



ARTEMIS:

Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order

D36 – Final Research Report



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**THE APPLICATION OF THE EC DIRECTIVE 2011/99/EU AND THE
EUROPEAN PROTECTION ORDER**

FINAL RESEARCH REPORT



LEGAL NOTICE

This report was authored by Susana Pavlou and Alexia Shakos within the framework of the project “ARTEMIS - Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order”.

All reasonable efforts have been made to ensure the accuracy of the data referred to in this report, including through data verification. We regret, however, any data errors that may remain.

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Introduction

The Artemis project

This study was carried out within the framework of the project *Artemis: Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order*.

The European Protection Order (**EPO**), a mechanism for the mutual recognition of protection measures of victims of crime, was introduced by EC Directive 2011/99/EU (the “**EPO Directive**”) and had to be transposed into the national legislation of the Member States by 11 January 2015.

The aim of the EPO Directive and the function of the EPO is to simplify procedures for recognising protection orders issued from one Member State to another, to safeguard the protection of victims of crime across the EU. The EPO covers both precautionary and non-precautionary protection orders issued in criminal law proceedings and which satisfy the criteria in Article 5 of the EPO Directive; additionally, there are specific grounds for non-recognition of an EPO specified in Article 10.

Very limited research has been carried out to date to explore the implementation of the EPO and to identify challenges and barriers to its effective application. According to a study carried out by the European Parliamentary Research Service to assess the implementation of the EPO Directive¹, there has been very limited use of the EPO to date, with only 7 EPOs issued throughout the EU,² despite that, in 2010, an estimated 100,000 women residing in the EU benefitted from protection measures related to gender-based violence (**GBV**). This illustrates how, although protection orders (**POs**) may be issued for the protection of all victims of crime, in practice POs are commonly issued to protect women victims of forms of GBV. Compounded by evidence which indicates that one in three women in the EU has experienced physical and/or sexual violence since the age of 15 and that one in five women has experienced stalking³, the EPO is a potentially significant tool for the enhancement of women’s protection across the EU.

The study also identified a general lack of awareness and training, both among legal practitioners likely to come into contact with victims, as well as among NGOs active in the field of victim support. As a consequence, protected persons do not have access to information on the right to an EPO and the relevant procedures for requesting one should s/he expect to travel to another Member State.

¹ European Parliamentary Research Service, European Protection Order Directive 2011/99/EU: European Implementation Assessment, September 2017. Available at:

[https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS_STU\(2017\)603272_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS_STU(2017)603272_EN.pdf).

² However, according to the recently published report of the EU Commission based on data provided to the EU Commission by Member States, throughout 2015-2018, 37 EPOs had been issued across the EU; of these, 15 had been recognised and executed. The vast majority of the EPOs were issued by a single Member State, with 2 other Member States accounting for the remainder of the issued EPOs; no EPOs had been issued nor recognised and executed in 10 Member States. There is no further breakdown of the data in the report. (European Commission, “Report from the Commission to the European Parliament and the Council on the implementation of Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order”, (2020), p.11. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0187&from=EN>).

³ European Union Agency for Fundamental Rights, (2014), *Violence against Women: An EU Wide Survey, Main Results*, Publication Office of the European Union: Luxembourg.

Therefore, the aim of the project is to study the state of application of the EPO Directive in the project partner countries (Croatia, Cyprus, Czech Republic, Greece and Italy) and, subsequently, to improve information on the EPO Directive and to increase the knowledge of lawyers, legal experts, NGOs and EU citizens through awareness raising and training activities.

Preliminarily, the underutilisation and lack of implementation of the EPO is a common point in all of the project partner countries, which reflects the broader trend of underutilisation of the EPO across the EU. Another common point is the use of protection orders at the national level mainly to safeguard the protection of women victims of GBV, a problem which afflicts all of the project partner countries and similarly mirrors reality across the EU. However, given the different legislative frameworks of each of the partner countries, there are notable differences in the potential scope for issuance and recognition of the EPO, giving rise to country-specific problems that nevertheless affect the overall effectiveness of the EPO in enhancing the protection of women victims of GBV, not only at the national but also at the EU level.

This report is a comparative analysis of the implementation of the EPO in the project partner countries based on a review of the national reports submitted by each project partner, and of the information and data provided therein. This report shall identify and analyse common themes and trends, as well as points of difference and divergence, and will set out recommendations, which may facilitate the overall effectiveness and implementation of the EPO and be applied to the wider EU context. Finally, a number of good practices have been identified for promoting the greater utilisation of POs and EPOs, which have been attached to this report as Annex 1.

Background

Croatia

Violence against women in Croatia is a serious and widespread issue, especially violence in intimate partner relationships. A nation-wide survey that Autonomous Women's House Zagreb (AWHZ) conducted in 2003, the only one of its kind to date, showed that every third woman had survived or will survive some form of physical intimate partner violence during her lifetime.⁴ The 2014 data from the Fundamental Rights Agency EU wide survey on violence against women⁵ showed that one in eight (12%) women in Croatia survived physical violence from a partner since the age of 15, 3% have survived sexual violence from a partner and 42% have survived psychological violence from a partner. Among them, most (33%) have experienced abusive behaviours (verbal abuse, insults, humiliation), but nearly three in ten (29%) also identified controlling behaviours. More than one in ten (11%) have identified economic abuse from their partners since the age of 15.

Cyprus

⁴ Autonomous Women's House Zagreb, (2003), *Interpretacija rezultata istraživanja o nasilju nad ženama u Republici Hrvatskoj* ("Interpretation of Research Results of a Survey on Prevalence of Violence Against Women in Croatia"). Available (in Croatian) at: <http://www.azkz.net/istrazivanja.html>. The research looked at the violence that women have survived, the violence their mothers have survived and the violence their friends have survived and then calculated a lifetime prevalence.

⁵ European Union Agency for Fundamental Rights, (2014), *Violence against Women: an EU-wide survey*. Available at: <https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>.

At least 28% of women in Cyprus have experienced some form of domestic violence including economic violence, psychological violence, sexual violence, and physical violence. In 2012, Cyprus conducted the first nationwide survey on the *Extent, Frequency, Forms and Consequences of Domestic Violence against Women in Cyprus*.⁶ The 2014 FRA Survey data results showed that since the age of 15, 1 in 5 women in Cyprus have experienced physical and/or sexual violence by a partner and/or a non-partner, and 31% of people in Cyprus revealed that they knew a female victim of domestic violence within their circle of friends and family.⁷

Czech Republic

In 2012, the European Union Agency for Fundamental Rights (FRA) made a comparative study on domestic violence and GBV in the EU countries. The study showed that 32% of women in the Czech Republic had previously experienced physical or sexual violence. The study also showed that during their lives 9% of women have suffered stalking, 12% have suffered sexual abuse, and 5% have been victims of rape.⁸

Greece

GBV in Greece is a widespread phenomenon. According to recent EU data derived from the gender equality index of 2017 (EIGE),⁹ in Greece, 25% of women have experienced physical and/or sexual violence at least once since the age of 15. The Observatory of the General Secretariat for Family Policy and Gender Equality in Greece (GSFPGE, 2019) underlined an increase of 49% on the annual number of women victims of domestic violence based on an increase of reports of violence to the police (GSFPGE, 2019).¹⁰ The Observatory reported 25,079 women addressing the 41 Counselling Centres across the country from April 2012 to November 2018; 22,183 of the cases concerned GBV. During the same period, 1,352 women victims of violence were housed in the 21 Shelters. Moreover, data from the National SOS Helpline of the GSFPGE reveal that in 2019, the helpline received 5,984 calls, from which 77% referred to cases of GBV. From these calls, 3,103 calls concerned calls from women victims of violence, who reported domestic violence at 90%, sexual harassment at 2%, rape at 1%, and other forms of violence at 5% (GSFPGE, 2019).¹¹ At the same time, for 2019, the Union of Women Associations of Heraklion Prefecture (UWAH) has received 134 calls on its Helpline and 22 intakes through Facebook or email. UWAH has addressed 114 cases of gender violence through its psycho-social counselling services for 2019; while 5 women were provided with housing services in UWAH's hostel.

⁶ The survey was commissioned by the Advisory Committee for the Prevention and Combating of Domestic Violence in the Family (2012). The executive summary of the survey "Extent, Frequency, Nature and Consequences of Domestic Violence against Women in Cyprus" is available at: <http://www.familyviolence.gov.cy/cgibin/hweb?-A=971&-V=research>.

⁷ European Union Agency for Fundamental Rights, (2014), *Violence against Women: An EU Wide Survey, Main Results*, Publication Office of the European Union: Luxembourg.

⁸ European Union Agency for Fundamental Rights, (2014), *Violence against Women: an EU-wide survey*. Available at: <https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>.

⁹ European Institute for Gender Equality (2017), *Gender Equality Index*. Available at: <https://eige.europa.eu/gender-equality-index/2017/domain/violence/EL>.

¹⁰ European Institute for Gender Equality, (2019), *Observatory -E-bulletin-no-23- gender-based violence*. Available at: <http://www.isotita.gr/wp-content/uploads/2020/05/Observatory-E-bulletin-no.-23-Gender-based-violence.pdf>.

¹¹ General Secretariat for Family Policy and Gender Equality (2019), *Στατιστικά στοιχεία τηλεφωνικής γραμμής SOS 15900 1-1-19 έως 31/12/2019*. Available at: <http://www.isotita.gr/wp-content/uploads/2020/01/%CE%A3%CF%84%CE%BF%CE%B9%CF%87%CE%B5%CE%AF%CE%B1-%CE%93%CF%81%CE%B1%CE%BC%CE%BC%CE%AE%CF%82-SOS-01-01-2019-%CE%AD%CF%89%CF%82-31-12-2019.pdf>.

Italy

Research recently published by *ISTAT* – the National Institute of Statistics – showed that in Italy 31.5% of women aged 16-70 years have suffered some form of physical or sexual violence during their lifetime: 20.2% have experienced physical violence, 21% have experienced sexual violence, and 5.4% have experienced the most serious forms of sexual violence, such as rape and attempted rape. In addition, a relevant percentage of women declared that they also have suffered stalking; it is estimated that 21.5% of women between the ages of 16-70 have suffered stalking from an ex-partner during their lifetime.

Overview of Protection Orders in the Project Partner Countries

National legislative framework: types and prevalence of national protection orders (POs)

All of the project partner countries have transposed Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (the “**Victims’ Rights Directive**”) and have ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (the “**Istanbul Convention**”).

Croatia

GBV against women is regulated in Croatia through the Criminal Code and the Law on Protection from Domestic Violence. The Criminal Code contains legal provisions to sanction most forms of violence against women and GBV, including stalking, sexual violence and domestic violence. As regards domestic violence specifically, in practice most cases are prosecuted and punished under the Law on Protection from Domestic Violence, which differs importantly from the Criminal Code in that it is a misdemeanour law – i.e. a law for minor criminal offences - and therefore of lesser seriousness.

Protection orders in Croatia are therefore issued under both criminal and misdemeanour laws. There are no civil law POs in Croatia.

In terms of criminal law POs, the Criminal Code prescribes protection orders in the form of safety measures issued by the court against convicted perpetrators as criminal sanctions, and include restraining orders and removal orders. The Criminal Procedure Code prescribes precautionary measures as a substitute for pre-trial detention, which may last for the duration of the trial; these include restraining orders, removal orders and no contact orders. Similarly, POs may be issued by the court as precautionary measures during trial proceedings and protection measures at the sentencing stage under the misdemeanour law. Additionally, the police may issue an emergency protection order under the misdemeanour law, but they almost never utilise this measure. Lastly, in cases of domestic violence, POs may be issued by the court as sanctions pursuant to the Law on Protection from Domestic Violence; these include restraining and removal orders.

Overall, the duration of POs issued in Croatia ranges from one month to a maximum duration of 5 years. In terms of monitoring violations of POs, there are monitoring mechanisms and procedures in place for POs issued under both criminal law and misdemeanour law, whereby the victim and/or the police monitor violations by the perpetrator. Any violations of POs are punished according to criminal or misdemeanour law.

Available data indicates that most POs issued for the protection of women victims of GBV have been issued pursuant to the Law on Protection from Domestic Violence. This reflects

data collected by the police which indicates that the majority of cases of GBV are prosecuted under the Law on Protection from Domestic Violence, instead of under criminal law, which would entail stronger sentences and would also cover a wider range of victims.

Cyprus

Although there is no specific law on violence against women in Cyprus, most forms of violence against women are criminalised. Domestic violence is criminalised under the Violence in the Family (Prevention and Protection of Victims) laws of 2000 until 2015 (the “**Cyprus Family Violence law**”). Sexual offences including rape are punishable with a maximum sentence of life imprisonment. Rape within marriage is also recognised as a crime. Other forms of GBV such as forced marriage and female genital mutilation are against the law. Significantly, stalking has not yet been criminalised in Cyprus.

Cyprus legislation offers the possibility of adopting POs, be it as precautionary measures or as criminal sanctions, aimed at prohibiting visits or harassment of any member of the family, as well as the entry or presence in the family home by the perpetrator, under the Cyprus Family in the Violence law. Thus, protection orders are mainly issued for the protection of women victims of domestic violence and of the offences set out in the Cyprus Family in the Violence law.

These criminal law POs can be adopted by a court either before judicial proceedings (temporary precautionary restraining order and precautionary removal order) or afterwards (restraining order and removal order). The specific conditions and restrictions included in the protection orders are determined according to the discretion of the judge, as is their duration which is variable. A breach of protection orders imposed as criminal sanctions is punishable with imprisonment or a fine, however it is unclear in the legislation whether a breach of precautionary measures is criminally sanctioned.

It should be noted, that in cases where the legally established penalty for an act of domestic violence does not exceed 5 years imprisonment, the competent authority to issue protection orders is the District Court, a mixed civil-criminal court. However, when the legally established penalty exceeds 5 years imprisonment, the competent authority is in all cases the Criminal Court. In the absence of monitoring mechanisms or tools to protect victims from the breaching of protection orders, it is up to the victim to report violations. However, if the victim is under-age, social workers in the Social Welfare Services are responsible for monitoring compliance and for reporting breaches to the police.

