the FRA, please ensure that all sample answers have been deleted, as these are for guidance purposes only and should not form part of your response. In addition, in cases where your country is one of the examples provided, please review and revise the information as necessary, as the information provided may be outdated.

2.1 Scenarios

In the following situations, please describe the referral system (from police to victim support organisation) in the current victim support structure in your country; including whether police routinely refer the victim to a support service; where is the victim referred and who deals with the case in the end (as a guideline, keep to 2 or 3 sentences (maximum) per question within each scenario. Please choose either 'Yes' or 'No' for questions a. and c. of each scenario, in addition to questions 6-13 and provide comments in the 'Description' field. For questions b and d, please provide your comments directly in the 'Description' field).

	Scenario	Questions	Yes	No	Description (max 1-3 sentences)
1	A female who has been beaten by her partner and calls the police	a. Do the police routinely refer the victim to a support service?	X	X	If the person then comes forward to the police/gendarmerie unit, she will be given contact details of a local victim support NGOs (in annex of the receipt of the complaint, otherwise via verbal communication or NGO leaflets), in line with the legal requirement of information (see 2.4). But there is no automatic referral. She may be received by a trained officer (see below) and be able to benefit from the support of a social worker (Police and Gendarmerie) or a psychologist (police only) – only available in some units - but also sometimes staff of generic or specialised victim support NGO) present in the unit, or accessible in their own premises or in public structures (e.g. Maison de Justice et du Droit).

¹ Aa, S. van der *et al.* (2009), Project victims in Europe – Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union, Lisbon, available at: [www.apav.pt/vine/images/report_vine_eng.pdf].

		<p>b. If yes, please name the service(s)</p>	-	-	<p>Victims will usually be received in specialised units with trained staff and support (Brigade de protection des familles (BPF) for the police) and sometimes by referent officers (“réfèrent violences conjugales” for the police / or réfèrent aînés violences intra-familiales (AVIF) in Gendarmerie)². Social workers (intervenants sociaux)³ are present both in police and gendarmerie units (178 in total, with 92 in police and 59 in gendarmerie, and 27 present in both)⁴ to listen to victims, identify needs for support and offer information and referrals. If the victim turns to an NGO, it may be a generic victim support NGO (e.g. of the INAVEM network (Convention signed with the Ministry of Interior in 2005⁵) or a more specialised NGO such as the Centre national d’information sur le droit des femmes et des familles (CNIDFF), the Fédération Nationale Solidarité Femmes (FNSF) (common convention signed with the Ministry of Interior in 2006)⁶.</p>
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² [France,] Fort, M-L. (2012), La victime au cœur de l’action des services de police et de gendarmerie, Rapport remis à Monsieur François Fillon, premier ministre et M. Claude Géant, Ministre de l’Intérieur, de l’Outre-mer, des Collectivités territoriales et de l’Immigration, [pp.21-22], available at : [\[www.ladocumentationfrancaise.fr/rapports-publics/124000104/index.shtml\]](http://www.ladocumentationfrancaise.fr/rapports-publics/124000104/index.shtml).

³ [France,] Association Nationale d’Intervention sociale en Commissariat et en Gendarmerie (2013), Les intervenants sociaux en commissariat de police et groupement de gendarmerie. Un rôle clé à l’interface de l’action sociale, policière et judiciaire, available at : [\[www.prevention-delinquance.interieur.gouv.fr/fileadmin/user_upload/03-Champs_d_action/Aide_aux_victimes/aniscg-4pages-HD.pdf\]](http://www.prevention-delinquance.interieur.gouv.fr/fileadmin/user_upload/03-Champs_d_action/Aide_aux_victimes/aniscg-4pages-HD.pdf).

⁴ Latest figures available, shared by the Delegation for Victims (Délégation aux Victimes – DAV), Ministry of Interior, 14 April 2013.

⁵ [\[www.inavem.org/index.php?option=com_classifications&Itemid=45\]](http://www.inavem.org/index.php?option=com_classifications&Itemid=45).

⁶ Information shared by the Delegation for Victims (Délégation aux Victimes – DAV), Ministry of Interior, 14 April 2013; See also: [France,] Ministry of justice (2012), Les violence conjugales. Fiche pratique, available at: [\[www.justice.gouv.fr/publication/fp_violences_conjugales.pdf\]](http://www.justice.gouv.fr/publication/fp_violences_conjugales.pdf).

		c. Do the police routinely contact this service on behalf of the victim?	X	Usually, it is up to the person/victim to contact the victim support NGO if she wishes to be supported. Law enforcement officials may sometimes assist if the person would like to be helped and if the NGO/social worker is present in the police/gendarmerie unit, a referral or an appointment can be made immediately. More exceptionally, in-house social workers (police and gendarmerie) and/or psychologists (in police only) – who have access to internal records of complaints/persons received and are in touch with officers - may take the initiative to contact directly the victim if she is identified as particularly vulnerable (or hesitating to file a complaint) to inquire about any need for support (the victim may decline that offer for support) ⁷ . It is otherwise the Prosecutor who can mandate a victim support NGO to meet with the victim and offer support (which the victim may decline) ⁸ .	
		d. Which support service would in the end deal with such a case?	-	-	This will depend on the option(s) chosen by the victim, and the course of the procedure. If in touch with a victim support NGO, the victim may be able to rely on NGO support throughout the procedure, including during a trial phase, e.g. with regular meetings with the NGO staff (including often a psychologist). If not, and if a judicial procedure follows through, she may seek and obtain information and support from the NGO-run offices for victim support (Bureau d'Aide aux victimes-BAV), present in jurisdictions (see also 2.6.4.1).

⁷ Information shared by the Delegation for Victims (Délégation aux Victimes – DAV), Ministry of Interior, April 2013.

⁸ [France,] Code of criminal procedure, Article 41, available at: [www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006071154&idArticle=LEGIARTI000025585622&dateTexte=20120405].

2	A teacher reports the sexual abuse of a child to the police	a. Do the police routinely refer the victim to a support service?	X	X	If informed by the police, the Prosecutor will request a hearing of the child by police officers and the medical examinations required for the case. In some areas, both may be carried out at once in dedicated medico-legal units (Unité d'Accueil medico-judiciaire - UAMJs), where social workers or victim support NGOs may be available for an first contact with the child victim and/or accompanying adults to offer support and orientation (some 50 UAMJs exist across the territory). If the complaint is filed directly with the police, generic information, with contact of the local victim support NGOs should be provided, in line with the legal requirement to inform victims.
		b. If yes, please name the service(s)	-	-	Support may be available in specific units dealing with infractions concerning minors or intra-familial. These include the (Brigade de protection des familles (BPF) or Brigade des Mineurs in Police, and Brigade de prevention de la délinquance juvenile – BPDJ in Gendarmerie) and specialised medico-legal units where the child may be heard and undergo medico-legal examinations (Unité d'Accueil Médico-judiciaire – UAMJ), allowing for direct referral. They may work for a local generic victim support NGO (usually member of the INAVEM network) or the local authority (Conseil Général – competent for child protection) or even sometimes children's rights NGOs.
		c. Do the police contact this service on behalf of the victim?		X	Usually, it is up to the person/victim to contact the victim support NGO if she wishes to do so. Law enforcement officials may sometimes assist if the person would like to be helped and if the NGO/social worker is present in the police/gendarmerie unit, referral or appointment can be made immediately. More exceptionally, in-house social workers (police and gendarmerie) and/or psychologists (in police only) – who have access to internal records of complaints/persons received and are in touch with officers - may take the initiative to contact directly a victim identified as particularly vulnerable (or hesitating to file a complaint) to inquire about any need for support (the victim may decline that offer for support) ⁹ .

⁹ Information shared by the Delegation for Victims (Délégation aux Victimes – DAV), Ministry of Interior, April 2013.

		d. Which support service would in the end deal with such a case?	-	-	If the abuse is intra-familial and the child is exposed and needs to be protected while the investigation are carried out, the Prosecutor may issue an order for protection (ordonnance provisoire de protection-OPP), placing the child in a social institution, with support of the competent local authority (Conseil Général) and its partners (NGOs implementing educational support measures and measures of placement). If parents are targeted by the investigation or unable to support the child in judicial proceedings, an ad hoc administrator (sometimes from an NGO) may be designated by the Prosecutor or the investigating judge, and be of support to the child also in ensuring an adequate psycho-social support, besides social services from the local authority (Aide sociale à l'enfance).
3	A person calls the police following a burglary in their apartment	a. Do the police routinely refer the victim to a support service?	X		If the person then comes forward to the police/gendarmerie unit, she will be given contact details of a local victim support NGOs (in annex of the receipt of the complaint, otherwise via verbal communication or NGO leaflets), in line with the legal requirement of information (see 2.4). But there is no automatic referral. She may be received by a trained officer (see below) and be able to benefit from the support of a social worker (Police and Gendarmerie) or a psychologist (police only) – only available in some units - but also sometimes staff of generic or specialised victim support NGO) present in the unit, or accessible in their own premises or in public structures (e.g. Maison de Justice et du Droit).
		b. If yes, please name the service(s)	-	-	Concerning the NGO the victim will be able to contact, it will usually be the local member of the INAVEM federation of victim support NGOs ¹⁰ , with whom the Ministry of Interior has signed a convention in 2005 (an additional protocol is usually signed locally). There are no specific support services or NGOs supporting victims in cases of burglary.

¹⁰ [www.inavem.org/index.php?option=com_content&view=article&id=212&Itemid=5].

		c. Do the police contact this service on behalf of the victim?	X	Usually, it is up to the person/victim to contact the victim support NGO if she wishes to do so. Law enforcement officials may sometimes assist if the person would like to be helped and if the NGO/social worker is present in the police/gendarmerie unit, referral or appointment can be made immediately. More exceptionally, in-house social workers (police and gendarmerie) and/or psychologists (in police only) – who have access to internal records of complaints/persons received and are in touch with officers - may take the initiative to contact directly the victim identified as particularly vulnerable (or hesitating to file a complaint) to inquire about any need for support (the victim may decline that offer for support) ¹¹ .	
		d. Which support service would in the end deal with such a case?	-	-	This will depend on options chosen by the victim, and the course of the procedure. If in touch with a victim support NGO, the victim may be able to rely on NGO support throughout the procedure, including during a trial phase, e.g. with regular meetings with the NGO staff (including often a psychologist). If not, and if a judicial procedure follows through, she may seek and obtain information and support from the NGO-run Offices for victim support (Bureau d'Aide aux victimes-BAV), present in jurisdictions (see also 2.6.4.1).
4	A person is the victim of a racist attack by a gang of youths	a. Do the police routinely refer the victim to a support service?	X	X	If the person then comes forward to the police/gendarmerie unit, she will be given contact details of a local victim support NGOs (in annex of the receipt of the complaint, otherwise via verbal communication or NGO leaflets), in line with the legal requirement of information (see 2.4). But there is no automatic referral. She may be received by a trained officer (see below) and be able to benefit from the support of a social worker (Police and Gendarmerie) or a psychologist (police only) – only available in some units - but also sometimes staff of generic or specialised victim support NGO) present in the unit, or accessible in their own premises or in public structures (e.g. Maison de Justice et du Droit). A specific protocol may also lead to a referral to a specialised NGO (see below).

¹¹ Information shared by the Delegation for Victims (Délégation aux Victimes – DAV), Ministry of Interior, April 2013.

		b. If yes, please name the service(s)	-	-	Contacts given to the victim may be those of a generic, local victim support NGO (e.g. member of the INAVEM network). A convention was also signed in 2010 between the Ministry of Interior and the Ligue Internationale Contre le Racisme et l'Antisémitisme (LICRA) ¹² , anticipating provision of information in police and gendarmerie units and referrals, when appropriate, to local units of this NGO (local protocols were also developed based on this convention).
		c. Do the police contact this service on behalf of the victim?		X	Usually, it is up to the person/victim to contact the victim support NGO if she wishes to do so. Law enforcement officials may sometimes assist if the person would like to be helped and if the NGO/social worker is present in the police/gendarmerie unit, referral or appointment can be made immediately. More exceptionally, in-house social workers (police and gendarmerie) and/or psychologists (in police only) – who have access to internal records of complaints/persons received and are in touch with officers - may take the initiative to contact directly the victim identified as particularly vulnerable (or hesitating to file a complaint) to inquire about any need for support (the victim may decline that offer for support) ¹³ .
		d. Which support service would in the end deal with such a case?	-	-	This will depend on options chosen by the victim, and the course of the procedure. If in touch with a victim support NGO, the victim may be able to rely on NGO support throughout the procedure, including during a trial phase, e.g. with regular meetings with the NGO staff (including often a psychologist). If not, and if a judicial procedure follows through, she may seek and obtain information and support from the NGO-run Offices for victim support (Bureau d'Aide aux victimes-BAV), present in jurisdictions (see also 2.6.4.1).

¹² [France.] Ministry of Interior, Ligue Internationale Contre le Racisme et l'Antisémitisme (2010), Convention on the fight against racism and anti-Semitism.

¹³ Information shared by the Delegation for Victims (Délégation aux Victimes – DAV), Ministry of Interior, April 2013.

5	An elderly person is mugged on the way home from collecting their monthly pension and is in urgent need of financial assistance	a. Do the police routinely refer the victim to a support service?	X	X	If the person then comes forward to the police/gendarmerie unit, she will be given contact details of a local victim support NGOs (in annex of the receipt of the complaint, otherwise via verbal communication or NGO leaflets), in line with the legal requirement of information (see 2.4). But there is no automatic referral. She may be received by a trained officer (see below) and be able to benefit from the support of a social worker (Police and Gendarmerie) or a psychologist (police only) – only available in some units - but also sometimes staff of generic or specialised victim support NGO) present in the unit, or accessible in their own premises or in public structures (e.g. Maison de Justice et du Droit).A specific protocol may also lead to a referral to a specialised NGO (see below).
		b. If yes, please name the service(s)	-	-	The victim would be referred most probably to a victim support NGO available locally. The police and gendarmerie services may also contact the local authority (Conseil général), to flag the vulnerability of the person concerned (“signalement” administratif). Information may also be available (leaflets) or given about the hotline for elderly and disabled persons who are victim of mistreatment (3977) and the NGO which runs it (ALMA-France) ¹⁴
		c. Do the police contact this service on behalf of the victim?			Usually, it is up to the person/victim to contact the victim support NGO if she wishes to do so. Law enforcement officials may sometimes assist if the person would like to be helped and if the NGO/social worker is present in the police/gendarmerie unit, referral (or appointment) can be made immediately. More exceptionally, in-house social workers (police and gendarmerie) and/or psychologists (in police only) – who have access to internal records of complaints/persons received and are in touch with officers - may take the initiative to contact directly the victim identified as particularly vulnerable (or hesitating to file a complaint) to inquire about any need for support (the victim may decline that offer for support) ¹⁵ .

¹⁴ [www.alma-france.org].

¹⁵ Information shared by the Delegation for Victims (Délégation aux Victimes – DAV), Ministry of Interior, April 2013.

		d. Which support service would in the end deal with such a case?	-	-	This will depend on options chosen by the victim, and the course of the procedure. If in touch with an NGO providing support, the victim may be able to rely on NGO support throughout the procedure, including during a trial phase, e.g. with regular meetings with the NGO staff (including often a psychologist). If not, and if a judicial procedure follows through, she may seek and obtain information and support from the NGO-run Offices for victim support (Bureau d'Aide aux victimes-BAV), present in jurisdictions (see also 2.6.4.1).
6a	In relation to how police deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.		X	X	There are no special measures in place concerning strictly how police or gendarmerie services deal with victims with a disability. Information will usually be given on the option to also contact the hotline for persons with disabilities (and elderly person) who are victims of mistreatment (3977) for a professional support; and may be given also on the 114 helpline service for persons who are deaf or with a hearing impairment ¹⁶ . Note: Universal physical accessibility is a standard set by the law of 11 February 2005 (and article L111-7 of the code of construction) and applicable to police and gendarmerie units, as places that welcome the public. Such accessibility should be guaranteed at the latest by the 1 st January 2015 ¹⁷

¹⁶ [www.interieur.gouv.fr/Archives/Archives-des-actualites/2011/Le-114-nouveau-numero-d-urgence-pour-les-personnes-sourdes-ou-malentendantes].

¹⁷ [www.developpement-durable.gouv.fr/Etablissements-anciens-recevant-du,13105.html].

6b	In relation to how victim support services deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.	X	X	With respect to the way victims with a disability are received by generic victim support services, there are no special measures in place on a national level. Article 10 of the code of ethics of the INAVEM federations provides that the mission of support (mission d'accueil) should be accomplished without any form of discrimination ¹⁸ . Its staff reports that special attention is also brought to the condition of participation of a civil party in trial phases, notably in terms of physical accessibility of the Court ¹⁹ . But some specialised services do also exist for the support and orientation of victims with disabilities with a network of volunteers also assisting older persons ²⁰ and the national 3977 hotline ²¹ . Locally, some partnerships may exist, e.g. with structure hosting persons with disabilities, to facilitate referrals of such victims to the NGO, for tailored support (as for instance in the Nièvre region since 2012) ²² . Other NGOs offer online resources for social orientation ²³ . The Fund dealing with compensation, has adopted, in a victim charter ("Charte de la victime") a special measure to facilitate the procedure and professional support for victims who are faced with a very significant disability (<i>situation de grand handicap</i>) (see article 5) ²⁴ .
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¹⁸ [France.] INAVEM (1996), Code de déontologie, available at: [www.inavem.org/index.php?option=com_content&view=article&id=96&Itemid=170].

¹⁹ Information shared by the INAVEM Federation, May 2012.

²⁰ [www.alma-france.org].

²¹ [www.social-sante.gouv.fr/IMG/pdf/Depliant-3977-numero-contre-la-maltraitance-handicapes-personnes-agees.pdf].

²² [www.inavem.org/index.php?option=com_content&view=article&id=491&Itemid=263].

²³ [www.aideauxvictimes-valenciennois.fr/violences_intrafamiliales/maltraitance_des_personnes_agees_et_handicapes/]; [www.association-aide-victimes.fr/Adresses%20utiles%20pour%20les%20personnes%20atteintes%20d%20un%20handicap.htm].

²⁴ [www.fondsdegarantie.fr/actualites/328-charte-victime].

7a	In relation to how police deal with victims, are there special measures in place for victims who are migrants with illegal residency status ²⁵ ? If yes, describe them. If no, please provide a justification/explanation.		X	There are no special measures in place for such victims but the status of the person in terms of residency in the country has no incidence on the way she/he is received by police or gendarmerie services ²⁶ . Note: The Charter for the reception of the public and victim support (developed in 2003), to be displayed in all police and gendarmerie units, while using the term “citizen” in article 2, also recalls that “victims of criminal infractions receive an adequate support (“accueil privilégié”) ²⁷ . Legal standards do not allow for any differential treatment based on illegal residency status.
7b	In relation to how victim support services deal with victims, are there special measures in place for victims who are migrants with illegal residency status ²⁸ ? If yes, describe them. If no, please provide a justification/explanation.		X	There are no special measures in place, as confirmed by the INAVEM federation ²⁹ . It can be noted that, beyond non-discrimination, NGO victim support organisations do also guarantee confidentiality. But this standard applies for all users of their services ³⁰ .
7c	Are migrants with illegal residency status excluded from accessing support from victim support organisations in practice?		X	There is no such exclusion. Some obstacles to an adequate support may arise in practice, due to language, or a distance issue if the victim has no fixed residence and is travelling, as reported by the INAVEM federation ³¹ . Legal dispositions do also limit the right to compensation, and thus the opportunity to seek support in this respect (see 2.7).

²⁵ Please note that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is ‘migrants in an irregular situation.’ For the purposes of these guidelines however, reference will be made to ‘migrants with illegal residency status.’

²⁶ Information shared by the Délégation for Victims (Délégation aux victimes – DAV), Ministry of Interior, April 2013.

²⁷ [France.] Ministry of Interior (2012), Charte de l'accueil du public et des victimes, available at : [www.interieur.gouv.fr/A-votre-service/Ma-securite/Aide-aux-victimes/Aide-aux-victimes-informations-pratiques/Accueil-du-public-et-des-victimes].

²⁸ Please note that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is ‘migrants in an irregular situation.’ For the purposes of these guidelines however, reference will be made to ‘migrants with illegal residency status.’

²⁹ Information shared by the INAVEM federation, May 2013.

³⁰ www.inavem.org/index.php?option=com_content&view=article&id=491&Itemid=263

³¹ Information shared by the INAVEM federation, May 2013.

8	Is access to victim support services dependent on a victim making a formal complaint to competent authorities (e.g. the police)?		X In theory at least, it is not. Article 53-1 and 75 (introduced by the law of 15 th June 2000) of the code of criminal procedure notably provides that judicial police officers (and agents, under supervision of the first) “inform by any means victims of their right (...) to be assisted by a service attached to one or several local public authorities or by an accredited victim support NGO” ³² . A circular of 2001 makes more explicit how this information is to be provided and recalls that the obligation of information is not limited to victims who do want to file a complaint but also to those simply heard by the police ³³ . One of 2007 recalls that « <i>it is imperative that the contact details of victim support NGOs be given to each victim coming to the Commissariat (police unit) or Gendarmerie, whatever the reason and whatever the hour</i> ” ³⁴ .
9	In practice, do victim support services afford preferential treatment to victims who have agreed to cooperate with a police investigation into the crime they have experienced (e.g. by dealing with them more rapidly than victims who are not cooperating with a police investigation)?		X Victims who file a complaint may receive contact details of the victim support NGO in writing (annex to the receipt (récepissé) containing various information), while it can otherwise be shared verbally with a victim that does not. Beyond, no distinction is anticipated and equal treatment is the norm in terms of referrals.
10a	In reference to part ‘c’ of questions 1-5, in the event that police contact victim support services on the victim’s behalf, is there an automatic transfer of the victim’s data? ³⁵		X No transfer of personal data takes place with victim support NGOs (whether or not present in the unit) without prior consent of the victim. Such transfer of personal data intervenes only internally when social workers or psychologists working in units have access to records of complaints/or of persons received or daily activity (which may lead to an initiative to contact a vulnerable victim to offer support). ³⁶ Psychologists intervening in police stations are police staff and social workers can be considered to be bound by professional confidentiality (under article 226-13 of the Code of Criminal procedure) with general exceptions foreseen in article 226-14 ³⁷ .

³² [France.] Code of criminal procedure, Articles 53-1 and 75, available at : [www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071154].

³³ [France.] Ministry of Justice, Circulaire 'Présentation des dispositions de la loi du 15 juin 2000 renforçant la protection de la présomption d'innocence et les droits des victimes relatives aux victimes', 14 May 2001, available at : [www.justice.gouv.fr/bulletin-officiel/dacg82d2.htm#111].

³⁴ [France.] Ministry of Justice, Circulaire du SADJPV relative aux droits des victimes dans le procès pénal et à leur mise en œuvre, 9 October 2007, available at : [www.textes.justice.gouv.fr/art_pix/boj_20070005_0000_p007CircSADJPV_9Oct.pdf].

³⁵ For example, personal data (name, address etc.) as well as any relevant details relating to the incident being transferred rather than having to be supplied again by the victim.

³⁶ Information shared by the Delegation for Victims (Délégation aux Victimes – DAV), Ministry of Interior, April 2013.

