

# EC Directive 2011/99/EU and European Protection Order: Handbook for citizens



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WP4 - Handbook for Legal Professionals



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## Contents

A. Basic Information on EPO and EC Directives: objectives, necessity, use of the EPO	5
What is the European Protection Order (EPO)?	5
What is a protection order?	6
Why do we need the EPO?	6
What does the EPO Directive say?	7
What are the requirements for the issuance of an EPO by State A?	8
Who can benefit from an EPO?	9
How to benefit from an EPO?	10
What is the practical effect of an EPO?	10
B. Country specific information	11
CROATIA	11
Protection orders in Croatia	11
Status of EPO and EC Directive 2011/99/EU	12
Issuance of an EPO – When the victim has a protection order from a Croatian court and plans to travel/move to another EU Member State	13
Recognition of the EPO – when the victim has an EPO from another Member State and needs Croatia to recognise and execute it	14
Useful Contacts	14
CYPRUS	16
Protection Orders in Cyprus	16
Status of EPO and EC Directive 2011/99/EU	17
Application Process for the issuance of an EPO	17
Recognition of an EPO	18
Useful Contacts	19
CZECH REPUBLIC	20
Protection Orders in the Czech Republic	20
Status of EPO and EC Directive 2011/99/EU	21
Application Process for the issuance of an EPO	21
Recognition of an EPO	22
Useful Contacts	22
GREECE	24
Protection orders in Greece	24

Status of EPO and EC Directive 2011/99/EU	24
Application Process for the issuance of an EPO	24
Issuance of an EPO: When the victim has a protection order from a Greek judicial authority and plans to travel/move to another EU Member State	25
Recognition of the EPO – when the victim has an EPO from another Member State and needs Greece to recognise and execute it	26
Useful Contacts	27
ITALY	28
Protection orders in Italy	28
Status of EPO and EC Directive 2011/99/EU	30
Application Process for the issuance of an EPO	30
Recognition of an EPO	31
Useful contacts	32
C. Useful Resources on the EPO	33

## A. Basic Information on EPO and EC Directives: objectives, necessity, use of the EPO

### What is the European Protection Order (EPO)?

The European Protection Order (EPO) was established by EU Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (EPO Directive).<sup>1</sup> The EPO Directive allows for **protection orders** issued in criminal cases in one Member State to be **recognised and enforced in another**. It applies between all Member States of the European Union, except Denmark and Ireland.

- The EPO Directive came into force on 11 January 2011 and EU Member States had to transpose the provisions of the EPO Directive into their national laws by 11 January 2015.
- Purpose: ***to establish a streamlined, fast-track mechanism whereby victims of crime benefitting from a protection order in one Member State may continue to benefit from equivalent protection in other Member States within the EU.*** This is achieved through the method of ***mutual recognition of national protection orders.***
- ***The EPO is essentially a protection order enforceable at the EU level.*** It ensures that victims benefitting from a protection order will receive ***an equivalent level of protection across the EU*** should they wish to move or travel from one Member State to another.<sup>2</sup>
- The practical aims of the EPO are:
  - ✓ To prevent a further offence committed by the perpetrator against the victim
  - ✓ To provide the victim with a guarantee of continued protection anywhere within the EU
  - ✓ To prevent any discrimination between victims across EU Member States in terms of level of protection.
- ***The EPO Directive is part of a package of legal measures aimed at strengthening the rights and protection of victims of crime in the EU – this includes:***
  - ✓ The EPO Directive
  - ✓ Regulation 606/2013 on mutual recognition of protection measures in civil matters (Regulation)<sup>3</sup>
  - ✓ Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (Victims' Rights Directive).<sup>4</sup>

1 Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32011L0099>.

2 European Parliamentary Research Service (EPRS), 2017, p.11. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS\\_STU%282017%29603272\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS_STU%282017%29603272_EN.pdf)

3 Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013R0606>.

4 Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012L0029>.

- The EPO Directive sets out the process for the recognition of protection orders issued during *criminal court proceedings*; the Regulation sets out the process for the recognition of protection orders issued in *civil law proceedings*.
- All of these measures aim at strengthening the protection of persons in need throughout the EU, including when they travel or move to another Member State.

## What is a protection order?

- The main legal instrument most commonly used for ensuring victim's rights and protection is the ***national protection order***.
- A national protection order is a **fast legal remedy** to protect people at risk of any form of violence by prohibiting, restraining or prescribing certain behaviour by the perpetrator.<sup>5</sup>
- A national protection order ensures the ***protection of persons against an act that may endanger their life, physical or psychological integrity, dignity, personal liberty or sexual integrity***.<sup>6</sup>
- National protection orders can be of **civil, criminal or administrative law** in nature and their duration, scope and procedures of issuance vary among Member States.<sup>7</sup>
- There are various types of protection orders that are issued across the EU Member States – e.g. *emergency barring orders, restraining orders and no contact orders*.

## Why do we need the EPO?

- Protecting and supporting victims of intimate partner violence and gender-based violence is a continued priority of the EU and many legislative, and policy steps have been taken to improve system responses to prevent violence against women and to support victims.
- Eradicating gender-based violence against women in all its forms is a necessary step for achieving gender equality – this is anchored in the recognition that ***historically unequal gender relations are both cause and consequence of gender-based violence***.<sup>8</sup>
- Levels of gender-based violence against women within the EU are high: ***1 in 3 women in the EU has experienced physical and/or sexual violence since the age of 15; 1 in 5 women in the EU has experienced stalking***.<sup>9</sup>

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5 European Institute for Gender Equality (EIGE), 2019, p.7.

6 Van der Aa *et. al*, 2015, p.22. Available at: <http://poems-project.com/results/final-report/>.

7 See n.5 above.

8 UN Declaration on the Elimination of Violence Against Women 1993; Council of Europe Convention on preventing and combating violence against women and domestic violence, 2011 (Istanbul Convention).

9 European Union Agency for Fundamental Rights (FRA), 2014: <https://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>.

- **National protection orders are most frequently used to protect victims of gender-based violence:** in 2010, an estimated 100,000 women residing in the EU benefitted from protection measures related to gender-based violence.<sup>10</sup>
- All of the EU Member States' national laws utilise national protection orders as a form of protection for victims of gender-based violence and in practice, they are issued mainly for the protection of women in cases related to **intimate partner or domestic violence, harassment, stalking or sexual assault.**<sup>11</sup>

## What does the EPO Directive say?

According to the EPO Directive, the **EPO** is defined as:

*a **decision**, taken by a **judicial or equivalent authority of a Member State** in relation to a **protection measure**, on the basis of which a **judicial or equivalent authority of another Member State** takes any appropriate measure or measures under its own national law with a view to **continuing the protection of the protected person.***

A **protection measure** is defined as:

*a **decision in criminal matters** adopted in the issuing State in accordance with its national law and procedures by **which one or more of the prohibitions or restrictions referred to in Article 5** are imposed on a person causing danger in order to **protect a protected person against a criminal act which may endanger his life, physical or psychological integrity, dignity, personal liberty or sexual integrity.***