POs may also be issued by a Family Court under civil law, pursuant to the provisions of family law; these mainly relate to the granting of custody of a minor and may in practice be issued in cases of domestic violence.

There is no central national register which records the issuance of POs and the relevant authorities, such as the police and the Social Welfare Services, do not collect data on POs. It is therefore not possible to assess the prevalence or effectiveness of POs in protecting women victims of violence in Cyprus.

Czech Republic

In the case of the Czech Republic, forms of GBV are criminalized and punished under various offences under the Czech criminal law.

POs may be issued under criminal law, civil law and administrative law and are used as precautionary measures against the perpetrator at the pre-trial stage, as well as safety measures imposed at the sentencing stage. The POs may be in the form of restraining orders, no contact orders and removal orders. Additionally, the police may issue an emergency order - the eviction order - against the perpetrator as an emergency measure under administrative law.

POs issued as precautionary measures are governed by specific legislative provisions aimed at the protection of victims of domestic violence and stalking. The POs imposed as precautionary measures under civil law have a duration of maximum 6 months, whereas POs imposed as safety measures according to criminal law may last for a duration determined by the decision of the criminal court; emergency eviction orders last for 10 days with the possibility of extension.

Generally, it is left up to the victim to report violations of protection orders, excepting the emergency eviction order the violation of which is monitored by the police. A violation of protection orders is punished with either imprisonment or a fine.

Available data - which is limited and not collected systematically and methodically by the relevant bodies - indicates that the eviction order and POs issued under administrative law and civil law respectively, are applied quite frequently, in contrast to POs issued under criminal law which are used insufficiently.

Greece

Various forms of GBV have been recognised as crimes in Greece, including domestic violence and stalking, particularly with the ratification of the Istanbul Convention. POs are governed by criminal law, civil law and public law and are issued under both general and specific legislative provisions on interpersonal violence, notably under the Domestic Violence Law, which has been incorporated into both civil and criminal law.

Under civil law, POs may be issued by the court in the form of precautionary security measures in cases of emergency or to prevent an imminent danger; the extent and exact form of the security measures is determined according to the discretion of the judge. Additionally, civil law POs may be issued specifically for the protection of victims of domestic violence and stalking, which include restraining orders, removal orders and the prohibition to contact or approach the victim; these do not have a fixed duration and are generally in force for the duration of the trial proceedings.

Similarly, criminal law provides for the imposition of POs as precautionary measures in place of pre-trial detention, which include a barring order/restraining order; judges again have a degree of discretion as to the extent and the exact terms of these measures. Further, the Domestic Violence Law has also introduced provisions for the issuance of criminal law POs, in the form of restraining orders and removal orders, at the discretion of the criminal court (Articles 18). These POs may remain in force at the discretion of the court which issued the PO; specifically, the court has the power to revoke, replace or modify the PO according to the circumstances of each case and in order to ensure the effective protection of the victim. Criminal law provides for sanctions in the form of "attendant penalties", although they are limited and not often imposed in practice, and do not include the issuance of POs against a convicted perpetrator.

Compliance with POs is not actively monitored in Greece, rather it is generally left up to the victim to report violations. The breach of POs issued pursuant to criminal law is criminally sanctioned, punishable with imprisonment or a fine; it is unclear whether the breach of civil law POs is criminalised. Lastly, there is no central database recording judicial POs in Greece.

Italy

Italy has specialised laws on combating specific forms of GBV, including sexual violence and violence in the family, as well as a law prohibiting GBV in general, which have introduced amendments to both the Civil Code and Criminal Code. Protection orders are therefore governed by civil, criminal or administrative law and may only be requested for specific types of crimes: sexual violence, domestic violence (which also includes child abuse), injuries and stalking.

Under civil law, the type of protection orders available include removal orders and restraining orders issued against the perpetrator, whereas under administrative law, protection orders take the form of a police warning against the perpetrator, issued with or without the consent of the victim, requiring the perpetrator to cease the offensive behaviour.¹² Lastly, under criminal law, protection orders may take the form of no contact orders, restraining orders and removal orders issued by a court. Additionally, a short-term barring order may be issued by the police under criminal law in situations where the perpetrator is caught in the act of committing crimes, and there is a serious and current danger to the life or physical and psychological integrity of the victim.

Generally, POs issued in Italy last for approximately one year. In terms of monitoring violations of POs, it is generally up to the victim to report these; no other monitoring mechanisms are in place. A breach of civil law POs is criminally sanctioned with imprisonment, as is a breach of criminal law POs; breaches of POs issued under administrative law automatically trigger the commencement of criminal proceedings.¹³ Available data indicates that civil law POs are issued less frequently than POs issued under criminal and administrative law provisions.

Overview of the European Protection Order (EPO) in the Project Partner Countries

All of the project partner countries have transposed the EPO Directive into their national laws.

In Cyprus, the transposition technique used in the case of the EPO Directive was to create a single law in order to ensure full legislative transposition. However, it is noted that transposition of the EPO Directive was not preceded by a consultation process, which poses significant problems in implementing the law and its provisions. Furthermore, no practical provisions, legislative or otherwise, are foreseen or have been implemented thus far to give practical effect to the EPO Directive.

According to the national law on the EPO, the body authorised to issue an EPO is the District Court which imposed the protection order. Similarly, the District Court is the body authorised

¹² GREVIO, (2020). *Baseline Evaluation Report: Italy*. Available at: . <https://rm.coe.int/grevio-report-italy-first-baseline-evaluation/168099724e>.

¹³ See footnote 12 above.

to recognise an EPO incoming from another Member State. Lastly, no EPOs have been issued or recognised in Cyprus, nor is there a central register recording or monitoring EPOs.

In Croatia, the investigative judge of the County Court is the competent authority for the issuance and recognition of an EPO. The national law transposing the EPO Directive stipulates that an EPO may only be issued with respect to national POs governed by criminal law; thus, national POs issued under misdemeanour law, and consequently pursuant to the provisions of the Law on Protection from Domestic Violence, are expressly excluded from the remit of the EPO.

There is no available data on the prevalence of EPOs in Croatia, given that no governmental department or body has been charged with the monitoring and collection of data on EPOs. Available evidence from the public domain indicates that two EPOs have been recognised in Croatia,¹⁴ whereas no EPOs have been issued; however, it has not been possible to verify these numbers.

In Italy, the competent authority designated for the coordination of the issuance and recognition of EPOs is the Ministry of Justice, in cooperation with judges and courts. Specifically, the judge which issued the national PO is authorised to issue an EPO; and the Court of Appeal is authorised for the recognition of an EPO. Although the national transposing law stipulates that the judicial police and social welfare authorities are notified in the case of recognition of an EPO, the law does not however provide practical information or guidelines as to their role, for example in monitoring breaches of the EPO. To date, one EPO has been issued in Italy and it appears that no EPOs have been recognised and executed; however, due to the absence of a national public register recording and monitoring the number of EPOs, it is difficult to verify the prevalence of EPOs in Italy.

As regards the Czech Republic, the body authorised to issue an EPO is a court or the public prosecutor's office; and, the body authorised to recognise an EPO is the District Court. The government has issued guidelines in an Explanatory Memorandum on the application of the EPO Directive in the national context and specifically on the types of national POs which fall within the remit of the EPO Directive and the EPO. No EPOs have been issued or recognised and executed at the date of this report; additionally, there is no official EPO register in the Czech Republic.

Lastly, in Greece, the central authority designated for the coordination of the issuance and recognition of EPOs is the Ministry of Justice, Transparency and Human Rights. Specifically, the competent authority for recognising an EPO is the Prosecutor of the first instance court; and, with respect to the issuance of an EPO, the competent authority is the Prosecutor of the court which issued the protection order. As regards monitoring, there are no specific monitoring mechanisms in place, however the breach of an EPO is criminally sanctioned with up to 2 years imprisonment. Given that there is no central register, there is no data available on the number of EPOs issued or recognised and executed in Greece.

Assessing the implementation and impact of Protection Orders and the European Protection Order in the Project Partner Countries: Comparative Analysis

¹⁴ Briški, M. *Europski nalog za zaštitu i njegova primjena u Republici Hrvatskoj* ("European Protection Order and its application in the Republic of Croatia"), IUS-INFO, 15 Jan 2020. Available at: <https://www.iusinfo.hr/aktualno/u-sredistu/40386>.

Legal framework on national protection orders

Overall, all of the project partner countries have an overlapping system of protection in their respective legislative frameworks regarding the issuance of POs. In the majority of countries, POs are available under both criminal law and civil law, with the exception of Croatia where no civil law POs are available. In Italy, Greece and the Czech Republic protection orders are additionally available under administrative or public law. Only Italy, the Czech Republic and Croatia have legislative provisions for the imposition of an emergency barring order by the police acting *ex officio*. Croatia is markedly different from the rest of the project partner countries in that national POs are regulated by criminal law and misdemeanour law.

Broadly speaking, all of the project partner countries' national legal frameworks provide for the issuance of protection orders as precautionary measures at the pre-trial stage, as well as sanctions under either criminal law or civil law, excluding Greece and Italy where POs are not issued as criminal sanctions. Finally, in all of the project partner countries the breach of national POs is punished, although there is variance as to the severity of the sanction.

One trend notable across the project partner countries is the uneven coverage of victims in the issuance of national POs, resulting in potential gaps in protection. In some of the project partner countries, most national POs are available within the narrow framework of domestic violence (Cyprus, Croatia, Greece). As a result, attendant conditions such as cohabitation, having a shared family home and children between the victim and the perpetrator are attached to the issuance of a protection order (Cyprus, Croatia). This potentially excludes women victims of other forms of GBV, such as stalking or intimate partner violence where the victim and perpetrator do not live together or have children, from benefitting from a national protection order.

Although in the majority of the project partner countries stalking has been criminalised and national POs may be issued for the protection of such victims (Croatia, Czech Republic, Greece, Italy), stalking has yet to be recognised as a crime in Cyprus.

Additionally, there is a tension at the national level regarding the use and purpose of POs between maximising victim protection and adopting a defendant-centred approach, particularly at the pre-trial stage where national POs are issued as precautionary measures (Croatia, Greece). In Croatia, judges are mostly interested in securing the presence of the defendant and the court procedures are not victim-centred; indeed, research has shown that misdemeanour precautionary measures, which would protect the victim, are issued in only 5% of the cases. Similarly in Greece, the precautionary measures available in criminal proceedings, and which are most often imposed, are heavily focused on the defendant and, as a result, do not safeguard the protection of the victim. This contrasts with the national POs available under civil law which are more focused on maximising victim protection.

A point of difference between the project partner countries is the degree of discretion afforded to judges to determine the conditions and extent of national POs; it is notable that Cypriot and Greek legislation on national POs grants a substantial degree of discretion to judges in this respect. This presents issues in terms of legal certainty and may discourage victims of GBV from exercising their rights and applying for national POs.

Finally, another significant point to note is the variance and differences amongst the project partner countries in the conceptualisation and handling of GBV and violence against women.

The national strategies to combat GBV of the Czech Republic, Greece and Italy expressly refer to GBV; whereas the national action plans of Croatia and Cyprus refer to violence in the family only. This highlights the limitations of conceptualizing and regulating GBV in terms of specialised legislation on domestic violence or violence in the family, which effectively exclude victims of other forms of GBV that occur outside the context of a family home or cohabitation.

Moreover, in Croatia most instances of intimate partner violence, including domestic violence, are penalised as misdemeanours as opposed to more serious crimes under criminal law; this points to the wider issue of the failure to recognise and penalise violence against women as a serious offence in Croatia.

The above reveals the lack of a common understanding of GBV and violence against women in all of its forms - a lack of a “common conceptual framework” as phrased by the EPOGender project study¹⁵ - across the EU Member States. This may limit not only the effectiveness and implementation of the EPO, but also the comprehensive combatting of GBV in its entirety.

Data on national protection orders

A common theme across the project partner countries is the notable lack of consistent, reliable and verifiable data on the issuance of POs, in terms of how many have been issued, the type of PO, the crime for which they have been issued or the monitoring of compliance by the perpetrator. In a few of the project partner countries (Croatia, Czech Republic, Greece, Italy) there is some form of data collection however it is not consistent or reliable or publicly available. This may be related to issues of institutional responsibility and organisational capacity, as it appears that there is no clear institutional coordination for the collection and breakdown of data in certain countries (Croatia, Czech Republic). In Cyprus by contrast there appears to be no data collection processes whatsoever.

The lack of data impedes the assessment of the impact and effectiveness of POs at the national level, which will unavoidably affect the evaluation of the prevalence and impact of EPOs.

Effectiveness of national protection orders

Overall, notwithstanding the lack of available reliable data mentioned above, it appears that across all of the project partner countries, the use of national POs in cases of GBV is low in relation to the prevalence of GBV in each project partner country. This seriously undermines the efforts and commitments of the governments of each partner country to combat GBV and ensure the safety of victims under both their national action plans, as well as their legal obligations under both EU and international law.

As regards the application of national POs, judicial authorities in the Czech Republic tend to issue civil law and administrative law POs more frequently than criminal law POs, although these are not as effective as criminal law POs and do not maximise the protection of the

¹⁵ Freixes T., Roman L. (eds.), (2014), *Protection of the Gender- Based Violence Victims in the European Union, Preliminary study of the Directive 2011/99/EU on the European protection order*, Publicacions Universitat Rovira i Virgili Publicacions Universitat Autònoma de Barcelona, p.15. Available at: https://ec.europa.eu/justice/grants/results/daphne-toolkit/content/epogender-gender-violence-protocols-protection-victims-and-effectiveness-protection-orders_en.

victim. In Italy by contrast, criminal law POs are more often issued than civil law POs; it would also appear that the emergency barring order issued by the police under administrative law provisions is also frequently imposed against perpetrators. Similarly, in Greece, victims commonly resort to the criminal justice system and national POs under criminal law are therefore more commonly issued and imposed against perpetrators. In Cyprus, there is no data available to ascertain which type of POs are issued most frequently.