10b	If the answer to 10a above is yes, is the police obliged to obtain the victim's permission/consent for the data transfer?			-
10c	Is there a legal basis for the communication/transfer of the victim's data? What is it?	X		Article 15-3 of the code of criminal procedure provides that judicial police (Police and Gendarmerie) have a duty to register complaint and "to transmit it, when applicable, to the judicial police service or unit with territorial competence". A 2001 circular spells out recommendations on how this transmission should operate, depending on the service where the complaint was filed and the one competent for the investigation, and depending also on the type of infraction ³⁸ . It suggests protocols can be developed locally, under the leadership of the Prosecutor's office. Article 11-1 of the code of criminal procedure also provides that the Prosecutor or the investigation judge can authorise the sharing of information about the judicial procedure with authorities or institutions (with express capacitation) ³⁹ . The communication of personal data to victim support NGOs (non-judicial), may only be done if the victim asks for it or consent if a suggestion is formulated to that extent (to allow the NGO to contact her/him) ⁴⁰ and general data protection legislation applies.

³⁷ [France,] Délégué interministériel à la Ville (2008), Guide pratique, les intervenants sociaux en commissariat et en gendarmerie, Repères—les éditions de la DIV, available at: [www.ville.gouv.fr/IMG/pdf/Reperes_-_Guide_interv_Sociaux_cle7bb2d8.pdf].

³⁸ [France,] Ministry of justice, Circulaire 'Présentation des dispositions de la loi du 15 juin 2000 renforçant la protection de la présomption d'innocence et les droits des victimes relatives aux victimes', 14 May 2001, Section 2.1.3. 'Transmission de la plainte au service ou à l'unité de police judiciaire compétent', available at: [www.justice.gouv.fr/bulletin-officiel/dacg82d3.htm#1213].

³⁹ [France,] Code of criminal procedure, Article 11-1, available at:

[www.legifrance.gouv.fr/affichCode.do;jsessionid=61B039767011337CAA1102269664DBDF.tpdjo10v_1?idSectionTA=LEGISCTA000006138088&cidTexte=LEGITEXT000006071154&dateTexte=20090824].

⁴⁰Information shared by the Delegation for Victims (Délégation aux Victimes – DAV), Ministry of Interior, April 2013.

2.2 Institutional aspects: role of state in victim support structure

In the following section, please complete/verify the information requested in the following tables, placing your country in the appropriate category, or, where information is provided, checking the accuracy of the information and revising as necessary (i.e. by moving your country name from the incorrect column to the correct column along with a justification)

2.2.1 Models of generic victim support

Generic victim support organisations are for the present purposes defined as “not limited to helping a particular type of victim of crime”. With the above definition in mind, please: a) Review the list and short description of structure of generic victim support organisations operational in your country provided for in Annex 2 and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned. **Countries listed in Annex 2 shaded in green (and in category ‘A’ below) have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations.** These countries should provide a short list (in Annex 2) of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). **As a default, please select the area ‘Domestic violence and stalking’.** b) Place your country in one of the following categories (A, B, C, D or E) and provide an explanation about why your country should be placed in that group. For each group, one example has been provided for guidance purposes. If your country is one of the examples provided, please review and revise the information as necessary, placing your country in a different group if the information provided is incorrect. **Please delete all examples from your response and insert your country name in only ONE column.** (Note: only country codes are listed. For full country names, please refer to Annex 1).

A: No generic victim support provider exists	B: At least one generic victim support service provider exists at national level. The main provider or structure is state run and state funded	C: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run but relies strongly on state funding	D: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run and does not rely strongly on state funding	E (OTHER) – if you cannot place your country in any of the other categories, please describe
		FR		
Explanation/justification:				
In 2012, France had 173 victim support NGOs accredited locally (conventions) ⁴¹ . These NGOs are largely supported by funding from both state and local authorities and shoulder the public policy on victim support. They work in close cooperation with the police and the judiciary, notably with a presence both in police/gendarmerie units and in courts (operating Offices for victim support (<i>Bureau d'aide aux victimes (BAV)</i>) ⁴² as well as in public structures providing general legal and administrative support to the general public (ex. <i>Maison de justice et du droit (MJD)</i>) ⁴³ . Over 150 of these NGOs are currently members of the National Institute for Victims and Mediation (<i>INAVEM</i>), a federation supported by various public administrations. In a 2012 report, the Court of Auditors thus recalls that the NGO network is considered as the cornerstone element (“ <i>pierre angulaire</i> ”) of public policy of victim support ⁴⁴ .				

⁴¹ [France.] Commission des lois constitutionnelles, de la législation et de l'administration générale de la République de l'Assemblée nationale (2012), Avis sur le projet de loi de finances pour 2013 présenté par Mme Nathalie Nieson, députée, [p.18], available at : [www.assemblee-nationale.fr/14/budget/plf2013/a0258-tvii.asp].

⁴² [France.] Code of criminal procedure, article D.47-6-15, available at: [www.legifrance.gouv.fr/affichCode.do;jsessionid=9B51274AEBEF2065810B668344FE5226.tpdjo13v_1?idSectionTA=LEGISCTA000006150959&cidTexte=LEGITEXT000006071154&dateTexte=20130510].

⁴³ [France.] Code of judiciary organisation, Article R131-1, available at: [www.legifrance.gouv.fr/affichCode.do;jsessionid=9B51274AEBEF2065810B668344FE5226.tpdjo13v_1?idSectionTA=LEGISCTA000018923104&cidTexte=LEGITEXT000006071164&dateTexte=20130510].

⁴⁴ [France.] Cour des Comptes (2012), 'La politique d'aide aux victimes d'infractions pénales', in : *Rapport public annuel 2012*, available at : [www.ccomptes.fr/Publications/Publications/Rapport-public-annuel-2012].

2.2.2 Public coordination of victim support services

Please answer the following questions by completing the tables. Two examples have been provided (for questions 1 & 2) for guidance purposes. **Please delete all examples from your response and insert your country name in only ONE column.** If your country is one of the examples provided, please review and revise the information as necessary. Please provide references of the full name of the body in question in both English and the national language (Note: only country codes are listed. For full country faMas, please refer to Annex 1).

1. Please specify "bybplaciogpian 'X' in the peddvant columns) wèic* ministry or ministries have a role in victim support provision* YI addition, please provide\$a0qhort explanation in the comments field.						
	Ministry of Justice	Ministry of Labour	Ministry of Health / Social Affairs	Ministry of Interior/	Any other	COMMENTS
FR	X	X	X	X	Ministry of Women's Rights Ministry of Sport, Youth, popular education and civil society life Ministry for urban policies (Ministère délégué à la Ville) Ministry of Economy and Finances Ministry of Foreign Affairs Ministry of Education Ministry of Housing Ministry of Agriculture and Fishery	On the national level, the Ministry of Justice and the Ministry of Interior are chiefly concerned by victim support provision. But to a variable degree, many others ministries are also involved, notably through: <ul style="list-style-type: none"> - protocols, e.g. signed with the federation of victim support NGOs (<i>Fédération Nationale d'Aide aux Victimes et de Médiation - INAVEM</i>) concerning support for their own staff if victim of violence (e.g. in hospitals) or for nationals who are victims abroad⁴⁵. - the funding of initiatives such as the helpline (<i>08 Victimes</i>) or recent campaigns against harassment in schools⁴⁶ or against sexual harassment⁴⁷ with the provision of resources for support. - the funding of actions and territorial structures providing support to victim such as the emergency victims support service (<i>Service d'Aide aux Victimes d'Urgence - SAVU</i>). - participation in the National Council on Victim Support (<i>CNAV</i>)⁴⁸ and in the Inter-ministerial Council on the Prevention of Delinquency⁴⁹ ((CIPD) see also 2.) or in the governing board of compensation funds

45 [www.inavem.org/index.php?option=com_content&view=article&id=213:ministeres-partenaires&catid=11:partenariats&Itemid=297].

46 [www.agircontreleharcelementalecole.gouv.fr].

47 [www.stop-harcelement-sexuel.gouv.fr].

48 [France,] Décret n° 99-706 relatif au Conseil national de l'aide aux victimes, 3 August 1999, available at :

[www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000577807&dateTexte=&categorieLien=id].

49 [France,] Décret n° 2006-52 instituant un comité interministériel de prévention de la délinquance, 17 January 2006, article 1, available at :

[www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000242295&dateTexte=&categorieLien=id]; [www.prevention-delinquance.interieur.gouv.fr/cipdfipd/les-ministeres-membres-du-cipd.html].

						(FGTI, FIVA etc.).
2. Please provide a short description of which body (e.g. ministry, office for victims of crime, commission or any other body) has the overall or principal coordinating role in organising victim support services at national and federal level. If no one ministry or body has such a role, please provide an explanation/ justification.						
FR	<p>Formally, no Ministry has the lead for the coordination of victim support services, but in practice, the Ministry of Justice and Ministry of Interior are the key players. Both are represented within the National Council on Victim Support (Conseil National d'Aide aux Victimes - CNAV) that has been set up in 1999 and is normally responsible for coordinating government action with other non-governmental bodies to ensure and strengthen the rights of victims in criminal proceedings. The Council is in fact chaired by the Ministry of Justice since 1999⁵⁰ (composition is set by a Decree of 21 September 2010⁵¹).</p> <p>An Inter-ministerial Delegation on the Prevention of Delinquency (<i>Comité Interministériel de prévention de la délinquance- CIPD</i>), installed by decree in 2006⁵² is presided by the Prime minister⁵³. It involves several ministries and sets the orientation of the policies in that field (with a new national strategy expected this year⁵⁴). It coordinates the actions of ministries and the allocation of budgetary resources (<i>Fonds Interministériel de prévention de la délinquance</i>), a part of which goes to victim support and should increasingly do so in 2013⁵⁵. Actions supported by the fund, including those relevant to victim support, are piloted locally since 2007, by a local Council on security and the prevention of delinquency (<i>conseil local et au conseil intercommunal de sécurité et de prévention de la délinquance</i>)⁵⁶.</p> <p>Note: Within the Ministry of Justice, there is a Department in charge of access to the law and justice and victim support (<i>Service de l'Accès au Droit et à la Justice et de l'Aide aux Victimes- SADJAV</i>). Locally coordination is piloted by the Court of Appeal (coordination with NGOs) as well as a designated judge in charge of victims (JUDEVI)⁵⁷. Within the Ministry of Interior, the Delegation for Victims (<i>Délégation aux victimes - DAV</i>) brings together police and gendarmerie staff and has among its mission to work on improving the conditions of reception and support of victims and the larger public in police and gendarmerie units⁵⁸.</p>					

⁵⁰ [France,] Décret n° 99-706 relatif au Conseil national de l'aide aux victimes, 3 August 1999, available at :

[www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000577807&dateTexte=&categorieLien=id].

⁵¹ [France,] Décret n° 2010-1106 modifiant le décret n° 99-706 du 3 août 1999 relatif au Conseil national de l'aide aux victimes, 21 September 2010, available at :

[www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000022842575&dateTexte=&categorieLien=id].

⁵² [France,] Décret n° 2006-52 instituant un comité interministériel de prévention de la délinquance, 17 January 2006, available at :

[www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000242295&dateTexte=&categorieLien=id].

⁵³ [www.sgciipd.interieur.gouv.fr].

⁵⁴ [www.prevention-delinquance.interieur.gouv.fr/orientations-et-gouvernance/strategie-nationale-de-prevention-de-la-delinquance.html].

⁵⁵ [France,] Ministry of Interior (2012), Circulaire relative aux orientations de la politique de prévention de la délinquance et d'emploi des crédits du FIPD en 2013, 31 October 2012, § 1.2.2., available at :

[http://circulaire.legifrance.gouv.fr/pdf/2012/11/cir_36012.pdf].

⁵⁶ [France,] Décret n° 2007-1126 relatif au conseil local et au conseil intercommunal de sécurité et de prévention de la délinquance et au plan de prévention de la délinquance dans le département, 23 July 2007, available at : [www.prevention-delinquance.interieur.gouv.fr/fileadmin/user_upload/02-Orientations_et_gouvernance/Pdf/Decret_n__2007-1126_du_23_juillet_2007_.pdf].

⁵⁷ [France,] Décret n° 2007-1605 instituant le juge délégué aux victimes, 13 November 2007, available at : [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000158449&dateTexte=&categorieLien=id].

⁵⁸ [www.police-nationale.interieur.gouv.fr/Organisation/Entites-rattachees-directement-au-DGPN/DAV].

3. What is the legal basis for the type of victim support model that exists in your country (e.g. is it stipulated somewhere in a legal instrument that victim support services be state-run; state-funded etc.?)

In fact, multiple legal dispositions define how the victim support model functions, with state-funding and supervision and with the essential participation of victim support NGOs. These address support in the judicial context, in police and gendarmerie units, but also in the framework of local public support providing information and orientation.

The law of 15th June 2000 provided for the approving of associations (conventionnement)⁵⁹, stating that such approving is a right (de droit) for victim support NGOs, recognised of public utility⁶⁰. Such approving marks the official recognition that the NGO has a key role to play as a partner in the public service of justice. It came to strengthen a 1998 circular relative to the “implementation of the decentralization of individual and financial administrative decisions concerning associations engaged in pre-trial activities, victim support, civil mediation and particularly family mediation, still applicable for local conventions⁶¹. The decree of n° 2012-681 of 7 May 2012 concerning the victim support offices (Bureau d’Aide aux Victimes)⁶², taken in application of the law of programmation n°2012-409 of 27 March 2012⁶³, provides the legal basis for the conventions passed locally between the Court of Appeals and the victim support NGOs: this is set in article D.47-6-15 of the Code of criminal procedure which states that a convention is signed between the Court of Appeal and the victim support NGO(s)⁶⁴. A circular of the Ministry of Justice of 19 September 2012⁶⁵ also recalls that “*the support of victims by a victim support NGO before, during and after the trial must remain a priority*” and insist on the “*necessity to develop the consultations (permanences) of victim support NGOs, in particular within police and gendarmerie units*”. In addition, a set of public structures relying largely on consultations by NGOs can provide support to victims: Article R131-1 of the code of judiciary organization for instance provides that the Houses of Justice and Law (*Maisons de la Justice et du droit-MJD*), placed under the authority of the President of the Tribunal (TGI) and of the Prosecutor « *ensure a judicial presence of proximity and concur with the prevention of delinquency, with victim support and access to the law*”⁶⁶.

Other legal standards support in practice this model relying on support by NGOs: article 41 of the Code of criminal procedure⁶⁷ for instance recalls that the Prosecutor can call on the services of victim support NGOs accredited by the Head of the Court of Appeal, so that support can be provided to the victim of the infraction. Article 53-1 4° and 75 4° provide that victims are to be informed by the judicial police officers and agents of “their right to be supported by a service of one of several local public authorities or by an accredited victim support NGO (*association conventionnée d’aide aux victimes*)”

In terms of funding, the national strategy on the prevention of delinquency and victim support (2010-2012)⁶⁸ and a recent circular⁶⁹ provide for the decentralised funding of initiatives in the area of victim support, which can be NGO-led. The support of the network of victim support NGOs, essentially by the Ministry of Justice, is covered by a dedicated financial programme (Programme n°101)⁷⁰. Corresponding dotation evolves with the budgetary legislation (annually).

⁵⁹ [France,] Circulaire de politique pénale de Mme la garde des sceaux, 19 September 2012, available at : [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026503698].

⁶⁰ [France,] Loi n° 2000-516 renforçant la protection de la présomption d’innocence et les droits des victimes, 15 juin 2000, available at : [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000765204#LEGISCTA000006136941]; see also : Circulaire de la Direction des Affaires Criminelles et des Grâces, Présentation des dispositions de la loi du 15 juin 2000 renforçant la protection de la présomption d’innocence et les droits des victimes relatives aux victimes , 14 mai 2011, (1.2.) available at : [http://www.justice.gouv.fr/bulletin-officiel/dacg82d5.htm#31].

⁶¹ [France,] Circulaire de politique pénale de Mme la garde des sceaux, 19 September 2012, available at : [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026503698].

⁶² [France,] Décret n° 2012-681 relatif aux bureaux d’aide aux victimes, 7 May 2012, available at : [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025822780&dateTexte=&categorieLien=id].

⁶³ [France,] Loi n° 2012-409 de programmation relative à l’exécution des peines, 27 March 2012, available at : [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025582235&dateTexte=&categorieLien=id].

⁶⁴ For an example of such a convention, in Montpellier: [www.ca-montpellier.justice.fr/art_pix/1_convention_constitutive_du_BAV_de_MONTPELLIER.pdf].

⁶⁵ [France,] Circulaire de politique pénale de Mme la garde des sceaux, 19 September 2012, available at : [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026503698].

⁶⁶ [France,] Code of judiciary organisation, Article R131-1, available at :

[www.legifrance.gouv.fr/affichCode.do?sessionId=9B51274AEBEF2065810B668344FE5226.tpdjo13v_1?idSectionTA=LEGISCTA000018923104&cidTexte=LEGITEXT000006071164&dateTexte=20130510].

⁶⁷ [France,] Code of criminal procedure, article 41, available at :

[www.legifrance.gouv.fr/affichCode.do?sessionId=2A724AD7869CFA5057E1472F5DA54B0A.tpdjo09v_2?idSectionTA=LEGISCTA000006167418&cidTexte=LEGITEXT000006071154&dateTexte=20130510].

⁶⁸ [France,] Comité interministeriel de prévention de la délinquance (2009), Plan national de prévention de la délinquance et d’aide aux victimes 2010-2012, available at : [www.prevention-delinquance.interieur.gouv.fr/fileadmin/user_upload/02-Orientations_et_gouvernance/Pdf/Plan_national_2_octobre_2009.pdf].

⁶⁹ [France,] Ministry of Interior (2012), Circulaire relative aux orientations de la politique de prévention de la délinquance et d’emploi des crédits du FIPD en 2013, 31 October 2012, § 1.2.2., available at : [http://circulaire.legifrance.gouv.fr/pdf/2012/11/cir_36012.pdf].

⁷⁰ [France,] Annexe au projet de loi de finance pour 2013, available at [\[www.performance-publique.budget.gouv.fr/farandole/2013/pap/pdf/PAP2013_BG_Justice.pdf\]](http://www.performance-publique.budget.gouv.fr/farandole/2013/pap/pdf/PAP2013_BG_Justice.pdf).

2.2.3 Funding:

Please answer the following questions by completing the tables. Please note that countries that do not have generic victim support service providers (i.e. that fall within category 'A' under question 2.2.2) should not answer questions c & e. For questions g-k, if your country does not have a generic victim support structure in place, please respond to the question with respect to a specialised area of victim support.

Please select one of the two specialised areas of victim support you focused on in your phase 2 country report to the FRA (see annex 3 for a list). As a default, please select the area 'Domestic violence and stalking'. If you choose to take another area, provide a short justification for why you have chosen that area. Important for all: Whether you answer questions g-k with respect to an organisation providing generic victim support or an organisation providing specialised victim support, please choose the biggest organisation (in terms of the organisation that receives most funding, helps most victims nationwide etc.).

For the year 2012, please specify the exact amount of funding:	Amount (in EURO)
a Budgeted by the state for compensation	<p>Note: The main compensation fund for victims of infractions (<i>Fonds de Garantie des Victimes d'Actes de Terrorisme et d'autres infractions (FGTI)</i>) does not rely on state-allocated budget. Its resources are derived from a contribution from insurance contracts (so national solidarity)⁷¹, the amounts it manages to claim back from persons convicted for the infractions, and earnings from financial investments it makes. These resources allow the fund to respond with flexibility to requests for compensation (without a preset maximum allocation)⁷².</p>
b Paid out by the state for compensation	<p>Note: if decisions on compensation are made by the Commission for the compensation of victims of infractions (<i>CIVI</i>), the fund in charge of paying out compensation (with various ministries represented in its governance) does not rely on state funding (see above). Figures for amounts paid out by the fund in 2012: +/-268.000.000 euros (provisional figure). This figure includes 266.000.000 euros reserved to victims of infractions, and 2.000.000 to victims of acts of terrorism paid out by the FGTI⁷³. An additional 26.300 000 euros was paid out by the Support Service for the Recovery of damages for victims of infractions (<i>SARVI</i>) to victims who were awarded damages in the procedure but could not recover these directly from the offender. This amount includes both damages the</p>

⁷¹ [France,] Code of insurances, Article L.422-1, available at :

[www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000019113080&cidTexte=LEGITEXT000006073984].

⁷² [France,] Fonds de Garantie (2013), Key figures for the year 2012 (shared by email upon request by the communication office of the Fund as not yet publicly available).

⁷³ [France,] Fonds de Garantie (2013), Key figures for the year 2012 (shared by email upon request by the communication office of the Fund as not yet publicly available).

	service claimed back and transferred and amounts it disbursed ⁷⁴ (see also 2.7 on the procedure)
c Budgeted by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims)	<p>Note: There is no available overview of the total public support to generic victim support NGOs, as recently pointed by the Court of Auditors (Cour des Comptes). Distinction between support to generic services and specialised ones are often uneasy. The Ministry of Justice, and the Interministerial Fund for the Prevention of Delinquency (FIPD), and Ministry for urban policies (Ministère délégué à la Ville) are the main sources of state funding, complemented by local authorities (<i>collectivités territoriales</i>), however in decline⁷⁵. Indicative figures available for state funding in 2012:</p> <ul style="list-style-type: none"> - 12.800.000 euros under a financial programme managed by the Ministry of Justice, incl. 11 100 000 euros for the network of victim support NGOs, the functioning of BAV offices, and national associations or federations (INAVEM, FENVAC, FNSF)⁷⁶. - 8 700 000 euros under the FIPD for victim support (including some specialised). - 3.200.000 euros under the Ministry of the City (Politique de la Ville)⁷⁷.
d Budgeted by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	<p>Note: There is no clear overview of funds allocated for specialized victim support services, as confirmed by the Ministry of Justice, the Secretariat for the Inter-ministerial Fund on the prevention of delinquency and the Court of Auditors⁷⁸. A fund may be covering areas broader than just victim support (case of the FIPD) or some Ministries will finance specific actions (thus allocating rather than budgeting –</p>

⁷⁴ [France,] Fonds de Garantie (2013), Key figures for the year 2012 (shared by email upon request by the communication office of the Fund as not yet publicly available).

⁷⁵ [France,] Cour des Comptes (2012), 'La politique d'aide aux victimes d'infractions pénales', in : *Rapport public annuel 2012*, [p. 463], available at : [www.ccomptes.fr/Publications/Publications/Rapport-public-annuel-2012].

⁷⁶ [France,] Projet de loi de finances pour 2013 (2012), available at : [www.assemblee-nationale.fr/14/projets/pl0235.asp].

⁷⁷ Provisional figures shared by the Secretariat of the Inter-ministerial Committee for the Prevention of Delinquency (Secrétariat du Comité Interministériel pour la Prévention de la Délinquance), 13 May 2013.