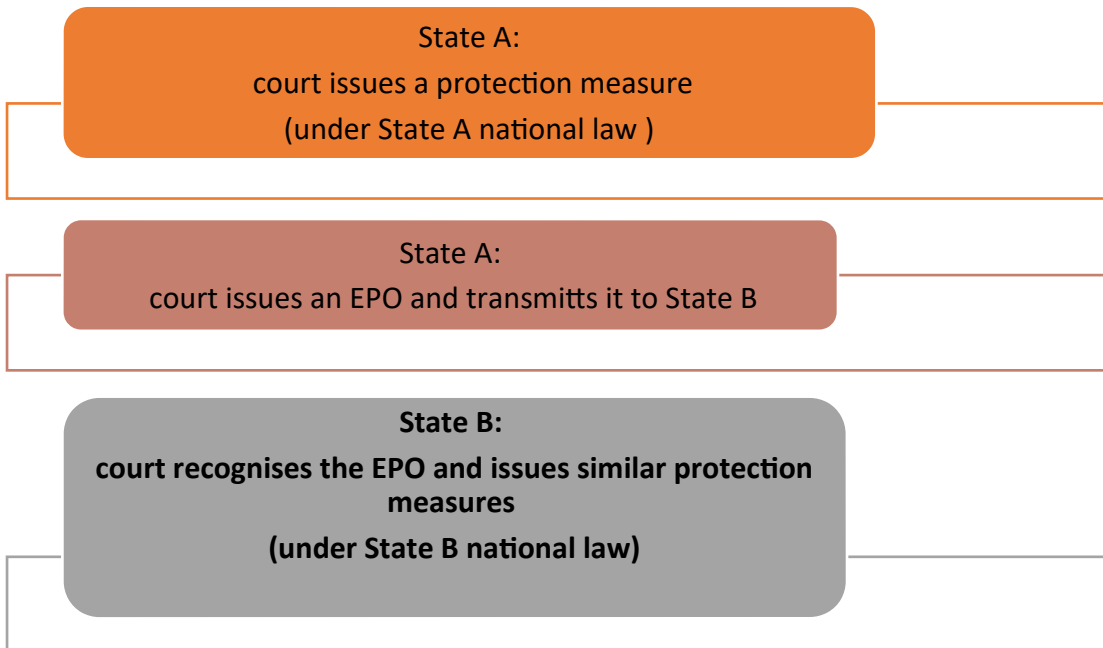
Therefore, the basic elements of an EPO are (see graph/table below):

- ✓ A decision or order
- ✓ Taken by a judicial (or equivalent) authority during a criminal law trial in a Member State (**State A**)
- ✓ Related to protection measures (including certain prohibitions and restrictions)
- ✓ Imposed on a person causing danger (**perpetrator**)
- ✓ For the benefit of the protected person (**victim**)
- ✓ To ensure that her/his protection continues in another Member State (**State B**)

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<sup>10</sup> See n.2 above at p.8.

<sup>11</sup> Ibid.



- **issuing State** means the Member State in which a protection measure has been adopted that constitutes the basis for issuing a European protection order (**State A**).
- **executing State** means the Member State to which a European protection order has been forwarded with a view to its recognition (**State B**).

### What are the requirements for the issuance of an EPO by State A?

- An existing protection measure issued under national law in State A (Article 5, EPO Directive)

An EPO may only be issued if a protection measure has been adopted in the issuing State (State A) during *criminal law proceedings*, and which imposes on the perpetrator one or more of the following prohibitions or restrictions:

- ✓ a prohibition from entering certain localities, places or defined areas where the victim resides or visits;
  - ✓ a prohibition or regulation of contact, in any form, with the victim, including by phone, electronic or ordinary mail, fax or any other means; **or**
  - ✓ a prohibition or regulation on approaching the victim closer than a prescribed distance.
- *The victim has decided to reside or stay in another Member State (State B) (Article 6, EPO Directive)*
    - ✓ This includes for reasons of work, e.g. in the cases of cross-border commuting, or travel.
    - ✓ The court may take into consideration the length of stay when deciding whether to issue an EPO.



- ✓ The EPO may only be issued *at the request of the victim*.
- To apply for an EPO, the victim must fill out the form set out in Annex I of the EPO Directive (Article 7, EPO Directive)
  - ✓ This is a standard form designed to be used across all Member States within the EU.

### **How is the EPO implemented in State B?**

Once the EPO is transmitted to State B, the competent court in State B *recognises and executes the EPO*.

- ✓ Fast track procedure: the recognition of an EPO is treated with priority and urgency.
- ✓ No new legal proceedings will need to be commenced in State B.

However, the court of State B may *refuse to recognise* an EPO for a number of grounds, including (Article 10):

- ✓ the protection measure relates to an act which is not a criminal offence in State B;
- ✓ the protection measure does not impose one of the restrictions set out in Article 5 of the EPO Directive (see above).

Once the court of State B recognises the EPO:

- ✓ It can adopt any protection measure under its national law that corresponds, to the highest degree possible, to the protection measure adopted in State A.
- ✓ This means that the protection in State B must be equivalent to the protection provided by the protection measure issued in State A (Article 9, EPO Directive).

### **Who can benefit from an EPO?**

You have the right to request an EPO if:

- ✓ you are a victim of crime, including a victim of gender-based violence such as intimate partner or domestic violence, harassment, stalking or sexual assault
- ✓ you are benefitting from a national protection order issued by a court [or equivalent body] in the context of criminal law proceedings, and includes one or more of the following conditions:
  - prohibits the perpetrator from entering certain localities, places or defined areas where you reside or visit, e.g. your home, your place of work;
  - prohibits or regulates the perpetrator from contacting you in any form; **or**
  - prohibits the perpetrator from approaching you closer than a prescribed distance
- ✓ you plan to travel or move to another Member State within the EU (except Ireland and Denmark).

### **NOTE:**

If you are currently benefitting from a protection order issued by a **civil law** court during civil law proceedings, and plan to travel or move to another Member State, **you will not be able to apply for an EPO**.

Rather, civil law protection orders are **recognised and enforceable under Regulation 606/2013 on mutual recognition of protection measures in civil matters**,<sup>12</sup> by filling out a standard **certificate**<sup>13</sup> and presenting it to the relevant authorities of the Member State you wish to travel or move to. Further information can be found here: [https://e-justice.europa.eu/content\\_mutual\\_recognition\\_of\\_protection\\_measures-358-en.do](https://e-justice.europa.eu/content_mutual_recognition_of_protection_measures-358-en.do).

Further information on which protection orders are covered by the EPO in Croatia, Cyprus, Czech Republic, Greece and Italy can be found in Part B below.

## How to benefit from an EPO?

- If you have a protection order and wish to travel or move to another EU Member State, you can apply to the court of your home Member State or the Member State you currently reside in for the issuance of an EPO by filling in a standard form (Annex I of the EPO Directive).

## What is the practical effect of an EPO?

- A national protection order issued in your favour will be enforceable in any EU Member State you wish to travel to, move to or reside in – this means:
  - ✓ you can travel or move to another EU Member State and the *protection will continue*
  - ✓ you are able to benefit from an *equivalent level of protection* in any EU country (except Ireland and Denmark).
- It creates a *fast-track procedure* for the recognition and enforcement of a national protection order in any other EU Member State you wish to travel to, move to or reside in.

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<sup>12</sup> Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013R0606>.

<sup>13</sup> Annex I, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1420543010909&uri=CELEX:32014R0939>.

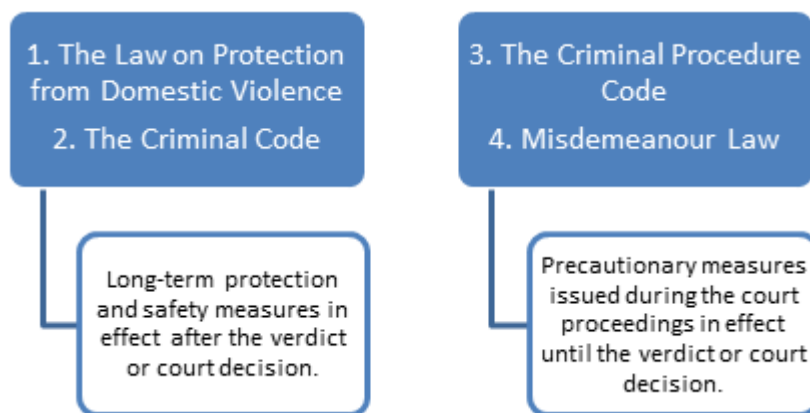
## B. Country specific information

### CROATIA

#### Protection orders in Croatia

Gender-based violence against women in Croatia is mainly regulated through the Law on Protection from Domestic Violence (LPDV) and the Criminal Code. The protection orders are regulated through the LPDV, the Criminal Code, the Criminal Procedure Code, and Misdemeanour Law.

