

Protection of the Gender-Based Violence Victims in the European Union

Teresa Freixes & Laura Román (eds.)

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Protection of the gender-based violence victims in the European Union

Preliminary study of the Directive 2011/99/EU
on the European protection order

Editors:

Teresa Freixes & Laura Román

Authors:

Elisabet Cerrato, Teresa Freixes, Víctor Merino, Neus Oliveras,
Laura Román, Mercè Sales, Bettina Steible, Núria Torres,
Raquel Vañó, Caspar Visser



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Av. Catalunya, 35 - 43002 Tarragona
www.publicacionsurv.cat
publicacions@urv.cat

Universitat Autònoma de Barcelona
Servei de Publicacions
08193 Bellaterra
www.uab.cat/publicacions
sp@uab.es

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Members Epogender Project
www.epogender.eu



UNIVERSITAT ROVIRA I VIRGILI
Project manager



**Universitat Autònoma
de Barcelona**



University of Szczecin



Bulgarian Judges Association

Collaborators

Xavier Freixes, INSTITUTO EUROPEO DE DERECHO
Sandra Ramos, UNIVERSITAT ROVIRA I VIRGILI
David Dueñas, UNIVERSITAT ROVIRA I VIRGILI



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Presentation

The recent and exhaustive report “Violence against women: an EU-wide survey” published by the European Union Agency for Fundamental Rights has confirmed what was already an open secret: that gender violence in Europe is reaching epidemic levels. All the more reason why its eradication should be made a community objective of the highest priority, considering that as the phenomenon crosses international frontiers, its solutions should be global. In this respect, it is evident that the solid Europe announced by the Lisbon Treaty also requires the construction of a viable common living space, where citizens can exercise their rights and obligations not just freely, but also under equal conditions, i.e. in living conditions without threats or violence, protected from discriminations in general, and from gender discrimination in particular.

Exploring the phenomenon of gender violence, however, means treading unsettled ground, where, due to the wide variety of cases the causes do not always coincide with the consequences, nor the origins with their manifestations, in the countries making up the European Union. This is why this kind of ‘meta-violence’ (multiple types of violence in one) requires something more than just political will. Therefore, a profound review is necessary, both *ad intra*, within the Member States, and *ad extra*, on a supranational level, which until now has not proven easy, in spite of the institutional efforts to combat this scourge.

A good example of this is the Daphne III Programme of the European Commission, which seeks to “contribute to the protection of children, young people and women against all forms of violence and to attain a high level of health protection, well-being and social cohesion, with the specific objective of contributing to the prevention of, and the fight against, all forms of violence occurring in the public or the private domain against children, young people and women, including sexual exploitation and trafficking in human beings, by taking preventive measures and by providing support

and protection for victims and groups at risk". The same goal of protecting the victims of violence in a comprehensive way can be found in Directive 2011/99/EU of the European Parliament and the Council of 13 December 2011, which in addition establishes a mechanism for judicial cooperation which aims to ensure this protection when a victim of violence exercises his/her right to free movement within the EU: the European Protection Order.

The European Protection Order (EPO) aims to ensure that the victims of violence, including the victims of gender violence, who have obtained a protection order in one of the EU Member States, continue to receive this protection when they move to another Member State. This principle, which seems so obvious and so simple, presents a large number of difficulties. The European Union has therefore created a number of instruments, such as the EPO, to guarantee that Court decisions made in one of the Member States are also enforced in other Member States, as established by Article 82 of the Treaty on the Functioning of the European Union, when providing that judicial cooperation implies the mutual recognition of judgments and judicial decisions.

Having due regard to European legislation, the EU Member States, including Spain, must adapt their internal regulations to the provisions of the above-mentioned Directive, among others by approximating their laws and regulations on the subject. In order to do so, they will have to establish the required procedural mechanisms, designate contact authorities, and ensure the effective implementation of the protection measures included in the order. In January 2015 the term expires within which the EU Member States must take the appropriate measures to transpose the Directive.