The data available for Croatia - being the clear outlier in that its legal system governs the issuance of POs under criminal law and misdemeanour law only - indicates that national POs provided for by misdemeanour laws, including the specific Law on Protection from Domestic Violence, are the most commonly issued by courts. Conversely, POs available under criminal law at both the pre-trial and sentencing stage, are rarely used. Overall, the limited research and data available indicate that POs in general are not issued frequently enough, the sanctions for breaching POs are not severe enough and that, overall, national POs in Croatia are largely ineffective. There are similar findings in the Czech Republic, whereby national POs are insufficiently applied and enforced and sanctions for breaching POs are imposed only to a very minimal extent.

Nevertheless, it is noted that the data available in each of the project partner countries is not sufficient nor reliable and therefore trends in the application and enforcement of national POs are difficult to verify.

The lack of robust and effective monitoring mechanisms is notable in all of the project partner countries, limiting the effectiveness of national POs in maximising victims' protection. Breaches of POs by the perpetrator are generally left up to the victim to report to the police (Cyprus, Czech Republic, Greece, Italy) which is an undue burden on the victim, as well as undermining the protection purportedly provided by the POs. Where monitoring procedures are in place, it appears that in practice they are not actively adhered to by the relevant authorities, such as the police, and the victim is largely responsible for monitoring compliance (Croatia).

In Greece, although its national legislative provisions foresee the imposition of sanctions during criminal law proceedings in the form of attendant penalties, these however are imposed only to a minimum degree and they do not include the issuance of national POs as sanctions against a convicted perpetrator. Again, this constitutes a potential gap in the protection of victims; the sanctions ordinarily imposed in cases of GBV in criminal proceedings have been critiqued as both failing to ensure adequate protection for victims on the one hand, and the reformation of the perpetrator on the other. This limitation on the issuance of national POs has a detrimental impact on the effectiveness of POs overall in Greece.

Generally, there appears to be an underutilisation of national POs in all of the project partner countries, which limits the effectiveness of national POs to protect victims. This impacts on the utilisation of the EPO, as well as its potential scope and effectiveness – this is discussed in the following section.

Implementation and effectiveness of the European Protection Order (EPO)

As noted earlier in this report, all of the project partner countries have transposed the EPO Directive into their national laws; however only Italy has issued one EPO, the remainder of the project partner countries have neither issued nor recognised any EPOs.¹⁶

There are two key themes emerging from the national reports regarding the relationship between the national legislative framework and the effectiveness of the EPO in terms of its operation and implementation.

One theme is the extensive variance between the national legal systems of the partner countries - and indeed between the Member States across the EU - which may hamper the *recognition and execution* of EPOs. The diverse range of POs available under civil, criminal, administrative and misdemeanour law provisions across the partner countries may constitute an important factor in the underutilisation of the EPO. Also, the varying durations of national POs across the partner countries may further complicate the recognition and execution of EPOs, particularly where the national transposing law is silent on this point.

Further, gaps in the national law amplify the variance and divergences between national legal systems of Member States, which also hampers the recognition of EPOs. A concrete example of this in the context of the project partner countries is the lack of harmonisation regarding the criminalisation of stalking. Thus, an EPO issued for stalking in Italy would not be recognised and therefore would not be executed in Cyprus, as this constitutes grounds for rejecting the EPO pursuant to Article 10, paragraph 1(c) of the EPO Directive and Article 11, paragraph (1)(c) of the Cyprus transposing legislation. Further, the EU Parliament has identified the inconsistency regarding the criminalisation of stalking as a key barrier to the implementation of the EPO Directive.¹⁷

Another key theme is the lack of consideration by Member States of the relationship between the EPO Directive and their existing national frameworks, which may hamper the *issuance* of the EPO. There is a notable absence of careful consideration of the interplay between the provisions of the EPO Directive and existing national laws combating GBV, which is evident to a greater or lesser degree across the project partner countries.

In the cases of partner countries where the transposing legislation includes more detailed provisions as to the types of POs which fall within the ambit of the EPO (Croatia, Czech Republic), this has instituted an arguably restrictive approach to issuing EPOs. In the Czech Republic for instance, provisions under civil law legislation providing for the issuance of national POs specifically for victims of domestic violence and stalking have been expressly excluded from the remit of the EPO. This despite the fact that POs are more frequently issued pursuant to these civil law provisions, rather than criminal law provisions, to protect victims of domestic violence.

In general, many of the POs available at the national level in the project partner countries - specifically POs issued under civil law and administrative law provisions - would not be available as EPOs, given that the EPO Directive applies to POs which have been issued during criminal proceedings only (Article 2, EPO Directive). Thus, in the Czech Republic and

¹⁶ Regarding Croatia, please see page 12 of this report. As stated earlier, information from the public domain suggests that Croatia has recognised and executed two EPOs; however it has not been possible to verify these numbers.

¹⁷ European Parliament, Committee on Civil Liberties, Justice and Home Affairs and Committee on Women's Rights and Gender Equality, (2018), *Report on the implementation of Directive 2011/99/EU on the European Protection Order*, p.16. Available at: https://www.europarl.europa.eu/doceo/document/A-8-2018-0065_EN.html.

Italy, where the data available indicates that civil law and administrative law POs (respectively) are the most commonly issued POs to protect women victims of GBV, such POs are excluded from the remit of the EPO Directive and would not be covered by an EPO.

In Croatia, where the national legal framework does not provide for the issuance of POs under civil law, POs issued pursuant to misdemeanour law - including pursuant to the Law on Protection from Domestic Violence – are expressly excluded from the scope and remit of the EPO. Although the limited evidence available suggests that, overall, national POs are underutilised and ineffective in Croatia, nevertheless POs under misdemeanour law are the most commonly issued POs as opposed to criminal law POs. This will potentially prevent a great number of victims in Croatia from benefitting from the protection of an EPO.

Moreover, there is also an absence of due consideration of the practical enforcement of the provisions of the EPO Directive and the EPO in the national context. As discussed above, the transposition of the EPO Directive across the partner countries was not accompanied by practical guidelines and/or protocols to legal professionals, as well as to other government agencies that may be involved in the implementation of an EPO (Cyprus, Italy).

Further, in Cyprus, according to the national law on the EPO, the body authorised to issue an EPO is the District Court *which imposed the protection order*. However, an analysis of the Cyprus Family Violence law reveals that for the most serious offences punishable with imprisonment of more than 5 years, the District Court does not have jurisdiction; instead it is the Criminal Court which has jurisdiction and competence to issue a PO in these cases. This potentially constitutes a gap in protection for those victims who are facing the most serious forms of family violence, since, according to the national transposing law, they are not able to apply for an EPO. This will inevitably constrain the issuance of EPOs in Cyprus and thereby the effectiveness of the EPO and the EPO Directive.

Additionally, although in the Czech Republic and Italy the national transposing legislation stipulates an express obligation that the victim should be informed of their right to request an EPO, in practice however this obligation is not always fulfilled (Czech Republic). Further, none of the other project partner countries' transposing legislation stipulates such an obligation at all (Croatia, Cyprus, Greece).

As regards the effectiveness of the EPO, in the absence of clear monitoring mechanisms and systematic data collection (a point discussed in the section below), combined with the very low number of EPOs issued and recognised overall, it is impossible to evaluate the effectiveness of EPOs. Although breaches of an EPO are punished in all of the project partner countries - excepting Italy where there are no sanctions - none of the project partner countries have reported the establishment of clear monitoring mechanisms on the application and enforcement of EPOs. This is linked to the absence of effective monitoring mechanisms at the national level regarding the enforcement of national POs.

Thus, it is possible to conclude that the utilisation of the EPO is dependent to an extent on the issuance and enforcement trends of national POs; where there is a low utilisation and implementation of national POs, this will be mirrored in the low issuance and utilisation of EPOs.

Lastly, given the prevalence of national POs being issued under civil and administrative law and their exclusion from the remit of the EPO, there appears to have been no discussion at

the national level on the use of the Victims' Rights Directive or of Regulation 606/2013 on mutual recognition of protection measures in civil matters (the "**Regulation**") to compensate for these gaps in protection. According to the EU Commission's recent report on the EPO, the EPO Directive, the Regulation and the Victims' Rights Directive together form a package of measures to safeguard and ensure the comprehensive protection of victims and their rights across the EU.¹⁸ However, the full implementation of the EPO in the context of this comprehensive package of complimentary measures appears to have been insufficiently taken into account by the governments and states of the project partner countries.

Data on the application of the European Protection Order

Across all of the project partner countries, there is no official data available on the application of the EPO. This is partly explained by the lack of EPOs issued; as stated above, only Italy has issued one EPO and neither of the project partner countries have recognised nor executed an EPO.¹⁹

No central register or authority for the collection of data on the application of EPOs has been established in any of the project partner countries. Therefore, it is not possible to ascertain the prevalence of EPOs in the project partner countries.

This lack of data is linked to the more general problem of inadequate data collection on POs at the national level on the one hand, as well as to the lack of data collection at the EU level by EU institutions and agencies on the other.²⁰

Training of professionals

Another general theme is the lack of awareness or limited knowledge of the EPO by relevant professionals working in the field of GBV, such as NGOs providing victim support services, and in the criminal justice system, such as judges, prosecutors, lawyers and police.

There appears to be a lack of training and information available to legal professionals and practitioners on the EPO in all of the project partner countries. The law transposing the EPO Directive into national law in Cyprus for instance fails to mention the need for training of the judiciary, prosecutors and others involved in the procedures for issuance and recognition of an EPO. This is contrary to the Preamble of the EPO Directive calling on Member States to provide training to said professionals (paragraph 31). Nevertheless, the survey results from all of the project partner countries indicate a willingness of both legal professionals and NGO representatives to receive training on the EPO (discussed below).

In Greece, where national POs are widely used, the results of the survey indicate that the lack of knowledge of legal professionals equates to the low application and issuance of the EPO. This is a particularly relevant finding, as victims of GBV in Greece tend to resort to the criminal justice system over NGOs and support services for assistance; thus, awareness

¹⁸ European Commission, (2020), *Report from the Commission to the European Parliament and the Council on the implementation of Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order*, p.1. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0187&from=EN>.

¹⁹ Please see footnote 16 above regarding Croatia.

²⁰ European Parliament, Committee on Civil Liberties, Justice and Home Affairs and Committee on Women's Rights and Gender Equality, (2018), *Report on the implementation of Directive 2011/99/EU on the European Protection Order*, p.4. Available at: https://www.europarl.europa.eu/doceo/document/A-8-2018-0065_EN.html.

raising and training of criminal justice professionals and officers would be particularly beneficial and would facilitate the issuance of the EPO in Greece.

Lack of awareness/information to victims

Another notable theme common to all of the project partner countries, linked to the lack of training of professionals discussed above, is the lack of awareness and information on the EPO available to victims.

This is reflected in the failure of the national action plans and strategies on combatting GBV of all of the partner countries to mention or take into account the application of the EPO.

In general, victims across the partner countries are not made aware of their rights and remedies available at both the national and EU level. In Cyprus for example, since the transposition of the EPO Directive in 2015, there have been no specific awareness raising, information activities or campaigns on the rights of protected persons under the law. This is crucial since the application of the EPO depends on the protected person having knowledge of its availability, as well as the requirements and procedures for applying for an EPO. The same observations apply for the other project partner countries as well.

Additionally, no provisions have been made in any of the partner countries to provide legal aid to victims requesting an EPO, further constraining victims from exercising their rights and their access to justice. This is supported by the survey results analysed below, where legal assistance and state provided legal aid is cited as one of the most important factors that would facilitate access to protection orders.

This may be linked to a lack of institutional coordination regarding the EPO and its potential for offering additional protection to women victims of GBV.

Survey among EU citizens/residents in the 5 Member States

Methodology

The target group of the survey for EU citizens were men and women >18 years that are EU citizens or EU residents. The purpose of the online survey was to explore the level of awareness of protection orders available for victims of violence against women in the partner countries (Croatia, Cyprus, Czech Republic, Greece, and Italy) as well as on the EPO. This information will feed into the design of the training and awareness raising activities for legal professionals and NGOs working in the field of GBV against women.

The online survey aimed to reach as many respondents as possible without purposive monitoring of sample characteristics such as region, age, and gender.

Channels used for the dissemination of the online survey included:

- social media channels (Facebook, Twitter, LinkedIn),
- partner organisation website
- electronic dissemination to partner organisation contacts database
- local and national networks

The sampling methodology does not allow any generalization of the results. Therefore, this study is intended to be indicative of the level of awareness of protection measures and does not allow for any generalisation of the results.

The survey questionnaire was completed by 2,881 EU citizens/residents in the five partner countries, as follows:

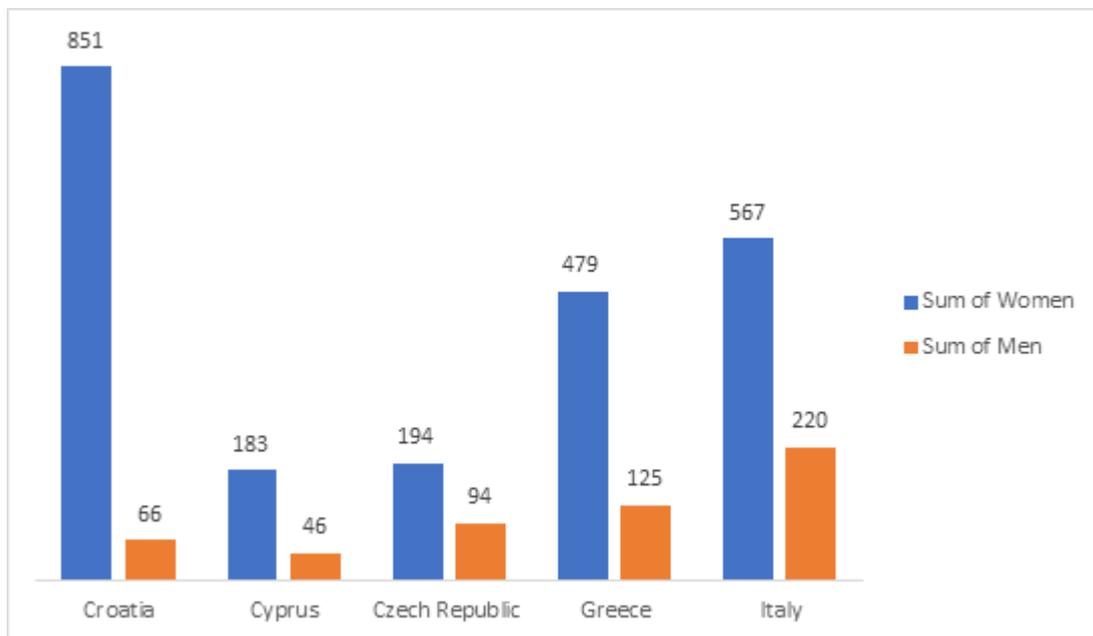
Table 1: Number of respondents per country

Country	Number of Respondents
Croatia	920
Cyprus	230
Czech Republic	302
Greece	604
Italy	825
TOTAL	2,881

The survey for EU citizens was structured into four sections. The first section looked at the demographic profile of the respondents. The second explored the level of awareness of rights and services available to victims of violence. The third part looked at possible experiences of violence among respondents, including form of violence and help-seeking behaviours. The final section explored experiences of protection measures and the EPO among survivors of GBV.