#### Types of protection orders



**Law on Protection from Domestic Violence** prescribes the following protection measures:

- ✓ Prohibition of approaching, harassing or stalking a victim (1 month -2 years),
- ✓ Removal from a joint household (1 month -2 years),
- ✓ Mandatory psychosocial treatment for the perpetrator (no less than 6 months),
- ✓ Compulsory treatment for addiction (up to 1 year).

**The Criminal Code** proscribes long-term safety measures, including:

- ✓ Prohibition of approaching, harassing or stalking the victim (1 to 5 years)
- ✓ Removal from a joint household (3 months to 3 years).

**The Criminal Procedure Code** prescribes 11 precautionary measures, including:

- ✓ Ban on visiting a certain place or area,
- ✓ Ban on approaching a certain person,
- ✓ Prohibition to establish or maintain contact with a certain person,
- ✓ Prohibition of stalking or harassing the victim or other person,
- ✓ Removal from home.

The **Misdemeanour Law** prescribes precautionary measures, including:

- ✓ Ban on visiting a certain place or area,
- ✓ Prohibition of approaching a certain person and prohibition of establishing or maintaining contact with a certain person.

**How are these protection orders issued?**

When violence is reported to the police, they decide based on the merits of the case, whether the violent act constitutes a misdemeanour or a crime.

**If the report is made under the LPDV for a misdemeanour of domestic violence:**

#### Before and during the trial

The **precautionary measures** under the **Misdemeanour Law** may be issued by the **Civil Court** for the duration of the trial.

They can also be issued by the **police** in cases of domestic violence for a period of up to 8 days. The police have 8 days to file an indictment asking the court to extend the duration of the precautionary measure.

**In case of violation:** fine of up to 10,000 HRK (€1,300).

#### Before and during the trial

The **protection measures** under the **LPDV** may be requested by the police, Centre for Social Welfare or the victim. They are issued by the **Civil Court**.

Eviction and restraining orders can be issued **within 24 hours** if there is a **direct threat to the safety of the victim** or family member.

**In case of violation:** fine of at least 3,000 HRK (€400) or by at least 10 days in jail.

**If a criminal complaint is lodged under the Criminal Code:**

#### Before and during the trial

Before the trial starts, the **State Attorney** can determine the precautionary measures under the **Criminal Procedure Code**.

During the trial, only the **County Court** can determine these measures.

**In case of violation:** the perpetrator will go to detention.

#### Before and during the trial

The **public prosecutor** or the **victim** can apply during the trial for the **safety measures** under the **Criminal Code**.

They are issued by the **County Court** and are enforced after the verdict.

**In case of violation:** up to two years in prison.

## Status of EPO and EC Directive 2011/99/EU

The European Protection Order (EPO) established by the EC Directive 2011/99/EU was transposed into Croatian legislation through the Law on Judicial Cooperation in Criminal Matters with the Member States of the European Union.

## Issuance of an EPO – When the victim has a protection order from a Croatian court and plans to travel/move to another EU Member State

### For which protection orders can an EPO be requested?

- ✓ **The Law on Protection from Domestic Violence:** prohibition of approaching, harassing or stalking a victim, and removal from a joint household.
- ✓ **The Criminal Code:** prohibition of approaching, harassing or stalking the victim and removal from a joint household.
- ✓ **The Criminal Procedure Code:** ban on visiting a certain place or area, ban on approaching a certain person, prohibition to establish or maintain contact with a certain person, prohibition of stalking or harassing the victim or other person, and removal from home.
- ✓ **The Misdemeanour Law:** ban on visiting a certain place or area, and prohibition of approaching a certain person and prohibition of establishing or maintaining contact with a certain person.

### When can an EPO be requested?

- ✓ **When a protected person has one of the protection orders issued by a Croatian court and plans to travel or move to another EU Member State.**

### Where to apply for an EPO?

- ✓ For issuing an EPO, the victim or her legal representative should apply to the County Court where the procedure for issuing the national protection order was conducted.

### What is needed in order to apply?

- ✓ One or more protection orders, along with a prescribed form<sup>14</sup> that contains the data prescribed by law which enables its execution in the executing state.
- ✓ A person may apply directly or through a legal representative.

### How long does it take?

- ✓ There is no specific time limit for issuing or recognising an EPO in Croatia. The law merely states that the judge should act immediately and without delay. The only delay is allowed if the EPO is not translated in Croatian. In those cases, the procedure can be delayed by 15 days.

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<sup>14</sup> The prescribed form has been translated into Croatian and is part of the Judicial Cooperation Act, Annex 12. It can be accessed here: <https://www.zakon.hr/z/345/Zakon-o-pravosudnoj-suradnji-u-kaznenim-stvarima-s-dr%C5%BEavama-%C4%8Dlanicama-Europske-unije>

- ✓ In case of an appeal by the victim, the court needs to rule on that appeal within three days. There is no possibility to simultaneously issue an EPO to different States when the victim expresses the intention to stay in all of them.

#### **What happens after an EPO is issued?**

- ✓ The County Court will inform the victim or her legal representative that the EPO has been issued.
- ✓ The County Court will inform and forward the EPO to the executing State (the State where the victim plans to travel or move).
- ✓ If the perpetrator of violence breaches an EPO, the executing State must notify Croatian authorities. The punishment for the breach is the same as for violation of the national protection order.

### **Recognition of the EPO – when the victim has an EPO from another Member State and needs Croatia to recognise and execute it**

#### **Who is in charge of recognising an EPO?**

- ✓ For recognising the EPO issued in another EU Member State, the victim or her legal representative should apply to the County Court according to the place where she has or intends to have a permanent or temporary residence.

#### **Procedure to recognise an EPO**

- ✓ The issuing State will forward the EPO to Croatian County Court in the place where the victim resides or plans to reside.
- ✓ The County Court will recognize the order and will determine which protection order according to the Croatian domestic legislation is the most similar to the one stated in the EPO. That protection order will come into effect and be enforced according to the national legislation and procedures.
- ✓ The decision on the recognition of the EPO will be delivered by the Court without delay to the issuing State, the victim, her legal representative or guardian and the person causing danger, with notification of the legal consequences of the breach of those measures.

#### **What happens after an EPO is recognised?**

- ✓ The County Court must immediately inform the protected person. The protected person must also be immediately contacted if the EPO is rejected and informed of her right to appeal.
- ✓ The police, who are in charge of implementation, have to inform the investigating judge of any breach of the protection order.
- ✓ In case of a breach of measures imposed on the basis of an EPO, the investigating judge has an obligation to inform the competent authority of the issuing or supervising State.

#### **Can the victim appeal?**

- ✓ The protected person and the perpetrator both have 3 days in which to appeal against the decision on the recognition of an EPO.

- ✓ The County Court has 3 days to decide.