Nonetheless, in spite of all these efforts, the heterogeneity of the existing protection measures regarding gender violence in the Member States, a corollary of their different legal, historical, geographical and political traditions, instead of uniting them often separate the 28 Member States, provoking quite a few problems, especially when one seeks – as is the case here – the harmonisation of victim protection in the EU. These issues lie at the heart of the Epogender research project which we present hereafter.

Teresa Freixes Sanjuán
Laura Román Martín

1. The Epogender Project

The European project Epogender “Gender Violence: Protocols for the protection of victims and effectiveness of protection orders. Towards an efficient implementation of Directive 2011/99/EU (2012-2014)”, financed under the Daphne III Programme, has its origin in the need to analyse the various protection measures that the EU Member States have implemented in the field of gender violence, so as to ensure that all victims, regardless of their country of origin, have at their disposal the same or at least adequate mechanisms to fight this phenomenon when they decide to exercise their freedom of movement and/or residence in virtue of a European Protection Order under Directive 2011/99/EU.

Technically, the European Protection Order is 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”. Its legal basis is found in Article 82(1) of the Treaty on the Functioning of the European Union (TFEU) on judicial cooperation in criminal matters, which provides for the ‘mutual recognition of judgments and judicial decisions’ within the common area of freedom, security and justice, although the Epogender project limits itself to analysing the criminal protection offered to the victims of gender violence within the European Union, and focuses particularly on the three measures laid down in the Directive, i.e. the prohibition from entering certain localities, places or defined areas where the protected person resides or visits; a prohibition or regulation of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means; and the prohibition or regulation on approaching the protected person closer than a prescribed distance.

Our goal is therefore to provide indicators allowing to harmonise the protection of the victims of gender violence in the European Union so that the Member States may correctly transpose the provisions of Directive 2011/99/EU. It should be noted that its entry into force does not oblige the Member States to revise their legislation in order to adapt it to the new community rules. For this reason, it is vitally important to detect the existing common standards and disparities in this field, not just with regard to regulations but also with regard to the practices used to ensure the effectiveness of the European Protection Order.

For this purpose, a team was created which is co-ordinated by the Rovira i Virgili University (URV) and the Autonomous University of Barcelona (UAB), with the participation of the University of Szczecin (SZC) from Poland and the Bulgarian Judges Association (BJA), as well as experts from different EU Member States and specialized professionals, such as judges, lawyers, public prosecutors, police officials and social services. The objectives of the team include:

- ✦ Identify the current situation in the Member States of the measures for the protection of victims of gender violence.
- ✦ Detect harmonized protection measures as well as divergences in the protection that might affect victims when exercising their freedom of movement and residence within the EU, as well as the difficulties and challenges to be met when harmonizing the measures and standards in question.
- ✦ Provide indicators for a correct transposition of Directive 2011/99/EU, in particular regarding: legal interests protected, conditions to be included when issuing the order, measures to be included in the order, information to the victim and to the person causing danger, competent authorities, procedures, execution in the State of destination, etc. This research will conclude with the elaboration of a handbook to be published at the end of the project.
- ✦ Organize training workshops for practitioners and other actors engaged in the protection of victims (judges, prosecutors, competent public authorities and social services, police officers, lawyers).
- ✦ Disseminate the project and its results in order to raise awareness in society and among people concerned.

In order to achieve all the proposed objectives, during the first twelve months the following methodology was followed.

Questionnaire. Elaboration of a questionnaire to be sent to the different national authorities in order to collect information on the relevant legislation and the

practices related to the protection of the victims of gender violence in the Member States. The draft questionnaire was reviewed by specialized professionals (judges, public prosecutors, lawyers, members of NGOs, police officials, and social services). In section 4 of this handbook the replies of the national authorities are reproduced.

