



ARTEMIS:

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

D41 – Promising Practices



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

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



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

This document was prepared 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 and had to be transposed into the national legislation of the Member States by 11 January 2015.

The aim of the Artemis project is to study the state of application of the EPO Directive in the project partner countries (Italy, Cyprus, Greece, Croatia and Czech Republic) 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.

Within this framework, the project partners carried out a research study to assess the application of the EPO Directive in the partner countries in law and practice, as well as the level of awareness of protection measures, including the EPO, among the general public, legal professionals, and NGOs. Part of the research methodology was to identify good practices developed or/ and implemented in the partner countries and across the EU, and any tools or instruments used to facilitate the effective implementation of POs/EPOs.

While a limited number of practices were identified that focus exclusively on the effective implementation of the EPO, a number of promising practices have been identified and selected for the purposes of this report that are relevant in facilitating effective implementation of the EPO in the EU Member States. The criteria for selecting the promising practices are based on the results of the qualitative and quantitative research carried out in the partner countries, that support the findings of the assessment carried out by the European Parliament on the implementation of the EPO in the EU.¹

The findings of the Artemis research revealed that not all victims of gender-based violence have access to protection under national POs, which impacts access to EPOs across the EU. The study also identified a gap in data collection in the project partner countries that impedes the proper assessment of the prevalence and effectiveness of national POs and the EPO, as well as the prevalence of gender-based violence. In addition, in all partner countries, the research revealed a general lack of awareness among EU citizens of the availability of the EPO, as well as a lack of awareness and training among legal practitioners providing legal support to 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 EU Member State.

The promising practices presented below are categorized as follows:

- Legal framework/legal provisions
- Procedures for requesting an EPO
- Data Collection

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

- Victim Support
- Training of professionals
- Training of legal professionals
- Multi-agency working
- Legal aid/assistance
- Monitoring mechanisms and sanctions

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 principle 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>

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

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 underlying 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*². 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 perpetrator from the family home. In smaller Prosecutors' Offices, where it is not possible to

² 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.

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 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