Demographics

Graph 1: Number of respondents by sex



As can be seen in Graph 1, almost 80% of survey respondents in all countries were women, and the response rate among women was higher than men across all age groups.

The survey respondents represent a diversity of age groups, and no clear trend can be identified across the partner countries.

In Cyprus, the majority of respondents (30%) were 35-44 years of age, followed by 55+ (24%). Only 5% of respondents belonged to the age group 18-24 years. In Greece, the majority of respondents were in the age bracket 35-44 years (27.8%), followed by 24-34

years (22.2%). The lowest rate of response was among respondents 55+. By contrast, in Italy, the highest rate of response was among women 55+ with 25.2%, followed by 24.2% among 25-34. In the Czech Republic, the vast majority of respondents were 24-34 years old with 28.8%, followed by the age bracket 35-44 with 26.8%, with the lowest response rate among 55+. Finally, in Croatia the majority of respondents are in the 35-44 age bracket (32.8%), followed by the age bracket 45-54 (27.8%), with the lowest response rate among 18-24 years (2.3%).

In terms of educational level, the majority of respondents across partner countries hold at least first university level degree.

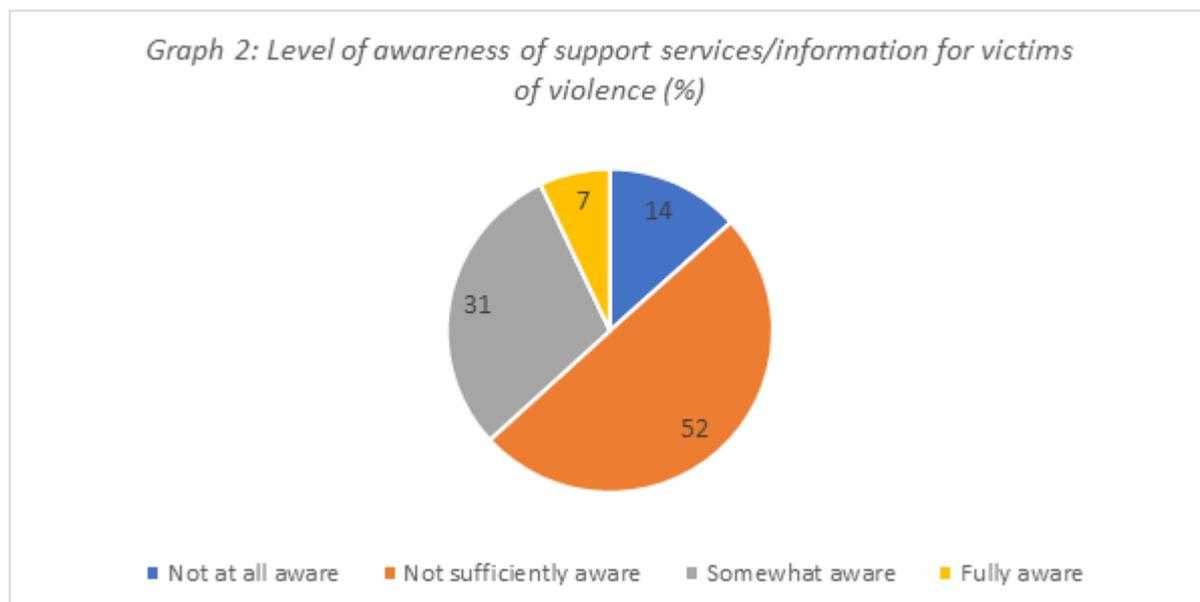
Awareness of rights and services available to victims of violence

The second part of the survey aimed to gauge the level of awareness and knowledge of available support services and information for victims of violence among the respondents. It also aimed to understand whether respondents are aware of the rights of victims of violence.

Italy and the Czech Republic had the highest rates of responses declaring that they were not at all aware of types of information and support available for victims of violence (19.3% and 20.8% respectively), while Greece, Cyprus, and Croatia had a rate of approximately 10% of respondents declaring being not at all aware.

Over half of all respondents across countries reported not being sufficiently aware of information and support services for victims, while roughly a third of all respondents declared being somewhat aware.

A very small percentage of respondents declared being fully aware of information and support services available, with the highest reported in the Czech Republic with 10% and the lowest in Croatia with 0.54%.



In relation to finding support should they experience some form of violence, the findings were similar across countries as can be seen in Table 2. The main channels of assistance that the respondents would use are the police, followed by NGO services, and legal assistance. Only in the case of Greece were respondents more likely to contact a lawyer rather than an NGO with a significant difference of 16 percentage points. A relatively high

percentage of respondents in Croatia (11%) did not know where to seek help, with the lowest rate in Cyprus with only 2%. A low percentage of respondents claimed they would not seek help at all with an average of rate of 2.4%.

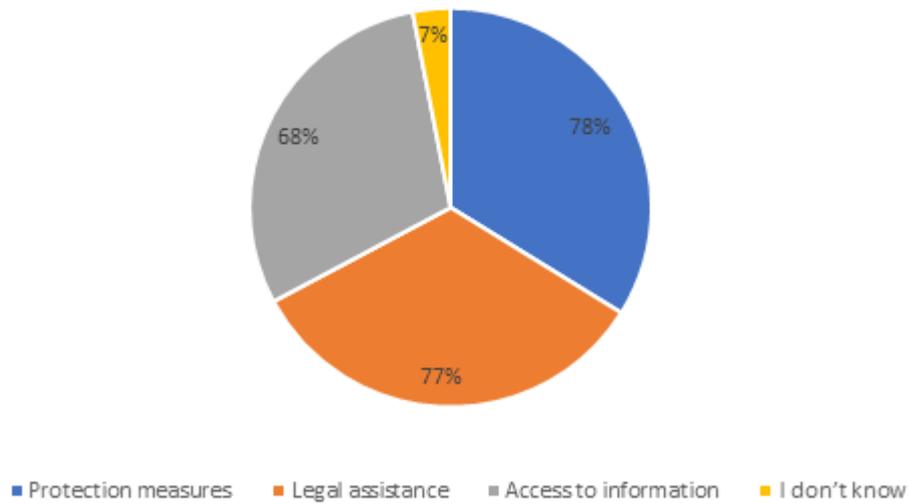
Table 2: Types of support in case of violence/abuse

Type of support	Cyprus	Croatia	Czech Republic	Greece	Italy
Police	74.0%	61.6%	67.0%	65.9%	75.4%
NGOs	42.0%	47.4%	41.0%	30.6%	29.6%
Lawyer	32.0%	26.7%	15.9%	46.3%	19.0%
Other	4.0%	2.0%	4.6%	7.8%	-
I don't know	2.0%	11.0%	3.6%	7.5%	6.2%
Would not seek help	1.0%	2.1%	5.3%	0.8%	3.0%

Similarly, when asked what action they would take if they were victims of violence, the majority of respondents across countries indicated reporting to the police and calling an NGO helpline, followed by seeking legal assistance.

As can be seen in Graph 3 below, when asked about their awareness of the rights of victims of violence, the right to protection measures and legal assistance received the highest rate of response (78% and 77% respectively), followed by access to information (68%). A small but significant percentage of respondents reported that they did not know what rights victims of violence/abuse had access to (7%). Although findings across countries were similar, the only difference can be identified in Greece that had a higher response to access to legal assistance. This is consistent with the findings reported above, where a high number of respondents in Greece would seek the help of a lawyer should they experience violence/abuse.

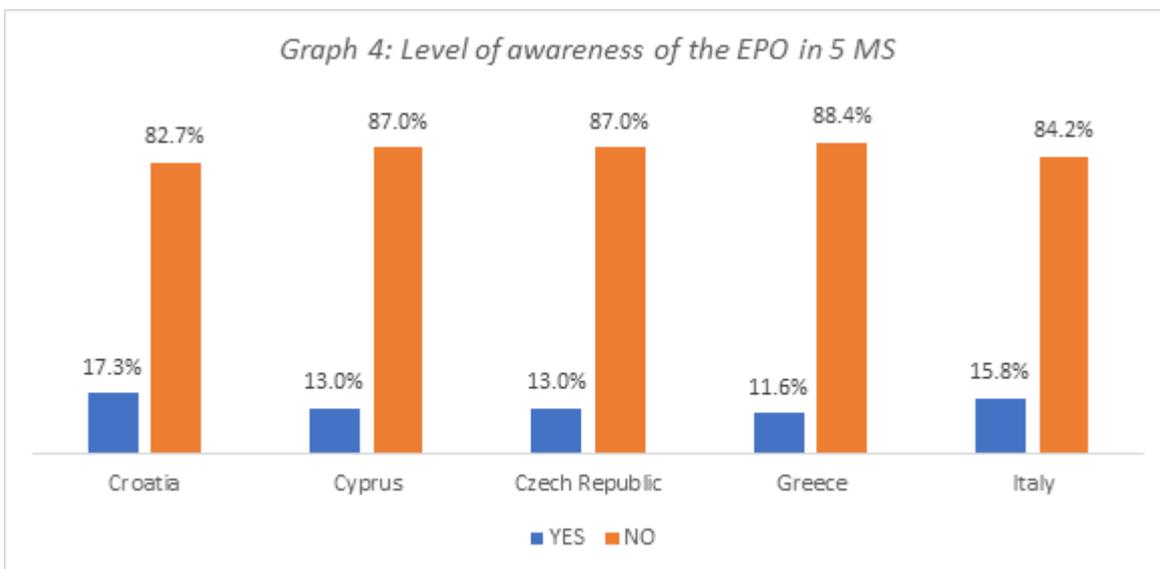
Graph 3: Rights of victims of violence/abuse



Awareness of the European Protection Order (EPO)

Given the focus of the *Artemis* project on the implementation of the European Protection Order across Europe, the survey also aimed to gauge the level of awareness on the EPO at the national level specifically.

Graph 4: Level of awareness of the EPO in 5 MS



Despite the fact that the data is not representative, the result indicates that the level of awareness among respondents across the five partner countries is significantly low. Differences in awareness levels among women and men were not statistically significant given the small sample size and the much higher response rate among women.

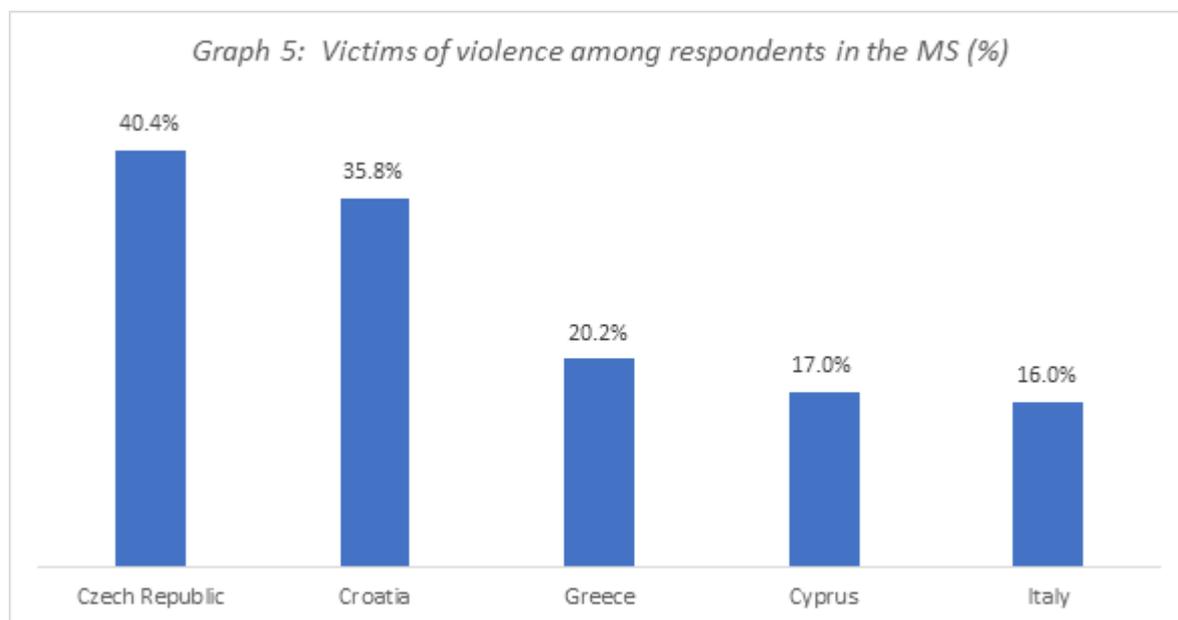
Given that in the Member States (**MS**) under review there have been no significant efforts to raise awareness on the EPO, the percentage of those that reported having some knowledge of the EPO seems relatively high. Given that the survey sample was not random, but shared among the contacts and followers of the partner organisations through social

media and other channels, it is possible that the sample tended to have a higher level of awareness on GBV and related legislation compared to the general population.