## Useful Contacts

- **Central authority:** Ministry of Justice and Administration <https://mpu.gov.hr/?impaired=0>
- **NGO:** Autonomous Women's House Zagreb - Women against violence against women <https://www.azkz.net/>
- **Victim support (all crimes):** Victim and Witness Support Service Croatia <https://pzs.hr/>
- **Croatian Lawyers Bar Association** <http://www.hok-cba.hr/>
- **Authorised providers of primary free legal aid in Croatia:** <https://mpu.gov.hr/gradjani-21417/besplatna-pravna-pomoc/ovlastene-udruge-i-pravne-klinike-za-pruzanje-primarne-pravne-pomoci/6190>



## CYPRUS

### Protection Orders in Cyprus

- ✓ In Cyprus, protection orders may be imposed under **criminal law** and **civil law**.
- ✓ Under **criminal law**, the legislation governing the issuance of protection orders are:
  - ✓ the ***Violence in the Family (Prevention and Protection of Victims) Laws 2000 and 2004 (as amended)***: this provides for the issuance of protection orders specifically for victims of ***violence in the family*** and ***domestic violence***;
  - ✓ the ***Preventing and Combating the Sexual Abuse and Sexual Exploitation of Children and Child Pornography Law 2014***: these protection orders are issued for the protection and benefit of ***child victims of sexual abuse and/or sexual exploitation under the age of 18***; and
  - ✓ the ***Violence against Women Law 2021***: protection orders are issued specifically for ***victims of gender-based violence against women***.
  - ✓ these protection orders are issued for the protection and benefit of ***child victims of sexual abuse and/or sexual exploitation under the age of 18***.
- In Cyprus, the following protection measures exist under **criminal law**:
  - ✓ **Interim or temporary restraining orders** issued against the perpetrator;
  - ✓ **Interim or temporary removal orders** to remove a victim who is a minor from the family home or from his/her place of residence;
  - ✓ **Removal orders** to remove a victim who is a minor from the family home or from his/her place of residence;
  - ✓ **Restraining orders** issued against the perpetrator.
- **Interim restraining orders** and **interim removal orders** are **temporary** measures that are issued *before the criminal law trial* for a period of up to 8 days. The court may extend the duration of the interim protection orders by a further 8 days, provided that the total duration does not exceed 24 days before the filing of criminal charges against the perpetrator. If issued under the provisions of Articles 30 and 31 of the Violence against Women Law 2021, the total duration of the interim order may be up to 60 days before the filing of criminal charges.
- **Removal orders** and **restraining orders** are issued when *criminal charges are filed against the perpetrator or when the perpetrator is convicted*. The duration of removal orders and restraining orders are determined by the court on a case-by-case basis.
- Under **civil law**, protection orders are issued under family law, under the ***Parents' and Children's Relations Law 1990 (as amended)***: these consist of *an order granting partial or full custody of a minor to one parent or to a custodian*.
  - ✓ This protection order relates to minors, i.e. *children under 18 years of age*;



- ✓ This protection order may be issued where one or both parents have failed or are unable to carry out their duties of parental care, *for example due to domestic violence*, or where one parent has been convicted of a crime that involves the life, health or morals of the minor.

## Status of EPO and EC Directive 2011/99/EU

The EPO Directive was transposed into national law in Cyprus in 2015 with [Law 156\(I\)/2015 on the European Protection Order 2015](#). This mirrors the provisions of the EPO Directive.

## Application Process for the issuance of an EPO

### Who can apply for an EPO?

A victim who is benefitting from a protection order issued by a District Court in Cyprus during criminal law proceedings may submit an application to the same District Court to issue an EPO.

### What are the requirements for the issuance of an EPO?

- ✓ The District Court may issue an EPO only if the existing protection order imposes on the perpetrator one or more of the following restrictions:
  - ✓ Prohibition of entry into certain localities, places or designated areas where the victim resides or which s/he visits;
  - ✓ Prohibition or regulation of any contact with the victim, including communication by telephone, e-mail or regular mail, fax or other means; **or**
  - ✓ Prohibition or regulation of the right of access to the victim closer than a predetermined distance;

**and,**

the victim,

- ✓ decides to settle or already resides in another Member State, **or**
  - ✓ decides to stay or is already staying in another Member State, within the EU (except Ireland and Denmark).
- When issuing the EPO, the District Court shall take into account the length of the period which the victim intends to remain in the executing Member State and the degree of necessity of the protection.

### Where to apply for an EPO?

- ✓ The victim or her legal representative should apply to the same District Court which issued the protection order.

### What is needed in order to apply?

- ✓ An existing protection order issued by a District Court which includes one or more of the restrictions stated above.
- ✓ The victim may apply directly and does not require legal representation.
- ✓ An application for the issuance of an EPO, which is a standard form set out in Annex 1 of the [Law 156\(I\)/2015 on the European Protection Order 2015](#).

#### **What happens after an EPO is issued?**

- ✓ The District Court will inform the victim or her legal representative that the EPO has been issued.
- ✓ The District Court will inform and forward the EPO to the executing State ([State B or] the Member State where the victim plans to travel or move to).

### Recognition of an EPO

#### **What is the procedure for recognising an EPO?**

- ✓ Upon receipt of an EPO issued by another Member State:
  - in cases where the victim is a resident of Cyprus, the District Court of the district in which s/he resides recognises the EPO;
  - in cases where the victim is not a resident, the District Court of Nicosia recognises the EPO.
- ✓ The District Court may accept an EPO from another Member State in English, as well as in the official languages of Cyprus.<sup>15</sup>
- ✓ Recognition of an EPO by the District Court is treated as a matter of priority taking into account the specific circumstances of the case, such as the urgency of the matter, the date of arrival of the victim to Cyprus and, where possible, the degree of risk to the victim.

#### **What happens after an EPO is recognised?**

- ✓ Once the District Court recognises the EPO, it will adopt any protection measures available under Cypriot law which provide, to the greatest degree possible, equivalent protection for the victim.
- ✓ The victim, the perpetrator and the issuing State are notified of the decision to recognise and execute the EPO by the District Court.
- ✓ If an EPO is breached by the perpetrator, the District Court is authorised to impose criminal sanctions or non-criminal sanctions under Cypriot law, as applicable.

#### **Can the victim appeal?**

- ✓ If the District Court does not recognise the EPO, the victim has a right to appeal the decision and apply for a national protection order under Cypriot law.

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<sup>15</sup> European Parliamentary Research Service (EPRS), 2017, p.44. Available at:  
[https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS\\_STU%282017%29603272\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS_STU%282017%29603272_EN.pdf).

## Useful Contacts

### **Legal Aid:**

- Cyprus Bar Association, Tel: +357 22 873300, Email: [cybar@cytanet.com.cy](mailto:cybar@cytanet.com.cy), Website: <http://www.cyprusbarassociation.org/index.php/en/>
- Cyprus Bar Association - list of legal aid lawyers: <https://www.cyprusbar.org/LegalAssistance.aspx>

### **Victim Support:**

- Association for the Prevention and Handling of Violence in the Family (SPAVO): <https://domviolence.org.cy/en/>

### **Police:**

- Cyprus Police, Domestic Violence and Child Abuse unit, Tel: +357 22 808442, Email: [domviol.childabuse@police.gov.cy](mailto:domviol.childabuse@police.gov.cy), Website: <https://www.police.gov.cy/police/police.nsf/All/2913319CAC1AFDB1C22584000041D65F?OpenDocument>

### **Other useful information:**

- Advisory Committee on Preventing and Combating Violence in the Family - Useful Contacts: [http://www.familyviolence.gov.cy/cgibin/hweb?-A=31&-V=links&\\_VCATEGORY=0000](http://www.familyviolence.gov.cy/cgibin/hweb?-A=31&-V=links&_VCATEGORY=0000)

## CZECH REPUBLIC

### Protection Orders in the Czech Republic

- ✓ In the Czech Republic, protection orders, i.e., provisional measures protecting victims of crimes from the offender's repeated wrongful acts, are regulated by **criminal law, civil law and administrative law**.
- ✓ Protection measures can be used at the pre-trial stage, as well as safety measures imposed at the sentencing stage.
- ✓ The types of protection orders include **restraining orders, no contact orders and removal orders** issued by a court or a prosecutor; and the **eviction order** issued by the police against the perpetrator as an emergency measure.
- ✓ The legislation governing the issuance of protection orders are: **The Criminal Procedure Code, The Act on Special Judicial Proceedings and The Act on the Police of the Czech republic**.
- ✓ Under **criminal law**:
  - **Criminal Procedure Code**: protection orders are issued prohibiting the offender in particular to contact the injured party, the next of kin, or other persons (especially witnesses), enter the shared dwelling occupied together with the injured party and its immediate vicinity and reside in such a dwelling.
- ✓ Under **civil law**:
  - **The Act on Special Judicial Proceedings**: these protection orders are issued specifically for the protection of **victims of domestic violence and stalking** against the perpetrator; the protection orders may order the perpetrator to temporarily leave the common dwelling and its immediate surroundings, or to not enter into it, as well as to refrain from meeting or contacting the victim and or to refrain from unwanted surveillance and harassment of the victim in any manner.
- ✓ Under **administrative law**:
  - **The Act on the Police of the Czech Republic**: this law foresees the issuance of the **emergency eviction order** for the protection of **persons who are exposed to the risk of violence in the form of attacks against life, health, or freedom or an exceptionally severe attack against human dignity**; this is issued by the police and evicts the perpetrator from the common dwelling and its surroundings; the perpetrator must leave the common dwelling without undue delay and refrain from entering the common dwelling and contacting the person at risk.