Directory of legislation. Elaboration of a directory of legislation which includes the current legislation in the Member States related to the protection measures for the victims of gender violence. In section 5 of this handbook the legislative resources of each country are listed.

National reports. Preparation of 26 national reports, one for each Member State bound by Directive 2011/99/EU (Ireland and Denmark are excluded from the application of the Directive). The main objective of these reports is to analyse the national legislation and practices regarding the protection of the victims of gender violence. Section 3 includes summaries of each of these national reports.

Comparative analysis. During the final phase of the Epogender project, the national reports will allow to perform a comparative analysis of the national legal orders in order to detect the differences and similarities that exist between the Member States and to propose useful indicators for the effective and correct transposition of the Directive.

2. Preliminary results of the Epogender project

In this section we will explain the preliminary results of the research done by the Epogender team during the first phase of the project. Before doing so, it should be pointed out that the research presented in this handbook draw on two main sources: the information provided by the competent authorities of the Member States in their replies to the Epogender questionnaire (with the exception of the United Kingdom, Italy and Malta, see below), and the national legislation provided by national experts and/or official institutions. At this point, reference should also be made to the difficulty of working with various linguistic versions, in many cases using unofficial English translations, which added complications to the investigation. For example, terms as 'barring orders', 'restraining order' or 'restriction order' are used in work documents and legislation to refer to the same reality with different expressions. This observation brings us to the conclusion that the elaboration of a glossary of common legal terms would be required to avoid linguistic confusion.

Bearing in mind these considerations, we will now present the findings that may deduce, at this point in time and in a preliminary way, from the research and analyses carried out in the framework of the Epogender project.

- *Different legal systems.* Our first conclusion would be to state the obvious: the legal systems of Member States are indeed very diverse. This was a predictable outcome, but nevertheless it should be noted and cannot be underestimated. There is not a standard EU Member State; on the contrary, in the case at hand there are 26 different States with 26 different dimensions, resources, traditions, history, languages, cultures, etc. Therefore, there are also 26 different legal systems, with different policies, regulations, definitions or case law regarding the subject of gender-based violence. Besides giving rise to legal uncertainty, this disparity makes it

difficult to set common standards, and hinders the development of a single and stable gender-based European doctrine.

- *Changing legislation.* Another ongoing problem concerns the legislation in force and the different stages of transposition. Several States are at present modifying their legislation in order to adapt their national legal system to the provisions of Directive 99/2011/EU. In Spain, for instance, there is already a draft bill on the mutual recognition of judgments in criminal matters in the European Union, which implements, among others, the Directive on the European protection order, although it has not yet been approved by Parliament. Finland has created a working group that proposed specific measures to implement part of the Directive. As far as the Member States criminal law relating to gender violence is concerned, there are also very recent provisions, such as the reform of the Hungarian Criminal Code which came into force in July 2013, or the reform of the Criminal Code and the Code of Criminal Procedure in Italy, which came into force in October 2013. Another example are so-called 'go orders' in the UK introduced by the Crime and Security Act of 2010: the Domestic Violence Protection Notice (DVPN) and the Domestic Violence Protection Order (DVPO), because in the interim between its adoption and its implementation, a new government has been elected, which has decided to test its enforcement through a pilot program conducted by the police in three areas: West Mercia, Wiltshire and Greater Manchester.
- *Legal dispersion.* Most Member States do not have gender violence specific legislation. As a result, there is no specific legislation on protection measures for victims of gender violence, so the majority of rules are to be found in general regulations either in civil or in criminal matters. These are found in the Criminal Code, the Code of Criminal Procedure, the Civil Code and the Code of Civil Procedure, and in some other specific acts on matters concerning domestic/family violence. In a significant number of Member States, acts dealing with the police also include protection measures. This legal dispersion might be prone to cause certain insecurity among the legal actors that intervene in processes regarding the issuing and execution of European protection orders.
- *Lack of an accepted legal definition of gender violence.* Although the Directive includes a concept of 'gender violence' in its preamble, there is no unequivocal concept of 'gender violence' across the EU legal texts. Regarding this, legal terminology is heterogeneous, and phrases like 'gender violence', 'domestic violence' or 'family violence', etc., are often used to refer to the same