Experiences of violence and abuse

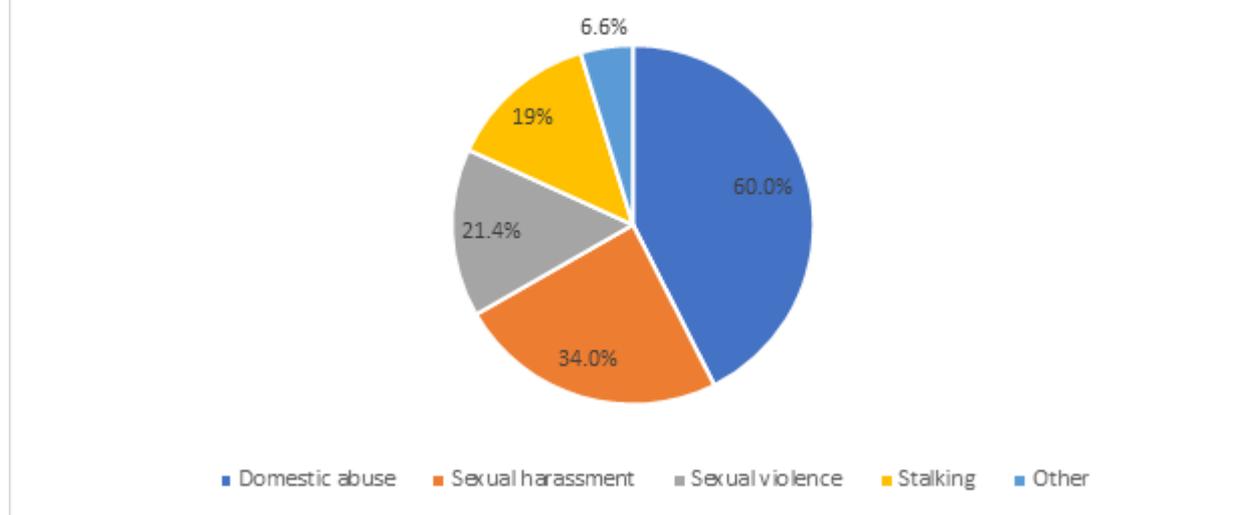
Third part of the survey aimed to explore whether respondents had experienced violence/abuse in their lives, in order to subsequently assess the level of access to and use of protection measures among this group.

Out of the 2,881 respondents to the survey across the five MS, 745 reported having experienced some form of violence or abuse (25.8%). This is equivalent to 1 in 4 respondents to the survey in the five partner countries. Due to the differences in sample size and the way the sample was constituted for each country, it is not possible to make assumptions or generalizations in relation to the prevalence of violence/abuse. As expected, the majority of those reporting having experienced violence or abuse are women. Given that the partner organisations in Greece, Croatia, and the Czech Republic provide services to women victims of violence, this may have influenced the composition of the sample (profile and experiences of respondents).



In relation to type of violence experienced, respondents were able to select multiple answers suggesting an overlap in forms of violence experienced. The most prevalent form of abuse experienced by the respondents was domestic abuse, followed by sexual harassment, sexual violence, and stalking.

Graph 6: Forms of abuse experienced by respondents in 5 MS



Other forms of violence reported by the respondents included psychological violence, verbal violence, and institutional violence, among others.

Level of use and experience of protection orders

Out of the 745 respondents that reported experiencing some form of violence or abuse, only 171 (23%) reported having requested some form of protection order in the context of GBV. Out of 171, just over half were granted (90 or 52.6%). This supports the findings of the desk research that points to the underutilisation of POs in the context of violence against women.

In Cyprus and Greece, the majority claimed that they did not feel it was necessary (40% and 37.5% respectively). However, the greatest barrier to the application of the protection order was fear. 32% of respondents in Cyprus and the Czech Republic declared that they did not apply for a protection order because they were too afraid to do so, and 36% in Croatia. In Italy, the corresponding rate was 19.6%.

Other barriers included a lack of awareness on behalf of victims that they had the right to a protection order. In Italy, 41.3% of victims reported that they did not know that they could access a protection order, followed by 21% in Greece, 20% in Cyprus, 12.3% in the Czech Republic and 14.7% in Croatia.

The remaining respondents reported reasons such as not having access to legal assistance, being a minor at the time of the offence, and other reasons related to societal stigma or not being believed by the authorities.

Procedures for requesting a protection order and perceived effectiveness

In the majority of cases across four of the MS, the protection order was requested by the police. The exception to this was Greece where legal professionals were more likely to request a protection order, followed by the police. The social services also play an important role in requesting protection orders in Italy, Croatia and in the Czech Republic. In Croatia, the court issued them *ex officio* in 18% of cases.

In terms of effectiveness of protection orders, in Croatia, the Czech Republic and Italy, over half of those benefiting from a protection order felt that it was not effective in ensuring

protection. The level of satisfaction with the protection order was much higher in Greece and Cyprus with the majority of respondents reporting that the protection measure was effective. However, these results should be treated with caution, as the absolute number of victims benefiting from protection orders from the survey sample is relatively small.

Level of use and experience of the EPO in the 5 MS

The survey did not generate any results in relation to the use and experience of EPOs in Cyprus, Greece, and Italy. None of the respondents that had benefited from a protection order in these countries reported the intention to travel to or settle in another EU Member State while their protection order was in force.

In the Czech Republic, only one respondent reported having applied for an EPO, which was granted for execution in Sweden. However, according to the available data from the desk research, there is no evidence of this application in the official government data. Nevertheless, the participant claimed that the EPO was not effective, as she did not have access to legal assistance.

In Croatia, of the seven women that planned to travel to another EU Member State, only three were informed of the right to an EPO. Two women were informed by the NGO support services, and one woman was informed by the police. Two proceeded to request an EPO, that in both cases were granted. One woman felt that the EPO was effective, but still responded that she didn't have enough information, while the other woman felt that the EPO was not effective because she didn't receive the same level of protection.

Given the small survey sample, and the lack of data on protection orders and EPOs issued and executed, it is not possible to make any assessment on the practical implementation of the EPO in the partner countries. However, the survey data shows that there is a general lack of awareness and information among respondents regarding the EPO.

Survey with legal professionals in the 5 Member States

Methodology

The target group of the online survey was lawyers/legal professionals that practise in the five partner countries. The purpose of the research was to explore the level of awareness of protection measures available for victims of GBV against women in the five partner countries, and the extent to which such measures are implemented. The online survey aimed to reach as many respondents as possible without purposive monitoring of sample characteristics such as region, age, and gender. The results of the online survey for legal practitioners is intended to be indicative of the level of awareness of protection measures and does not allow for any generalisation of the results.

Channels of communication and dissemination of the questionnaire included social media channels, as well as the partner organisations' contact databases. Some organisations also requested the assistance of the national and local bar associations.

Table 3: Number of respondents per country (legal professionals)

Country	Number of Respondents
Croatia	41
Cyprus	7

Czech Republic	40
Greece	75
Italy	176
TOTAL	339

The majority of respondents reported that they are lawyers, followed by legal consultants/counsellors, and state prosecutors and judges. The types of legal services offered by the respondents included legal representation, legal advice, and legal aid.

In relation to participation in national legal aid programmes, there is a mixed picture across the participating countries. In the Czech Republic, the majority of respondents (77.5%) participate in the legal aid programme, while less than half of respondents in Croatia and Italy participate (46.3% and 43.2% respectively). In Greece, one third of respondents participate, while in Cyprus 3 out of 7 respondents participate in the legal aid programme.

Table 4: Number of respondents participating in legal aid programme

Country	Number of Respondents participating in legal aid programme
Croatia	19 (46.3%)
Cyprus	3 (42.8%)
Czech Republic	31 (77.5%)
Greece	75 (33.3%)
Italy	76 (43.2%)
TOTAL	339

In relation to GBV, 85.4% of respondents in Croatia, 80% in the Czech Republic, 78.7% in Greece, 64.8% in Italy, and 43% of respondents in Cyprus offer services to victims of violence/abuse.

Among respondents, a relatively high percentage reported having requested a protection order on behalf of a client according to national law. The highest rate was reported in Croatia (83%), followed by Greece (77.3%), Czech Republic (75%), Cyprus (57%), with just under half reporting having requested a protection order in Italy (48.3%).

Main reasons for requesting a protection order for a victim/client

The majority of legal professionals in the 5 MS that offer legal services to victims of violence had requested a protection order in the context of domestic violence. Others were requested in the context of sexual abuse, child abuse, and divorce. This may be explained by the fact that the partner organisations used their local contacts and networks to disseminate the survey, and reached a specific segment of legal professionals more likely to work on domestic abuse cases.

Effectiveness of the protection measures available to victims

In line with the findings of the desk research as well as responses from the online survey for EU citizens, the majority of legal practitioners did not feel that the protection orders that are available to victims are effective. Less than 25% in Croatia, Cyprus, Czech Republic and

Italy felt that protection orders were effective. Only in Greece did a relatively high percentage of respondents feel that they were effective (44%), while 43% felt that they are not.

Barriers to victims obtaining a protection order

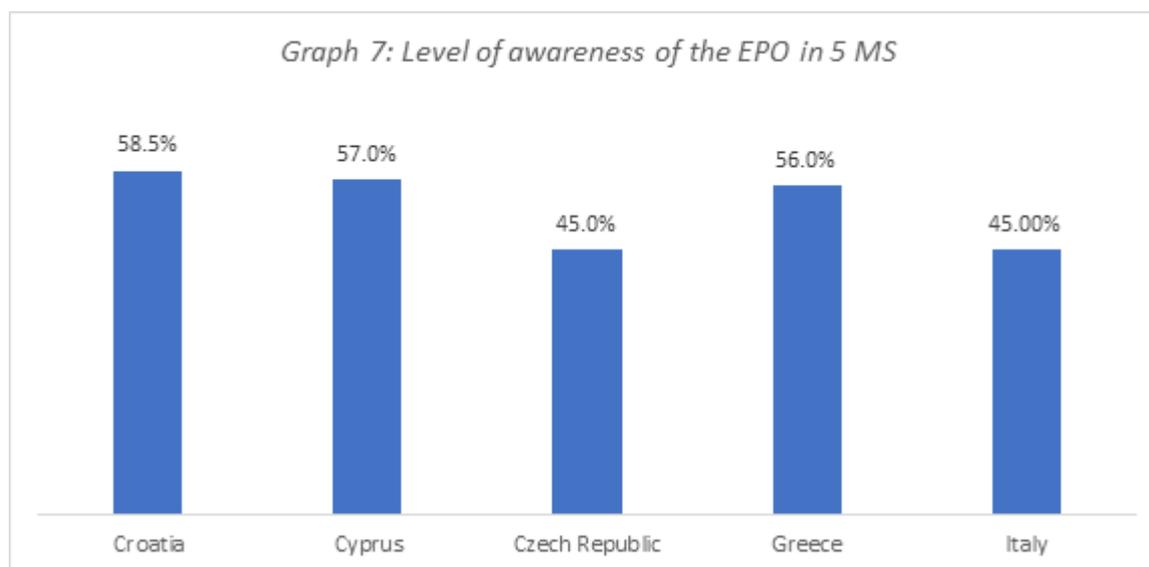
All respondents cited barriers faced by victims in accessing effective protection orders. The most prevalent barrier cited was victims' lack of awareness of their rights, followed by a lack of legal assistance/legal aid, and lack of victim support mechanisms.

Other barriers that the legal practitioners identified included inefficient implementation of protection orders, a restrictive approach by the courts in issuing the orders and the difficulty in proving in court that the victim is at high risk, lack of competence among legal practitioners combined with a lack of training for judges, prosecutors and police.

Awareness and application of the provisions of the EU Directive on the European Protection Order

In relation to awareness of the provisions of the national law on the European Protection Order, 53.4% of all respondents across the 5 MS declared that they are aware of the EPO legislation and its provisions at the national level.

The level of awareness was higher among respondents in Croatia, Greece and Cyprus, compared to Italy and the Czech Republic where it was lower, although there are not significant differences across the 5 MS.



Despite a relatively high awareness rate among respondents, a very low number reported providing information to victims regarding their right to an EPO in Cyprus, the Czech Republic, and Croatia. For example, only one (out of four) respondents in Croatia and Cyprus reported providing information to victims regarding their right to request an EPO. In the Czech Republic, only half (n=9) of those professionals aware of the EPO provide information to clients/victims on their right to an EPO.

In Greece and Italy, a much higher rate of those aware of the EPO provide information to clients on their right to the EPO (64.3% in Greece, and 77.5% in Italy).

In terms of applying for an EPO, the rate across the 5 MS was significantly low but, given the dearth of data across Europe on the application of the EPO, they are worth noting.

Table 5: No. of legal professionals that have requested an EPO in the 5 MS

Country	No. of legal professionals requesting an EPO
Croatia	2
Cyprus	0
Czech Republic	2
Greece	10
Italy	0
TOTAL	14

In relation to having requested an EPO, respondents from Greece, the Czech Republic and Italy reported requesting an EPO on behalf of clients. Specifically, in Greece, 10 respondents reported requesting an EPO for crimes of domestic violence, sexual violence, and child abuse. In Croatia, two respondents reported having requested an EPO on behalf of clients in relation to domestic violence and child abuse. Finally, in the Czech Republic two respondents reported requesting an EPO.

However, in the absence of reliable data at the national level in the 5 MS, as discussed in the earlier sections of this report, it is not possible to substantiate these findings.

Trainings for legal professionals

As expected, the survey results confirm the findings of the desk research that show a lack of available awareness raising and training programmes for legal professionals on the EPO. A very low number of respondents (25 or 7.4%) reported having participated in awareness raising or training activities on the application of the national law on the EPO. Despite this, almost 95% of all respondents declared that they would benefit from such training. Interestingly, the survey results showed that those that declared that they had participated in such training were more likely to report being aware of the provisions of the EPO, and providing information to victims/client on their right to an EPO should they want to travel to or settle in another EU country.

Survey with NGO professionals/Victim support services

Methodology

The target group of the survey were NGOs/victim support services that operate in the partner countries, providing services to victims of GBV or victims of crime more generally.