⁷⁸ Meeting with the Ministry of Justice (SADJAV) on April 30, 2013; [France,] Cour des Comptes (2012), 'La politique d'aide aux victimes d'infractions pénales', in : *Rapport public annuel 2012*, available at : [www.ccomptes.fr/Publications/Publications/Rapport-public-annuel-2012].

	see also f.).		
e Paid out by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims).	<p>10.211.804 euros were allocated by the Ministry of Justice, including 8 483 319 to local victim support NGOs (via Court of Appeals); 1 649 000 for National victim support networks (INAVEM, FENVAC, CNIDFF); and 79 485 for support to NGOs intervening in exceptional cases.</p> <p>4.500.000 euros allocated to actions under the FIPD in 2012 including 1.600.000 for NGO consultations and 2.900.000 for social workers in units (police or gendarmerie), including +/- 1.300 000 for social workers from NGOs (employing social workers).</p> <p>3.200 000 euros allocated by the the Ministry of Urban policies, mostly to NGOs (e.g. for the Services d'Aide aux Victimes d'Urgence).</p>		
f Paid out by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	<p>See d.:The is no overview available as confirmed the Ministry of Justice, Interministerial Secretariat for the prevention of delinquency but also by the INAVEM federation⁷⁹. Indicative figures available for 2012:</p> <p>14.500.000 euros for actions in support of women who are victims of violence allocated by the Ministry of Women's Rights (source: indication from the Ministry itself)⁸⁰</p> <p>2.951.000 euros paid out by the FIPD incl. 2.300.000 concerning intra-familial violence and 651.000 concerning victims of domestic violence.</p> <p>55 000 euros paid out by the Ministry of Interior to the CNIDFF.</p>		
Reimbursement by the state of expenses incurred	Yes	No	Comments
g Are there any victim support organisations that request money from victims who benefit from services? If yes, please name one such organisation and specify (under comments) whether there is a standard fee or whether this is decided on a case by case basis.		X	Services provided by accredited NGOs are free. Article 5 of the INAVEM code of ethics and deontology for instance provides that

⁷⁹ Meeting at the Ministry of Justice in April, 2013; Information shared by the INAVEM Federation, May 2013.

⁸⁰ E-mail answer received on July 1st 2013 from the Ministry for Women's Rights

			victim support services and mediation services provided by member NGOs are free. Article 9 adds that members of victim support NGOs should, in all cases, decline any remuneration or advantage or profit for them of someone else, whatever its form ⁸¹ .
h With respect to your chosen organisation, is the organisation reimbursed by the state for expenses incurred through the provision of support to victims? If yes, please specify the criteria for reimbursement (e.g. per victim?).		X	There is no general reimbursement scheme in place. Accredited NGOs benefit largely from grants. Their amount is re-evaluated every year, depending on the activity recorded, and the needs anticipated by the relevant jurisdictions. Exceptional funds may be granted by the Ministry of Justice if a sudden raise of activity is anticipated for an NGO (e.g. to support victims in a case concerning an unusual number of victims) ⁸² .
i If the answer to h is 'yes', please specify whether the organisation is reimbursed regardless of the victim's nationality (yes or no) and provide a short explanation in the comments field. More specifically, is a difference made between reimbursement for support provided to a) country nationals; b) EU country nationals and c) third country nationals?		NA	NA
j Further to question i, is the organisation reimbursed for providing support to victims with illegal residency status? Please provide a short explanation under 'comments'.		NA	NA
k Are there any factors that would discourage the victim support organisation in practice from supporting third country nationals? Please specify under comments.		X	The INAVEM reports no disincentives (e.g. budget wise) but sometimes practical obstacles (language, distance with the victim). Besides Article 5, article 10 of the

⁸¹[France,] INAVEM, Charte des services de l'aide aux victimes (1997), available at: [www.inavem.org/index.php?option=com_content&view=article&id=94:charte-des-services-daide-&catid=7:ethique-et-deontologie&Itemid=171].

⁸² Meeting with the Ministry of Justice in April, 2013; Information shared by the INAVEM Federation, May 2013.

		<p>INAVEM code of ethics states that support is provided “without any discrimination on any grounds (...) in the respect for the person, his/her rights and his/her private life”⁸³. Note: there are however legal restrictions that affect the rights of third nationals to compensation (see also 2.7)⁸⁴.</p>
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2.2.4 Capacity:

For the year 2012, please specify the number of victims of crime that:	No of persons:
<p>a Applied for compensation from state sources.</p>	<p>In 2012: 17017 applications opened for compensation by the Fund for the compensation of victims of acts of terrorism and other infractions (FGTI)⁸⁵. Note: the number of applications registered by the Ministry of Justice via the commissions for compensation of victims of infractions (<i>Commission d’Indemnisation des Victimes d’infraction – CIVI</i>) is not yet available for 2012 (in 2011: 19 765 applications)⁸⁶.</p> <p>Note: 42 903 applications were opened by the Service for the Support of Victims of Infractions (Service d’aide au recouvrement des victimes d’infractions-SARVI) for victims seeking support in recovering damages obtained in court.</p> <p>(Note: The system is that if damages are inferior to 1000 euros, the FGTI transfers the total amount to the victim. If the amount is superior to 1000 euros, 30% are transferred to the victim (with a cap of 3000 euros). The Fund then</p>

⁸³ [France,] INAVEM, Charte des services de l’aide aux victimes (1997), available at: www.inavem.org/index.php?option=com_content&view=article&id=94:charte-des-services-daide-&catid=7:ethique-et-deontologie&Itemid=171.

⁸⁴ [France,] Code of criminal procedure, article 706-3, available at: www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006071154&idArticle=LEGIARTI000006577536&dateTexte=20130513.

⁸⁵ [France,] Fonds de Garantie (2013), Dossier de Presse (not yet public).

⁸⁶ [France,] Ministry of Justice (2012), Les chiffres-clés de la justice, [p.34], available at: www.justice.gouv.fr/art_pix/chiffres_cles_2012_20121108.pdf.

	turns to the perpetrator, with a mandate to reclaim the amount due (see also 2.7)) ⁸⁷ .
b Received compensation from state sources.	<p>Only figure available for 2012 is that of the number of applications opened by the compensation fund (FGTI) in 2012:</p> <p>17 017 (meaning victims did or will receive a compensation offer and eventually effective compensation but this did not necessarily happen in the year).</p> <p>Figures available for 2011: 23 177 decisions on compensation issued by the Commissions for the compensation of victims of infractions (CIVI)⁸⁸. Figures for 2012 are not yet available, as confirmed by the Ministry of Justice.</p>
c Approached generic victim support services (i.e. services not restricted to a particular category or categories of victims)	<p>The Ministry of Justice confirms total figures are not yet available for 2012, to the exception of persons received in the first victim support offices set up within jurisdictions and NGO-run (<i>Bureau d'Aide aux Victimes –BAV</i>) : +/- 42 000 victims.</p> <p>Overall official figures available for 2011: 305 444 persons supported by victim support NGOs, including 215 331 victims of criminal infractions, including 27 912 in the victim support offices in jurisdictions BAV.⁸⁹</p> <p>Other figures available from different sources, still for 2011: 303 218 requests for support with victim support NGOs and 348 233 persons supported (no precision on number of victims)⁹⁰. And 33 000 persons received in the generic public structures for access to justice (<i>Maison de Justice et du Droit - MJD</i>) specifically in relation to victim support (<i>aide aux victimes</i>)⁹¹</p>
d Approached specialised victim support services (i.e. services not restricted to a particular category or categories of victims)	No such figures available as confirmed by the Ministry of Justice and the

⁸⁷ [France,] Fonds de Garantie (2013), Dossier de Presse (not yet public).

⁸⁸ [France,] Ministry of Justice (2012), Les chiffres-clés de la justice, [p.34], available at : [\[www.justice.gouv.fr/art_pix/chiffres_cles_2012_20121108.pdf\]](http://www.justice.gouv.fr/art_pix/chiffres_cles_2012_20121108.pdf).

⁸⁹ [France,] Projet de loi de finances pour 2013 (2012), available at : [\[www.assemblee-nationale.fr/14/projets/pl0235.asp\]](http://www.assemblee-nationale.fr/14/projets/pl0235.asp).

⁹⁰ [France,] Ministry of Justice (2011), Les chiffres-clés de la justice, [p.34], available at : [\[www.justice.gouv.fr/art_pix/1_chiffres_cles_2011_20111125.pdf\]](http://www.justice.gouv.fr/art_pix/1_chiffres_cles_2011_20111125.pdf).

⁹¹ [France,] Commission des lois constitutionnelles, de la législation et de l'administration générale de la République de l'Assemblée nationale (2012), Avis sur le projet de loi de finances pour 2013 présenté par Mme Nathalie Nieson, députée, [p.28], available at : [\[www.assemblee-nationale.fr/14/budget/plf2013/a0258-tvii.asp\]](http://www.assemblee-nationale.fr/14/budget/plf2013/a0258-tvii.asp).

2.2.5 Official/academic studies on victims

Have any official or academic studies been published in your country in the last 5 years on the following (note: **please provide a full reference for the study (following the FRA style guidelines) and provide a link if available online**):

	Yes	No	Reference	Short description of the study's objectives and findings (2-3 sentences)
Studies on under reporting of crime?	X		[France,] Ministère de la Justice (2010), 'Se déclarer victime: de l'atteinte subie au dépôt de plainte', <i>INFOSTAT-Justice, Bulletin d'information statistique</i> , n°110, available at : [www.justice.gouv.fr/art_pix/1_stat_infostat110_se_dclarer_vict_20101129.pdf] .	Only 24% of persons who are victims of a criminal infraction do report to the police, 16% choosing to file a complaint. The probability of reporting rises with the gravity of the aggression. Reasons for the decision not to report include a notion that the gravity of the offense does not justify it or that reporting it would have had no impact.
Other national studies related to victims of crime (specify)	X		[France,] Ministère de la Justice (2010), 'Les victimes de délit et le jugement de leur affaire: entre satisfaction et incompréhension', <i>INFOSTAT-Justice, Bulletin d'information statistique</i> , n°111, available at : [www.justice.gouv.fr/art_pix/1_stat_infostat111_satisfactiondesvictimes_20101207.pdf] .	On 2007, 134 000 victims (over 18) saw a decision in their case and one out of two considered justice was done while 40% expressed dissatisfaction and 9% had no opinion. In general terms, victims were rather satisfied with the way judicial proceedings went but not convinced by the efficacy of the justice system. Dissatisfaction relates sometimes to the sentence (criminal response, and impact on the recognition as victim). Victims are sensitive to the diligence/or delays in the judicial process and the awarding of damages is an important factor in the level of satisfaction expressed.
	X		[France,] Ministère de la Justice (2011), 'La satisfaction des victimes de délits suite au jugement de leur affaire : quels facteurs explicatifs', <i>INFOSTAT-Justice, Bulletin d'information statistique</i> , n°112, available at : [www.justice.gouv.fr/art_pix/2_stat_infostat112_satisfvictimpstjgt20110207.pdf] .	The study elaborates on the results of a 2008 survey. Among the 134 000 victims whose case was decided in 2007, one out of 2 felt justice was done. Subjective criteria impact the level of satisfaction, the objective influencing the most satisfaction being the question of damages (awarded). Concerning the judicial proceedings, the quality of the relationship with the investigation judge/ and how the victim appreciated the behavior of the instruction judge are important factors.
	X		[France,] Observatoire national de la délinquance et des réponses pénales (2012), La	The report is based on annual surveys (Enquête «Cadre de vie et sécurité» INSEE-ONDRP carried out with victims

⁹² Meeting with the Ministry of Justice in April, 2013; Information shared by the INAVEM federation, May 2013.

		<p>criminalité en France, Rapport, available at : [www.inhesj.fr/fr/ondrp/les-publications/rapports-annuels/8].</p>	<p>of criminal infractions (between 2007 and 2011) to gather both data on the nature and incidence of criminality and opinions. It shows, among multiple findings, that the proportion of persons aged 14 or more declaring themselves to be victims is fairly stable for the past 4 years (between 0,4 and 0,6% of the population).</p>
	X	<p>L'enquête nationale de victimation en milieu scolaire, Ministère de l'Education nationale, de la jeunesse et de la vie associative, 2012. Publicly available results: [France,] Ministère de l'Education Nationale, Direction de l'évaluation, de la prospective, et de la performance (2011), Les actes de violence recensés dans les établissements publics du second degré en 2010-2011, Note d'information, available at : [http://media.education.gouv.fr/file/2011/49/0/DEPP-NI-2011-14-enquete-nationale-victimation-colleges-publics_197490.pdf].</p>	<p>The survey, carried out in 2011 seeks to develop public knowledge and measure of the scope, nature and contexts of violence within schools in France. It is carried out with a panel of 18.000 students (from colleges) from 300 schools, nationally. 93% of students report their satisfaction about the school environment/climate. Insults, stealing of personal school goods and mockery are the most common issues. 6% of students report a number of acts which could indicate a situation of harassment. On the added-value of the study, see also: [France,] Debarbieux, E., Evrard, L. (2011), Pour une meilleure connaissance de la violence en milieu scolaire, Cahiers de la sécurité, n°16, available at : [www.inhesj.fr/documents/files/ondrp/publications_externes//04%20Debardieux%20Evrard.pdf].</p>
	X	<p>[France,] La commission des lois constitutionnelles, de la législation et de l'administration générale de la République (2013), Rapport d'information déposé en application de l'article 145 du règlement en conclusion des travaux d'une mission d'information relative à la mesure statistique des délinquances et de leurs conséquences, et présenté par MM. Neq-Yves le Bouillonnet et Didle0Quentin, n°988, available at : %[www.assemblee-nationale.fr/13/rqr-info/i0988.asp].</p>	<p>The report is based on the work of a mission of information and focuses on the statistical reporting of delinquency and its consequences. It however touches on aspects concerning victims and the conditions in which complaints can be made, mentioning several factors which positively impact on the level of reporting: the introduction in 2000 of the possibility for victims to file their complaint in any unit (<i>guichet unique</i>)⁹³; the development of the local police presence (police de proximité) between 1997 and 2002; the decision to make it mandatory to file a complaint in order to obtain compensation; the improvement of victim support services, in particular concerning victims of sexual abuses and intra-familial violence.</p>

⁹³ [France,] Code of criminal procedure, Article 15-3, available at:[www.legifrance.gouv.fr/affichCode.do;jsessionid=B9E1FFCAEF982267B3D61547878B0B8F.tpdjo05v_1?idSectionTA=LEGISCTA000006167411&cidTexte=LEGITEXT000006071154&dateTexte=20130511].

			[www.assemblee-nationale.fr-1<*rqr-info/i0988.asp].	
	X		[France,] Geoffroy, G., Bousquet, D. (2012), Rapport d'information « La mise en application de la loi n° 2010-769 du 9 juillet 2010 relative aux violences faites spécifiquement aux femmes, aux violences au sein des couples et aux incidences de ces dernières sur les enfants », présenté le 17 janvier 2012 devant la Commission des Lois constitutionnelles, de la législation et de l'administration générale de la république de l'Assemblée nationale, available at : [www.prevention-delinquance.interieur.gouv.fr/fileadmin/user_upload/03-Champs_d_action/Aide_aux_victimes/RapportEvaluation17-01-2012.pdf].	The report analyses the implementation of the legislation, with respect to domestic violence issues. It includes some statistical data about protection orders and measures decided by the judges for family affairs, based on the 122 jurisdictions surveyed by the Ministry of Justice. Concerning victims specifically, the report suggests the difficulty with the burden of proof to obtain the protection order, and cases of victims deciding to withdraw their request (8% on decisions registered in Bobigny between October 2010 and September 2011). The report insists notably on the need to further develop statistical tools (mentioning the Observatoire in Seine-Saint Denis), systematic training of all professionals concerned, and protocols to ensure efficient procedures and support for victims (cf. protocol developed in Seine-Saint Denis, pp.34-49 of the report).
	X		[France,] Commission Nationale Consultative des droits de l'Homme (2013), La lutte contre le racisme, l'antisémitisme et la xénophobie, Année 2012, La documentation française, available at : [http://revdh.files.wordpress.com/2013/03/cncdh-rapport-racisme-2012.pdf .	The report includes contributions from the Ministries, NGOs, researchers and findings from a public survey. The contribution of the Ministry of Interior, includes a table of the number of victims of racist, anti-Semitic and anti-Muslim violence (p.105), suggesting a rise in the past year (in particular of Anti-Semitic acts). The Commission recommends that a survey with victims of racist, anti-Semitic and xenophobic violence be carried out to better assess their needs and expectations (p.251). While findings cannot be summed up here, specific sections of the report are dedicated to the situation of Roma and Gens du voyage and the discriminations they experience (pp.157-187) and segregation and discrimination in housing in France (pp.189-220).
	X		[France,] Ministère de l'Intérieur, de l'Outre-mer, des	Figures contained in this study are essentially based on official records of

		collectivités territoriales et de l'immigration, Direction Générale de la Police Nationale, Direction Générale de la Gendarmerie Nationale, Délégation aux victimes (2012), Etude nationale sur les morts violentes au sein du couple, Année 2011, available at : [www.interieur.gouv.fr/content/download/35210/265121/file/Etude-violence-couple-2011.pdf+&cd=1&hl=fr&ct=clnk&q=fr].	the police and gendarmerie and are meant to provide a picture of the issue nationally and its evolution over the years. For the year 2011, nationally 146 persons died following domestic violence, (122 women and 24 men). The report includes some data about victims (56% of inactive persons, including 30,14% retired) and 26,04% of victims aged 41 to 50 (largest age group). Some basic data about children witnesses and victims are also included. See also the related chapter in the ONDRP survey already mentioned: www.inhesj.fr/sites/default/files/RA2012/012_D2_Violences_conjoints.pdf
		[France,] Fort, M-L.,(2012), La victime au cœur de l'action des services de police et de gendarmerie, Rapport remis à Monsieur François Fillon, premier ministre et M. Claude Géant, Ministre de l'Intérieur, de l'Outre-mer, des Collectivités territoriales et de l'Immigration, available at : [www.ladocumentationfrancaise.fr/rapports-publics/124000104/index.shtml]	The report was commissioned to evaluate existing support for victims and to formulate concrete suggestions for improvement. It presents the recent development of a holistic approach of victim support. Legislative developments (e.g. law of 15 th June 2000) favored the development of victim support services, in particular with police and gendarmerie units. The reports includes a section on the evaluation of actionR, mnsnuding by victims themselves p.18) and calls for greater harmonization on Pvactices and support available across the national tesrity.

2.3 Victim Helplines –

Please complete the information in the following table, providing details on whether the country has a national victim support helpline, who funds it, operates it etc. Where the answer is 'no', please provide a short justification or explanation of the situation in the comments field. For example, for question 3, if the helpline does not operate 24 hours a day, 7 days a week, place an X in the 'No' column and specify the operating hours under 'Comments'. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-15), please answer the question directly in the 'Comments' field. Please provide information for 2012. Where this is not possible, please provide a justification and give data for the latest year possible.

	FRANCE	Yes	No	Comments
1	Is there a helpline? If yes, please provide the name of the helpline and the contact details for the helpline (including the name of the body who runs it, contact phone number etc.) under 'Comments'.	X		08 VICTIMES (08 842 846 37) 08victimes@inavem.org Currently, it is run by the Federation of victim support NGOs (<i>Institut National d'Aide aux Victimes et de Médiation-- INAVEM</i>)
2	Does it operate 24/7? (If no, specify the days and times of operation under 'Comments').		X	The Hotline operates everyday but from 9am to 9pm only.
3	Does it operate nationwide? (If no, name the city or federal state in which it operates).	X		The helpline is available in metropolitan France and in overseas territories with the following number: +33141834208
4	Is the helpline free of charge?		X	The helpline is not free: the cost that of

				a local call.
5	Does the helpline target all victims of crime? If no, please specify (under comments) which categories of victims can approach the helpline.	X		The helpline targets all victims but more specific ones exist. These include for instance: > Helpline for women victims of violence (3919), accessible Monday through Saturday, 8am to 10pm, call is free from landline ⁹⁴ ; > Helpline for victims with a disability or of older age (3977, Monday through Friday, 9am to 7pm) ⁹⁵ > Helpline for children victims of mistreatment /violence (Allo Enfance en danger : 119 ou 0 800.05.41.41, free and accessible 24h/24h and 7/7) ⁹⁶ > Helpline for children victims (Jeunes Violences Ecoute:0800 20 22 23 (free and accessible all days, from 8am to 23pm and financed by the Ile de France region) ⁹⁷ > Helpline for persons who are deaf or with hearing impairment (accessible 24/7 and free or charge, including by fax and SMS) ⁹⁸
6	Is the helpline state run (if no, describe the non-state actor who runs it under 'Comments')		X	The generic 08victimes helpline is run by the federation of victim support NGOs (INAVEM).
7	Is the helpline funded by the state?	X		The helpline is funded by the Ministry of Justice (and Ministry of Sports) via a convention with INAVEM federation. An open call for tender (<i>marché public</i>) is underway for 2013, as confirmed by the Ministry of Justice and INAVEM.
8	Is the international EU victim support telephone number 116-006 available? ⁹⁹ If no, provide a justification and/or specify whether plans to implement this are underway.		X	It is not in service yet ¹⁰⁰ but the Ministry of Justice and INAVEM confirm that its activation is expected for the second semester of 2013. In fact, the 116-006 should replace the current 08VICTIMES as the one number.
Comments				
9	Please give a brief description (1-2 sentences) of the services provided by the helpline.			The Helpline is here to listen to victims, provide information (how to file a complaint, how to obtain compensation) and to refer the victim to the relevant victim support services or NGO (including specialised

⁹⁴ [http://travail-emploi.gouv.fr/IMG/pdf/BME7003_VIOL_CONJ_LEAFLET.pdf].

⁹⁵ [www.social-sante.gouv.fr/IMG/pdf/Depliant-3977-numero-contre-la-maltraitance-handicapes-personnes-agees.pdf].

⁹⁶ [www.allo119.gouv.fr/presentation].

⁹⁷ [www.jeunesviolencesecoute.fr].

⁹⁸ [www.social-sante.gouv.fr/espaces,770/handicap-exclusion,775/dossiers,806/le-114,2039/urgence-114-pour-personnes-sourdes,13441.html].

⁹⁹ In 2010 the EU introduced an EU harmonised phone number (116 006) designated for use by victims of crime who need assistance in EU countries.

¹⁰⁰ For a confirmation, see also : http://ec.europa.eu/information_society/activities/116/whatis/006/index_en.htm

		ones supporting women victims, children, etc.) he/she can reach easily. If the victim wishes, his/her contact can be forwarded to the relevant victim support NGO, who will then contact the victim. ¹⁰¹ Otherwise anonymity is preserved.
10	What was the operational budget (in EUR) for the helpline in 2012? Please specify under 'Comments'	The Ministry of Justice and INAVEM indicate an overall budget of approximately 500 000 euros (covering essentially salaries of employees).
11	How many people were employed to run the helpline in 2012?	The INAVEM confirms that there are currently 9 persons employed: 8 persons (in equivalent of persons full-time: 7) operating the hotline, and a coordinator.
12	What form(s) does the helpline take? E.g. just phone-line; email, web forum, walk-ins	Phone line and e-mail
13	Of the possible ways to access the helpline, what is the most frequently used by persons contacting the helpline?	Phone
14	Who operates the helpline? (e.g. Professional staff such as psychologists or lawyers; volunteers etc.)	The helpline is operated by various professionals trained in the field of victim support ¹⁰²
15	Please specify the number of times the helpline was contacted in applic. If this information is not available, please provide a reason under 'comments'.	The INAVEM reports approximately 30 000 calls for 2012. For the year 2011, the number was 24 226 calls, according to a parliamentary opinion ¹⁰³

2.4 Obligation of police to provide information

		Yes	No	Comments (max 2-3 sentences)
1	Are police legally obliged to provide all victims with information concerning victim support services? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		Article 53-1 and 75 (introduced by the law of 15 th June 2000) of the code of criminal procedure notably provides that judicial police officers (and agents, under supervision of the first) " <i>inform by any means victims of their rights: 4° to be assisted by a service attached to one or several local public authorities or by an accredited victim support NGO</i> " ¹⁰⁴ . A circular of 2001 makes more explicit how this information is to be provided and recalls that the obligation of information is not limited to victims who do want to file a complaint but also to those simply heard by the police ¹⁰⁵ . One of 2007 recalls that « <i>it is imperative that the contact details of victim support NGOs be given to each victim coming to the Commissariat (police unit) or Gendarmerie, whatever the reason and whatever the hour</i> » ¹⁰⁶ .