phenomenon; moreover, in some Member States there is not even a legal concept being used, so far. This legal loophole may not only put victims at risk, but also entails that certain victims do not qualify for the necessary protection, due to other legal vacuums referred to related concepts. In this sense, the broader or more restrictive meaning of the concept 'family' has consequences as far as the scope of the protected victims is concerned. For instance, a restrictive meaning of family, which includes only both spouses and their children, leaves analogous relationships without protection.

- *Scope of protection.* This divergence may provoke that some violent acts (i.e. violent acts against a spouse in same-sex marriages, or sexual violence against a non-relative) are protected in some jurisdictions but not in others. Due to this difference, in some Member States victims of gender violence will not be protected with protection measures *stricto sensu*, but with precautionary measures related to common crimes, that do not take into account the particular characteristics of gender violence. For this reason, we recommend the adoption of a common conceptual framework, which allows professionals to identify all possible acts of gender violence, thus extending the protection to the widest number of victims.
- *Competent authorities for the adoption of protection measures.* With the exception of Spain, which deals with the protection measures established in the Directive only in criminal matters, most Member States have several authorities that are able to issue protection measures as established by the Directive: in criminal, administrative, civil or police matters. Overall, civil measures are usually faster than criminal ones, but the latter are accompanied by more procedural and legal guarantees.
- *Overlapping of EU legal instruments.* Regarding mutual recognition of protection measures, Directive 2011/99/EU will be completed by Regulation 606/2013 on mutual recognition of protection measures in civil matters, which deals with the same protection measures as those established by the Directive (a ban on entering certain localities, places or defined areas where the protected person resides or visits; a ban or restriction of contact, in any form, with the protected person, including by phone, electronic or ordinary mail, fax or any other means; or a ban or restriction on approaching the protected person closer than a prescribed distance). The Regulation, however, establishes a different recognition system. This duplicity might be a source of confusion for legal actors that may intervene in the process of issuing and/or executing European protection orders, and also for the victims, who will have to be properly

informed about the protection measures and recognition processes in other Member States which make them available, and specifically, about the procedures and guarantees in each of them.

- *Scope and nature of the criminal protection measures.* The three measures established under the Directive can be found in the criminal legislation of most Member States. However, they do not always exactly match the formulation or the extent proposed by the European Directive. The legal nature of the measures is also heterogeneous since in some countries they have been configured as precautionary measures and in other countries as penalties, sometimes as a probation sentence or as an alternative to imprisonment, i.e. as a condition for the suspension of a prison sentence. In all these cases the scope of application of Directive 2011/99/EU should be analysed taking into account Council Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, and Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions, in case the offender as well as the victim move to another Member State.
- *Duration of protection measures.* The duration of protection measures and the possibility of extending, modifying, revoking or withdrawing them varies greatly among Member States. This factor, combined with the likely slow pace of the procedure of mutual recognition as established by the Directive, can lead to certain flaws in its practical enforcement. We should not forget that the authority to adopt resolutions that modify the original protection order falls exclusively upon the issuing State, which will cause frequent 'back and forth trips' of the protection order between the issuing authority and the executing one.
- *Use of electronic means.* With regard to supervising the execution of protection measures, a scarce use of electronic surveillance mechanisms has been detected, in particular the use of RF and GPS systems, which is practically non-existent. Divergences in the surveillance mechanisms established in the Member States might cause a worrying increase in the risk of victims, particularly when their State of origin (where the protection order was issued) has established a high level of security and of supervision.
- *Effectiveness of the European protection order.* Given the diversity of criminal regulations in the Member States and the complexity of the mutual

recognition procedure established by the Directive, it seems likely that the practical effectiveness of the European protection order will greatly depend on the attitude and cooperation between Member States, and on the coordination by the European Union. To that end, we understand it would be highly advisable and necessary to establish a central national authority that coordinates and manages the issuing and execution of all orders and that oversees the state of modification, extension and suspension procedures regarding these orders. This authority could deal with identifying the courts that have the authority, both domestically and in other Member States, to issue and execute protection orders. Up until now, we have not been able to identify any such authority in any Member State. In the same vein, we would advise to create a national register and statistical data system for European orders.