The online survey aimed to reach as many respondents as possible without purposive monitoring of sample characteristics such as region, age, and gender. The results of the online survey for NGOs/victims support services is intended to be indicative of the level of awareness of protection measures and does not allow for any generalisation of the results.

Channels of communication and dissemination of the questionnaire included social media channels, as well as the partner organisations' contact databases. The survey was also disseminated to the members of the Women Against Violence in Europe (WAVE) Network.

Table 6: Number of respondents per country (NGOs/Victim support services)

Country	Number of Respondents
Croatia	88

Cyprus	7
Czech Republic	47
Greece	53
Italy	99
TOTAL	294

Provision of services to victims of gender-based violence or other forms of violence

The vast majority of NGO respondents to the online survey reported providing front-line services to victims of gender-based and other forms of violence (92%), with no significant differences across countries.

Services offered include provision of information, psychological support and counselling, victim advocacy, psychosocial support, legal advice, and shelter services. Many of the respondents also engage in advocacy work and campaigning, awareness raising, and training activities.

Beneficiaries of NGOs/Victim support services

The vast majority of organisations that participated in the survey offer services to victims of domestic violence: over 90% in Croatia, Cyprus, the Czech Republic, and Greece, and 72% in Italy. Respondents also provide support services to victims of other forms of violence including trafficking in human beings, sexual violence, sexual harassment, and stalking. The majority of organisations offer services to victims of several forms of violence and abuse.

Collaboration with other services

The survey results demonstrate a high level of collaboration of NGOs/victim support services with other services, primarily the police. Other services NGOs collaborate with include social services (including child protection services), the courts, public prosecutors, health services, and other NGOs. Again, most respondents said that they collaborate with more than one organisation or institution in their work.

Provision of information and assistance with protection orders

The majority of organizations represented in the survey provide information/assistance to clients/victims on protection orders available in the 5 EU MS, according to national law (86%).

In four of the five MS, the NGO respondents felt that such protection measures are not sufficiently available to victims with a large majority (86% in Cyprus, 72.7% in Croatia, 68% in Greece, and 63.6% in Italy, and 58% in the Czech Republic).

The NGOs that participated in the survey cited significant barriers that prevent them from accessing any protection orders. The most prominent barrier cited with an overwhelming majority across the 5 MS, was the lack of awareness on the rights of victims (82.5%). The issue of access to legal aid was further explored in the survey, with the majority of participants across the MS stating that state provided legal assistance is not sufficiently available to victims of GBV. Only in Greece were respondents divided on this issue (similar to the findings of the survey with legal professionals) with 45.3% claiming that legal assistance is sufficiently accessible to victims of violence.

Other barriers to accessing protection orders included lack of victims support and safe accommodation, financial dependence of victims on perpetrators, and the inefficiency of the judicial system in providing protection to victims.

As reported by the respondents, another important factor impeding access to protection orders is the lack information on protection measures available, and on the process of requesting a protection order: 66% of NGO professionals that participated in the survey across the 5 MS reported that such information is not sufficiently available to victims.

In relation to effective enforcement of protection orders in the partner countries, again NGO respondents reported that they are not adequately enforced. Only 15% of respondents in Cyprus answered that protection orders for victims of violence are effective, 20.8% in Greece, 23% in the Czech Republic and Italy, and only 4.6% in Croatia.

Awareness of and application of EPO

In relation to awareness of the provisions of the national law on the European Protection Order, over half (59.5%) of all NGO respondents across the 5 MS declared that they are not aware of the EPO legislation and its provisions at the national level. Awareness levels were higher in Greece with 49%, followed by 44.3% in Croatia, 43% in Cyprus, 39% in the Czech Republic, and only 27.3% in Italy.

NGO respondents that reported providing information and/or assistance to clients/victims of protection measures were more likely to be aware of the provisions of the national law on the EPO.

Given the relatively low level of awareness and knowledge of the provisions of national laws on the EPO across the 5 MS, it follows that only a small number reported providing information to clients/victims of their right to an EPO in case they wish to travel to or settle in another EU country. In fact, across the 5 MS, only 65 NGO representatives (22%) reported providing such information to clients/victims. The majority of respondents also felt that information on the process of requesting an EPO is not easily available and few were aware of any specific information campaign targeting victims on their right to an EPO.

Access to training and awareness activities on the EPO

As far as training activities and training needs are concerned; among the NGO professionals that participated in the survey, the majority reported that they do not have access to courses, training or awareness activities on the EPO (100% in Cyprus, 87.2% in the Czech Republic, 76% in Croatia, 60.4% in Greece and 58.6% in Italy). Very few respondents (27 or 9.2%) had actually participated in such specialised training or awareness activities, which reinforces the low levels of awareness of the provisions of the EPO among NGOs and victim support services.

While a small number of respondents were unsure if such training on the EPO would be beneficial to them, 80% of all NGO respondents across the partner countries expressed that such training would be beneficial to them in their work.

Summary of findings

- The utilisation and effectiveness of the EPO is dependent on the enforcement trends of national POs of each project partner country, and by extension, each EU Member

State. The potential scope for use and implementation of the EPO is limited by the national legislative frameworks governing the issuance of POs at the national level; the pro-activeness of judges/courts and officers of the criminal justice system to issue, enforce and monitor POs; and the awareness of victims of their rights and their access to justice and remedies.

- There are legislative gaps in protection of women victims of GBV within Member States, and between Member States, which in turn impedes the issuance and the recognition and execution of EPOs respectively.
- Not all women victims of GBV have access to protection under national POs and consequently EPOs. This is linked to a limited conception of GBV focused on domestic violence and/or violence in the family, which in practice excludes many victims of other forms of GBV who do not, for example, share a family home with the perpetrator.
- The use of POs in certain jurisdictions are overly focused on the defendant and are used as alternatives to pre-trial detention, instead of ensuring and maximising the safety/protection of the victim.
- Not all women victims of GBV are covered by equivalent levels of protection across the Member States and the EU. For example, Cyprus has not yet recognised stalking as a criminal offence; Croatia's national legal system recognises forms of domestic violence and intimate partner violence as misdemeanours, as opposed to criminal acts, and are therefore excluded from the remit of the EPO.
- There is a wider problem of a lack of a common understanding and conceptualisation of GBV at the EU level and a lack of harmonisation of Member States' national legal systems, which limits the scope of effectiveness of the EPO.
- The lack of central registers and the lack of data in each project partner country impede the proper assessment of the effectiveness of national POs and the EPO, as well as the prevalence of GBV.
- Notwithstanding the lack of available reliable data, across all of the project partner countries, the use of national POs in cases of GBV is low in relation to the prevalence of GBV.
- According to the results of the survey with EU citizens conducted as part of this study, out of a total of 2,881 respondents, 745 reported having experienced some form of violence or abuse (25.8%); this is equivalent to 1 in 4 respondents to the survey across the five partner countries. From these, only 171 (23%) reported having requested some form of protection order in the context of GBV, of which, just over half (90) were granted.
- Both legal professionals and NGO representatives consider national POs largely ineffective and inadequate across the project partner countries. According to the

results of the survey, the majority of legal practitioners did not feel that the POs that are available to victims are effective; less than 25% in Croatia, Cyprus and Italy felt that POs were effective. More than half of respondent EU citizens benefitting from a PO in Croatia and Italy felt that it was **not** effective in ensuring protection. The overwhelming majority of NGO respondents across the partner countries reported that POs are not adequately enforced: only 15% of NGO respondents in Cyprus answered that POs for victims of violence are effective, 20.8% in Greece, 23% in the Czech Republic and Italy, and only 4.6% in Croatia.

- The underutilisation of national POs limits the effectiveness of national POs to protect victims. This in turn negatively impacts on the scope and effectiveness of the EPO and mirrors the underutilisation of the EPO across the EU.
- The diverse range of national POs available under civil, criminal, administrative and misdemeanour law provisions across the project partner countries may constitute an important factor in the underutilisation of the EPO. The varying durations of national POs across the project partner countries may further complicate the recognition and execution of EPOs. This reveals the need for greater harmonisation of Member States' national legislative frameworks of protection of women victims of GBV across the EU.
- The research reveals that there has been very limited use of the EPO across the partner countries. As of the date of this report and according to the data and information provided, only Italy has issued one EPO. There is evidence to suggest that Croatia has issued two EPOs, however this has not been verified; the remainder of the project partner countries have not issued any EPOs. None of the project partner countries have recognised and executed EPOs.
- There is a lack of robust and effective monitoring mechanisms in respect of POs and EPOs. Although monitoring mechanisms for national POs are envisaged in some jurisdictions, these are not adequately enforced; overall, victims are left with the responsibility of reporting violations of POs. No monitoring mechanisms have been instituted with respect to EPOs across any of the project partner countries. This seriously undermines the effectiveness of POs and the EPO.
- No consideration has been given at the national level to the use of the Victims' Rights Directive or of the Regulation, together with the EPO Directive, as a comprehensive package of complimentary measures to ensure the complete coverage of victims in need of protection.
- There is a general lack of awareness of the EPO amongst professionals and practitioners working in the field of GBV. According to the results of the survey conducted as part of this study, over half (59.5%) of all NGO respondents across the five project partner countries declared that they are not aware of their respective national legislation transposing the EPO Directive and its provisions.

- There has been no training of legal practitioners, judges, criminal justice staff or NGOs providing support services to victims on the possibility of applying for an EPO. The survey with EU citizens revealed that in Croatia only three out of seven women that planned to travel to another EU Member State were informed of the right to an EPO. Only two of the projects partner countries' national legislation includes an obligation of courts and prosecutors to inform victims of their right to an EPO during the trial procedure. The national legislation of the remainder partner countries does not include any such obligation.
- Training and awareness raising campaigns on the EPO would indeed be beneficial to the implementation of the EPO. This is supported by the results of the survey, with 95% of legal professionals and 80% of NGO professionals declaring that they would benefit from awareness raising and specialised training programmes on the EPO.
- According to the results of the survey with legal professionals, respondents that declared that they had participated in such training were more likely to report being aware of the provisions of the EPO and providing information to victims/clients on their right to an EPO should they want to travel to or settle in another EU country.
- There is a general lack of awareness amongst women victims of GBV of their rights to protection and access to justice. According to the survey results, victims cite a lack of awareness of their rights as a significant barrier to accessing protection orders. Similarly, an overwhelming majority of NGO respondents across the project partner countries (82.5%) agreed that lack of awareness amongst victims impedes access to POs.
- Since the transposition of the EPO Directive, there have been no specific awareness raising campaigns or information activities on the rights of victims and the EPO in any of the project partner countries. This consequently reflects the low use of EPOs, as EPOs may only be issued at the request of the victim.
- Out of the project partner countries, Greece is an outlier and diverges from the other project partner countries in the following significant ways:
 - (i) There is a greater use by victims of the criminal justice system, courts issue POs more frequently, and there is greater satisfaction of victims in terms of perceived effectiveness of national POs. According to the results of the survey with EU citizens, only in the case of Greece were respondents more likely to contact a lawyer rather than an NGO, with a significant difference should they experience violence/abuse. Additionally, the level of satisfaction with POs was much higher in Greece with the majority of respondents reporting that the PO was effective.
 - (ii) POs cannot be issued against the perpetrator as part of the sentence following conviction. This constitutes a significant gap in protection for victims, particularly in light of the ineffectiveness of sanctions ordinarily imposed against perpetrators in cases of GBV, which have been critiqued as neither

safeguarding the protection of the victim nor ensuring the reformation of the perpetrator.

(iii) Given that national POs are widely used in Greece, the results of the survey indicate that the lack of knowledge of legal professionals equates to the low application and issuance of the EPO. This is a particularly relevant finding, as victims of GBV in Greece tend to resort to the criminal justice system over NGOs and support services for assistance; thus, awareness raising and training of criminal justice professionals and officers would be particularly beneficial in Greece and would facilitate the issuance of the EPO.

Recommendations

- Develop a common EU-wide conceptual framework to identify and define the various types of GBV that may require the issuance of POs and EPOs with a clear gender perspective. This will facilitate the recognition of EPOs across the EU and will ensure that there are no gaps in protection between Member States so that all victims may have equivalent protection across the EU. This will also enable Member States to better understand and define how the EPO Directive operates and applies in their own national context and legal system.
- Ensure that data collection is improved at both the national and EU levels. A centralised data collection system should be established that should also include data on the number of EPOs issued and/or received in all project partner countries and Member States. The system should also include data on breaches of national protection orders and EPOs, as well as the sanctions imposed. This will require the provision of adequate resources to relevant institutions and professionals. Mechanisms for monitoring compliance with POs and EPOs should be established and/or bolstered. Data collection at the EU level by the EU Commission should occur on a regular basis and should also be bolstered.
- Given that the effectiveness of EPOs is dependent on the domestic legislative framework and the effectiveness of POs existing at the national level, this report highlights the need for national governments of Member States to re-evaluate the adequacy of their national provisions, in light of their obligations under the EPO Directive, as well as the Victims' Rights Directive and the Istanbul Convention. In particular, Cyprus should pass a law criminalising stalking; Croatia should consider amending its national legislation transposing the Directive in order to include the Law on Protection from Domestic Violence, a misdemeanour law, in the remit of the EPO Directive; all project partner countries and Member States should recognise and criminalise GBV in all its forms and avoid restricting understandings of GBV to domestic violence or violence in the family.
- All project partner countries and Member States should incorporate the EPO Directive, as well as the Regulation and the Victims' Rights Directive, into their national strategies and action plans to combat GBV, adopting a gender-perspective.

Thorough consideration should be given to the practical application of these measures in the national context.

- All project partner countries and Member States should clearly define the interplay between the operation of the EPO Directive and the provisions of the Regulation and the Victims' Rights Directive, given that a substantial number of POs issued across the project partner countries in cases of GBV are administrative law or civil law based. This will benefit victims by providing more comprehensive protection and by ensuring that victims are fully informed of their rights and are thereby enabled to make decisions.
- All project partner countries and Member States should provide adequate resources and funding to their relevant national authorities to provide and conduct organised courses, training activities and information to legal professionals and NGO professionals providing legal advice and assistance to women victims of violence and abuse.
- All project partner countries and Member States should conduct national awareness raising campaigns on the EPO Directive and the EPO to inform EU citizens on the instrument. Furthermore, the right to an EPO should be included in all existing awareness raising material and information issued by the police and other authorities and made widely available to victims. Awareness raising campaigns on the full spectrum of the rights of women victims of GBV should be conducted and/or bolstered.