¹⁰¹ [www.inavem.org/index.php?option=com_content&view=article&id=52&Itemid=10#Equipe de professionnels].

¹⁰² [www.inavem.org/index.php?option=com_content&view=article&id=52&Itemid=10#Equipe de professionnels].

¹⁰³ [France.] Commission des lois constitutionnelles, de la législation et de l'administration générale de la République de l'Assemblée nationale (2012), Avis sur le projet de loi de finances pour 2013 présenté par Mme Nathalie Nieson, députée, [p.16], available at : [www.assemblee-nationale.fr/14/budget/plf2013/a0258-tvii.asp].

¹⁰⁴ [France.] Code of criminal procedure, Articles 53-1 and 75, available at : [www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071154].

¹⁰⁵ [France.] Ministry of Justice, Circulaire 'Présentation des dispositions de la loi du 15 juin 2000 renforçant la protection de la présomption d'innocence et les droits des victimes relatives aux victimes', 14 May 2001, available at : [www.justice.gouv.fr/bulletin-officiel/dacg82d2.htm#111].

2	Are police legally obliged to provide all victims with information concerning compensation? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		Article 53-1 and 75 (introduced by the law of 15 th June 2000) of the code of criminal procedure notably provides that judicial police officers (and agents, under supervision of the first) “ <i>inform by any means victims of their right: 1° to obtain reparation for the prejudice endured ; 5°; to seize, when applicable, the Commission for the compensation of victims (CIVI), when concerning infractions mentioned in article 706-3 et 706-14 of the code of criminal procedure</i> ” ¹⁰⁷ ;
3	Are police legally obliged to provide all victims with information concerning their rights and role in criminal proceedings? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		Article 53-1 and 75 (introduced by the law of 15 th June 2000) of the code of criminal procedure notably provides that judicial police officers (and agents, under supervision of the first) “ <i>inform by any means victims of their right: 1° to obtain reparation for the prejudice endured ; 2° to become civil party (partie civile) if the public action is engaged by the Prosecutor’s office, or by citing directly the author of the facts before the competent jurisdiction or by filing a complaint before the investigation judge</i> ”; 3° to be, if they wish to become civil party, assisted by a lawyer of their choice or one that will be designated at their request by the President of the Bar Association of the competent jurisdiction, with expenses they will need to cover unless they are eligible for legal aid or benefit from a legal protection insurance”; (...) 6° to ask for a protection order (...)” ¹⁰⁸
4	Are victims who do not understand or speak the language provided with free of charge interpretation in the language of their choice (e.g. during any interviews or questioning of the victim by the police)	X	X	Although in practice, it may sometimes organized (including with support of officers speaking a language the victim understands), there is no legal disposition guaranteeing access to interpretation for victims during interviews or questioning of the police (to echo article 5. 3 of the EU Directive) ¹⁰⁹ . A recent legislative proposal was seeking to introduce further guarantees, with a recognition of the victim’s right to interpretation ¹¹⁰ .
5	Are victims notified about their right to receive information about:			

¹⁰⁶ [France.] Ministry of Justice, Circulaire du SADJPV relative aux droits des victimes dans le procès pénal et à leur mise en œuvre, 9 October 2007, available at : [www.textes.justice.gouv.fr/art_pix/boj_20070005_0000_p007CircSADJPV_9Oct.pdf].

¹⁰⁷ [France.] Code of criminal procedure, Articles 53-1 and 75, available at : [www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071154].

¹⁰⁸ [France.] Code of criminal procedure, Articles 53-1 and 75, available at : [www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071154].

¹⁰⁹ Council Directive 2012/29/UE of the European Parliament and the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

¹¹⁰ [France.] Proposition de loi visant à améliorer les droits des victimes dans le cadre de la procédure pénale, N° 4307, Enregistré à la Présidence de l’Assemblée nationale le 7 février 2012, available at : [www.assemblee-nationale.fr/13/propositions/pion4307.asp].

(a) any decision not to proceed with or to end an investigation or not to prosecute the offender;		X	No specific dispositions place a legal responsibility upon the police/gendarmerie to inform the victim of this particular right (set in article 40-2 of code of criminal procedure, and which places the responsibility upon the Prosecutor to deliver that information to the victim/complainant). It can be noted however that the Charter for the reception of the public, common to the Police and Gendarmerie and normally visible to the public in units/stations (<i>Charte d'accueil du public – assistance aux victimes</i>) indicates in article 7 that services “pay attention to inform the complainant about the follow-up and the results of his/her complaints” ¹¹¹ .
(b) the time and place of the trial, and the nature of the charges.		X	No specific disposition places a legal responsibility upon the police/gendarmerie to inform the victim of this particular right (set in articles 40-2 but also 393-1 which provides that in correctional matters in cases of immediate trial (<i>comparution immédiate</i>) or convocation by procès-verbal, the victim is informed by all means of the date of the audience) ¹¹² . Side note: a disposition (common to articles 53-1 and 75) states that victims requesting a protection order in conditions defined by articles 515-9 to 515-13 of the civil code are informed by the officers of judicial police (and agents, under their supervision) “of the sentences the author of the violence is facing and of the conditions of execution of the eventual condemnations which could be pronounced against him/her”.
(c) any final judgment in a trial		X	No specific dispositions place a legal responsibility upon the police/gendarmerie to inform the victim of this right. (In practice, information, including the content of the judgment can be obtained from the Victim support office (<i>Bureau d'Aide aux Victimes - BAV</i>), as anticipated in article D.47-6-15 of the code of criminal procedure ¹¹³).

2.5 Training of practitioners on dealing with victims of crime

Please complete the information in the following table, selecting either ‘yes’ or ‘no’ and providing a short explanation in the comments field. Where ‘Yes’ or ‘No’ answers are not applicable, ‘NA’ has been inserted. In these instances, please answer the question directly in the ‘comments’ field.

With respect with how to deal with victims of crime, Is systematic training of the following categories of professionals who come into contact with victims of crime carried out (if yes, please indicate under ‘comments’ the nature of the training and whether it is on dealing with all victims or just certain categories of victims (e.g. victims of domestic violence):			
	Yes	No	Comments (max 2-3 sentences)

¹¹¹ [France.] Ministry of Interior (2012), Charte de l'accueil du public et des victimes, available at : [www.interieur.gouv.fr/A-votre-service/Ma-securite/Aide-aux-victimes/Aide-aux-victimes-informations-pratiques/Accueil-du-public-et-des-victimes].

¹¹² [France.] Code of criminal procedure, Articles 40-2 and 393-1, available at: [www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006071154].

¹¹³ [France.] Code of criminal procedure, Article D.47-6-15, available at: [www.legifrance.gouv.fr/affichCode.do;jsessionid=B9E1FFCAEF982267B3D61547878B0B8F.tpdjo05v_1?idSectionTA=LEGISCTA000006150959&cidTexte=LEGITEXT000006071154&dateTexte=20130511].

1	Police	X	<p>In the context of initial and continuous training, all police officers are trained to receive victims, and can specialize (via modules) in intra-familial violence, minors, mistreatment of aging persons... etc.”¹¹⁴</p> <p>Initial training within the gendarmerie also includes information on the reception of persons, and in particular women and children victims. Continuous training aims for specialisation in this function of reception (in person or by phone) and includes specific sessions for commanding officers¹¹⁵. A 2012 report however stressed the need for further development of the training of law enforcement officials, and more precise information as to the exact role of local correspondents for victims (<i>correspondants “aide aux victimes”</i>)¹¹⁶</p>
2	Prosecutors	X	<p>Common to judges and prosecutors: Various components of the initial training curriculum of the National School for the Magistracy (ENM)¹¹⁷ addresses the rights and interaction with victims: one in the “preparation of auditors for their new functions” focuses on access to law and victim support; one relating the judicial environment” addresses the “victim and his/her prejudice”¹¹⁸; and another on judicial communication is also dedicated to the conduct of hearings, including those with vulnerable persons such as children, aging persons or persons with mental disabilities. Mandatory internships in lawyers firms and jurisdictions may also place future judges and prosecutors in direct contact with victims and help ensure hands-on training. Other continuous ENM training sessions also focus on the victim in the criminal trial, the hearing of the child victim or support of victims of trafficking. A university diploma in victimology (D.U) is also accessible¹¹⁹.</p>

¹¹⁴ [France,] Annexe au projet de loi de finances pour 2013, Prévention de la délinquance, [p.13], available at : [www.prevention-delinquance.interieur.gouv.fr/fileadmin/user_upload/06-le_cipd/dpt2013_prevention_delinquance.pdf] ;[www.interieur.gouv.fr/A-votre-service/Ma-securite/Aide-aux-victimes/Aide-aux-victimes-presentation-des-differents-dispositifs/L-action-du-ministere-dans-le-cadre-des-violences-au-sein-du-couple].

¹¹⁵ [www.prevention-delinquance.interieur.gouv.fr/champs-daction/aide-aux-victimes.html] ; www.interieur.gouv.fr/A-votre-service/Ma-securite/Aide-aux-victimes/Aide-aux-victimes-presentation-des-differents-dispositifs/L-action-du-ministere-dans-le-cadre-des-violences-au-sein-du-couple].

¹¹⁶ [France,] Fort, M-L.,(2012), La victime au cœur de l’action des services de police et de gendarmerie, Rapport remis à Monsieur François Fillon, premier ministre et M. Claude Géant, Ministre de l’Intérieur, de l’Outre-mer, des Collectivités territoriales et de l’Immigration, pp.43-44 available at :

[www.ladocumentationfrancaise.fr/rapports-publics/124000104/index.shtml].

¹¹⁷ [France,] Ecole nationale de la magistrature (2012), Programme pédagogique, available at : [www.enm%jUwtice.fr/_uses/liã/5u62gPRJg_pddágj2012.pdf].

3	Judges	X		See above – prosecutors
4	Court staff	X		The training of registrars was recently reformed ¹²⁰ . Questions relating to victims are succinctly discussed in initial training modules concerning the public (<i>usagers</i>) and the judge for victims (JUDEV). More specific training on victims is included in the continuous (optional) training offer, with 2 sessions available in 2012: “Victim in the criminal trial”: session proposed by the National School for the Magistracy (ENM) in Paris and open for 20 registrars; “Compensation of victims”, on the various procedures and schemes, organised at the National School for Registrars in Dijon, and open to 60 staff (judges, registrars etc.) from the Ministry of Justice. But this second session will not be continued in 2013. ¹²¹
5	Are Victim Support Organisations involved in this training? If yes, how are they involved? (e.g. they provide input through lectures; they fund the training; they organise and run the training themselves etc.)	X		The INAVEM takes part in training provided by the National Superior School for Police Officers (<i>École Nationale Supérieure des Officiers de Police, ENSOP</i>), the National School for Registrars (<i>École Nationale des Greffes – ENG</i>), session on the “compensation of victims”). NGOs of the federation are also involved locally in trainings for partners: police, gendarmerie, lawyers ¹²² . Other NGOs are providing training (e.g. interventions in police and gendarmerie training sessions), in the framework of conventions with ministries (case of the the LICRA (Ligue Internationale contre le racisme et l’antisémitisme) with a convention signed with the Ministry of Interior in 2010) ¹²³ .

¹¹⁸ [France.] Ecole nationale de la magistrature (2002-, Programme pédagogique, *áva+lafle*!) : [www.enm-justice.fr/_res/lib/5762/Prog_pedago_2012.pdf].

¹¹⁹ [France.] Ecole nationale de la magistrature (2013), *Forma|io* continue. Catalogue, available at : [http://of.203-formation.enm-justice.fr/_uses/lib/5808/Catalogue_FC_2013_BD.qdâ??]¹²⁰ [FracE()] Arrêté ôelatif à la formatmo~"statutaire des greffiers en chef des services judiciaires, 5 March 2013, available at :

[www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027243027&dateTexte=&categorieLien=id].

¹²⁰ [FracE()] Arrêté ôelatif à la formatmo~"statutaire des greffiers en chef des services judiciaires, 5 March 2013, available at :

[www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000027243027&dateTexte=&categorieLien=id].

¹²¹ Information shared by the National School for Registrars, April 2012.

¹²² Information shared by the INAVEM, May 2013.

¹²³ [France.] Comité interministériel de lutte contre le racisme et l’antisémitisme (2012), *Rapport d’application pour 2012 du plan interministériel de lutte contre le racisme et l’antisémitisme*, p.35, available at :

[www.interieur.gouv.fr/content/download/37954/287299/file/DILCRA%20-%20Rapport%20d'Application%202012%20du%20Plan%20National%20d'Action%20-%202013.pdf].

6	Is systematic training of victim support staff carried out on how to deal with victims of crime? If yes, please indicate the nature of the training	X		The core mission of the training department of the INAVEM Federation is to ensure the professional qualification of staff within the federation dealing with victims. Measures to systematize the training include: waived fee for basic training for NGO staff members, and on-site training offer (versus centralization in Paris). Content of training available to NGO staff is multidisciplinary and includes reception, hearings and debriefings with victims, support in court, and updates on the legislation/case law etc. ¹²⁴
7	Please briefly list any other category of officials coming into contact with victims that receive systematic training on how to deal with victims of crime (e.g. lawyers, restorative justice services etc.)	X		Lawyers may need to attend regular trainings sessions in order to integrate a specialised group within their local Bar associations or specialised lawyers' NGOs and be called upon to support victims, including children (for instance in Poitiers) ¹²⁵ or women (for instance in Bobigny ¹²⁶). Training can involve partnerships with victim support NGO, as for instance in Marseilles for lawyers supporting victims in general but also lawyers for children (victims or authors) ¹²⁷ .

2.6 Rights of victims in criminal proceedings

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary.

2.6.1 Definition of victim

Please provide a definition of the term victim in your country:

	Description	Explanation (max word count 200)
1	What is the main or generic legal definition of the term 'victim' (as provided for in national legislation)?	French law does not provide a generic definition of the term 'victim'. ¹²⁸ The Code of Criminal procedure uses the term "civil party" and points out that "civil action aimed at the reparation of the damage suffered because of a felony, a misdemeanour or a petty offence is open to all those who have personally suffered damage directly caused by the offence" ¹²⁹ . Under the Civil Code, any act whatever of man (intentional, negligent conduct,

¹²⁴ [www.inavem.org/index.php?option=com_ctformations&Itemid=47].

¹²⁵ [www.avocats-poitiers.com/ae-actualite.htm].

¹²⁶ [www.avocats-bobigny.com/Victimes/femmes-victimes-de-violences-des-avocats-pour-defendre-vos-droits.html].

¹²⁷ [www.barreau-marseille.avocat.fr/fr/formation-continue/programmes/archives/id-353-formation-2013-avocats-des-victimes]; [www.barreau-marseille.avocat.fr/fr/profession/domaines/id-105-avocat-de-l-enfant].

¹²⁸ [France.] Cour des Comptes (2012), Rapport public annuel, Paris, [p.459], available at: [www.ccomptes.fr/Publications/Publications/Rapport-public-annuel-2012].

¹²⁹ [France.] Code of Criminal Procedure, article 2, available at:

[www.legifrance.gouv.fr/affichCode.do;jsessionid=D46A319C767E60B048058DA0076C6F3F.tpdjo06v_3?cidTexte=LEGITEXT000006071154&dateTexte=20130429].

		<p>imprudence) which causes damage to another, obliges the one to compensate it¹³⁰. The damage must be certain, direct and established¹³¹. The civil action is admissible for any cause of damage whether material, physical or moral which ensues from the actions prosecuted¹³². The civil action aimed at the reparation of the damage may also be exercised separately from the public prosecution. However, in this case the judgment exercised before the civil court is suspended until a final decision is made on the merits of the public prosecution where such a prosecution has been initiated¹³³.</p>
2	<p>Is there a separate definition of 'vulnerable victims' (as separate from the main or generic definition of 'victim')?</p>	<p>The criminal code defines vulnerability through its reasons "<i>due to age, sickness, infirmity, physical or psychological disability, pregnancy</i>" and punishes more severely several offences against a person whose particular vulnerability is apparent or known to the perpetrator (article 221-4 – murder; article 222-3, 222-4 - torture, acts of barbarity; 222-8, 222-10, 222-12 – acts of violence; 222-24 - rape; 222-29 – sexual aggressions; 222-33 - sexual harassment; 225-4-2 – human trafficking; 225-7 - procuring; 225-12-6 – exploitation of begging; 225-12-9 - exploitation of street peddling; 225-16-2 – degrading initiation ceremonies; 311-5 – theft; 312-2 – extortion; 313-2 - fraudulent obtaining; 314-2 – fraudulent breach of trust; 322-1 – destroying, defacing or damaging property belonging to other persons), or integrates vulnerability in the definition of the offense: (article 222-14 - acts of violence against a minor under fifteen years of age or a vulnerable person; 223-3 – the abandonment in any place of a person incapable of protecting himself by reason of his age, physical or psychological state, 223-15-2- fraudulently abusing the ignorance or state of weakness of a minor or of a person whose particular vulnerability due to age, sickness, infirmity, physical or psychological disability, pregnancy is apparent or known to the offender or abusing a person in a state of physical or psychological dependency resulting from serious or repeated pressure or from techniques used to affect his judgment in order to induce the minor or other person to act or to abstain from any act seriously harmful to him; 225-12-1 – soliciting, accepting or obtaining in exchange of remuneration or a promise of remuneration sexual relations with a minor or a vulnerable person; 225-13, 225-14 – working and living conditions which infringe human dignity of a person whose vulnerability is apparent or known to the perpetrator)¹³⁴. For the application of articles 225-13 and 225-14 minors or others who have been victims of the acts described by these articles upon their arrival on French national territory are considered to be vulnerable or in a situation of dependence¹³⁵.</p>
3	<p>Are parents, children, other</p>	<p>Civil action is open to all those who have personally suffered damage</p>

¹³⁰ [France,] Civil Code, articles 1382 and 1383, available at : www.legifrance.gouv.fr/affichCode.do?idSection=IWGARGTQ30'00613632&sidTexte=LEGITDXD000006070721&dateTexte=20130429.

¹³¹ [France,] Cour des Comptes (2012), Rapport public annuel, Paris, [p.4μ9]n available at : www.ccomptes.fr/Publications/Publications/Rapport-public-annuel-2012 ; [France,] Court of cassation, Criminal Chamber, decision of 9 October 1975 ; [France,] Court of cassation, 2^e Civil Chamber, decision of 27 October 1975.

¹³² [France,] Code of Criminal Procedure, article 3, available at : www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXD000006071154&dateTexte=20130429.

¹³³ [France,] Code of Criminal Procedure, article 4, available at : www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXD000006071154&dateTexte=20130429.

¹³⁴ [France,] Penal Code, available at : www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXD000006070719.

¹³⁵ [France,] Penal Code, article 225-15-1, available at : www.legifrance.gouv.fr/affichCode.do?cidSection=LEGISCTA000006165304&cidTexte=LEGITEXD000006070719&dateTexte=20130429.

family members, same sex partner & first responders included under the main definition of the term victim? If not, are they included as 'indirect' victims or similar?	resulting from the one suffered by the direct victim. The term used is " <i>victime par ricochet</i> ". Such damage may be material (the direct victim loses his/her capacity to work, the indirect victim was in her/his charge and loses this financial support) ¹³⁶ , moral (the indirect victim lose his/her relative or sees him/her suffering) ¹³⁷ or both.
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2.6.2. Decision not to prosecute

	Yes	No	Comments (Max word count 80 words)
If the prosecutor decides to discontinue a case, does the victim have the right to file for a review of the decision not to prosecute?	X		The victim is notified of the decision to prosecute, to implement an alternative procedure or of the decision not to prosecute. The latter decision must contain legal reasons or opportunity justifying it (Law n°2004-204 of 9 March 2004 ¹³⁸ in force since 31 December 2007). The victim or another person who denounced the offence has the right to file for a review of the Prosecutor's decision not to prosecute by the General prosecutor (article 40-3) ¹³⁹ .
Who undertakes this review?	-	-	The victim or another person who denounced the offence has the right to file for a review of the prosecutor's decision not to prosecute by the General prosecutor. The General Prosecutor enjoins the Prosecutor to prosecute or informs the victim that his/her recourse is not founded ¹⁴⁰ . However, the Prosecutor has his/her own power to exercise the public action ¹⁴¹ meaning it is based on the law and not on the orders from the hierarchy. Thus the General Prosecutor cannot substitute to the Prosecutor and take the decision to prosecute by himself/herself ¹⁴² .
Does the victim have the right to institute private prosecution in cases where the prosecutor drops charges? If yes, under what circumstances?	X		The victim can take an active role via a civil action before the investigating judge, or opting for a direct summons of the alleged perpetrator of the infraction under the following conditions: In criminal matters the victim has the right to the civil action, with the option to file a complaint with constitution as civil party (<i>plainte avec constitution de partie civile</i>) submitted directly to the investigating judge (juge d'instruction). The investigating judge transmits the complaint to the Prosecutor, but is not obliged to follow

¹³⁶ [France.] Court of cassation, 2 Civil Chamber, decision of 28 April 2011, available at: [www.lexcellis-avocats.fr/article-reparation-des-consequences-economiques-d-un-prejudice-d-affection-74848161.html].

¹³⁷ [France.] Court of cassation, Criminal Chamber, decision of 6 May 1982.

¹³⁸ [France.] Loi n° 2004-204 portant adaptation de la justice aux évolutions de la criminalité, 9 March 2004, available at : [www.legifrance.gouv.fr/affichTexte.do;jsessionid=A2FFFA9E1F8F5C4534505C15892BD03E.tpdjo06v_3?cidTexte=JORFTEXT000000249995&dateTexte=20040311].

¹³⁹ [France.] Code of the Criminal Procedure, article 40-3, available at: [www.legifrance.gouv.fr/affichCode.do;jsessionid=7C95211681CBC12C7B1F25C9104D336A.tpdjo06v_3?idSectionTA=LEGISCTA000006167418&cidTexte=LEGITEXT000006071154&dateTexte=20130429].

¹⁴⁰ [France.] Code of the Criminal Procedure, article 40-3, available at: [www.legifrance.gouv.fr/affichCode.do;jsessionid=7C95211681CBC12C7B1F25C9104D336A.tpdjo06v_3?idSectionTA=LEGISCTA000006167418&cidTexte=LEGITEXT000006071154&dateTexte=20130429].

¹⁴¹ [France.] Code of the Criminal Procedure, article 31, available at: [www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006167416&cidTexte=LEGITEXT000006071154&dateTexte=20130429].

¹⁴² [France.] Desportes, F., Lazerges-Cousquer, L. (2012), *Traité de procédure pénale*, Paris : Economica, [p. 574, p. 767].