3. Abstracts of the National Reports

3.1 Austria (AT)

Under federal law, the measures for the protection of victims of gender violence are mainly regulated under the Act on the Protection against Violence, which was adopted in 1997. In 2009 this act was updated and improved by the Second Act on the Protection against Violence. This Protection Act is not an autonomous act: it basically modifies other relevant codes and acts, such as the Civil Code, the Code of Civil Procedure, the Criminal Code, the Code of Criminal Procedure, the Enforcement Code and the Act on the Security Police.

In order to protect victims of gender violence, Austrian law already foresees the adoption of the protection measures set forth in the Directive 2011/99/EU on the European protection order: prohibition of approaching the victim, prohibition of contact and prohibition from entering certain localities, places or defined areas where the protected person resides or visits.

These measures are adopted as precautionary measures only. They may be of administrative (police) or civil nature.

The competent authorities to decide on the protection measures for gender violence victims are the family courts and the police.

As a first protection measure in case a dangerous attack on life, health or freedom is imminent, the police must impose an eviction and a barring order from the home *ex officio*, as well as in cases when victims have reported to the police after abuse or for fear of further violence (max. 14 days; to be extended by 14 days if the victim applies for a court injunction). Once a barring order has been imposed, the victim can no longer oppose this measure. If prolonged protection against the endangering person is required, the person who needs protection can apply for a court injunction (through

a written request complying with certain formal requirements). The option to apply for a judicial barring order is now open to all individuals living in the victim's home. This option was previously available only to closely related individuals. The court can now issue this injunction for a period of up to six months (previously up to three months). In the event of the opening of main proceedings (e.g. divorce proceedings), the validity of the injunction is extended to cover the period up to the termination of the proceedings.

Under the Second Protection Act, the option to apply for a court injunction prohibiting the perpetrator from staying in certain places or meeting or contacting the victim has been regulated separately as an interim injunction entitled "General protection against violence". This injunction can be requested by any person who cannot be expected to tolerate any further encounters with the perpetrator (this option was previously open only to closely related persons). The court can issue this injunction for a period of up to one year (previously up to three months). If the perpetrator fails to comply with this injunction, its validity can be extended.

Two monitoring mechanisms to ensure the correct execution of the protection measures are used: police surveillance and emergency phone numbers. However, no electronic devices are used.

In case of violation of a protection measure, the victim can request a fine to be imposed for contempt of court.

Directive 2011/99/EU has not yet been transposed. Transposition will be done by modification of the existing legal instruments.

Austrian law already offers the protection measures established under Directive 2011/99/EU. These are complemented by social support measures, such as psychological and practical support and shelters for victims of gender violence.

The Austrian system allows for urgent measures to be taken *ex officio* by the police in the first phase, which gives the victim time to request more structural protection measures from the court. The court measures adopted by the court are applicable during an ample time span (up to six months or a year), which increases the safety of the victim. If main proceedings are opened (e.g. divorce), the measures are valid until a decision has been reached in the main proceedings. The Austrian system offers not only protection to the direct victim, but also to a series of other interested parties. Apart from judicial and police protection, so-called intervention centres offer psychological and practical support.

The absence of an official register where the adopted protection measures are kept and of a central authority coordinating all matters concerning protection orders may constitute obstacles to an efficient cooperation with the other EU Member States.

Finally, so far, no decision has been made on which authority will be competent to issue and execute a European protection order.