Generally, it is left up to the victim to report violations of protection orders. Eviction orders and protection orders issued under civil law, are applied quite frequently, in contrast to protection orders issued under criminal law which are used insufficiently.

## Status of EPO and EC Directive 2011/99/EU

In the Czech Republic, the Directive 2011/99/EU on the European protection order was transposed into **Act No. 104/2013 Sb., on International Judicial Cooperation in Criminal Matters with Amendment No. 77/2015 Sb.**, effective from 1 May 2015. The European protection order is described in ss. 340–356 of this Act.

## Application Process for the issuance of an EPO

### For which protection orders can an EPO be requested?

- ✓ An EPO can be requested for protection orders which imposes restrictions only under criminal law.

### Who can apply for an EPO?

- ✓ Czech law provides that an EPO is issued by the court at the request of the protected persons, i.e. victims.

### Where to apply for an EPO?

- ✓ The victim may apply for an EPO, either to the competent authority of the issuing State or to the competent authority of the executing State. In the Czech republic the competent authority is a district court or a state prosecutor.

### What are the requirements for the issuance of an EPO?

- ✓ Before issuing an EPO, the judicial authority is obliged to verify that the protection order on the basis of which it is to be issued imposes restrictions only under criminal law. The judicial authority shall also take into account the length of the period the victim intends to settle or reside in another Member State, as well as the seriousness of the protection needed.

### What is needed in order to apply?

- ✓ One or more protection orders, along with a prescribed form that contains the data prescribed by law which enable its execution in the executing State (the State where the victim plans to travel or move).
- ✓ A person may apply directly or through a legal representative.

### How long does it take?

- ✓ The law does not specify any time limits for decisions; there is only a duty to adjudicate without undue delay.

### What happens after an EPO is issued?

- ✓ The District Court will inform the victim that the EPO has been issued.
- ✓ The District Court will inform and forward the EPO to the executing State (the State where the victim plans to travel or move).
- ✓ If the request to issue an EPO is rejected, the victim has the right to submit a complaint against such a decision.

## Recognition of an EPO

### What is the procedure for recognising an EPO?

- ✓ Upon receipt of an EPO issued by another Member State, a district court in the place where the victim (temporarily) resides is competent to issue decisions recognising the EPO.
- ✓ Before issuing an EPO, the judicial authority is obliged to verify that the protection order on the basis of which it is to be issued imposes restrictions only under **criminal law**; at the same time, it ascertains whether the described conduct is criminal in the Czech Republic.
- ✓ The district court must issue two (2) Orders:
  - 1. for the recognition of the EPO, and
  - 2. for the adoption of similar protection measures, already prescribed by the Criminal Procedure Code.
- ✓ The law does not specify any time limits for decisions; there is only a duty to adjudicate without undue delay.
- ✓ The district court will not recognise an EPO if the EPO was issued on the basis of conduct which is not a criminal offence in the Czech Republic.

### What happens after an EPO is recognised?

- ✓ The district court is obliged to inform the victim, the perpetrator, and the competent authority of the issuing State about the measures which were adopted.

### Can the victim appeal?

- ✓ If the district court does not recognise the EPO, the district court must inform the victim of the possibility to seek provisional measures under Czech Criminal Law.
- ✓ The victim has the right to appeal against such a decision.

## Useful Contacts

### NGOs helping victims of domestic and sexual violence:

- **ACORUS, z. ú.** is a Prague-based organisation offering assistance with simple legal submissions and cooperating with external lawyers ([info@acorus.cz](mailto:info@acorus.cz), <http://www.acorus.cz/>).
- **Persefona, z. s.**, based in Brno, ensures complex services for victims, including legal aid, for the Region of South Moravia ([poradna@persefona.cz](mailto:poradna@persefona.cz), <https://www.persefona.cz/>).
- **proFem, o. p. s. – centre for victims of domestic and sexual violence** provides complex legal, social and psychological aid in offices in Prague, Beroun, Příbram and Benešov ([info@profem.cz](mailto:info@profem.cz), <https://www.profem.cz/>).

### NGOs helping victims of crimes:

- **Bílý kruh bezpečí, z. s.** operates in various Czech cities (such as Olomouc, Ostrava, Pardubice, České Budějovice, Jihlava etc.), offers legal support and cooperates with external lawyers ([bkb@bkb.cz](mailto:bkb@bkb.cz), <https://www.bkb.cz/>).
- **In IUSTITIA, o. p. s.** focuses on victims of hate crimes and it offers legal and social services in Prague and Brno ([in-ius@in-ius.cz](mailto:in-ius@in-ius.cz), <https://www.in-ius.cz/>).

#### **NGOs helping foreigners and migrants:**

- **Organizace pro pomoc uprchlíkům (OPU), z. s.** (Organisation for aid to refugees), present in Prague, Brno, Hradec Králové, Plzeň and Ostrava, may assist migrants or asylum-seekers in foreign-related legal matters and it might also coordinate legal representation ([opu@opu.cz](mailto:opu@opu.cz), <https://www.opu.cz/>).
- **Sdružení pro integraci a migraci (SIMI), o. p. s.** (Association for integration and migration) helps foreigners and migrants living in the Czech Republic and provides them with complex legal support in a number of languages ([poradna@migrace.com](mailto:poradna@migrace.com), <https://www.migrace.com/>).

#### **Attorneys**

- **Register of providers of assistance to crime victims** is a public database led by the Ministry of Justice containing attorneys helping victims of crimes and violence (<https://otc.justice.cz/verejne/seznam.jsf>).
- **Czech Bar Association**, as a union of practicing attorneys, may be useful when looking for a legal representative (<https://www.cak.cz/>).

## GREECE

### Protection orders in Greece

In Greece, the main legal provisions governing the issuance of protection orders are under **civil law** and **criminal law**.

- ✓ Under civil law, the legislation governing the issuance of protection orders are:
  - **Code of Civil Procedure**: protection orders may be issued in the form of **security measures** and are **temporary**; these protection orders may order *the eviction of the perpetrator from the family residence, the relocation, the prohibition to approach the residence or work premises of the victim or the residences of close relatives/ children’s schools and shelters*; and
  - **Domestic Violence Law (3500/2006)**: protection orders are issued specifically for the protection of **victims of domestic violence**.
- ✓ Under **criminal law**, the legislation governing the issuance of protection orders are:
  - **Penal Code** and **Criminal Procedure Code**: protection orders are issued in the form of **restrictive conditions** imposed against the (alleged) perpetrator, which include (among others) *the prohibition to go or reside in a certain place or abroad and the prohibition to associate or meet with certain persons*.
  - **Restrictive conditions** may be imposed *before the trial, during the imposition of the sentence* by the Criminal Court or *while perpetrators are serving their sentence*. The Investigator, the Criminal Court or the Board of Judges decide respectively, depending on the stage of the criminal proceedings, on their imposition, their conditions and duration.
- ✓ The **violation of a protection order** issued by a court decision under either criminal law or civil law is an **offence punishable with imprisonment of up to three years**.
- ✓ Specifically under **Domestic Violence Law (D.V)**, both security measures and restrictive conditions may be ordered by civil or penal judicial authorities respectively, against a D.V. perpetrator if it is deemed necessary to protect the physical- and mental integrity of the victim. Most importantly their duration is not specified and in the D.V. Law; it is stated that “they are imposed for as long as it is required”, until their revocation, replacement or modification by the competent Judicial authority. A sentence of imprisonment is also provided in case above mentioned measures/ restrictions are violated.