		<p>his/her requisitions and can decide to pursue his/her investigations (<i>information judiciaire</i>)¹⁴³. The victim can appeal before the instruction chamber the decisions of the instruction judge not to take investigations forward (“refus d’informer”) or dismissing the charges (“non-lieu”)¹⁴⁴. Concerning misdemeanors (<i>délits</i>), the victim also has the right to a civil action before the investigating judge if, after he/she filed a regular complaint (<i>plainte simple</i>), the Prosecutor decided not to prosecute (<i>classement sans suite</i>) or has not taken any decision within 3 months (these conditions are not applicable for infractions to the electoral code or in press related cases)¹⁴⁵. The victim can also directly summon (<i>citation directe</i>) the correctional tribunal (<i>tribunal correctionnel</i>) - (jurisdiction of judgment) excepting against minors¹⁴⁶. These actions are alternative¹⁴⁷.</p> <p>In the case of petty offences (<i>contraventions</i>), the victim directly summons the police tribunal (<i>tribunal de police</i>) or local court (<i>jurisdiction de proximité</i>)¹⁴⁸. <i>Citation directe</i> however supposes the victim has identified an alleged perpetrator to be summoned directly¹⁴⁹.</p>
Does the prosecutor’s office have a dedicated hotline or mechanism whereby victims can inquire about the progress of a case?	X	<p>There is no systematic dedicated hotline with the prosecutor’s office. However, as indicated by the Ministry of Justice, in some jurisdictions, a Deputy Prosecutor may be also the referent for victims. Now the NGO-run Office for the Support of Victims (Bureau d’Aide aux Victimes BAV) has also a duty to inform victims about the progress of their case (see also 2.6.4.1)¹⁵⁰.</p>

2.6.3. Right to be heard

Please complete the information in the following tables, choosing ‘Yes’ or ‘No’ and providing a short explanation or justification for each answer. Some examples have been provided.

FRANCE	Yes	No	Comments (Max word count 80 words)
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¹⁴³ [France.] Code of the Criminal Procedure, articles 79-91-1, available at: [www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006167421&cidTexte=LEGITEXT000006071154&dateTexte=20130429].

¹⁴⁴ [France.] Code of the Criminal Procedure, article 185-187-3, available at: [www.legifrance.gouv.fr/affichCode.do;jsessionid=2F5183A97B561D838C09BF650CCCD027.tpdjo06v_3?idSectionTA=LEGISCTA000006167433&cidTexte=LEGITEXT000006071154&dateTexte=20130429].

¹⁴⁵ [France.] Code of the Criminal Procedure, article 85, available at: [www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006167422&cidTexte=LEGITEXT000006071154&dateTexte=20130429].

¹⁴⁶ [France.] Code of the Criminal Procedure article 31, available at: [www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006167422&cidTexte=LEGITEXT000006071154&dateTexte=20130429].

¹⁴⁷ [France.] Desportes, F., Lazerges-Cousquer, L. (2012), *Traité de procédure pénale*, Paris : Economica, [p. 937].

¹⁴⁸ [France.] Code of the Criminal Procedure, articles 531-533, available at: [www.legifrance.gouv.fr/affichCode.do;jsessionid=2F5183A97B561D838C09BF650CCCD°67|vpdjo06v_3?idSectionTA=LEGISCTA000006151989&cidTexte=LEGITEXT000006071154&dateTexte=20130429].

¹⁴⁹ [http://vosdroits.service-public.fr/F1455.xhtml]. ¹⁵⁰ [France.] Code of Criminal Procedure, article D.47-6-15, introduced by Decree n° 2012-681 relatif aux bureaux d’idD aux victims of 7 May 2012, available at: [www.legifrance.gouv.fr/affichCode.do?cidTexte=JORFTEXT000025822780&dateTexte=&categorieLien=id].

¹⁵⁰ [France.] Code of Criminal Procedure, article D.47-6-15, introduced by Decree n° 2012-681 relatif aux bureaux d’idD aux victims of 7 May 2012, available at: [www.legifrance.gouv.fr/affichCode.do?cidTexte=JORFTEXT000025822780&dateTexte=&categorieLien=id].

Do victims have a right to be heard during criminal proceedings?	X	During the judicial investigation (<i>information judiciaire</i>), and if a civil party, the victim may file with the investigating judge a written and reasoned application in order to be heard or interrogated ¹⁵¹ . The judge may decide not to grant the hearing but then needs to issue a motivated order (<i>ordonnance motivée</i>). During the trial (<i>tribunal correctionnel and Cour d'Assises</i>), the parties are heard in the course of the debates ¹⁵² . Lawyers may put questions directly to the civil party by asking the President for the permission to speak (the accused and the victim, if civil party, can also ask questions, by the intermediary of the President) ¹⁵³ . A 2007 circular also recalls that “the right of the victim to attend the court hearing (audience) that concerns him/her, whether or not she/he is a civil party, is a right that must be effectively guaranteed” ¹⁵⁴ .
Do victims have a right to supply evidence during criminal proceedings?	X	During the investigation the victim, if a civil party, may file with the investigating judge a written and reasoned application in order to hear a witness, for a confrontation or an inspection of the scene of the offence, to order one of them to disclose any element of use to the investigation, or for any other step to be taken which seems necessary for establishing the truth ¹⁵⁵ . The victim, if a civil party, has the right to request the expert opinion and specify the questions to be asked ¹⁵⁶ . A further report or second opinion can also be requested ¹⁵⁷ . During the trial the victim who is a civil party may ask questions to the accused, witnesses, or anyone else called to testify through the intermediary of the president ¹⁵⁸ . The civil party can request an inspection of premises ordered by the court where this is helpful for the discovery of the truth ¹⁵⁹ .

¹⁵¹ [France.] Code of the Criminal Procedure, article 82-1, available at: www.legifrance.gouv.fr/affichCode.do;jsessionid=FA2BE82938319874DE89A9C3DF732A2B.tpdjo13v_3?idSectionTA=LEGISCTA000006167421&cidTexte=LEGITEXT000006071154&dateTexte=20130430.

¹⁵² [France.] Code of the Criminal Procedure, article 329, available at: www.legifrance.gouv.fr/affichCode.do;jsessionid=9AD27BAE12805BE4D0C0C2C2C3DF7643.tpdjo07v_3?idSectionTA=LEGISCTA000006167467&cidTexte=LEGITEXT000006071154&dateTexte=20130430.

¹⁵³ [France.] Code of the Criminal Procedure, article 312, 442-1, available at: www.legifrance.gouv.fr/affichCode.do;jsessionid=3198E7BD2863C7F83E42AA16C6010594.tpdjo07v_2?idSectionTA=LEGISCTA000006167465&cidTexte=LEGITEXT000006071154&dateTexte=20130430.

¹⁵⁴ [France.] Ministry of Justice (2007), Circulaire relative aux droits des victimes dans le procès pénal et à leur mise en œuvre, 9 October 2007, available at : www.textes.justice.gouv.fr/art_pix/boj_20070005_0000_p007CircSADJPV_9Oct.pdf.

¹⁵⁵ [France.] Code of the Criminal Procedure, article 82-1, available at: www.legifrance.gouv.fr/affichCode.do;jsessionid=FA2BE82938319874DE89A9C3DF732A2B.tpdjo13v_3?idSectionTA=LEGISCTA000006167421&cidTexte=LEGITEXT000006071154&dateTexte=20130430.

¹⁵⁶ [France.] Code of the Criminal Procedure, article 156, available at: www.legifrance.gouv.fr/affichCode.do;jsessionid=FA2BE82938319874DE89A9C3DF732A2B.tpdjo13v_3?idSectionTA=LEGISCTA000006167429&cidTexte=LEGITEXT000006071154&dateTexte=20130430.

¹⁵⁷ [France.] Code of the Criminal Procedure, article 167, available at: www.legifrance.gouv.fr/affichCode.do;jsessionid=FA2BE82938319874DE89A9C3DF732A2B.tpdjo13v_3?idSectionTA=LEGISCTA000006167429&cidTexte=LEGITEXT000006071154&dateTexte=20130430.

¹⁵⁸ [France.] Code of the Criminal Procedure, article 312, 442-1, available at: www.legifrance.gouv.fr/affichCode.do;jsessionid=3198E7BD2863C7F83E42AA16C6010594.tpdjo07v_2?idSectionTA=LEGISCTA000006167465&cidTexte=LEGITEXT000006071154&dateTexte=20130430.

¹⁵⁹ [France.] Code of the Criminal Procedure, article 456, available at: www.legifrance.gouv.fr/affichCode.do;jsessionid=AE8038EF84AD831D2FB11F5C6ADF6929.tpdjo07v_3?idSectionTA=LEGISCTA000006182908&cidTexte=LEGITEXT000006071154&dateTexte=20130430.

<p>Is there a right for vulnerable victims to be questioned & testify in court in a protected manner – e.g. are screens in place when victims testify/video link available or other measures to separate victim from accused? Please specify whether this applies to all victims or just certain categories of victims (please specify):</p>	<p>X</p>	<p>X</p>	<p>In Court, both general and specific dispositions to protect victims – and vulnerable ones in particular - are applicable. Article 306 of the Code of Criminal Procedure details general conditions for a hearing to take place without the public present (<i>huit-clos</i>)¹⁶⁰. “<i>Huit-clos</i>” is thus automatically ordered when requested (as a right) by civil party victims in cases of rape, acts of torture or barbaric acts accompanied by sexual offences. In other cases, it may be ordered by the judge only to the extent that none of the civil parties in the case opposes the measure. The same article spells out dispositions before the <i>Cours d’Assises</i> in charge of minors. In correctional hearings (before the <i>Tribunal Correctionnel</i>), whereby cases are heard consecutively), a 2007 circular recommends, in the scheduling of cases, and by grouping those with civil parties at the opening of the Court session, to limit as far as possible the exposure of victims to audiences where the perpetrators or the accused are present¹⁶¹. Others examples of shielding measures for vulnerable victims can be cited: concerning protection orders in cases of domestic violence, article 515-10 of the civil code (introduced by law n° 2010-769 du 9 juillet 2010) provides that the judge for family affairs can summon separately the victim and the accused, and the decision can take place in private (<i>chambre du conseil</i>)¹⁶²; when a child is a victim of a sexual offence¹⁶³ his/her initial hearing by the police and the hearing by the investigating judge are audio-visually recorded. As recommended by a 2005 circular¹⁶⁴, recordings may be used to avoid confrontations throughout the investigation as well as in court. If the Prosecutor or the investigating judge asks for this in the best interests of the child, recordings need to be audio only¹⁶⁵. Protected hearings rooms, using video-links are being developed in some jurisdictions and are used to ensure protective conditions for vulnerable victims being questioned. See also section 2.6.4 (7 and 8) for general arrangements concerning attention to victims in proceedings.</p>
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¹⁶⁰ [France,] Code of the Criminal Procedure, article 306, available at: [\[www.legifrance.gouv.fr/affichCode.do;jsessionid=8656D4C3956D5F3654136E0A0F7A3869.tpdjo05v_1?idSectionTA=LEGISCTA000006167465&cidTexte=LEGITEXT000006071154&dateTexte=20130511\]](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=8656D4C3956D5F3654136E0A0F7A3869.tpdjo05v_1?idSectionTA=LEGISCTA000006167465&cidTexte=LEGITEXT000006071154&dateTexte=20130511).

¹⁶¹ [France,] Ministry of Justice (2007), Circulaire relative aux droits des victimes dans le procès pénal et à leur mise en œuvre, 9 October 2007, available at : [\[www.textes.justice.gouv.fr/art_pix/boj_20070005_0000_p007CircSADJPV_9Oct.pdf\]](http://www.textes.justice.gouv.fr/art_pix/boj_20070005_0000_p007CircSADJPV_9Oct.pdf).

¹⁶² [France,] Civil code, Article 515-10, available at :

[\[www.legifrance.gouv.fr/affichCode.do;jsessionid=D7D2CA60F66532D990549C563DD0D804.tpdjo15v_1?idSectionTA=LEGISCTA000022469694&cidTexte=LEGITEXT000006070721&dateTexte=20130511\]](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=D7D2CA60F66532D990549C563DD0D804.tpdjo15v_1?idSectionTA=LEGISCTA000022469694&cidTexte=LEGITEXT000006070721&dateTexte=20130511).

¹⁶³ [France,] Code of the Criminal Procedure, article 706-47, available at:

[\[www.legifrance.gouv.fr/affichCode.do;jsessionid=17B394060D82CCAB9F2455CD8ED1EB2F.tpdjo07v_3?idSectionTA=LEGISCTA000006138130&cidTexte=LEGITEXT000006071154&dateTexte=20130513\]](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=17B394060D82CCAB9F2455CD8ED1EB2F.tpdjo07v_3?idSectionTA=LEGISCTA000006138130&cidTexte=LEGITEXT000006071154&dateTexte=20130513).

¹⁶⁴ [France,] Ministry of Justice (2005), Circulaire relative à l’amélioration du traitement judiciaire des procédures relatives aux infractions de nature sexuelle, CRIM-AP N°05-10/E1-02-05-2005, 2 May 2005, available at : [\[www.justice.gouv.fr/bulletin-officiel/98-04-dagc-c.pdf\]](http://www.justice.gouv.fr/bulletin-officiel/98-04-dagc-c.pdf).

¹⁶⁵ [France,] Code of the Criminal Procedure, article 706-52, available at:

[\[www.legifrance.gouv.fr/affichCode.do;jsessionid=17B394060D82CCAB9F2455CD8ED1EB2F.tpdjo07v_3?idSectionTA=LEGISCTA000006151935&cidTexte=LEGITEXT000006071154&dateTexte=20130513\]](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=17B394060D82CCAB9F2455CD8ED1EB2F.tpdjo07v_3?idSectionTA=LEGISCTA000006151935&cidTexte=LEGITEXT000006071154&dateTexte=20130513).

2.6.4 Rights of victims at trial

The International Criminal Court (ICC) has created a special unit for victims and witness to provide support before, during and after the trial. Services are delivered by professionals who are often salaried employees of the court, and includes persons with expertise in trauma, including trauma from sexual violence. When providing testimony victims may also have support from family members, psychologists or legal representatives. These specialists are also able to advise prosecutors on appropriate security arrangements for victims and the court must take measures to protect the safety, physical and psychological well-being, dignity and privacy of victims. The statute allows for identities not to be made public, testimony to be provided by electronic means and the hearing to be confidential. The statute also calls for the court to establish principles relating to “reparations to victims, including restitution, compensation and rehabilitation” and to establish a trust fund which “works for victims by mobilizing people, funding opportunities for the benefit of victims and implementing court-ordered reparations awards.”

With the example of the ICC special victims’ unit in mind, please answer the following questions, choosing ‘yes’ or ‘no’ and providing a short description. If the answer is no, please provide a justification. Where ‘Yes’ or ‘No’ answers are not applicable (i.e. questions 2-4), ‘NA’ has been inserted. In these cases, please answer the question directly in the ‘Description/justification’ field.

		Yes	No	Description/justification (max 1-3 sentences)
1	Looking at your own criminal court system, is there a special unit or service for victims of crime providing support?	X		A 2012 decree ¹⁶⁶ and 2013 circular ¹⁶⁷ provide for the generalisation of Offices for Victim Support (<i>Bureau d’Aide aux Victimes</i>) within jurisdictions. Art. D. 47-6-15 of the code of criminal procedure ¹⁶⁸ specifies the mission of these NGO-run offices, conceived as a “one-stop” desk for the information, orientation and support of victims throughout the procedure. Since experimentation in 2009 (12), their number has increased (28 opened between 2010 and 212) and a further 100 should be installed in 2013 and take over the support so far provided by office of the registrar or the office for the execution of sentences (<i>bureau d’exécution des peines</i>).
2	Is there a separate waiting area for victims at court?			The Ministry of Justice confirms that premises are not always adapted for victims. The INAVEM adds that exceptionnaly (for “grand

¹⁶⁶ [France,] Décret n° 2012-681 relatif aux bureaux d'aide aux victimes, 7 May 2012, available at :

[www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025822780&dateTexte=&categorieLien=id].

¹⁶⁷ [France,] Ministry of Justice, Circulaire relative à la présentation des bureaux d'aide aux victimes et des conditions de mise en œuvre de leur généralisation, 9 January 2013, available at : [www.textes.justice.gouv.fr/art_pix/JUST1301453C.pdf].

¹⁶⁸[France,] Code of criminal procedure, Article D. 47-6-15, available at:

[www.legifrance.gouv.fr/affichCode.do;jsessionid=2D521C125FF4644282401CB98FBEE620.tpdjo5v_1?idSectionTA=LEGISCTA000006150959&cidTexte=LEGITEXT000006071154&dateTexte=20130511].

		X	X	<p><i>procès</i>) the jurisdiction may reserve a room for civil parties, away from the press, the accused and other third-party. A 2012 parliamentary opinion insists on the general need, when there is an opportunity of renovation, to carry out a close study and find a way of avoiding, as is currently often the case, that victims come face to face with the accused, as observed in Paris where the BAV is located¹⁶⁹. The 2013 circular brings attention on to the need to reserve – as far as BAV are concerned, a distinct space, and, when possible, away from the office for the execution of sentences (BEX).</p>
3	Is special seating reserved for victims at trial?	X		<p>A 2007 circular¹⁷⁰ of the Ministry of justice notes that in the majority of jurisdictions, regular seats/benches and sometimes separate entrances are often reserved for victims, (which is confirmed by the INAVEM federation). There is usually no permanently identified “victim seating area”, some jurisdictions mentioning practical reasons but also a fear of potential stigmatisation.</p>
4	What other services are available?			<p>The victim can turn to a judge designated to support the rights of victims, the “judge for victims” (Juge délégué aux victimes – JUDEVI). There is no formalised procedure, but the judge can be contacted via a form by any victim, for support in the implementation and follow-up of a judicial decision¹⁷¹. Article D.47-6-15 of the code of criminal procedure¹⁷² recalls that the Victim support offices (BAV) are to take over the support</p>

¹⁶⁹ [France.] Commission des lois constitutionnelles, de la législation et de l’administration générale de la République de l’Assemblée nationale (2012), Avis sur le projet de loi de finances pour 2013 présenté par Mme Nathalie Nieson, députée, [p.27], available at : www.assemblee-nationale.fr/14/budget/plf2013/a0258-tvii.asp.

¹⁷⁰ [France.] Ministry of justice, Circulaire du SADJPV relative aux droits des victimes dans le procès pénal et à leur mise en œuvre, 9 October 2007, available at : www.textes.justice.gouv.fr/art_pix/boj_20070005_0000_p007CircSADJPV_9Oct.pdf.

¹⁷¹ [France.] Décret n° 2007-1605 instituant le juge délégué aux victimes, 13 November 2007, available at : www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000158449&dateTexte=&categorieLien=id ; see also : www.justice.gouv.fr/actualite-du-ministere-10030/victimes-dune-infraction-penale-14242.html.

¹⁷² [France.] Code of criminal procedure, Article D. 47-6-15, available at : www.legifrance.gouv.fr/affichCode.do?sessionId=2D521C125FF4644282401CB98FBEE620.tpdjo5v_1?idSectionTA=LEGISCTA000006150959&cidTexte=LEGITEXT000006071154&dateTexte=20130511.

				provided so far (and still in some jurisdictions) by the office of the registrars and the office for the execution of sentences (<i>bureau d'exécution des peines (BEX)</i>).
5	Who provides the services (e.g. professional or specialised staff; volunteers etc)?			Services in the Offices for Victim Support (Bureau d'aide aux victimes – BAV) are provided by staff from accredited victim support NGOs. Article D.47-6-15 of the code of criminal procedure ¹⁷³ provides that such office “can be put in place by a convention passed by the Head of the Court of Appeal and relevant NGOs” and is “composed of representatives of one or several victim support NGOs”. The corresponding circular adds NGOs should submit a project for the organisation of such office, specifying the professional qualifications of staff to be involved ¹⁷⁴ .
6	In reference to question 5, do the service providers provide advice to prosecutors with respect to the safety, physical and psychological well-being, dignity and privacy of victims?	X	X	As confirmed by the INAVEM, federation NGOs can work closely with the Prosecutor’s office and be important actors to identify the needs of victims during the trial phase. An NGO can sometime alert the Prosecutor on the “situation” of the victim, but there is no formalism for this type of initiative. Information can be channelled through the lawyer as well ¹⁷⁵ .
7	Do they provide advice to judges with respect to the the safety, physical and psychological well-being, dignity and privacy of victims?	x	x	A victim support NGO may informally consult with the judge on this, but nothing is formalised in the texts. Information can be channelled through the lawyer as well. It can be recalled that the mission of the Office for Victim support (BAV) is “to inform victims and respond to the difficulties they may encounter throughout the criminal procedure (...)” and that, at their request, it can (...) assist them in their undertakings”.
8	Are the rights and protections that should be afforded			The preliminary article of the code

¹⁷³ [France,] Code of criminal procedure, Article D. 47-6-15, available at: [www.legifrance.gouv.fr/affichCode.do;jsessionid=2D521C125FF4644282401CB98FBEE620.tpdjo05v_1?idSectionTA=LEGISCTA000006150959&cidTexte=LEGITEXT000006071154&dateTexte=20130511].

¹⁷⁴ [France,] Ministry of justice, Circulaire relative à la présentation des bureaux d'aide aux victimes et des conditions de mise en œuvre de leur généralisation, 9 January 2013, available at : [www.textes.justice.gouv.fr/art_pix/JUST1301453C.pdf].

¹⁷⁵ Information shared by the INAVEM federation, May 2013.

	to victims mentioned in the founding law (e.g. a statute) establishing the court?	X		of criminal procedure states that “the judicial authority guarantees (veille à) the information and the rights of victims in the context of each criminal procedure”. Article 304 of the code of criminal procedure also provides that in taking oath, members of the jury promise not to betray the interests of the accused, of the society accusing him/her <i>and of the victim</i> . Specific rights of victims/civil party are specified in the code of criminal procedure (see other sections).
9	Do victims have the right to be accompanied by support persons during the trial?	X		The circular of 2012 on the BAV mentions explicitly that the office’s mission include “accompanying victims in court proceedings (lors des audiences) ¹⁷⁶ . In practice, most trials being public, anyone can be accompanying a victim or civil party. Concerning victims support NGO, their support in proceedings is (although this is not systematic) increasingly formalized by a requisition of the Prosecutor, based on art.41 of the Code of criminal procedure). The INAVEM adds that “the presence of the NGO besides the victim in Court generally poses no difficulty at all ». (But lawyers remain those in capacity to counsel and represent the victim in court ¹⁷⁷).
	Can victims access & copy trial records	X		Article 280 of the Code of criminal procedure ¹⁷⁸ provides that “the accused and the civil party, or their lawyers, can obtain copies (<i>prendre ou faire prendre copie</i>), at their expense, of any files of the procedure”. The judgment can be obtained upon request. The INAVEM mentions sometimes practical difficulties in the exercise of these rights, e.g. when victims are not represented by a lawyer.

¹⁷⁶ [France.] Ministry of justice, Circulaire relative à la présentation des bureaux d’aide aux victimes et des conditions de mise en œuvre de leur généralisation, 9 January 2013, available at : [www.textes.justice.gouv.fr/art_pix/JUST1301453C.pdf].

¹⁷⁷ [France.] Code of criminal procedure, Article 424, available at: [www.legifrance.gouv.fr/affichCode.do;jsessionid=9F475F0971EDE880673E9F052746B4E3.tpdjo03v_2?idSectionTA=LEGISCTA000006182906&cidTexte=LEGITEXT000006071154&dateTexte=20130512].

¹⁷⁸ [France.] Code of criminal procedure, Article 280, available at: [www.legifrance.gouv.fr/affichCode.do;jsessionid=2D521C125FF4644282401CB98FBEE620.tpdjo05v_1?idSectionTA=LEGISCTA000006167461&cidTexte=LEGITEXT000006071154&dateTexte=20130511].