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ANNEX I

Promising practices related to the application of the EC Directive 2011/99 /EU and the promotion and use of the European Protection Order

Legal framework/legal provisions

Portugal – National protection orders

The Portuguese legal system provides for a wide range of protection orders. These measures are governed by criminal law and are regulated both in general criminal law (the Portuguese Code of Criminal Procedure and the Portuguese Criminal Code) and under the legislation concerning specifically the crime of domestic violence (Law No. 112/2009). They can be ordered by courts during the pretrial stage or at any moment of the proceedings. They can also be imposed either as an accessory penalty in case of conviction for domestic violence or as an alternative measure in cases of suspended pretrial detention or provisional suspension of criminal proceedings, or as an accompanying requirement in cases of suspended prison sentences and conditional release. Measures encompass: contact bans (usually entailing the prohibition of approaching the house and the workplace of the victim), the prohibition of approaching certain people or places, mandatory permanence within certain locations, travel bans, mandatory attendance of rehabilitation or perpetrator programmes for domestic violence offenders and the prohibition of holding arms.

Electronic monitoring can be imposed by a court decision whenever it is deemed essential to guarantee the safety of the victim. It is carried out under the supervision of the prison and probation services. Data provided on domestic violence cases revealed a sharp increase in the past few years in the number of protection orders monitored electronically: from a total of 99 measures in 2011 to 603 in 2017, mostly in relation to coercive measures decided in the course of proceedings and, to a lesser degree, in combination either with the provisional suspension of proceedings or with the imposition of a suspended prison sentence.

Relevance to EPO: already existing legislative framework of criminal law protection orders is favourable to the implementation of EPOs in Portugal, as EPOs apply to national POs issued during criminal proceedings.

Source: GREVIO's baseline evaluation report on Portugal, paragraphs 211-218 <https://rm.coe.int/grevio-reprt-on-portugal/168091f16f>

Austria – National protection orders

Austria has been selected as having good practices due to its pioneering role in establishing the first ever regime of Emergency Barring Orders (EBOs) and protection orders aiming to ensure the protection of victims of domestic violence and abuse in 1997 (CoE paper p.30). The Austrian legislative framework of EBOs has been recognised by the Council of Europe as constituting the gold standard for the issuance of EBOs and protection orders in cases of domestic violence.

The protection regime consists of 3 tiers: (i) issuance of EBOs; (ii) intervention centres providing emergency support to victims; and (iii) civil law POs which may be applied for by victims following the expiration of the EBOs or otherwise (p.30). The EBOs are issued by the police *ex officio* and cover all victims of violence in their home, including migrant women and victims of stalking, and there is no requirement for cohabitation between the victim and the perpetrator (CoE paper pp.31-32). In addition, the EBOs are implemented alongside victim support services in the form of “intervention centres”, which are provided throughout the process without charge and are not conditional on the victim applying for a protection order at court following the issuance of the EBO. Further, these support services are available to all victims without discrimination, irrespective of whether the victim wishes to report the violence or apply for a protection order in court (CoE paper p. 33). Thus, EBOs operate and are applied within a multiagency, integrated approach to enforcement and protection, involving the police, victim support services and civil courts (CoE paper pp.33-34).

At the issuance of the EBO, the police are actively involved in the monitoring of compliance and check with the victim that the perpetrator has not approached the victim’s home (p.32). Additionally, the police have a duty under the law to inform the victim of their rights to apply for a civil law protection order. They are also duty-bound to inform the relevant intervention centre about all cases of violence against women within 24 hours (p.33).

Furthermore, Austria is notable for its widespread use and enforcement of EBOs and protection measures, and of its use of EBOs as a preventive tool (GREVIO report p.45). Overall, there is a wide acceptance of the legislative regime of EBOs and protection orders in Austria (p.46), translating in their widespread use.

The good practice outlined above is relevant to the application of the EPO as a model of wide and proactive utilisation and implementation of EBOs and POs at the national level to protect women victims of gender-based violence, constituting an environment conducive to the use of EPOs.

Source: Council of Europe, *Emergency Barring Orders in situations of domestic violence: Article 52 of the Istanbul Convention*, 2017, pp. 30-34: <https://rm.coe.int/article-52-convention-istanbul-english-version/168073cae6>

Spain – National protection orders

Spain has passed 2 significant pieces of legislation on gender-based violence:

- Organic Law 1/2004 of 28 December, on Integrated Protection Measures against Gender Violence, which considers this type of violence (directed against women for the fact of being women) as the most brutal symbol of inequality and one of the most flagrant attacks on fundamental rights such as freedom, equality, life, safety and non-discrimination.
- Organic Law 3/2007 of 22 March, for the Effective Equality between Women and Men, which establishes the universal nature of the principal of equality and introduces gender perspective in the activities of public authorities. (Spain national report to GREVIO p.2)

The Organic Act of 2004 set up an all-encompassing framework for the combatting of gender-based violence in Spain, involving legal and social support, healthcare, as well as awareness-raising activities, for the protection of victims of violence against women.

Specifically, it established specialised gender-based violence courts in Spain which provide emergency services (CoE paper p.39). These courts have the power to issue integrated protection measures under criminal or civil law, and include emergency barring orders (CoE paper p.39). The specialised gender-based violence courts are available 24 hours to issue emergency protection orders, which must be issued within 72 hours from when the incident was reported (p.40). These emergency POs may be in the form of no contact orders, restraining orders or the preliminary granting of custody of children to the victim, and usually remain in force for 30 days with the possibility of extension at the request of the victim.

There is a comprehensive system of support available to victims in Spain, with close cooperation and coordination of different agencies including courts, police and NGOs providing victim support (p.41). Psycho-social and legal support is available to all victims and their children, on the condition that the victim reports the violence; this support also includes financial and housing aid. Victim support services are provided by NGOs and state agencies, which are coordinated by specific measures ensuring the cooperation between them when POs are issued.

The good practice outlined above is relevant to the application of the EPO as a model of wide and proactive utilisation and implementation of EBOs and POs at the national level to protect women victims of gender-based violence, constituting an environment conducive to the use of EPOs.

Source: Council of Europe, *Emergency Barring Orders in situations of domestic violence: Article 52 of the Istanbul Convention*, 2017, pp. 39-41: <https://rm.coe.int/article-52-convention-istanbul-english-version/168073cae6>

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Procedures for requesting an EPO

Estonia – EPO Translation Services

Estonia has been cited in the EU Parliament Assessment study of the EPO (2017) as a good practice regarding the implementation of the EPO, due to its provision of comprehensive translation services.

With regards to the issuance and execution of EPOs, the Estonian Ministry of Justice has established a framework for the translation of EPO forms. Thus, when issuing an EPO, the EPO shall be translated into the official language of the executing State and shall be transferred to the competent authority of the executing State accordingly. Additionally, in the cases of victims which are not proficient in the Estonian language, the legal framework provides for the translation of the EPO into the victim's native language or a language in which s/he is proficient, at the victim's request. The victim may also request the translation of additional supporting documentation which are deemed essential for ensuring her/his

procedural rights. If this request is refused, the competent authority must formalise the refusal with a ruling.

Source: European Parliamentary Research Service, *European Protection Order Directive 2011/99/EU: European Implementation Assessment*, September 2017, p.38: https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS_STU%282017%29603272_EN.pdf

Data Collection

Spain – Central Register for the Protection of Victims of Domestic and Gender-based Violence and the Observatory against Domestic and Gender Violence

Spain is notable for its collection and centralised keeping/holding of administrative data specifically on domestic violence and gender-based violence, a good practice identified by the Council of Europe. As part of its broader efforts in data collection, Spain has established a Central Register for the Protection of Victims of Domestic and Gender-based Violence for the centralised collection of administrative data. The Central Register falls under the responsibility/scope of the Ministry of Justice. The administrative data includes information on the victim, the perpetrator and the criminal offence, as well as on protection measures and the final outcomes of judicial cases. Further, the National Statistics Institute collects data on POs and final judgements; this is done on an annual basis for the whole of Spain. The information collected in the Central Register is checked and verified by the National Statistics Institute and is recorded clearly according to the title and chapter of the relevant Criminal Code provision (CoE paper on data collection p.14).

Additionally, Spain has established the Observatory against Domestic and Gender Violence, a body responsible for coordination, analysis and policy making on matters of domestic and gender-based violence, with the ultimate aim of eradicating such forms of violence in Spanish society (CoE paper p.14 & website). One of its core functions is the compiling and analysis of data from judicial statistics, including statistics on issued protection orders (website). Additionally, it obtains information on POs through the collection of data from electronic devices used in the monitoring of compliance with POs (Spain national report to GREVIO p.15). With this data, the Observatory investigates and conducts analysis of the responses of the justice system to incidents and victims of domestic and gender-based violence, in order to make findings and recommendations regarding the improvement of services (website).

The good practice identified above of consistent and systematic data collection is relevant to the application of the EPO, in that the already existing recording system of data on national POs is favourable for the recording of EPOs.

Source: Council of Europe, *Ensuring data collection and research on violence against women and domestic violence: Article 11 of the Istanbul Convention*, 2016, p. 14: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680640efc>

Observatory against Domestic and Gender Violence:

<http://www.poderjudicial.es/cgpi/en/Subjects/Domestic-and-gender-violence/Spanish-Observatory-on-Domestic-Violence/>

Spain State Report to GREVIO, 2019: <https://rm.coe.int/state-report-from-spain/16809313e0>

Denmark – Registers and surveys

Denmark has been cited as having good practices regarding data collection on violence against women and domestic violence. Denmark has established a comprehensive collection data system, in terms of the type of data which is collected as well as the methods used to collect such data.

Firstly, there is an established system for the collection of administrative data from all relevant agencies which come into contact with victims of violence. This system consists of a series of registers collecting different data which have been linked together through the use of the ID number of victims and perpetrators, whilst ensuring that all datasets are encrypted and anonymous. Overall, the registers aim to collect data on victims of violence who have used or are users of public services. Specifically, the registers collect data on crime (by looking at police recorded crime and court verdicts); hospital patients; cause of death; and use of shelters/refuges, which are administered by NGOs and funded by the state. (CoE paper pp.15-17)

Secondly, Denmark collects data by conducting nationwide surveys on a regular basis, which is important for gathering information on victims who do not seek assistance. Questions relating to gender-based violence are included in surveys on health and population surveys conducted on a regular basis. Questions include the type of violence experienced, as well as on the relationship between the victim and the perpetrator. The surveys have enabled the Danish authorities to map trends in violence nationwide on a regular basis (pp.20-21).

Further, the data collected from the population and health surveys are again linked and may be cross-referenced with administrative data through the use of the ID number; this enables connections to be made between the health and criminal justice outcomes of victims of gender-based violence and domestic violence. The data is anonymised and the protection of the identity of victims and perpetrators is guaranteed. This comprehensive linking of data has been labelled by the Council of Europe as “research infrastructure”, producing favourable conditions for carrying out research on gender-based violence, by providing useful, comprehensive data, with which research can be conducted (pp.24-25).

Good data collection will facilitate and promote the use of national POs and thereby EPOs. The existing registers already recording POs at the national level could easily form the basis for recording EPOs, and thereby facilitating the greater use of EPOs.

Source: Council of Europe, *Ensuring data collection and research on violence against women and domestic violence: Article 11 of the Istanbul Convention*, 2016, pp. 15-25: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680640efc>

Victim Support

Cyprus – Association for the Prevention and Handling of Violence in the Family (SPAVO)

SPAVO has been identified as a good practice for victim support and individual needs assessment. SPAVO is a non-profit, non-governmental organization that operates to provide support, information, as well as awareness raising and training on domestic violence issues. All services provided are free of charge.

SPAVO offers integrated services to victims of domestic violence in Cyprus including:

- A Call Centre (1440):

The 1440 call centre is free of charge, accessible 24 hours and available to the public 365 days a year;

The call centre is staffed by psychologists, social workers and volunteers who are specially trained.

- Line 1440 provides:

Counselling;

Information on other relevant services;

Information on the basic rights and the choices of victims of domestic violence.

- SPAVO Shelters:

SPAVO offers shelter to women victims of violence and their children. Shelter can be accessed through the call centre 1440 or by referral from the Police and/or Social Welfare Services. The shelter offers programmes aiming to empower women so that they can freely identify their needs and make their own decision to break the cycle of violence. In order for women to stay in the shelter they will have to participate in all the shelter's programmes.

- SPAVO Counselling Services:

SPAVO provides psychological support and counselling to both victims and perpetrators of domestic violence by specially trained psychologists and social workers.

All services operate in an integrated manner.

SPAVO programmes target victims of domestic violence including women, men, and children. Shelter services target women victims of violence and their children, taking into account the specific vulnerabilities and needs of this target group. Furthermore, SPAVO offers counselling services to perpetrators of violence through its "Love without Hurt" programme.

Source: www.domviolence.org.cy.

Italy – Anti-violence centres and associations

Italy is characterized by a large number of anti-violence centres and associations that offer psychological, economic and other support to women victims of violence. The Italian system of protection and support to victims of violence and their children is largely based on the activity of women's NGOs, usually established as non-profit organizations that run anti-violence centres and shelters at local or regional level. In addition to managing specialized services for women victims, women's NGOs organize prevention activities and provide

training on violence against women to law enforcement officials, prosecutors, magistrates, social workers and other stakeholders.

The role played by women's organizations has received recent legislative recognition at the national level. The principle of their involvement in the development of policies to combat violence against women has been expressly recognized by Article 5, paragraph 1, of Law No. 119/2013, which provided for their participation in the drafting of the “Extraordinary action plan against sexual and gender-based violence”. Article 5-bis of this law also recognized the need for all public institutions to work closely with civil society associations and organizations engaged in supporting and assisting women victims of violence, including anti-violence centres and shelters.