### Status of EPO and EC Directive 2011/99/EU

The EPO Directive was transposed into national law in Greece in 2016 by Law 4360/2016 on the European Protection Order 2015. It reflects most of the provisions of the EPO Directive.

### Application Process for the issuance of an EPO

#### Who can apply for an EPO?



- ✓ A victim benefitting from a protection order issued by a Judicial authority (Judge or Prosecutor) in Greece during criminal law or civil law proceedings may submit an application to the Prosecutor (1<sup>st</sup> instance court or appeals court, depending on the case) to issue an EPO.

### What are the requirements for the issuance of an EPO?

- The competent Prosecutor may issue an EPO only if the existing protection order imposes on the perpetrator one or more of the following restrictions:
  - ✓ Prohibition of entry into certain localities, places or designated areas where the victim resides or which s/he visits;
  - ✓ Prohibition or regulation of any contact with the victim, including communication by telephone, e-mail or regular mail, fax or other means; or
  - ✓ Prohibition or regulation of the right of access to the victim closer than a predetermined distance;

and, the victim, (followed by the same perpetrator)

- ✓ decides to settle or already resides in another Member State, or
- ✓ decides to stay or is already staying in another Member State, within the EU (except Ireland and Denmark).

### Issuance of an EPO: When the victim has a protection order from a Greek judicial authority and plans to travel/move to another EU Member State

#### For which protection orders can an EPO be requested?

- ✓ **According to Penal law and the Criminal Procedure Code, restriction conditions** are indicatively provided, such as: the prohibition to go or reside in a certain place /abroad and the prohibition to associate or meet with certain persons
- ✓ **According to Civil Law and the Civil Procedure Code**, following protection measures are indicatively foreseen in the form of **security measures**; the eviction of the defendant from the family residence, the relocation, the prohibition to approach the residence or work premises of the applicant or the residences of close relatives/ children's schools and shelters.
- ✓ **According to specific provisions of Domestic Violence Law**: all above-mentioned restriction conditions and security measures may both apply, so that victim is better protected

#### When can an EPO be requested?

- ✓ When a protected person has one of the protection orders issued by a Greek judicial authority and plans to travel or move to another EU Member State.

### ***Where to apply for an EPO***

- ✓ For the issuing of an EPO, victims or their representative may apply either to the Prosecutor of the Judicial authority in Greece that issued the protection order or to the competent authority of the executing State, where the victim has afterwards moved and resided. In Greece competent authority to receive an application and issue an EPO is the prosecutor of 1<sup>st</sup> or 2<sup>nd</sup> instance (Appeals) Court, where the protection order was at first place issued (by the Investigator, by the Court or by the Board of Judges).

### ***What is needed in order to apply?***

- ✓ Prosecutor issues an EPO following the application of the victim and/or their representative. The EPO is drafted according to a specific form, as provided in Annex 1 of the Directive and L. 4360/2016 and should be translated in the official language of the executing state, where the victim is residing.

### ***How long does it take?***

- ✓ There is no specific time limit for issuing an EPO. Greek law only states that before the issuance of an EPO, the perpetrator has the right to be heard and challenge the national Protection measure, if they had not been given this chance before. In that case they are called to appear before the competent Prosecutor 48 hours before and are entitled to receive an up-to-48 hours period to submit their views in writing.

### ***What happens after an EPO is issued?***

- ✓ Prosecutor will inform the victim and forward in written form the EPO to the competent authority of the executing State (the State where the victim plans to travel or move)
- ✓ if the perpetrator breaches an EPO, the executing State must notify the Prosecutor that issued it. The penalty for the breach, according to Greek law, is up to two years imprisonment.

## **Recognition of the EPO – when the victim has an EPO from another Member State and needs Greece to recognise and execute it**

### ***Who is in charge of recognizing an EPO?***

- ✓ For recognizing an EPO issued by another EU Member State, victims or their representative should apply to the Prosecutor of 1<sup>st</sup> instance in the place where they already have or intend to have a permanent or temporary residence.

### ***Procedure to recognise an EPO***

- ✓ The competent authority of the issuing State will forward the EPO to the Prosecutor in Greece, translated into Greek.
- ✓ The Prosecutor is expected to recognize without undue delay the EPO and will determine which protection measure(s) according to Greek legislation is/are the most similar to the one(s) stated in

the EPO. That protection order will come into effect and be enforced according to the national legislation and procedures.

- ✓ If the Prosecutor considers that the protection measure, as reflected in the received EPO, is not sufficient and appropriate to ensure continued protection to the victim, they may request the Magistrate's Court of three judges to adjust the measures or impose any other measure provided under national law for the same criminal act.
- ✓ The Prosecutor is obliged to inform the victim, the perpetrator and the competent authority of the issuing State about the (new) measures adopted and the consequences of their breach.

#### ***What happens after an EPO is recognised?***

- ✓ The Prosecutor must immediately inform the victim. The victim must also be immediately contacted if the EPO is rejected and informed of their right to appeal.
- ✓ In case of a breach of protection measures imposed on the basis of an EPO, the Prosecutor has an obligation to inform the competent authority of the issuing State following a specific form provided in Annex 2 of the Directive and Greek law.

#### ***Can the victim appeal?***

- ✓ The victim has 10 days deadline to appeal against any negative decision on the recognition of an EPO by Greek prosecutor in the executing state. They nevertheless retain the right to apply for protection measures under Greek law.

### **Useful Contacts**

- Central authority: Ministry of Justice Transparency and Human Rights (European and International Cooperation) Head of department for European and International Affairs, Ms Kara: tel: 213 1307088 (-7236) MKara@justice.gov.gr
- Supreme Annulment Court Prosecutor - Department of International Relations and Lifelong Training of Prosecutors, tel 210 6411528o

#### **Victim Support:**

- Research Center for Gender Equality (KETHI) <https://www.kethi.gr/en>
- General Secretariat for Demography & Family Policy & Gender Equality <https://www.isotita.gr/>, SOS Helpline: 15 900
- Union of Women Associations of Heraklion Prefecture (UWAH) <https://kakopoiisi.gr/>, SOS Helpline: 801 11 16000
- NGO Diotima <https://diotima.org.gr/en/>, legal, e-mail: [diotima@otenet.gr](mailto:diotima@otenet.gr), tel: 210-3244380 (lawyer Ms. Apostolaki)

## ITALY

### Protection orders in Italy

- ✓ In Italy, protection orders can be issued under **administrative, civil and criminal law** and are applicable to specific types of crimes, such as **stalking, injury, domestic violence and sexual violence**.
- ✓ The main legal bases governing the issuance of protection orders include the Italian **Criminal Code, Criminal Procedure Code** and **Civil Code**.
- ✓ In addition, there are specific **laws on gender-based and domestic violence** which provide for the issuance of protection orders:
- ✓ **Law no. 154 of April 4, 2001** has introduced into the Italian legal system the main measures and rules on protection orders.
- ✓ **Decree Law no. 11 of February 23, 2009** has introduced the crime of persecutory acts (stalking, article 612 *bis* of the Criminal Code), providing the victim with information on anti-violence centres and introducing a free telephone number at the Presidency of the Italian Council - Department for equal opportunities.
- ✓ **Law Decree no. 93 of August 14, 2013** ('femicide law') has introduced into the system the urgent removal from the family home, as well as tightening of penalties and provision for new aggravating circumstances: violence against pregnant women; ill-treatment in families; physical violence against or in the presence of minors; violence perpetrated by the spouse - even ex-spouse - or by those who have or have had a relationship with the victim, even if there is no marriage or cohabitation bond. In addition, free legal aid has been provided, at the expense of the State, for victims of ill-treatment in families, female mutilation, group sexual violence and stalking. Finally, any modification or revocation of measures against the offender, including release orders, must be communicated in writing to the victim as a warning.
- ✓ **Law No. 69 of July 19, 2019** has provided for penalty increases and aggravating circumstances, major swiftness while dealing with criminal proceedings, specific training courses for different police corps. The law also introduces four new criminal offences: violation of orders of removal from the family home and the prohibition of approaching places frequented by the injured party; deformation of the person's appearance through permanent facial injuries, an intentional violent crime that entitles the victim to receive compensation from the State; illicit dissemination of sexually explicit images or videos without consent of persons captured (revenge porn); using violence or threat or taking advantage of the conditions of vulnerability or psychic inferiority or a person's need, by abusing family, domestic, working or authority relationships deriving from the custody of the person due to a medical treatment, training or education, supervision or detention, induces the person to contract marriage or civil union.