2.6.5 Legal aid for victims:

Experts consider provision of legal advice the area where there is most room for improvement in the area of victim support activities, with significant advances needed to ensure free and easily accessible legal advice for all victims. With this in mind, please answer questions 1 -5 in the table below selecting only **one option** (a, b, c or d) for each question and providing a description under 'comments'. **Please specify what criteria, if any, entitle a victim to avail of certain categories of legal aid. There may be several criteria (as in the example below – please be as detailed as possible. If none of the descriptions match the situation in your country, please choose 'd' and provide a short explanation of the situation.**

Categories of legal aid		A: Available to all victims of crime as a fundamental right of victims	B: Available to certain categories of victims; e.g. only victims of serious crime, only victims who are nationals of that country etc. (please specify which victims are entitled to such advice):	C: Subject to other criteria; e.g. an economic 'means test' (please specify):	D: Other (please specify)
1. Free legal advice	Place X in appropriate column		X		
	Comments:		As a general principle, legal aid is granted to any person of French nationality, national of a member state of the European union or third country residing legally in France with monthly resources of less than €929 (full assistance), or €1393 (partial support), plus supplements of €167 for the first two dependants and € 106 for additional dependants ¹⁷⁹ . But it is available without means-testing for victims of serious crime. ¹⁸⁰ (The system is only subsidiary and is only mobilised if the person has no insurance covering costs of legal action). Additional exceptions in which legal aid can also be granted beyond such principles, depending on the nature and content of cases or status/condition of the victim (see notably article 3 concerning foreigners and minors, and article 3-1 concerning cross-border cases and eligibility of		

¹⁷⁹ [<http://vosdroits.service-public.fr/F18074.xhtml#N101B4>].

¹⁸⁰ [France,] Loi n° 91-647 relative à l'aide juridique, 10 July 1991, Article 9-2, available at : [www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006077779] ; [France,] Criminal code, Articles 221-1 to 221-5, 222-1 to 222-6, 222-8, 222-10, 222-14 (1° et 2°), 222-23 à 222-26, 421-1 (1°) et 421-3 (1° à 4°), available at : [www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070719].

			third country nationals legally residing in other EU states, in the Law of 10 July 1991 (see notably) ¹⁸¹ .		
2. Free legal representation	Place X in appropriate column		X		
	Comments:		Legal aid covers all expenses related to proceedings (instances), procedures or acts for which it is granted, to the exception of pleading fees (droits de plaidoirie) (cf. article 40, law of 10 July 1991). The amount of such pleading fee has been set at 13 euros in 2011, with limited exceptions ¹⁸² . In practice, some lawyers choose to waive the fee for victims they support in the framework of the legal aid system.		
3. Exemption from court fees	Place X in appropriate column		X		
	Comments:		Excluding here the lawyer's pleading fee (see above), the court fee of 35 euros (contribution à l'aide juridique) introduced in 2011 and the court fee for appeal when the legal representation is compulsory of 150 euros are not due by persons who are granted legal aid ¹⁸³ and, notably, in procedures introduced before the Commission for the compensation of victims of infraction (Commission d'indemnisation des victimes d'infraction – CIVI). Since legal aid is granted without means-testing, it can be concluded, for the purpose of this classification that, in practice, exemptions from court fees are available to the same victims that benefit from legal aid (even if the law does not explicitly establish it).		

¹⁸¹ [France,] Loi n° 91-647 relative à l'aide juridique, 10 July 1991, available at : www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006077779].

¹⁸² [France,] Décret n°95-161 relatif aux droits de plaidoirie et à la contribution équivalente, 15 February 1995, available at : www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000005617799].

¹⁸³ [France,] Code général des impôts , Article 1635 bis Q, available at : www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000024418051&cidTexte=LEGITEXT000006069577] and Article 1635 bis P.-I, available at : www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000024188706&cidTexte=LEGITEXT000006069577].

<p>4. Exemption from or reimbursement for expenses related to interpretation and/or translation</p>	<p>Place X in appropriate column</p>		<p>X</p>		
	<p>Comments:</p>		<p>Available to victims who constitute themselves as civil parties: Article 344 (concerning the Cour d'Assises proceedings) and 407 (proceedings before the Tribunal correctionnel)¹⁸⁴ of the code of criminal procedure provide for the support of an interpreter in proceedings, for both the accused, civil party and witnesses, if one does not sufficiently understand French or if translation of documents used in the debates is required. Articles 345 et 408 provide for similar exemptions for persons who are deaf (<i>personnes atteintes de surdité</i>)¹⁸⁵. Article 800-1 provides a general principle of coverage of (frais de justice) by the State, with exceptions (e.g. certain acts may be imputed to the civil party¹⁸⁶). Article R-91 and R-92 of the code of criminal procedure provide that indemnities and fees of experts and translator-interpreters are among the costs of procedure covered by the State (R92)¹⁸⁷. In cross-border cases, legal aid also covers translation costs for the request and documents to be reviewed in another state, or the costs of interpretation and translation of documents deemed necessary by the judge to review the arguments of the person benefiting from legal aid, as well as</p>		

¹⁸⁴ [France.] Code of criminal procedure, Articles 344 and 407, available at:

[www.legifrance.gouv.fr/affichCode.do;jsessionid=B9E1FFCAEF982267B3D61547878B0B8F.tpdjo05v_1?cidTexte=LEGITEXT000006071154&dateTexte=20130511].

¹⁸⁵ [France.] Code of criminal procedure, Articles 345 and 408, available at:

[www.legifrance.gouv.fr/affichCode.do;jsessionid=B9E1FFCAEF982267B3D61547878B0B8F.tpdjo05v_1?cidTexte=LEGITEXT000006071154&dateTexte=20130511].

¹⁸⁶ [France.] Code of criminal procedure, Article 800-1, available at:

[www.legifrance.gouv.fr/affichCode.do;jsessionid=2D521C125FF4644282401CB98FBEE620.tpdjo05v_1?idSectionTA=LEGISCTA000006138157&cidTexte=LEGITEXT000006071154&dateTexte=20130511].

¹⁸⁷ [France.] Code of criminal procedure, Articles R-91 and R-92, available at:

[www.legifrance.gouv.fr/affichCode.do;jsessionid=2D521C125FF4644282401CB98FBEE620.tpdjo05v_1?idSectionTA=LEGISCTA000006151040&cidTexte=LEGITEXT000006071154&dateTexte=20130511].

			travel costs of persons whose presence is required in court. ¹⁸⁸		
5. Reimbursement for loss of earnings, travel and accommodation costs with regard to role in criminal or civil proceedings	Place X in appropriate column		X		
	Comments:		This type of reimbursement is available to all victims who constitute themselves as civil parties and who do request it. Article 375-1 and 422 of the code of criminal procedure indeed provide that civil parties are assimilated to witnesses when it comes to indemnisation (indemnities). Relevant articles concerning witnesses (and thus victims) provide that they can be granted, when requested, with a compensation for appearance in court (indemnité de comparution), travel expenses as well as with a daily allowance compensating stay-related costs (Article R.123) ¹⁸⁹ . A 2007 circular ¹⁹⁰ recalls the need for a civil party to be informed of this opportunity, including for some, under conditions of resources, the opportunity to receive an advance on transportation cost. In civil proceedings, article 700 of the code of civil procedure provides that the judge condemns the party to pay the other party the determined amount in respect of different incurred costs that are not included in the expenses exhaustively enumerated by the article 695 ¹⁹¹ . The judge fixes the determined sum that can include travel costs, etc. ¹⁹²		
		The state	A victim support service	Both	Other (explain)

¹⁸⁸ [France,] Loi n° 91-647 relative à l'aide juridique, 10 July 1991, available at :

[www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=FD281F1924A8BE77FAD419EDC878DD42.tpdjo16v_1?idArticle=LEGIARTI000006491257&cidTexte=LEGITEXT000006077779&dateTexte=20121230].

¹⁸⁹ [France,] Code of criminal procedure, Article R-123, available at : [www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006193108&cidTexte=LEGITEXT000006071154&dateTexte=20130506].

¹⁹⁰ [France,] Circulaire du SADJPV relative aux droits des victimes dans le procès pénal et à leur mise en œuvre, 9 October 2007, Annex 5, available at :

[www.textes.justice.gouv.fr/art_pix/boj_20070005_0000_p007CircSADJPV_9Oct.pdf].

¹⁹¹ [France,] Code of civil procedure, Articles 695 and 700, available at : [www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006135902&cidTexte=LEGITEXT000006070716&dateTexte=20130512].

¹⁹² [<http://vosdroits.service-public.fr/F889.xhtml>].

2. Who provides legal aid? place 'X' in one column only)	X			Legal aid is granted following a decision of the Legal aid Bureau (BAJ) ¹⁹³ and in practice, provided through the designation of lawyer (if not chose by the person him/herself) who receives retribution by the State. Victim support services are not in a position to provide legal aid.
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¹⁹³ [France,] Loi n° 91-647 relative à l'aide juridique, 10 July 1991, Article 12, available at : www.legifrance.gouv.fr/affichTexteArticle.do;jsessionid=FD281F1924A8BE77FAD419EDC878DD42.tpdjo16v_1?idArticle=LEGIARTI000006491257&cidTexte=LEGITEXT000006077779&dateTexte=20121230].

2.7 Compensation

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer: e.g. for question 2.7 (2), please select 'Yes' or 'No' and under comments, specify what measures victims can ask for during criminal proceedings. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary; i.e. by moving your country from the 'Yes' column to the 'No' column and vice versa.

	Victims' rights with regard to compensation	Yes	No	Comments and sources (max 2-3 sentences)
1	Do victims have the right to ask for compensation during criminal proceedings?	X		Article 2 of the code of criminal procedure states that civil action (<i>action civile en réparation</i>) for compensation of the damage caused by a crime, a misdemeanour or a contravention belongs to all those who personally suffered the damage caused directly by the infraction ¹⁹⁴ . Such constitution can intervene at different stages of the procedure, including in court (<i>à l'audience même</i>) ¹⁹⁵ . Note: Article 706-3 provides for the right to reparation for victims of infractions ¹⁹⁶
2	Aside from compensation, do victims have the right to ask for other measures during criminal proceedings (e.g. return of property, reimbursement of expenses, measures for physical protection)?	X		Victims, if constituted as civil parties, can ask for restitution of seized property (<i>restitution d'objets saisis</i>), as provided by article 420-1 of the code of criminal procedure. Victims can also request the reimbursement of expenses related to their participation in proceedings (see 2.6.5.5). A number of sentencing or execution measures (e.g. to protect the victim) can be decided by the jurisdiction of judgment or the judge for the implementation of sentences (Art. 132-45) ¹⁹⁷ . Note: For civil action to obtain measures of physical protection in the context of domestic violence, see

¹⁹⁴ [France,] Code of criminal procedure, articles 2, 85, 87, 392, 533, 418, available at: www.legifrance.gouv.fr/affichCode.do;jsessionid=422CF28DD5A53CDA45E305C47FE4A126.tpdjo13v_2?cidTexte=LEGITEXT000006071154&dateTexte=20130327.

¹⁹⁵ [France,] Code of criminal procedure, article 418, available at: <http://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006071154&idArticle=LEGIARTI000006576523&dateTexte=20130327>.

¹⁹⁶ [France,] Code of criminal procedure, article 706-3, available at: www.legifrance.gouv.fr/affichCode.do;jsessionid=243E2D77216B47FDC9577139A91F6077.tpdjo12v_2?idSectionTA=LEGISCTA000006138122&cidTexte=LEGITEXT000006071154&dateTexte=20130506.

¹⁹⁷ [France,] Criminal Code, Article 132-45, available at: www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000021958742&cidTexte=LEGITEXT000006070719.

				Articles 515-9 - 515-13 of Civil Code ¹⁹⁸).
3	Is compensation paid by the offender?	X		In the context of criminal proceedings, the offender may be sentenced to pay compensation whether or not the civil party requested it (dommages-intérêts). Article 132-45 of the code of criminal procedure ¹⁹⁹ provides that the jurisdiction of judgment or the judge for the execution of sentences can impose on the offender to compensate for part or in full, depending on his/her abilities to contribute, the damages caused by the infraction, even in the absence of decision on the civil action.
4	Is there such thing as a 'victims of crime fund' that convicted persons must contribute to?		X	There is a victims of crime fund (Fonds d'indemnisation des victimes d'acte de terrorisme et d'autres infractions - FGTI) but a contribution of convicted persons to that fund is not directly foreseen. In some cases, that fund, or if solicited by a victim who faces difficulties is claiming damages from the person sentenced, a dedicated service (Service d'aide au recouvrement pour les victimes d'infractions – SARVI) may take action against the convicted person to reclaim the compensation awarded to the victim. In which case the convicted person de facto contributes to the fund.
5	Does compensation paid by the offender under a 'victims of crime fund' go towards victim support services?		X	There is no such scheme in place but this type of contribution is currently under consideration. A 2012 parliamentary opinion ²⁰⁰ discusses the opportunity of introducing such a contribution ("contribution pour l'aide aux victimes)., as a complementary source of funding for the actions of accredited victims support NGOs

¹⁹⁸ [France.] Civil code, Articles 515-9-515-13, available at:

[www.legifrance.gouv.fr/affichCode.do;jsessionid=0D571915B42440D43F93E62242DDA3D8.tpdjo03v_2?idSectionTA=LEGISCTA000022469694&cidTexte=LEGITEXT000006070721&dateTexte=20130512].

¹⁹⁹ [France.] Criminal Code, Article 132-45, available at :

[www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000021958742&cidTexte=LEGITEXT000006070719].

²⁰⁰ [France.] Commission des lois constitutionnelles, de la législation et de l'administration générale de la République de l'Assemblée nationale (2012), Avis sur le projet de loi de finances pour 2013 présenté par Mme Nathalie Nieson, députée, [p.18], available at : [www.assemblee-nationale.fr/14/budget/plf2013/a0258-tvii.asp].

			<p>Various bill proposals have emerged in 2011²⁰¹ and 2012²⁰².</p> <p>Note: A member of Parliament (author of the pre-cited parliamentary opinion) has recently been tasked by the Prime Minister to assess current financing of Victim support NGOs and to formulate proposals to consolidate their financial situation²⁰³.</p>
6	Is compensation paid by the state?	X	<p>The public Commissions for the compensation of victims of criminal infractions (CIVI) review the requests for compensation of victims of infractions. A fund (Fonds d'indemnisation des victimes d'actes terroristes et d'autres infractions FGTI) pays out the compensation it proposed to the victim (or decided by the CIVI as a civil jurisdiction). However the resources of the fund are based essentially on national solidarity, not a state allocation. (see also 2.2.3.a).</p>
7	Will the State advance payment of the compensation if the offender does not pay? Under which conditions?	X	<p>The Service for the recovery of compensation of victims of infractions (Service d'aide au recouvrement des victimes d'infractions SARVI) will advance payment of the total amount of damages due by the offender if inferior or equal to 1000 euros. Beyond, the Service (SARVI) will advance 30% of the total amount due, with a minimum of 1000 euros and a maximum of 3000 euros – before complementing with the amount due the fund will manage to claim back from the offender ²⁰⁴. The victim can call on services of the fund if the convicted person doesn't pay willingly damages and the amounts allocated within two months by filling a form available online which lists the required documentation²⁰⁵.</p>

²⁰¹ [France.] Proposition de loi tendant à améliorer le financement de l'aide aux victimes et la responsabilisation des auteurs d'infractions pénales, 24 January 2012, available at :www.assemblee-nationale.fr/13/pdf/propositions/pion4212.pdf.

²⁰² [France.] Proposition de loi tendant à la création d'une contribution additionnelle afin d'assurer la pérennité du financement des actions associatives d'aide aux victimes, 21 September 2011, available at : www.assemblee-nationale.fr/13/pdf/propositions/pion3732.pdf.

²⁰³ [France.] Prime minister, Courrier adressé à Députée, 7 March 2013.

²⁰⁴ [<http://vosdroits.service-public.fr/F1744.xhtml>].

²⁰⁵ [www.fondsdegarantie.fr/images/FG%20DEMANDE%20AIDE%20RECOURVREMENT%202011_FG%20DEMANDE%20AIDE%20RECOURVREMENT.pdf]

8	Does a compensation order exist?		X	Article 132-45 of the criminal code ²⁰⁶ provides that the jurisdiction of judgment or the judge for the execution of sentences can impose the offender to compensate for part or in full, depending on his/her abilities to contribute, the damages caused by the infraction, even in the absence of decision on the civil action.
9	Do prosecutors have the power to mediate between the offender and the victim?	AT, BE, NL FR CZ, FI, DE, HU, LT, LU, PL, RO, SL, SE	BG, CY, DK, EE, EL, ES, IE, LV, MT and UK	Note to be exact: as set in article 41. 5 of the code of criminal procedure, the Prosecutor has the power to have a mediation ordered (faire procéder à) if requested by the victim or with his/her agreement. If the mediation is successful, the prosecutor or the mediator prepares minutes signed by himself and by the parties. These minutes have the force of the contract. FRA: According to experts, the duty for prosecutors to obtain compensation between offender and victim (may also take the form of mediation between victim and offender to obtain compensation) is available in AT, BE, NL & FR, CZ, FI, DE, HU, LT, LU, PL, RO, SL, SE.
10	Do prosecutors have the duty to attempt to obtain compensation from the offender?	AT, BE, NL FR CZ, FI, DE, HU, LT, LU, PL, RO, SL, SE	BG, CY, DK, EE, EL, ES, IE, LV, MT and UK	Note to be exact: article 41-1 of the code of criminal procedure list a series of measures the Prosecutor can opt for if it appears to him/her that such a measure may notably “ensure the reparation of the damage cause to the victim (...)”. Among these measures are “ a request to the author of the acts to repair the damage resulting from such acts” or the order of a mediation – which could bring the offender to agree on compensation (dommages-intérêts). FRA: According to experts, the duty for prosecutors to obtain compensation between offender and victim (may also take the form of mediation between victim and offender to obtain compensation) is available in AT, BE, NL & FR, CZ, FI, DE, HU, LT, LU, PL, RO, SL, SE.

²⁰⁶ [France,] Criminal Code, Article 132-45, available at : www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000021958742&cidTexte=LEGITEXT000006070719.

11	Is compensation, when paid by the offender to the victim, taken into account in decisions to prosecute?	AT, BE, CZ, FI, FR, DE, HU, IT, LT, LU, NL, PL, PT, RO, SI, SL & SE.	BG, CY, DK, EE, EL, ES, IE, LV, MT and UK	<p>Note: It can indeed influence the decision on public action (prosecution or alternatives), as suggested by article 41-1 which provides for a request for compensation by the offender within a set of other measures that can be opted for by the Prosecutor, before he/she decides on public action.</p> <p>FRA: According to the experts BG, CY, DK, EE, EL, ES, IE, LV, MT and UK do not consider the question of compensation to the victim in the decision to prosecute the offender, while payment or non-payment of compensation may influence the decision to prosecute in AT, BE, CZ, FI, FR, DE, HU, IT, LT, LU, NL, PL, PT, RO, SI, SL & SE.</p>
12	Is compensation, when paid by the offender to the victim, taken as a mitigating factor in sentencing?	AT, BE, CZ, FI, FR, DE, HU, IT, LT, LU, NL, PL, PT, RO, SI, SL & SE.	BG, CY, DK, EE, EL, ES, IE, LV, MT and UK	<p>NOTE: Comment by the FRA in response below "in FR, payment or non-payment of compensation may influence the decision to prosecute" is correct but seems to relate essentially to question 11. Question 12 (if different than 11) is understood as if compensation is indeed or not a mitigating factor in a) determining charges, b) deciding on the sentence (not prosecuting) – or in c) implementing the sentence):</p> <ul style="list-style-type: none"> a) no specific legal reference b) no specific legal reference c) Article 729 (on conditional liberation) and 721-1 (reduction of sentence) of the code of criminal procedure mentions the efforts to compensate victims as one of the factors the judge for the implementation of sentences (juge d'application des peines) can take into account. <p>According to the experts BG, CY, DK, EE, EL, ES, IE, LV, MT and UK do not consider the question of compensation to the victim in the decision to prosecute the offender, while payment or non-payment of compensation may influence the decision to prosecute in AT, BE, CZ, FI, FR, DE, HU, IT, LT, LU, NL, PL, PT, RO, SI, SL & SE.</p>

13	Is there a limit from the time of the crime within which claims for compensation would have to be made? If yes, what is the time limit?	X		To claim compensation from the Commission for the compensation of victims of infractions (CIVI) the time limit is: 3 years from the date of the infraction. Such delay is prorogated and expires 1 year from the final decision of the jurisdiction which decided on the public or civil action in the context of criminal procedure (article 706-5 of the code of criminal procedure). The Commission can however accept demands beyond the delays if a legitimate reason is provided ²⁰⁷ .
14	Do third country nationals have the right to apply for compensation?	X		Article 706-3 of the code of criminal procedure provides for such a right, if the facts took place on French territory and, if provided by international treaties and agreements, the victim is a legal resident in the country, on the date of the request or of the facts. The condition also applies in the context of infractions listed by article 706-14 of the same code.
15	Do third country nationals with irregular status (i.e. residing in the country illegally) have the right to apply for compensation?	X	X	Note: Compensation via the Commission for the compensation of victims of infractions (CIVI) cannot be granted to third country nationals with irregular status. (if they apply but request will be considered inadmissible). Yet, in the context of a criminal procedure, and if civil party, a third country national with irregular status can request and be awarded damages, including with support of the SARVI (Service d'Aide au Recouvrement des victimes d'infraction) .
16	Are there exceptions prescribed in law for different types of crimes? If yes, what are they?		X	Article 706-3 of the code of criminal procedure (and 706-14, with conditions) lists the infractions for which compensation can be sought but there are no crimes for which the condition of regular residency is waived for third country nationals.

²⁰⁷ [<http://vosdroits.service-public.fr/particuliers/F2313.xhtml>].

2.8 Cross border support

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-12), please place your answer directly in the 'Description' field.

	Victims' rights with regard to cross border support	Yes	No	Description (max 2-3 sentences per question)
1	Is there a formal system of cross-border referral of victims (to a victim support organisation in the state in which the victim lives) when the victim who has approached the VSO or competent authority is resident in another state?		X	As confirmed by the INAVEM federation the Ministry of Justice and the Ministry of Interior (<i>Délégation aux Victimes-DAV</i>) there is currently no formal system of cross-border referral in place.
2	Can victims of crime report crimes in their own country if the crime was committed in another state?	X		At least in theory, yes. The victim can indeed file the complaint, based on article 15-3 of the code of criminal procedure, which sets that judicial police officers have the obligation to register complaints from victims of infractions under the criminal law (...) ²⁰⁸ – without specifying where the infraction must have taken place. Article 113-5, 6 and 7 of the code of criminal procedure sets the conditions of applicability of French criminal law in the case of a crime or misdemeanour committed on the territory of another state. Beyond the complaint, judicial follow-up will depend on the extent to which the specifics of the case meet these conditions. The INAVEM however indicates that some officers will not, in practice, register the complaint ²⁰⁹ .
3	Are victim support services made available to all victims, regardless of legal status, country of origin or nationality?	X		The INAVEM shares that obstacles can may exist in practice (language, distance between France and the country of residence of the victim) even if efforts are deployed to ensure support (if needed, with ad hoc referrals). But legal and ethical standards foresee support regardless of legal status, country of origin or nationality (see general anti-discrimination clauses in article 5 and 10 of the INAVEM code of deontology ²¹⁰)
4	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.	N/A	N/A	Official interlocutors (Ministry of Justice, Ministry of Interior, INAVEM) did not report any specific mechanism in place nationally. Recently, Victim Support Europe (of which

²⁰⁸ Aa, S. van der et al. (2009), Project victims in Europe – Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union, Lisbon, [p.119], available at: [www.apav.pt/vine/images/report_vine_eng.pdf].