3.2 Belgium (BE)

The protection measures available for victims of gender violence in Belgium are not regulated in a single legal instrument, but by several acts, in particular the Act of 24 November 1997 to fight violence within couples, the Act of 28 January 2003 on the allocation of the family home to the spouse or legal cohabitee as victim of physical partner violence, and amending Article 410 of the Criminal Code, and finally the Act of 15 May 2012 on the temporary barring order in cases of gender violence. Other relevant legal provisions are Art. 1280 of the Code of Civil Procedure, Articles 223, 1447 and 1479 of the Civil Code, Art. 375, 398-405, 409, 410, 422bis, 442bis, 448, 458 of the Criminal Code, and Art. 29, 46, 48 and 49 of the Code of Criminal Procedure.

In order to protect victims of gender violence, Belgian law already foresees the adoption of the protection measures set forth in the Directive 2011/99/EU on the European protection order: prohibition of approaching the victim, prohibition of contact and prohibition from entering certain localities, places or defined areas where the protected person resides or visits.

These measures can be adopted as precautionary measures or as criminal sanctions. They may be of criminal or civil nature.

The competent authorities to decide on the protection measures for gender violence victims are the judge (including the justice of the peace) and the Public Prosecutor's Office.

The protection measures can be applied to any endangered person, i.e. the victim, her children, relatives or other persons. The measures may be requested by the victim, their relatives, the public prosecutor's office, the police, doctors, social workers and any person who has knowledge of a case of gender violence. The application is to be made using a written request meeting certain formal requirements; legal assistance is not required. Protection measures may also be adopted *ex officio*.

Only judicial procedures are used to adopt protection measures for victims of gender violence, with the exception of the first 10 days, during which the Public Prosecutor can impose a barring order as a provisional measure. Protection measures may be adopted at any given moment, i.e. either before the proceedings are initiated, once the proceedings have started or after the court's verdict.

Protection measures may be adopted against the will of the victim. The decision that either grants or rejects protection measures can be appealed by all interested

parties through standard appeal procedures. There is no official register where the adopted protection measures are registered.

Three monitoring mechanisms are used to ensure the correct execution of the protection measures: police surveillance, emergency phone numbers, and electronic monitoring.

In case of violation of a protection measure, the authority that adopted the measure is competent to hear the case. A breach of a protection measure is sanctioned in criminal proceedings: the perpetrator risks a prison sentence and/or a fine.

Directive 2011/99/EU has not yet been transposed into Belgian legislation. Nonetheless, the existing legislation already complies to a large extent with the provisions of the directive, especially since the adoption of the Act on the Temporary Barring Order, which entered into force on 1 January 2013.

However, the absence of an official register where the adopted protection measures are kept and of a central authority coordinating all matters concerning protection orders may constitute obstacles to an efficient cooperation with the other EU Member States.

Finally, so far, no decision has been made on which authority will be competent to issue and execute a European protection order.

3.3 Bulgaria (BG)

On 16 March 2005, the Bulgarian parliament adopted the Act for the Protection against Domestic Violence, which was later modified in 2009. The act does not contain any express references to gender violence, but its provisions are clearly applicable to cases of violence against women in the family and domestic sphere. It defines domestic violence as any act or attempt of physical, psychological or sexual violence, as well as restrictions placed on intimate life or liberty.

The protection measures and the procedures to adopt them, as established under this act for the protection against domestic violence, are civil in nature. It provides the victims of domestic violence a quicker and less complicated system of protection in cases of minor or moderate violence compared to the use of criminal proceedings. In other words, in case of minor aggressions, the 2005 Act for the Protection against Domestic Violence allows for protection measures to be adopted through civil proceedings. However, when the injuries are significant, it may constitute a crime, even though the Bulgarian Criminal Code does not contain a specific legal definition of injuries inflicted as part of domestic violence. In these cases, the victim may apply for protection both through the civil procedures under the Act for the Protection against Domestic Violence and through the procedure of Art. 67 of the Code of Criminal

Procedure, which regulates the prohibition to approach the victim as a precautionary measure.