### Types of protection orders

- ✓ **Administrative protection order.** It is the oral warning issued by the ‘Questore’<sup>16</sup>. The procedure starts with the presentation of the crimes of domestic violence by the victim and, after assessing the circumstances of domestic violence, the authority verbally admonishes the offender, inviting them to engage in proper conduct that is in compliance with the law: measures on weapons, ammunition and driving licenses may also be adopted. The Questore informs the perpetrator of the violence, without delay, about the services available on the territory, including family counselling centres, mental health services and addiction treatment facilities, in order to prevent the repetition of the criminal conduct.

- ✓ **Civil protection orders**

The purpose of civil measures is to react to domestic abuse not in a view of a future penalty (as in criminal matters, where the precautionary measure effects the initiation of criminal proceedings) but with an action that ends in a measure that is as swift as possible and in a precautionary and preventive sense, such as to ensure the interruption of domestic abuse and the reduction of the risk of reiteration of such violence.

When the conduct of a spouse or other cohabitant causes serious harm to the physical or moral integrity or freedom of the other spouse or cohabitant, the judge, at the request of the injured party and by decree, orders the spouse or cohabitant, whose conduct is detrimental to the physical or moral integrity or freedom of the other spouse or cohabitant, to refrain from such conduct and orders the removal from the family home of the cohabitant or spouse who has engaged in violent conduct, ordering, where necessary, not to approach the places habitually frequented by the victim (in particular, the workplace, home of the family of origin, or the home of other close relatives or other persons and the children’s schools, unless the spouse or cohabitant must go to the same places for work purposes.

The judge may also order that social services of the territory or of a family mediation centre, step in, as well as associations whose purpose is to support and accommodate women and minors or other victims of abuse and maltreatment. Finally, such authority may require periodic payment of an allowance given to cohabitating partners, even by having it paid directly by the employer of the person causing danger.

The duration of the protection order cannot exceed one year and may be extended, at the request of the injured party, only if serious reasons subsist and only for the time strictly necessary.

- ✓ **Criminal protection measures**

These measures have been introduced by the legislator, in the form of ‘precautionary measures’, namely coercive measures on the freedom of the accused against whom strong evidence of guilt has been brought forward. Protection orders are requested by the public prosecutor and imposed by the judge for preliminary investigations.

One precautionary measure consists in the expulsion from the family home: in such case, the defendant must leave the family home immediately (family home shall mean cohabitation, which

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<sup>16</sup> High-level official of the Italian Ministry of the Interior who, within a province, in liaison with the Prefect (government representative on the territory), is responsible for the technical coordination of police services and public order.

therefore also applies to *de facto* families or forms of cohabitation that are not necessarily stabilized<sup>17</sup>). If there is a risk to safety of the injured party or their close relatives, the judge may require that the accused should not approach places that are habitually frequented by the injured person: the workplace, the home of the family of origin or a close relative.

Another measure regulates the prohibition to approach or the obligation to keep a certain distance from places habitually frequented by the injured party and their close relatives: to this end, a control modality by means of electronic means or other technical instruments (e.g. electronic bracelet) can also be put in place (but only in the case of house arrest and with the defendant's consent).

Any violation of the obligations or of precautionary measures described is punishable by imprisonment from six months to three years.

By means of the communication about the measures indicated, the injured party is informed of the right to request the issuance of a European protection order (EPO), in order to move to another Member State enjoying the right to benefit, through the EPO, from a protection order similar to the original one, without having to start a new procedure.

## Status of EPO and EC Directive 2011/99/EU

The European legislation (Directive 2011/99/EU) was transposed in Italy by **Legislative Decree No. 9 of February 11, 2015**.

## Application Process for the issuance of an EPO

### For which protection orders can an EPO be requested?

- ✓ The EPO is issued in relation to criminal protection orders.

### Who can apply for an EPO?

- ✓ The protected person who has indicated in which other Member State they intend to stay.

### What are the requirements for the issuance of an EPO?

Judicial courts are competent to issue an EPO:

- ✓ Upon the issuance of a protection order in favour of the victim during the criminal proceedings, the judge informs the victim of the possibility of applying for an EPO;
- ✓ The same judge decides, upon the request and application of the victim, who has to indicate where they intend to stay, whether to issue the EPO.
- ✓ The decision declining or declaring the request for an EPO inadmissible can be appealed to the Supreme Court of Cassation by the victim.
- ✓ The judicial authority that issued the EPO sends the order to the Ministry of Justice for the purpose of forwarding it to the competent authority of the executing State, after translating the EPO into the

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<sup>17</sup> Law no. 54 of April 4, 2001, which introduced this provision, expressly refers to regulations aimed to combat violence 'in family relationships'.

language of that State. If the executing State does not recognize the EPO, the protected person will be informed.

### **Where to apply for an EPO?**

- ✓ The victim or her legal representative should submit an application to the same judge who, in the criminal proceedings, has ordered the issuance of the protection order.

### **What is needed in order to apply?**

- ✓ A request from the protected person or her/his legal representative is needed. Under penalty of ineligibility it is necessary to indicate the place where the person wishes to reside, the duration of the stay and the reasons for it.

### **How long does it take?**

- ✓ There are no time limits. The decision rejecting or declaring the request as inadmissible can be appealed to the Supreme Court of Cassation, which must decide within 15 days from the receipt of the documents. If the Court annuls the negative decision and refers the matter back to the judge, he must decide within 20 days of receipt of the documents.

### **What happens after an EPO is issued?**

- ✓ The judicial authority that issued the EPO sends the order to the Ministry of Justice for the purpose of forwarding it to the competent authority of the executing State, after translating the EPO into the language of that State.
- ✓ If the executing State does not recognize the EPO, the protected person will be informed.

## **Recognition of an EPO**

### **What is the procedure for recognising an EPO?**

- ✓ To obtain recognition and enforcement of an EPO issued in another Member State, the victim must submit an application in the Italian language to the Ministry of Justice, which then forwards it to the Court of Appeal in whose district the victim has declared to stay or wants to stay.

### **What happens after an EPO is recognised?**

- ✓ If the EPO is recognized, a measure under domestic law, of the same level as that of the issuing country, is applied. The Ministry of Justice will inform the victim, the perpetrator, the competent authority of the issuing State, the judicial police and the social services of the place where the victim has declared their intention to settle.
- ✓ The communication must be written in a language spoken by the victim and the perpetrator and must be made in such a way as not to disclose to the perpetrator, the address and contact details of the victim.
- ✓ In the event that the victim violates the requirements of the protection order, the judicial police will inform the Court of Appeal, which, in that case, may apply a more serious temporary measure. The Court will inform the competent authority of the State which issued the EPO about the violation that

has been committed. The notification will be sent in standard form, in the language of the issuing State.