²⁰⁹ Information shared by the INAVEM federation, May 2013

²¹⁰ [France.] INAVEM, Charte des services de l'aide aux victimes (1997), available at: www.inavem.org/index.php?option=com_content&view=article&id=96&Itemid=170].

				the INAVEM federation is a member) developed leaflets in several languages entitled 'Victim of a crime in another UE country?' ²¹¹ (See also promising practices)
5	Is information made available to victims in different languages by the police? If yes, which languages?	X	X	The INAVEM confirms that while such information should be systematized in the context of the newly adopted EU Directive ((cf. article 5.3), in practice nothing is systematic yet. Locally (in Paris) the police has developed initiatives, including software to ensure that victims who do not speak French/from other countries can access officers and information in different languages (see 2.11.2 for further information). The Ministry of Interior reports the availability on the Police intranet, of a document to help officers communicate with victims from several EU countries (in English, German, Spanish, Italian) ²¹²
6	Is information made available to victims in different languages by victim support services? If yes, which languages?			Some victim support services (NGOs) do translate documentation available to victims (notably in English), but nothing systematic is in place.
7	Do victim support services offer interpretation or translation services? If yes, in which languages?		X	Nothing formal is in place. The INAVEM however confirms that in the context of their mission of support to victims, NGO scan be translating documents, if a member staff speaks the language of the victim. But this remains informal, and with no legal value. NGOs can however refer victims to interpreters and translators ²¹³ .
8	Does the main generic victim support organisation in your country maintain contact with victim support organisations in other countries? If yes, how? (E.g. through formal cooperation agreement; international'coOultaiuide forums or conventions etc.)	X		Contacts may be established between victim support services on an ad hoc basis. The INAVEM ensures a representation of the network of the victim support NGOs as a member of Victim Support Europe (which organises annual meetings) ²¹⁴ . Nothing is anticipated in this respect in texts (code or circular) which relate to the Victim support offices in jurisdictions (Bureau d'aide aux victimes)

²¹¹ [<http://victimsupporteurope.eu/publications/>].

²¹² Information shared by the Delegation for Victims (Délégation aux Victimes), Ministry of Interior, April 2013.

²¹³ Information shared by the INAVEM, May 2013

²¹⁴ [<http://victimsupporteurope.eu>].

		Description (max 2-3 sentences per question)		
9	What is the mechanism for victims to apply for compensation once they are back in their own country?	The victim can become a civil party to claim damages in the context of the criminal procedure (there may be practical obstacles but no legal ones) and subsequently or if not a civil party, she may also turn to the Commission for the compensation of victims of infractions (CIVI). For French nationals residing abroad, and when the infraction happened abroad, the competent CIVI is the one in Paris. For EU or third countries nationals legally residing abroad, and when the infraction happened in France, the competent CIVI will be that of the tribunal where public action is underway – and otherwise the CIVI of Paris ²¹⁵ . Application can be submitted by mail (tracked) to the competent CIVI, and must include a series of documents (including those attesting to the prejudice suffered). The list of documents, as well as key steps of the out-of court (phase amiable) and judicial phase is available in annex of the form ²¹⁶ .		
10	What is the number of victims accessing victim support services who are non-nationals of the state?	There is no figure available, as confirmed by the Ministry of Interior, the Ministry of Justice and the INAVEM federation.		
11	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.	See reply to question 4, which is identical.		
12	Are there any measures put in place for the protection of a victim's right to privacy when dealing with cross border victims?	No special mechanism was reported by interlocutors (Ministry of Justice, Ministry of Interior, INAVEM).		

²¹⁵ [www.formulaires.modernisation.gouv.fr/gf/getNotice.do?cerfaFormulaire=12825*03&cerfaNotice=51153].

²¹⁶ [www.formulaires.modernisation.gouv.fr/gf/getNotice.do?cerfaFormulaire=12825*03&cerfaNotice=51153].

2.9. The role of volunteerism in victim support

From the research carried out in phases 1 & 2, one of the most striking features of the more robust generic victim support systems in Europe is the crucial role played by volunteers.

- a. **With this in mind, please provide an overview (max 500 words) of the tradition of volunteerism in the area of the victim of support in your country; i.e. outlining whether such a culture exists, what is the historical background for why it does or does not exist; how is the situation changing and focusing on any discernible trends; explaining also the typical profile of volunteers who work in the field - e.g. well educated? Professional background - working in a particular field (e.g. legal, social work); typical tasks? (E.g. provision of legal/psychological advice? Or restricted to informing victims of rights etc.). How many hours a week do volunteers typically give of their time? Are numbers of volunteers increasing or decreasing?**

There is an important tradition of volunteerism in the area of victim support in France, which relates to a broader culture in the field of civil society organisations. However the trend has been, as in other sectors, toward a professionalization of victim support, also in the framework of conventions developed with the Ministry of Justice (and the judiciary in the field), the Ministry of Interior and other administrations funding the operations of NGOs (including for hotlines). In the 1980s, volunteers were a majority in victim support NGOs but this incrementally changed over the years. The National Council of Cities, in an opinion of victim support policy, volunteerism has declined, with the recruitment of full time professional staff (with cost implications for NGOs)²¹⁷. It has, but in share of overall staff mobilized for victim support, not in overall numbers, still on the increase (at least until 2010 – awaiting figures for the last two years). Indeed, between 2005 and 2010, the number of volunteers went from 463 to 635 while employed staff went from 889 to 1398²¹⁸ and available data does not allow for a comparison with previous years. So still, volunteers represent a third of the staff of victim support NGOs. There are active in a variety of functions. Their involvement can be in direct interactions with victims (for instance general reception and information of victims or in face-to-face consultations, with supervision/coordination of a permanent staff member or in combination with another professional) but also in the context of general management of the NGOs (e.g. treasurer or administrator)²¹⁹. It can be noted that some specialised NGOs may rely more structurally on volunteers: it is for instance the case of the ALMA Federation, an NGO who mobilises retired persons as volunteers, trained to listen to victims and familiar about issues relating to the mistreatment of elderly persons and persons with disabilities²²⁰.

- b. **If there is no tradition of volunteerism in the area of the victim of support in your country, please outline (in max 500 words) any recent initiatives or attempts in the area of victim support to encourage a greater culture of volunteerism.**

N.A

2.10. The tradition of social work

In max 400 words, please provide an overview of whether there is a tradition of social work in your country, and if so, in what way (if any) is it linked to the victim support services structure in your country. In your answer, please include the level of education of a typical social worker (e.g. is university or third level education necessary?).

²¹⁷ [France,] Avis du Conseil National des Villes, l'aide aux victimes d'actes de criminalité sur les territoires : quelle politique publique pour 2013 et 2014, 17 January 2013, p.4, available at: [www.ladocumentationfrancaise.fr/var/storage/rapports-publics/774023100/0000.pdf].

²¹⁸ Ministry of Justice (2012), Annuaire statistique de la justice 2011-2012, p.141, available at : [www.justice.gouv.fr/art_pix/stat_annuaire_2011-2012.pdf].

²¹⁹ [France,] De liège M.P (2003), L'aide aux victimes, 20 ans après : bilan et perspectives, in Cario, R. Aide aux victimes, 20 ans après, Autour de l'œuvre de Micheline Baril, L'harmattan; [France,] INAVEM (dir.) (2008), Humanité et compétence dans l'aide aux victimes, l'Harmattan.

²²⁰ [www.alma-france.org/Historique.html]

A strong tradition of social work exists in France and links with victim support services were established progressively overtime and at various levels.

Victim support NGOs now usually integrate psychologists and social workers, besides legal practitioners (juristes) in their staff. They may have access to tailored continuous training on victim support, as developed by the INAVEM federation²²¹.

In police and gendarmerie units, social workers and psychologists (“*intervenants sociaux*”) are increasingly present (with public state and local funding) although much of the units are not served. First experimentations were carried out in the early 1990s and extension started in 2006-2007. The model received a legal backing with the introduction of a legal reference in the code of social action and families in 2007 (article L.121-1-1). An NGO, created in 2003 to federate those involved (Association Nationale d’Intervention Sociale en Commissariat et en Gendarmerie) now offers a number of relevant training sessions and has established a partnership with the Ministry of Interior (pluri-annual convention, from 2006 on)²²².

The involvement of social professionals in procedures concerning victims is also an option foreseen by the criminal procedure, in particular in the context of the hearing of children victims by during the investigation and judicial information (article 706-53, Code of Criminal Procedure). Some ad hoc administrators may have been also employed in social work, working with children. In civil cases, and besides social investigations, hearings of children exposed to parental conflict may also be delegated to persons with experience in the social, psychological or medico-psychological fields sphere (Art. 338-9 of the Code of Civil Procedure).

For social workers’ positions, a post-secondary education is usually essential in recruitment although there is no set requirement (by NGOs or in the context of police and gendarmerie units). Hence the state diploma for social work (Diplome d’Etat d’Assistant de Service Sociale (DEASS) 3 years post-baccalaureate) is often a pre-requisite²²³. Beyond, qualifications and levels of competence may vary. Recommendations exist for further specialisation and training to be followed by social workers in the field of victimology²²⁴, where a number of university programs are now available (D.U/Master)²²⁵.

2.11. Promising practices in the area of victim support

From the following list of promising practices (detailed explanations found under Annex 1), please identify whether there is a similar practice in your country (yes or no) and provide a brief explanation/description. If you have identified other promising practices not similar to the ones presented here, please provide details under ‘16’ – ‘Other promising practices’.

Promising practice	Does a similar practice exist in your country?		Short description of the practice in your country, outlining similarities; differences etc. If there is no such practice, please provide a justification for this (e.g. this is not an issue; it is dealt with in other ways; it is a gap that still needs to be addressed)
	Yes	No	

²²¹ [http://inavem.org/index.php?option=com_ctformations&Itemid=47]

²²² [<http://aniscg.org/index.php?Ref=formations>]

²²³ [[www.servicessalpersonne.gouv.fr/diplome-d-etat-d-assistant-de-service-social-\(deass\)-\(89684\).cmf](http://www.servicessalpersonne.gouv.fr/diplome-d-etat-d-assistant-de-service-social-(deass)-(89684).cmf)]

²²⁴ [France,] Fort, M-L.,(2012), La victime au cœur de l’action des services de police et de gendarmerie, Rapport remis à Monsieur François Fillon, premier ministre et M. Claude Géant, Ministre de l’Intérieur, de l’Outre-mer, des Collectivités territoriales et de l’Immigration, p.43-44, available at : www.ladocumentationfrancaise.fr/rapports-publics/124000104/index.shtml

²²⁵ [www.inavem.org/index.php?option=com_content&view=article&id=124&Itemid=197]

1	Initiative to provide cross-border victims of crime with basic information: In May 2009, the Inter-Regional Crime Prevention working group of the <i>Grande Région</i> (LU, FR, DE, BE) published a basic information guide for victims, detailing what to do in the event one is a victim of a crime or an accident.	X	The Ministry of Foreign and European Affairs and the Ministry of justice developed a guide for victims of infraction abroad in 2008. It includes contact of NGOs ²²⁶
2	Assistance to tourist victims of crime: e.g. In Ireland, the Irish Tourist Assistance Service (ITAS) is specialist service offering immediate support and assistance to tourists who are victimised while visiting Ireland. The Service is free and confidential. ITAS is run by staff and volunteers who speak a variety of languages.	X	There is no such service available nationally. However In Paris, specific measures have been put in place to prevent infractions targeting tourists and to support those who are victims. Some policemen wear badges informing the public of the foreign languages they speak (in 2009, there were 175 policemen, speaking 31 languages including sign language). Since 2004 software exists to edit a complaint form in 14 different languages (Système d'Accueil des Victimes Etrangères). Policemen from other countries (e.g. Netherlands, Germany, Belgium) are also mobilised during the summer period, for joint patrols in touristic areas. Information brochures are also edited in various languages ²²⁷ . In terms of support, a number of local victim support NGOs have developed initiatives, ensuring the presence of staff speaking different languages, the editing information leaflets, and referrals to similar NGOs in the country of residence of the victim ²²⁸ .
3	Schemes for compensatory fines to help fund support services: In addition to other funding sources, several EU Member States generate money for generic victim support services through a 'Victims of Crime fund' or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime (for example, in BE, LT, NL, PL & SE).	X	This type of financing – based on a contribution of the person convicted is not yet in place but its establishment is under consideration. (See, for further information and references: section 2.7, question 5.)

²²⁶ [France.] Ministry of Justice, Ministry of Foreign and European affairs (2008), Etre victime à l'étranger. Quels droits et actions? Quelles spécificités ? Guide d'information à destination des ressortissants français victimes d'une infraction à l'étranger, available at : www.diplomatie.gouv.fr/fr/IMG/pdf/guide_victimes_etrangere_juillet2008-2.pdf.

²²⁷ [France.] Préfecture de police (2007), Communiqué de Presse, La préfecture de police mobilise pour l'accueil des touristes à Paris, Paris, le 7 juillet 2009, available at: www.prefecturedepolice.interieur.gouv.fr/content/advancedsearch?SearchText=touriste&valider.x=-1035&valider.y=-129.

²²⁸ [France.] INAVEM (2007), La prise en charge des touristes et des voyageurs d'affaires victimes d'infractions pénales en France, Etude de Faisabilité, [p.21-23], available at : www.inavem.org/index.php?option=com_docman&task=doc_download&gid=4&Itemid=.

5	In some countries, victims can be accompanied in court by victim support services, ensuring a fuller realisation of victims' rights and helping to prevent secondary victimisation.	X	Victims can turn to victim support NGO for psycho-social support and accompaniment in court (see also answers under section 2.6.4). Article 41 (7°) of the code of criminal procedure explicitly allows the Prosecutor to call on the services of a victim support NGO (accredited by the Court of Appeal) so that support be provided to the victim.
6	In some countries, victims are provided with free psychosocial and legal assistance throughout the entire criminal proceedings.	X	This type of multidisciplinary support can be made available to victims throughout the entire criminal proceedings, with interventions of victim support NGOs (whose interventions are always free) and access to the legal aid system. Presence of NGOs is ensured in police units, in the Victim Support Office in jurisdictions (Bureau d'aide aux victimes BAV) and in other public structures.
7	Some countries have legal clinics that provide free legal assistance to victims of crime.		Such legal clinics do not exist. But some lawyers do specialise in victim support and intervene in the framework of the legal aid system (their retribution being covered and thus free or partially so for the victim). Beyond, in many areas, Bar associations provide free legal consultations and hotlines. These can be located in court, in the premises of the Bar association, or in other public or mobile structures and be offering generic counselling ²²⁹ or counselling for victims ²³⁰ .

²²⁹ [www.barreau-marseille.avocat.fr/fr/espace-particuliers/consultations-gratuites].

²³⁰ [www.barreau-dijon.avocat.fr/permanence-victimes-d-infraction-penale.361__482.php].

8	Some countries are exploring new and innovative ways of disseminating information to victims of crime in the form of web-based material, using social media and e-support etc. e.g. In SE, the Crime Victim Compensation and Support Authority initiated web-based information site called the Trial School which uses narrators' voices, texts, photographs, films and 3D animations to explain what happens at a court trial. Victim Support Finland (RIKU) operates a mobile phone service providing advice to crime victims through automatic text messages, while in NL; the Victim Support fund has a website and a smart phone app to guide victims to support organisations.	X	The Ministry of Justice edited in 2012 of Guide for Victims ²³¹ , made available online, and with various leaflets ²³² also on display in jurisdictions. A campaign was also launched in 2012 against sexual harassment, with a dedicated website including information on legal standards, steps to take for victims, and awareness-raising material ²³³ . The ministry also has created an online repertory of victims support NGOs with contact details ²³⁴ .
9	Some countries have created a 'Victim's Charter' which, not a legally binding document in itself, rather aims to describe the criminal justice system to a victim of crime, setting out victims' rights and providing clear information in relation to various aspects of criminal proceedings, state agencies, victim support organisations etc. (e.g. what happens when a crime is reported; what to expect during the investigation process, which agencies are involved in providing support etc.).	X	A number of such documents meet the same objectives: <ul style="list-style-type: none"> - Guide for victims edited in 2012 by the Ministry of Justice²³⁵ - Charter of the reception of the public and victim support of the Police and Gendarmerie²³⁶. - Charter for Victim support of the INAVEM network²³⁷ Beyond, many NGOs develop online resources ²³⁸ or guides ²³⁹ providing tailored information.
10	In SE referral from the police works effectively since several local BOJ victim support services operate on the same premises as the local police station which also is seen as a way to quickly identify victims. All police districts, in over 100 districts around Sweden, have a Crime Victim Emergency Service. People who have training in and experience of the issues faced by victims of crime are available at these offices.	X	As detailed in several sections, support services within police and gendarmerie units exist with the presence of social workers and psychologists (178 in total at the moment), and the availability consultations by victim support NGOs (permanences). Local focal point officers for victims are also designated locally (correspondants ou délégués départementaux « aide aux victimes »). A few mobile

²³¹ [France.] Ministry of justice (2012), Les droits des victimes, available at: [www.justice.gouv.fr/publications-10047/guides-professionnels-10048/parution-du-guide-les-droits-des-victimes-14413.html].

²³² [www.justice.gouv.fr/aide-aux-victimes-10044/].

²³³ [http://stop-harcèlement-sexuel.gouv.fr/].

²³⁴ [www.annuaires.justice.gouv.fr/annuaires-12162/annuaire-des-associations-daide-aux-victimes-21769.html].

²³⁵ [France.] Ministry of justice (2012), Les droits des victimes, available at: [www.justice.gouv.fr/publications-10047/guides-professionnels-10048/parution-du-guide-les-droits-des-victimes-14413.html].

²³⁶ [France.] Ministry of Interior (2012), Charte de l'accueil du public et d'assistance aux victimes, available at : [www.interieur.gouv.fr/A-votre-service/Ma-securite/Aide-aux-victimes/Aide-aux-victimes-informations-pratiques/Accueil-du-public-et-des-victimes].

²³⁷ [France.] INAVEM, Charte des services de l'aide aux victimes (1997), available at: [www.inavem.org/index.php?option=com_content&view=article&id=94:charte-des-services-daide-&catid=7:ethique-et-deontologie&Itemid=171].

²³⁸ [www.pav75.fr/index.php?option=com_content&view=category&layout=blog&id=40&Itemid=60].

²³⁹ [www.aideauxvictimes-valenciennois.fr/themes/site_themes/site/upload/fichiers/guide_aide_aux_victimes.pdf].

				Emergency Victim Support Services (Service d'Aide aux Victimes d'Urgence – SAVU also exist in Valenciennes, Marseilles, Mulhouse and Grenoble ²⁴⁰ .
11	The multi-disciplinary, national referral system introduced in Bulgaria with regard to trafficking might be considered a promising practice.			No such practice is currently developed.
12	As part of the National Social Roma Inclusion Strategy in HU, Roma victim support volunteers are recruited to work in the volunteer support network. There is also a network of on-site legal aid stations led by an active member of the local Roma community, while the attorneys of the organisation are available online and provide free legal advice via Skype. Their area of operation also includes legal support to victims of hate crime.			No such practice is currently developed or anticipated by the national Roma inclusion strategy.
13	Police forces in England and Wales have policies on dealing with repeat victimisation. An example of such a policy is the Thames Valley Police policy on repeat victimisation (drafted and audited in accordance with Human Rights Act 1998): Sample Extract from the policy: 1. Rationale 1.1 Research and organisational experience indicate that victims of crime and other incidents may be targeted for subsequent victimisation. This is particularly relevant in relation to offences of burglary, assault, domestic violence and hate crime. 1.2 Repeat incidents often occur soon after the initial victimisation; therefore it is important to take preventative measures quickly. Likely victims must be identified immediately and subject to a targeted crime reduction initiative. 1.3 Every victim should be asked whether they have been subject to other offences. The primary means to prevent repeat victimisation is to arrest and prosecute the offender, although other tactical options are available [...]. ²⁴¹		X	No such practice is currently developed
14	Many countries have practices in place to respect the rights of victims during court proceedings, particularly with regard to their rights to privacy and protection; e.g. the trial being conducted behind closed doors; witness' testimony being taken so they do not come into contact with accused (e.g. in SI, taking of testimony using technical devices (protective screen, voice disguising devices, transmission of sound from separate premises		X	The preliminary article of the Code of criminal procedure states that the judicial authority ensures the information and guarantees the rights of victims in criminal proceedings ²⁴² . Dispositions concerning protection and privacy in that

²⁴⁰ [France.] Avis du Conseil National des Villes, l'aide aux victimes d'actes de criminalité sur les territoires : quelle politique publique pour 2013 et 2014, 17 January 2013, p.4, available at: [www.ladocumentationfrancaise.fr/var/storage/rapports-publics/774023100/0000.pdf].

²⁴¹ [www.thamesvalley.police.uk/pub-policiesandprocedures-repeat-victimisation.pdf].

²⁴² [France.] Code of criminal procedure, Preliminary article, available at :

[www.legifrance.gouv.fr/affichCode.do;jsessionid=6698F498FC9C6634905C13320C765F1D.tpdjo14v_2?idSectionTA=LEGISCTA000006098229&cidTexte=LEGITEXT000006071154&dateTexte=20130514].

	<p>and other similar technical devices); ban on use of images related to the victimisation; other measures undertaken by judges or prosecutors (or jury?) in respect of victims' rights? (e.g. jurors in FR swear an oath pledge not to betray the interests of the victim).</p>		<p>context include:</p> <ul style="list-style-type: none"> -the trial can be conducted behind closed doors (see 2.6.3); - children below the age of 16 years are heard without taking oath by the investigating judge²⁴³, by the <i>Cour d'assises</i>²⁴⁴, <i>Tribunal correctionnel</i>²⁴⁵, Police tribunal (<i>Tribunal de police</i>) and local court (<i>Jurisdiction de proximité</i>)²⁴⁶. - jurors swear an oath pledge not to betray the interests of the victim²⁴⁷. - the public disclosure of the information concerning proceedings on defamation (under conditions of article 35 of Law on the press liberty²⁴⁸) is prohibited as well as the public disclosure of the identity/image of a victim of a sexual assault²⁴⁹ or the names of child victims is punished by fine²⁵⁰. - the diffusion of a audio-visual or audio recording of hearings of child victims of a sexual nature offenses or offenses involving acts of torture or barbarity as listed under article 706-47 of the code of criminal procedure²⁵¹ is
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²⁴³ [France.] Code of criminal procedure, Article 108, available at : [\[www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006182923&cidTexte=LEGITEXT000006071154&dateTexte=vig\]](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006182923&cidTexte=LEGITEXT000006071154&dateTexte=vig).

²⁴⁴ [France.] Code of criminal procedure, Article 335, available at : [\[www.legifrance.gouv.fr/affichCode.do;jsessionid=6698F498FC9C6634905C13320C765F1D.tpdjo14v_2?idSectionTA=LEGISCTA000006167467&cidTexte=LEGITEXT000006071154&dateTexte=20130514\]](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=6698F498FC9C6634905C13320C765F1D.tpdjo14v_2?idSectionTA=LEGISCTA000006167467&cidTexte=LEGITEXT000006071154&dateTexte=20130514).