The Bulgarian Criminal Code does not regulate any prohibition to approach or contact the victim which may be imposed as the legal consequence of the committed offence, i.e. neither as a penalty, nor as a security measure. However, Art. 42(a) of the Criminal Code, which regulates probation, includes among the measures that can be imposed as part of the probation regime (restrictions on free movements), which may entail the prohibition to visit certain places, areas or establishments as established by the judicial decision. The measure consisting of the prohibition to visit certain places can also be applied as a condition for the suspension of a prison sentence. Moreover, Art. 296(1) of the Criminal Code penalizes the breach of a protection order imposed in a civil procedure by up to three years of prison or a fine.

In this respect, according to the Act for the Protection against Domestic Violence, the application for protection must be filed within a month after the violence was committed. It may be applied for by the victim (as a spouse or ex-spouse), the person with whom the offender has or has had an analogous affective relationship, persons with joint children, the victim's ascendants and descendants, brothers and sisters, relatives to the second degree, and finally, the guardian or custodian. In cases where the life or health of the victim is in imminent danger, an emergency order can be applied for, in which case the judge will decide, behind closed doors and without hearing the parties, on the adoption of an emergency protection order within 24 hours after receiving the request.

The protection order established under Bulgarian legislation includes several protection measures, consisting of the prohibition for the aggressor to approach the residence of the victim, her place of work, and the places she regularly visits, which is the most similar to the European protection order. Regardless of the measure adopted by the judge, an additional fine will be imposed on the aggressor. The supervision of the execution of the protection order is done by the police. The authority which adopted the measures is also competent to decide on the consequences of any breach of the protection measures. In situations not contemplated by the Act on the Protection against Domestic Violence, the Code of Civil Procedure can be applied subsidiarily.

3.4 Cyprus (CY)

The Cyprus legal system lacks specific regulations regarding gender violence, which is regulated in the framework of domestic violence through Act 212(I)/2004 amending the Violence in the Family (Prevention and Protection of Victims) and Act 2000 (L.119(I)/2000).

In the criminal sphere, in order to protect the victims of gender violence, the Cyprus legislation offers the possibility of adopting protection measures, be it as precautionary measures or as criminal sanctions, aimed at prohibiting visits or harassment of any member of the family, as well as the entry or presence in the family home, the adoption of which can be carried out against the will of the victim. In this respect, it should be pointed out that in the case of gender these measures can only be adopted if the persons concerned lived together as a couple.

These criminal measures can be adopted either before judicial proceedings (provisional restraining order) or afterwards (restraining order). The duration of these measures is variable. They can be modified and extended – after hearing the parties concerned – depending on the circumstances of each case. If the victim after their adoption opposes their continued application, these measures can be revoked or suspended.

The only authority competent to adopt protection measures in cases of gender violence are the courts, which can do so both *ex officio* and at the request of one of the parties (the victim or other persons with legitimate interests). The judges that are competent to issue protection measures are also competent to issue and execute European protection orders. However, in Cyprus there is no central authority coordinating cases in which protection orders have been issued, let alone providing assistance to the authorities issuing European protection orders.

Apart from the victim – who for this purpose does not need legal representation – the protection measures in cases of gender violence can be requested by the police, the Public Prosecutor's Office and social workers from the competent judicial organ.

As for the competent judicial organ, it should be noted that in cases where the legally established penalty for an act of gender violence does not exceed 5 years of prison, the organ competent to issue the protection measures is a mixed civil-criminal court. However, when the legally established penalty exceeds 5 years of prison, the competent organ is in all cases the criminal court.

Any breach of the imposed protection measures will be judged by the same authority which issued the original protection order; infringement can be sanctioned by imprisonment or a fine. Nonetheless, monitoring of the effective implementation of the measures is extremely hard, as the Cyprus legal order lacks mechanisms allowing for their supervision.