- ✓ If certain legal conditions are not met, the EPO cannot be recognized: in such a case, the judicial authority will inform the Ministry of Justice that will notify the competent authority of the issuing State, without delay.

### **Can the victim appeal?**

- ✓ The decision of non-recognition may be appealed to the Supreme Court of Cassation.

## **Useful contacts**

### **Central Authority for EPO:**

- Ministry of Justice - Office II - International Cooperation, Via Arenula 70 - 00186 Roma e-mail: [cooperation.dginternazionale.dag@giustizia.it](mailto:cooperation.dginternazionale.dag@giustizia.it)

### **National Authority for combating gender-based violence and discrimination:**

- Presidency of the Italian Council of Ministers - Department for Equal Opportunities, (in charge of the action plan against sexual and gender-based violence), Largo Chigi 19 – 01187 Roma Phone no. +39-06 -6779 5339, <http://www.pariopportunita.gov.it/contro-la-violenza-sessuale-e-di-genere>

### **Victim Support:**

- Phone number 1522: it is a public service promoted by the Presidency of the Italian Council of Ministers - Department for Equal Opportunities. The number, free of charge and providing a round-the-clock service, receives requests for help and support from victims of violence and stalking through specialized operators.
- State Police - Phone number 113
  - Youpol: app created by the State Police for family abuse, which puts the victim directly in contact with the police. It can be downloaded for free, and is available for Ios and Android devices.
  - European emergency phone number: 112 (You can call the Single European Emergency Number, 112, free of charge from your landline or mobile phone, even when your phone is without a SIM, locked or you have no phone credit).
  - Support and protection associations for women, victims of violence (Telefono Rosa, Donne in rete contro la violenza, ...)

### **Free legal aid:**

- Bar Associations (one in each Italian province)



## C. Useful Resources on the EPO

In case you are interested in further reading on EPO, we hereby provide you with a list of resources in which you can discover more relevant information.

### EU documents

- **European Implementation Assessment of the Directive 2011/99/EU** was released in 2017 by the European Parliamentary Research Service. Available at:
- [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS\\_STU%282017%29603272\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/603272/EPRS_STU%282017%29603272_EN.pdf).
- **Report of the European Parliament regarding implementation of Directive 2011/99/EU on the EPO** was released in 2018 and contains general recommendations on transposition of the EPO Directive into domestic legal order.
- Available at: [https://www.europarl.europa.eu/doceo/document/A-8-2018-0065\\_CS.html](https://www.europarl.europa.eu/doceo/document/A-8-2018-0065_CS.html).

### Reports and data

- **Mapping the legislation and assessing the impact of protection orders in the EU Member States** is a thorough report from 2015 resulting from the Daphne III Programme of the European Commission which brings summary of data on protection orders, including the EPO. Available at: <http://poems-project.com/wp-content/uploads/2015/04/Intervict-Poems-digi-1.pdf>.
- **Protection of the Gender-Based Violence Victims in the EU** is a publication issued by the University of Barcelona in 2014. It describes information regarding implementation of the EPO directive in the EU Member States and it focuses on the function of the EPO as a tool of international judicial cooperation.
- Available at: [https://www.researchgate.net/publication/281555933\\_Protection\\_of\\_the\\_Gender-Based\\_Violence\\_Victims\\_in\\_the\\_European\\_Union](https://www.researchgate.net/publication/281555933_Protection_of_the_Gender-Based_Violence_Victims_in_the_European_Union).
- **The European Protection Order: Its application to the victims of gender violence** is a publication funded by the Daphne III Programme of the European Commission and published in 2015. The publication analyses the transposition of the EPO Directive in relation to protection of victims of gender-based violence. Available at:
- [https://www.researchgate.net/publication/281555482\\_The\\_European\\_Protection\\_Order\\_Its\\_Application\\_to\\_the\\_Victims\\_of\\_Gender\\_Violence](https://www.researchgate.net/publication/281555482_The_European_Protection_Order_Its_Application_to_the_Victims_of_Gender_Violence).

### Articles

- **Cross-border protection measures in the EU** is an article from 2016 authored by Dutta Anatal for the Journal of Private International Law. The piece tries to sketch the approach of the EU legislator to the creation of the EPO Directive and aims to point out its weaknesses. Available at: <https://www.tandfonline.com/doi/full/10.1080/17441048.2016.1143689>.
- **Protection Orders in the EU Member States: Where Do We Stand and Where Do We Go from Here?** is an article written in 2012 by Suzan van der Aa for the European Journal on Criminal Policy and Research

aiming to provide an overview of current protection order legislation in the EU. Available at: <https://link.springer.com/article/10.1007/s10610-011-9167-6>.

- **The European Protection Order: No time to waste or a waste of time?** is an article published in 2011 by authors van der Aa and Ouwerkerk in the European Journal of Crime, Criminal Law and Criminal Justice. Available at: <https://research.tilburguniversity.edu/en/publications/the-european-protection-order-no-time-to-waste-or-a-waste-of-time>.

## EU projects

- **Artemis** - Promoting the right of protection of women through the application of the EC Directive 2011/99/EU and the European Protection Order, Website: [www.artemis-europa.eu](http://www.artemis-europa.eu)

## Croatia

- Law on Judicial Cooperation in Criminal Matters with the Member States of the European Union, with the Application Form, <https://www.zakon.hr/z/345/Zakon-o-pravosudnoj-suradnji-u-kaznenim-stvarima-s-dr%C5%BEavama-%C4%8Dlanicama-Europske-unije>
- European portal for E-justice, [https://e-justice.europa.eu/content\\_european\\_protection\\_order-360-hr.do](https://e-justice.europa.eu/content_european_protection_order-360-hr.do)

## Cyprus

- Cyprus Bar Association – Legal Aid legislation: <http://www.cyprusbarassociation.org/files/cba/Legal-aid-Legislation.pdf>
- Judicial Service, Supreme Court, Republic of Cyprus – application for legal aid (in Greek only): <http://www.supremecourt.gov.cy/judicial/sc.nsf/All/D25E254964A1F850C22583B00043B149?OpenDocument>
- Advisory Committee on Preventing and Combating Violence in the Family: [http://www.familyviolence.gov.cy/cgibin/hweb?-V=index&\\_FSECTION=20000&-dindex.html](http://www.familyviolence.gov.cy/cgibin/hweb?-V=index&_FSECTION=20000&-dindex.html)

## Czech Republic

- Act. No 104/2013 Coll. - <https://eur-lex.europa.eu/legal-content/CS/TXT/PDF/?uri=NIM:205471>
- European Justice Portal, [https://e-justice.europa.eu/content\\_mutual\\_recognition\\_of\\_protection\\_measures-358--maximize-cs.do](https://e-justice.europa.eu/content_mutual_recognition_of_protection_measures-358--maximize-cs.do)
- proFem - centrum pro oběti domácího a sexuálního násilí website <https://www.profem.cz/shared/clanky/837/Informa%C4%8Dn%C3%AD%20materi%C3%A1l%20EPO.pdf>

## Greece

- Ministry of Justice Transparency and Human Rights (European and International Cooperation) <https://www.ministryofjustice.gr>
- Supreme Annulment Court Prosecutor - Department of International Relations and Lifelong Training of Prosecutors <https://eisap.gr/>
- Research Center for Gender Equality (KETHI) <https://www.kethi.gr/en>

## Italy:

- Ministry of Justice - Office II - International Cooperation: <https://www.giustizia.it>
- **Free legal aid** - Consiglio Nazionale Forense (Italy's National Bar Council)  
<https://www.consiglionazionaleforense.it/modulistica>
- National strategic plan on male violence against women 2017-2020  
<http://www.pariopportunita.gov.it/wp-content/uploads/2018/03/testo-piano-diramato-conferenza.pdf>
- Legislative Decree No. 9 of February 11, 2015 (implementation of Directive 2011/99/EU)  
<https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2015;9>