²⁴⁵ [France.] Code of criminal procedure, Article 447, available at : [\[www.legifrance.gouv.fr/affichCode.do;jsessionid=6698F498FC9C6634905C13320C765F1D.tpdjo14v_2?idSectionTA=LEGISCTA000006182908&cidTexte=LEGITEXT000006071154&dateTexte=20130514\]](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=6698F498FC9C6634905C13320C765F1D.tpdjo14v_2?idSectionTA=LEGISCTA000006182908&cidTexte=LEGITEXT000006071154&dateTexte=20130514).

²⁴⁶ [France.] Code of criminal procedure, Article 536, available at : [\[www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006151990&cidTexte=LEGITEXT000006071154&dateTexte=20130514\]](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006151990&cidTexte=LEGITEXT000006071154&dateTexte=20130514).

²⁴⁷ [France.] Code of criminal procedure, Article 304, available at : [\[www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006167464&cidTexte=LEGITEXT000006071154&dateTexte=20130514\]](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006167464&cidTexte=LEGITEXT000006071154&dateTexte=20130514).

²⁴⁸ France, Law on the press liberty (1881), available at : [\[www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006070722&dateTexte=vig\]](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006070722&dateTexte=vig).

²⁴⁹ France, Law on the press liberty (1881), available at : [\[www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006070722&dateTexte=vig\]](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006070722&dateTexte=vig).

²⁵⁰ France, Law on the press liberty (1881), Article 39 bis, available at : [\[www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006070722&dateTexte=vig\]](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006070722&dateTexte=vig).

²⁵¹ [France.] Code of criminal procedure, Article 706-47, available at : [\[www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006138130&cidTexte=LEGITEXT000006071154&dateTexte=20130514\]](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006138130&cidTexte=LEGITEXT000006071154&dateTexte=20130514).

				<p>punished by imprisonment and a fine²⁵².</p> <ul style="list-style-type: none"> - the presence of a psychologist during the investigation, judicial information (<i>information judiciaire</i>), hearings and confrontations involving minor victims²⁵³. - assistance of minors' by the administrators ad hoc²⁵⁴.
15	In some countries, police, prosecutors and judges work for victim support organisations in an official capacity that forms part of their training (e.g. in Austria)			<p>The training of judges only anticipates an internship with a lawyers' firm (which can provide legal aid to victims) but not with a victim support NGOs. It can be noted that judges, prosecutors and the police however cooperate with victim support NGOs, in their daily work, but also in the framework of multidisciplinary training sessions. Some also sit in the governing bodies of NGOs, including the INAVEM federation²⁵⁵</p>
16	Other promising practices: please include any other promising practices in your country with regard to victim support and enabling victims' to exercise their rights.	NA	NA	<p>Other promising practices developed in France include :</p> <ul style="list-style-type: none"> - the principle of « guichet unique » allowing victims to file a complaint in any police or gendarmerie unit across the territory. - the généralisation of an online pre-complaint system for victims of certain infractions (damage to property (atteintes aux biens) with an unidentified author) following experimentation since 2008 (available : https://www.pre-plainte-en-ligne.gouv.fr/)²⁵⁶ - the generalisation of the victim support offices (Bureau d'aides aux victimes - BAJ) in jurisdiction, following experimentation carried out

²⁵² [France.] Code of criminal procedure, Article 706-52, available at : [\[www.legifrance.gouv.fr/affichCode.do;jsessionid=6698F498FC9C6634905C13320C765F1D.tpdjo14v_2?idSectionTA=LEGISCTA000006151935&cidTexte=LEGITEXT000006071154&dateTexte=20130514\]](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=6698F498FC9C6634905C13320C765F1D.tpdjo14v_2?idSectionTA=LEGISCTA000006151935&cidTexte=LEGITEXT000006071154&dateTexte=20130514).

²⁵³ [France.] Code of criminal procedure, Article 706-53, available at : [\[www.legifrance.gouv.fr/affichCode.do;jsessionid=6698F498FC9C6634905C13320C765F1D.tpdjo14v_2?idSectionTA=LEGISCTA000006151935&cidTexte=LEGITEXT000006071154&dateTexte=20130514\]](http://www.legifrance.gouv.fr/affichCode.do;jsessionid=6698F498FC9C6634905C13320C765F1D.tpdjo14v_2?idSectionTA=LEGISCTA000006151935&cidTexte=LEGITEXT000006071154&dateTexte=20130514).

²⁵⁴ [France.] Code of criminal procedure, Articles 706-50 and 706-51, available at : [\[www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006151935&cidTexte=LEGITEXT000006071154&dateTexte=20130514\]](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006151935&cidTexte=LEGITEXT000006071154&dateTexte=20130514).

²⁵⁵ www.inavem.org/index.php?option=com_content&view=article&id=98&Itemid=173

²⁵⁶ [\[www.interieur.gouv.fr/Actualites/Communiqués/Generalisation-de-la-pre-plainte-en-ligne\]](http://www.interieur.gouv.fr/Actualites/Communiqués/Generalisation-de-la-pre-plainte-en-ligne)

			<p>since 2009 (see also 2.6.4).</p> <ul style="list-style-type: none"> - The service for the support of victims in the recovery of damages (Service d'Aide au Recouvrement des Victimes d'Infractions - SARVI) (see also 2.7) created in 2008²⁵⁷. - the increasing présence of social workers and psychologist in Gendarmerie and Police units²⁵⁸ - the unannounced inspections regularly carried out in units by the General Inspections of the Gendarmerie and Police (IGGN and IGPN, with a common approach) to evaluate conditions of reception of the public (some 150 services are visited annually, since 2007-2008, and over 7800 victims have been also heard in this context (for feedback on the quality of services)²⁵⁹. - The online availability of contact details of all designated focal points in the police and gendarmerie for issues relating to victim support (correspondants "aide aux victimes" ou officiers "Prévention-Partenariat Aide aux Victimes")²⁶⁰ - The website of the Data protection authority (Commission Nationale Informatique et Liberté CNIL), competent to review complaints in that field includes information in English²⁶¹.
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2.12 Role of the victim in practice

When it comes to perceiving or conceptualising victims of crime, certain ideal types or models can be distinguished. Based on your research and responses so far, please choose one from the following 4 descriptions of the role of the victim in the criminal justice system of your country (if possible indicating the most common view of legal practitioners (judges, prosecutors, lawyers) in your country. (If you believe that there are different perceptions of victims depending on various types of criminal offences, please consider cases of violent crimes.):

²⁵⁷ [www.justice.gouv.fr/actualite-du-ministere-10030/service-daide-au-recouvrement-des-victimes-sarvi-16018.html]

²⁵⁸ [www.prevention-delinquance.interieur.gouv.fr/fileadmin/user_upload/03-Champs_d_action/Aide_aux_victimes/aniscg-4pages-HD.pdf]

²⁵⁹ [France.] Fort, M-L.,(2012), La victime au cœur de l'action des services de police et de gendarmerie, Rapport remis à Monsieur François Fillon, premier ministre et M. Claude Géant, Ministre de l'Intérieur, de l'Outre-mer, des Collectivités territoriales et de l'Immigration, p.18, available at :

[www.ladocumentationfrancaise.fr/rapports-publics/124000104/index.shtml]

²⁶⁰[www.interieur.gouv.fr/A-votre-service/Ma-securite/Aide-aux-victimes/Aide-aux-victimes-presentation-des-differents-dispositifs/Liste-des-correspondants-departementaux-aide-aux-victimes]

²⁶¹[www.cnil.fr/english/]

	Please choose the most appropriate description of how the victim is perceived in the criminal justice system	Place X in the appropriate box (choose only one)	Explanation (maximum word count 200)
1	The victim is seen essentially as a witness.		
2	In addition to 1, if the victim has suffered damage as a consequence of a criminal offence, importance is attributed to allowing the victim to claim compensation within the framework of criminal proceedings.		
3	In addition to 1 or 2, the victim is seen as a person who has suffered moral harm and therefore is in need and deserving of help.		
4	In addition to 1, 2 & 3, the victim is perceived as a person whose rights have been violated by the criminal offence and who therefore is entitled to see that justice is done and, to that end, to participate in criminal proceedings.	X	Even if perfectible (see a recent legislative proposal ²⁶²), the current legal framework provides victims with rights and opportunities to take an active role at various stages of the criminal procedure (status as a civil party, with rights and opportunities to be informed, challenge decisions, access case files, request acts of procedure, be heard in court, etc.). In practice, such participation still depends on the level and quality of information and professional support victims can access. The institutional response in terms of access to compensation, with various mechanisms in place (CIVI - FGTI, SARVI) can be considered rather strong. Greater involvement of victims in the process of enforcement of sentences has also been secured (articles 707, 720 and 721-16-1 Code of criminal procedure).
In the new EU Victims' Directive, the Commission refers to the varying roles of victims in criminal proceedings in each Member State as being determined by one of the following criteria. ²⁶³ With regard to the following descriptions, please choose 'yes' or 'no' for each concerning the role of the victim in the criminal justice system of your country, and provide a short explanation.			
	Description of victims' role in EU Directive	Yes	No
			Explanation (maximum word count 200)

²⁶² [France.] Proposition de loi visant à améliorer les droits des victimes dans le cadre de la procédure pénale, N° 4307, Enregistré à la Présidence de l'Assemblée nationale le 7 février 2012, available at : [www.assemblee-nationale.fr/13/propositions/pion4307.asp].

²⁶³ See Recital 20 Of the Victims' Directive, p 11 (<http://register.consilium.europa.eu/pdf/en/12/pe00/pe00037.en12.pdf>).

1	The national system provides for a legal status as a party to criminal proceedings;	X	According to the Code of criminal procedure, any person who claims to have suffered harm caused by an infraction may file a civil party petition ²⁶⁴ . Such constitution can intervene at different stages of the procedure, including in court (<i>à l'audience même</i>) ²⁶⁵ . The civil party can ask for compensation (dommages-intérêts) for the prejudiced caused to him/her and has another rights (see other sections).
2	The victim is under a legal requirement or is requested to actively participate in criminal proceedings, for example as a witness	X	No explicit legal requirement refers to an obligation for “victims” to participate in criminal proceedings. They may chose to constitute themselves as civil party and participate as such. Yet a series of legal dispositions suggest the victim’s participation can be required with a citation to be heard as a witness (<i>pour être entendu comme témoin</i>) by the investigating judge (article 101 of the code of criminal procedure) and imposed with the support of public force by requisition of the prosecutor (article 109 of the code of criminal procedure). Fairly similar dispositions exist for the trial stage, before the Cour d’Assises (article 326), Tribunal Correctionnel and Tribunal de Police (article 437 and 536). Concerning the investigation, and according to the Article 78 of the Code of criminal procedure, all persons summoned by a judicial police officer for the requirements of the investigation are obliged to appear. With the prior authorisation of the prosecutor, public force may be mobilised to secure appearance. This article was judged legal by the Constitutional Council ²⁶⁶ .
3	The victim has a legal entitlement under national law to actively participate in criminal proceedings and is seeking to do so, where the national system does not provide for a	X	See 1 above concerning civil party. In addition a 2007 circular also recalls that “the right of the victim to attend the court hearing (<i>audience</i>) that

²⁶⁴ [France,] Code of criminal procedure, articles 2, 85, 87, 392, 533, 418, available at: www.legifrance.gouv.fr/affichCode.do?jsessionid=422CF28DD5A53CDA45E305C47FE4A126.tpdjo13v_2?cidTexte=LEGITEXT000006071154&dateTexte=20130327.

²⁶⁵ [France,] Code of criminal procedure, article 418, available at: <http://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006071154&idArticle=LEGIARTI000006576523&dateTexte=20130327>

²⁶⁶ [France,] Constitutional Council, Decision n°2012-257 QPC, 18 June 2012, available at : www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2012/2012-257-qpc/decision-n-2012-257-qpc-du-18-juin-2012.114707.html].

legal status as a party to the criminal proceedings.			concerns him/her, whether or not she is a civil party, is a right that must be effectively guaranteed» ²⁶⁷ .
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IMPORTANT:

In accordance with question 2.2.1b, if you have identified your country as belonging to category 'A'; please respond only to questions 3.3 and 3.4 of part B.

In accordance with question 2.2.1b, if you have identified your country as belonging to any category other than 'A'; please respond only to questions 3.1 – 3.3 of part B.

2 Part B:

3.1 Establishment of generic victim support organisations*²⁶⁸

3.1.1 Please outline who (i.e. state or non-state actor) took the initiative for first setting up victim support services.

In France, the government took the lead in the 1980s to allocate resources to the support of victims, with the initial idea – still defining the model today - that NGOs could be created and developed to shoulder this policy²⁶⁹. To develop public policies and institutions that benefit victims, the government also build on independent reports commissioned over the years (Peyrefitte's report on *Responses to violence* of 1977²⁷⁰; Milliez's report on *Victim support* of 1982²⁷¹; Gortais' report on *Psychological support to victims* of 1991²⁷²; Lienemann's report *For a new public policy for victim support* of 1999²⁷³). The role of victim support NGOs, and more general legal aid NGOs was thus progressively consolidated, with important legal steps included in the laws of 1998²⁷⁴ and 2000²⁷⁵ and most recently the generalisation of victim support offices in jurisdictions (Bureau d'aide aux victimes -BAV) (see section 2.6.4.1). The state also logically included NGOs in the definition of policy orientations concerning victim support, allowing for their participation in the National Council for Victims (*Conseil National d'Aide aux Victimes, CNAV*), created in 1999²⁷⁶.

²⁶⁷ [France.] Ministry of Justice (2007), Circulaire relative aux droits des victimes dans le procès pénal et à leur mise en œuvre, 9 October 2007, available at : [www.textes.justice.gouv.fr/art_pix/boj_20070005_0000_p007CircSADJPV_9Oct.pdf].

²⁶⁸ Questions marked with * should NOT be answered by countries falling into category 'A' (in accordance with question 2.2.1)

²⁶⁹ [France.] Avis du Conseil National des Villes, l'aide aux victimes d'actes de criminalité sur les territoires : quelle politique publique pour 2013 et 2014, 17 January 2013, Annex 1, available at: [www.ladocumentationfrancaise.fr/var/storage/rapports-publics/774023100/0000.pdf].

²⁷⁰ [France.] Study committee on violence, criminality and delinquency (1977), Report 'Responses to violence', available at: [www.ladocumentationfrancaise.fr/var/storage/rapports-publics/774023100/0000.pdf].

²⁷¹ [France.] Milliez, P. (1982), Rapport de la Commission d'étude et de proposition dans le domaine de l'aide aux victimes, Ministère de la Justice, Multigraph.

²⁷² [France.] Gortais J. (1991), L'aide psychologique aux victimes, Rapport pour le ministère de la Justice, Multigraph.

²⁷³ [France.] Lienemann, M.-N., Magliano H. *et al* (1999), Pour une nouvelle politique publique d'aide aux victimes : rapport au Premier ministre, La Documentation française, available at : [www.ladocumentationfrancaise.fr/var/storage/rapports-publics/994000991/0000.pdf].

²⁷⁴ [France.] Loi n° 98-657 du 29 juillet 1998 d'orientation relative à la lutte contre les exclusions (1998), available at: [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000206894publics]

²⁷⁵; [France.] Loi n° 2000-516 renforçant la protection de la présomption d'innocence et les droits des victimes, 15 juin 2000, available at : [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000765204#LEGISCTA000006136941].

²⁷⁶ [France.] Décret n° 99-706 relatif au Conseil national de l'aide aux victimes, 3 August 1999, available at : [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000577807&dateTexte=&categorieLien=id].

3.1.2 Where did the money come from to support this first attempt?

Financial backing was provided by the Ministry of Justice. Locally, the first victim support offices to open were municipal ones, created by active judges²⁷⁷. They relied also largely on volunteers (see also 2.9).

3.1.3 What were the circumstances leading to the establishment of the victim support service(s)?

In the late 1970s, the first commissions for the compensation of victims of infractions were created, upon the initiative of the Minister of Justice (J.Lecanuet)²⁷⁸. A new impulse came about with the incoming administration, following presidential elections in 1981. That same year, the new Minister of Justice (R.Badinter) tasked a commission to conduct a study and formulate proposals in the area of victim support²⁷⁹. Its report included the proposal for the development of a network of victim support NGOs. In 1982, an office for victim protection and prevention was created within the Ministry of Justice to support that movement. The INAVEM was created in 1986 (becoming the principle operator of that policy) and supported growing civil society interest for the position of victims in the justice system²⁸⁰. More recent developments, such as the (on-going) generalization of victim support offices (BAV) in jurisdictions, builds also on experimentation (since 2009).

3.1.4 Quality standards

	Yes	No	Description (max 3-5 sentences)
Do formally adopted key performance indicators exist in relation to the quality of services provided by generic victim support services? If yes, please describe them.	X		In public budgeting, indirect indicators of performance are formally included to match objectives in the finance programming bill (under programme 101). They measure performance of the public policy, but indirectly that of services provided by service providers (e.g. victim support NGOs). In particular, under Objectif 5 of that programme (Developing the efficacy of set ups (dispositifs) allowing for the support and compensation of victims), one indicator used is the level of satisfaction expressed by victims (based on an INSEE-Ministry of Justice survey carried out annually). Another indicator relates to the provision of legal aid, and relates to the objective n°1 or shortening delays to manage requests: it looks at percentage of legal aid offices with response delays of over 2 months. The INAVEM indicates there are no specific set of common performance indicators at the level of victim support NGOs ²⁸¹ .

²⁷⁷ [France.], Conseil National des Villes, Avis du Conseil National des Villes : L'aide aux victimes d'acte de criminalité sur les territoires : quelle politique publique nationale pour 2013 et 2014, 17 January 2013, Annex 1, available at: www.ladocumentationfrancaise.fr/var/storage/rapports-publics/774023100/0000.pdf.

²⁷⁸ [France.], Loi n°77-5 du 3 janvier 1977 garantissant l'indemnisation de certaines victimes de dommages corporels résultant d'une infraction 1977, available at: www.legifrance.gouv.fr/jopdf/common/jo_pdf.jsp?numjo=0&datejo=19770104&numtexte=&pagedebut=00077&pagefin=.

²⁷⁹ [France.], Milliez.P (1982), Rapport de la commission d'étude et de proposition dans le domaine de l'aide aux victimes, ministère de la justice, multigraph.

²⁸⁰ For an indicative chronology: www.inavem.org/index.php?option=com_content&view=article&id=235&itemid=290.

²⁸¹ Information shared by the INAVEM Federation, May 2013

3.2 Personnel (professional staff and volunteers)*:

Taking the below as an example, please provide information with regard to professional staff and volunteers working in the area of generic victim support in 2012 (if more than one organisation dealing with generic victim support please produce a separate table for each organisation).

Country	Name of organisation	Professional staff		Volunteers		
		# staff	hours contracted per week	# volunteers	hours contracted per week	Value of volunteer work
FRANCE	Network of victim support NGOs accredited by the judiciary (including the INAVEM members)	1398	NA	635	NA	NA

- Note : these are figures available from the Ministry of Justice, for the year 2010²⁸². Figures for the year 2011 and perhaps 2012 should be available by November 2013.

3.3 Services provided by the state:

From the below list, please answer 'yes' or 'no' if the following general services are provided directly by the state free of charge to victims and provide a short description – **to be answered by all**.

Services provided to victims by the state (free of charge)	Yes	No	Description
a Free legal advice by courts or free legal assistance	X		Free (or partially free) legal aid is provided by lawyers retributed by the State. Eligibility for legal aid (complete or partial) depends on resources of the victim and status, but such conditions are waived for most serious crimes (See also legal aid section for more details). It can be observed that many lawyers do express concern about functioning of the system and the level of retribution, and call for a broader reform ²⁸³ . Free legal review can also be sought with the Public Defender of Rights (Defenseur des droits), who can also intervene for a legal opinion in court at a later stage.

²⁸² [France,] Ministry of Justice (2012), Annuaire statistique de la justice 2011-2012, available at : www.justice.gouv.fr/art_pix/stat_annuaire_2011-2012.pdf, p.141

²⁸³ [http://cnb.avocat.fr/Vers-une-reforme-globale-de-l-acces-au-droit-et-a-la-justice-proposee-aux-pouvoirs-publics-par-la-profession-d-avocat_a1561.html],

b Free health/psychological assistance (e.g. crisis intervention centres)	X		On an operational level, and besides support mechanisms already presented (.e.g présence of social workers and psychologists in units, or available with victim support NGOs): the State finances a few Emergency Victim Support Services (Service d'Aide aux Victimes d'Urgence - SAVU) which are mobile teams (usually of a psychologist / lawyer from a victim support NGO) which can be mobilised for emergency situations, in different units ²⁸⁴ . However this type of set-ups are quite rare and their future financing is not secured. Dispositions also exist to ensure gratuity of health interventions made necessary as a result of acts against minors sanctioned by article 222-23 to 222-32 and 227-22 to 227-27 of the penal code ²⁸⁵
c Emergency financial assistance	X	X	No specific dispositions were identified. Legal aid assistance may be granted provisionally in urgent cases or if the trial endangers life conditions (eizing property, expulsion) ²⁸⁶ .
d Court accompaniment/support services	X		The offices for victim support (bureaux d'aide aux victimes –BAV) within jurisdictions are being generalised. Victim support NGOs may also be called upon by the prosecutor to support victims in proceedings. Ad hoc administrators may also be appointed for minors.
e Other (specify)			

3.4 (Failed) Attempts to establish national generic victim support service provider**²⁸⁷

Please describe whether there has ever been any attempt to establish a generic victim support service organisation in your country, specifying the year in which it was established and who attempted it (i.e. state or non-state actor). Why did it not succeed? If you cannot identify such an attempt, please explain the absence of the establishment of such an organisation (historical reasons etc.) and identify whether there is any discussion at government level/media etc. concerning the need to establish/improve services for victims.

NA

Annex 1 – Country codes

Code	Name of country
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²⁸⁴ [France,] Conseil national de l'aide aux victimes (2004), Rapport. La prise en charge des victimes en urgence, available at : [\[www.ladocumentationfrancaise.fr/var/storage/rapports-publics/044000095/0000.pdf\]](http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/044000095/0000.pdf).

²⁸⁵ [France,]Code of Social Security, article L.322-3-15, available at: [\[www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000021536248&cidTexte=LEGITEXT000006073189\]](http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000021536248&cidTexte=LEGITEXT000006073189).

²⁸⁶ [France,] Loi n° 91-647 du 10 juillet 1991 relative à l'aide juridique, Article 20, available at :

[\[http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006077779&dateTexte=vig\]](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006077779&dateTexte=vig).

²⁸⁷ **This question should ONLY be answered by countries falling into category 'A' (in accordance with question 2.2.1).

FR	France
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Annex 2 –list of generic victim support organisations by country

In accordance with question 2.2.1a, please review the list and short description of structure of generic victim support organisations operational in your country and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned.

Countries shaded in green have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should please provide a short list of the main organisation(s) providing victim support **in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list).** As a default, please select the area ‘Domestic violence and stalking’.

	Name/short description of organisation(s)
FR	The National Institute for Victims and Mediation (Institut national d'aide aux victimes et de médiation, INAVEM) was established in 1986 to promote greater coherence and activity for victim support services. Since June 2004, the INAVEM has had the status of federation, representing member associations (www.inavem.org). Services for victims (services d'aide aux victimes, SAV) are members of the INAVEM. 150 associations are adherents to the INAVEM and provide psychological, logistic, financial and para-legal support to victims.