Among the good practices of civil society organizations can certainly be mentioned:

1. D.i.Re (*Donne in Rete contro la violenza* - The Italian National Women’s Network against Violence) is the original and sole Italian network of independent Women’s Shelters and Women’s Anti-violence Centres managed by women's associations to promote the prevention of violence against women and to provide counselling and support services to women victims of violence.

2. Differenza Donna (Women and girls against violence) has been active since 1989 with the goal of exposing, combating, preventing and overcoming gender-based violence. In 2018, Differenza Donna founded the *Observatory on violence against women with disabilities*, the first in Italy specifically dedicated to this issue.

Source: D.i.RE.: <https://www.direcontrolaviolenza.it/>

Differenza Donna: <https://www.differenzadonna.org/>

Italian Law n. 119 of the 15th of October 2013

Training of professionals

Portugal - V National Plan on Violence against Women

Portugal’s V National Plan on Violence against Women launched in 2014 includes the training of professionals in the field of gender-based violence as a key strategic objective. It identified a broad range of professionals working in agencies and services victims of gender-based violence are likely to come into contact with, including professionals in health care, law-enforcement, the judiciary, social security, education, employment, migrants’ services and the media.

The training aims to enhance the interpersonal and technical skills of professionals and specifically addresses the needs of victims and provision of support, with additional consideration given to vulnerable groups of victims such as children, the elderly, people with disabilities and LGBTI people. The coordinating body is active in promoting and developing training. Additionally, NGOs providing support services to victims participate in the delivery of training, as well as contribute to the development of training material. Accordingly, in 2017 the Portuguese government provided funding for approximately 100 training programmes led by such NGOs covering gender equality, gender-based violence and trafficking of human beings.

With respect to police personnel, officers receive initial and in-service training addressing domestic violence (the underlining causes of domestic violence, reporting, risk assessment and management, policing models), gender-based violence and vulnerable groups of victims (the elderly, people with disabilities and LGBTI people). The provision of training is prioritised to officials in specialist units dealing with gender-based violence and vulnerable victims, however training programmes are available to any frontline staff as well. Between 2012 and 2017, a total of 26,500 law-enforcement officials attended training sessions focusing on domestic violence against women as a gendered phenomenon.

Source: GREVIO's baseline evaluation report on Portugal, paragraphs 92-100 <https://rm.coe.int/grevio-reprt-on-portugal/168091f16f>

[Training manual for judiciary http://www.cej.mj.pt/cej/recursos/ebooks/outros/Violencia-Domestica-CEJ_p02_rev2c-EBOOK_ver_final.pdf]

Training of legal professionals

Italy - National guidelines for the management of cases of violence against women

The Superior Council of the Magistracy issued in 2009 national guidelines to disseminate best practices for the effective management of cases of violence against women, recently updated in 2018 following the ruling of the European Court of Human Rights in the *Talpis v. Italy case*²¹. The guidelines provide that *only specialized or trained magistrates may examine cases of violence against women*. Consequently, the Superior Council of the Magistracy, in collaboration with the Superior School of the Magistracy, offers annual courses on gender-based violence of 3-4 days for judges and prosecutors in service, as mandatory continuing education administered at the national level. What is defined within the guidelines is:

- a) to reserve the treatment of proceedings relating to the area of gender and domestic violence to specialized magistrates and, for investigation activities, to judicial police personnel with similar specialization;
- b) to include the same procedures among those with priority treatment, with a minimization of the times of exhaustion of the various procedural phases;
- c) to realize forms of integrated intervention with local authorities, health facilities, social services, anti-violence centres and third sector subjects active in the territory.

In some larger judicial offices there is the good practice of the institution of the so-called *round of violence*, carried out, exclusively, *by the magistrates of the specialized group that intervene in cases of urgency in relation to the crimes of competence*. The designated magistrate is the contact person for all the police forces of the district for crimes of competence of the specialized group, including the crimes of "femicide", and particularly in cases where it is necessary to proceed to the arrest, detention or urgent removal of the

²¹ The case concerns violations of Articles 2 and 3 of the European Convention on Human Rights due to the passivity of the authorities in handling the claimant's complaint, for the domestic violence committed by her husband in 2012, which led to an increase in violence ended in 2013 with the attempted murder of the claimant and the murder of her son. The case also concerns the violation of Art. 14, together with Articles 2 and 3, due to the discriminatory nature of the gaps found in protection of the woman with domestic violence. With judgment of March 2, 2017 (appeal no. 41237/14), the ECHR criticized in particular: the fact that the risk to the life of the applicant and her child was not promptly assessed by the authorities and that no protective measures have been taken; the absence of investigative actions (including the hearing of the victim) for the 7 months subsequent to the filing of the complaint by the claimant; and the excessive duration of criminal proceedings for personal injury aggravated charges brought against the claimant's husband.

perpetrator from the family home. In smaller Prosecutors' Offices, where it is not possible to set up the specialized shift, instructions are given to the magistrate on duty, in the event of the arrest, detention or adoption of urgent removal measures from the family home of a perpetrator of crimes of specialized competence, with immediate and timely intervention of the specialized magistrate assignee of the procedure.

Source: Resolution on guidelines on organization and good practice in dealing with proceedings relating to crimes of gender and domestic violence, (resolution of 9 May 2018), Italian Superior Council of the Magistracy, available at:

<https://www.csm.it/documents/21768/87316/Risoluzione+sulle+linee+guida+in+tema+di+organizzazione+e+buone+prassi+per+la+trattazione+dei+procedimenti+relativi+a+reati+di+violenza+di+genere+e+domestica/4799cbdc-4af8-a794-f908-e1b38b7bc1fa>

Multi-agency working

Italy – Cooperation between judicial authorities, anti-violence territorial networks and social services

In many Prosecutors' Offices in Italy, forms of collaboration have been activated with institutional and third sector actors outside the judicial system engaged in the prevention and fight against gender-based violence, such as social services, anti-violence centres in the area, public and private services of the local network, in order to immediately find accommodation for victims of violence, where their removal from the home is urgent. These forms of collaboration appear to be useful and should therefore be particularly recommended because they help the preventive protection of victims, removing them from the contexts in which the crime has taken place.

It should also be noted the good practice, in use at some Public Prosecutor's Offices, to provide, on the basis of protocols of collaboration with the municipalities, the opening of a social services office. This office provides its assistance to the specialized group responsible for crimes against "vulnerable groups" with reference to both civil and criminal affairs. The office receives and evaluates reports from individuals, local services, hospitals, nursing homes for the purpose of providing support, according to the priority criteria agreed on the basis of which it can also carry out, with the acquisition of medical and social documentation, the necessary investigation to initiate legal appeals. This practice allows for a closer cooperation between the judiciary, the police and social services, facilitating both the investigation of crimes as well as the provision of victim protection. Social workers assigned to the office cooperate with the judiciary and the police for example by supporting the activity of judicial police in cases where the need for a parallel social intervention (such as home visits). In addition, they constitute an effective interface with the social and health services when there is a need to initiate legal protection in favour of persons involved in criminal proceedings. In practice, this function is evaluated positively by the judicial offices that have experienced it because it allows to quickly identify competent social or health professionals and to obtain the necessary answers in a short time, by ensuring overall the speediness of the judicial action.

Source: Resolution on guidelines on organization and good practice in dealing with proceedings relating to crimes of gender and domestic violence, (resolution of 9 May 2018), Italian Superior Council of the Magistracy, available at:

<https://www.csm.it/documents/21768/87316/Risoluzione+sulle+linee+guida+in+tema+di+organizzazione+e+buone+prassi+per+la+trattazione+dei+procedimenti+relativi+a+reati+di+violenza+di+genere+e+domestica/4799cbdc-4af8-a794-f908-e1b38b7bc1fa>

Cyprus – Interdepartmental Procedures for Victims of Violence in the Family (IDP)

The Advisory Committee for the Prevention and Combatting of Violence in the Family, within the framework of its responsibilities for the promotion of services to address all aspects of domestic violence, prepared the Manual of Interdepartmental Procedures for handling incidents of violence in the family. The main aim of the Manual is to clarify the role and functions of front-line professionals in handling cases of domestic violence, as well as to map referral procedures and promote multi-agency cooperation. Following an evaluation of the impact of the IDP, two manuals have now been produced targeting children and adults separately, incorporating feedback provided by relevant services and front-line professionals, which will better address the specific needs of victims.

The aim of the IDP is to protect and support the victims of domestic violence, throughout the process, from report/complaint to trial. To achieve this objective, a key prerequisite is the interdisciplinary cooperation of stakeholders, including the public and private sector and non-governmental organizations (NGOs). Where necessary, relevant services may convene interdepartmental meetings to discuss specific cases or interdepartmental cooperation issues.

The manuals are aimed at officers of the Social Welfare Services, the Police, Health Services, Education, Legal Service and NGOs engaged in handling violence in the family. The beneficiaries include men and women, girls and boys affected by violence in the family. There is no gender specificity.

The manuals are available on the Advisory Committee's website at www.familyviolence.org.cy and is disseminated by the relevant Ministries to their departments and services involved in handling and addressing domestic violence. Furthermore, the manuals are promoted through seminars and workshops organised by the Advisory Committee targeting front-line professionals.

The IDP has been identified as a good practice for the identification of victims, individual needs assessment and referral.

Source: Advisory Committee on Preventing and Combating Violence in the Family, (2002) *Interdepartmental Procedures Manual on Handling cases of Violence in the Family*: www.familyviolence.org.cy

Legal Aid/Assistance

Greece – “All Safe” Programme: Free legal aid

The Diotima Center in collaboration with the Municipality of Athens will implement the "All Safe" programme for the period April - October 2020. The programme aims to provide free legal aid to Greek women and immigrants, victims of domestic violence, who are citizens or residents of Athens and have low income (10,000 euros per year).

The aim of the programme is to support survivors of gender-based violence and reduce the effects of domestic violence, which is on the rise around the world, in the midst of the COVID-19 pandemic and associated restrictions.

The cases will be referred immediately to a specialized lawyer and psychologist of the Diotima Center. Referrals can also be made by the competent services of the Municipality.

The Centre's team will provide survivors with free legal aid and short-term psychosocial support only for as long as citizen traffic restrictions are in place.

Responding to the difficulty of many women to communicate with support structures in this condition, in addition to telephone communication, chat, email, etc. applications will be used. In person will be the presence of a lawyer in cases of emergencies where there is a need for immediate transfer to the Police Department, together with the victim, to file a lawsuit.

Legal aid includes: legal advice, legal aid, legal representation. For example, legal assistance with filing a lawsuit/complaint in the Police Department or in the Prosecutor's Office of First Instance, drafting of precautionary, restrictive measures and / or lawsuits, assistance in the process of issuing a residence permit for humanitarian reasons, in cases of immigrants without legal documents, etc.

In case it is deemed appropriate, and always with the consent of the client, there is the possibility of providing psychosocial support (up to 3 sessions), with the aim of providing first aid mental health, connection with services, information about programmes, etc.

The Diotima Center is a specialized centre that works on gender-based violence. In the last 5 years they have supported, through psychosocial and legal assistance, over 2,800 women victims of gender-based violence, have represented more than 500 women in court, and 700 women and men have participated in empowerment and awareness groups on gender-based violence.

Source: Diotima Center <https://diotima.org.gr/cases/oles-asfaleis-dorean-nomiki-voitheia-se-thymata-endookogeneiakis-vias/>

Monitoring mechanisms and sanctions

Spain – VioGén System (Integral Monitoring System in Cases of Gender Violence)

Spain's computerised system of monitoring the enforcement of protection orders - has been cited as a good practice in the EU Parliament Assessment study of the EPO (2017), deemed as particularly relevant to the application of the EPO in the context of the recognition and execution of EPOs (p.48).

The VioGén System is a comprehensive monitoring system involving several agencies and state professionals involved in the provision of assistance and protection to women victims of gender-based violence and their children. This is a software-based system, owned and developed by the Spanish government in 2007, which aims to coordinate the actions of the various state agencies and actors through information exchange, including with respect to the monitoring of compliance with protection orders by perpetrators (article 2018). In particular, the system enables users to input information on critical incidents and automated alerts are immediately sent to the relevant police unit responsible for the case.

The system is used by (among others) the judiciary, including the specialised gender-based violence courts; the Public Prosecutor's Office; specialised gender-based violence units of the police; welfare services; and social services. All of these agencies may input and share information on the system; close to 30,000 users across these agencies have accessed the system by 2018.

Since its inception, the VioGén system handled more than 510,000 cases by 2018. The system has standardised police procedure and the handling of cases of gender-based violence where there is a risk of re-victimisation nationwide.

Source: González-Álvarez, J.L., López-Ossorio, J.J., Urruela, C. & Rodríguez-Díaz, M. (2018), *Integral Monitoring System in Cases of Gender Violence. VioGén System*, Behaviour & Law Journal, 4(1), 29-40:

<http://www.interior.gob.es/documents/642012/1626283/articulo+violencia+de+genero/fd0e7095-c821-472c-a9bd-5e6cbe816b3d>

Spain - AlertCops and My112

Spain has developed and instituted applications for smartphones which facilitate the monitoring of national protective measures, including protection orders. These applications have been cited by the European Parliament as a good practice in the context of monitoring the execution of EPOs recognised in Spain.

The applications - namely AlertCops available throughout Spain and My112 available specifically for Catalonia – enable the instantaneous communication of an offence or a situation of risk to the police. They enable direct and fast communication with the police and use geolocation systems to locate the victim in an emergency.

Furthermore, these apps have been developed so as to ensure access to vulnerable victims. The apps are available in several languages and are accessible to persons with communication disabilities. For example, My112 includes videos in sign language for persons with hearing impairment.

Victims of gender-based violence in high risk may make a single phone call through the apps, which will automatically identify the victim to the police and send an automatic warning to six persons of close relation to the victim, chosen by the victim herself.

European Parliamentary Research Service, *European Protection Order Directive 2011/99/EU: European Implementation Assessment*, September 2017, p.48: https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS_STU%282017%29603272_EN.pdf