In Cyprus, different protection services and organisations providing information to victims of gender violence exist, although their practical relevance is limited due to their lack of coordination, specialisation and professionalization. All this reflects a low level of awareness and education in Cypriot society on the subject of gender

violence. This situation explains on the one hand why Cyprus currently lacks statistical information allowing to analyse the impact of gender violence in the country or the effectiveness of the measures for the protection of gender violence victims; on the other hand, it explains why no thoughts appear to have been given to how Directive 2011/99/EU should be transposed before 11 January 2015.

3.5 Czech Republic (CZ)

The protection measures available for victims of gender violence in the Czech Republic are regulated by several acts: Act 135/2006 Coll., amending certain Acts in the area of protection against domestic violence, the Criminal Code (Act 40/2009 Coll., as amended by Act 306/2009), the Code of Criminal Procedure (Act 141/1961 Coll., with amendments), the Code of Civil Procedure (Act 99/163 Coll., as amended by Act 218/2009) and the Act on the Police of the Czech Republic (Act 273/2008 Coll.).

In order to protect victims of gender violence, Czech law already foresees the adoption of the protection measures set forth in the Directive 2011/99/EU on the European protection order: prohibition of approaching the victim, prohibition of contact and prohibition from entering certain localities, places or defined areas where the protected person resides or visits.

These measures are adopted as precautionary measures only. They may be of criminal, administrative or civil nature. The competent authorities to decide on the protection measures for gender violence victims are the judge and the public prosecutor's office.

Protection measures may be requested by the victim, their relatives, the public prosecutor's office and the social workers. Protection measures may be adopted *ex officio* as well.

Both judicial and administrative procedures are used to adopt protection measures for victims of gender violence. In both systems, protection measures may be adopted either before the proceedings are initiated, or once the proceedings have started but before the court's verdict.

The decision that either grants or rejects protection measures cannot be appealed. However, a party may submit a request for cancelling the protection measure.

There is no official register where the adopted protection measures are registered.

Two monitoring mechanisms to ensure the correct execution of the protection measures exist: police surveillance and emergency phone numbers. However, no electronic device system is used.

In case of violation of a protection measure, the authority that adopted the measure is competent to hear the case. A breach of a protection measure is sanctioned in criminal proceedings: the perpetrator risks a prison sentence and/or a fine.

The Directive 2011/99/EU has been transposed in some of its articles by various already existing legal instruments. However, the majority of them have not yet been transposed.

The existence of a rather complete legislation on protection measures demonstrates that gender violence has become a concern for public authorities and civil society. With regard to the directive, the fact that translation services in all the official EU languages are free of charge and available to the victims of gender violence is a positive aspect.

On the other hand, some other aspects may be problematic. The protection measures foreseen in the Czech legislation are precautionary measures. By definition, these measures are of short duration; as a result, it would be difficult to invoke them in another Member State.

Furthermore, the absence of an official register where the adopted protection measures are kept and of a central authority coordinating all matters concerning protection orders may constitute obstacles to an efficient cooperation with the other EU Member States.

Finally, so far, no decision has been made on how to transpose the directive and on which authority will be competent to issue and execute a European protection order.

3.6 Germany (DE)

The protection measures available for victims of gender violence in Germany are regulated at the federal level (*Bund*) and the state level (*Länder*). The main act on the federal level is the Act on Civil Law Protection against Violent Acts and Stalking. At the level of the *Länder*, protection measures are mainly regulated by the various acts on the maintenance of public order and security (or Police Acts) adopted by each *Land*.

In order to protect victims of gender violence, German law already foresees the adoption of the protection measures set forth in the Directive 2011/99/EU on the European protection order: prohibition of approaching the victim, prohibition of contact and prohibition from entering certain localities, places or defined areas where the protected person resides or visits.

These measures are adopted as precautionary measures only. They may be of administrative or civil nature.

The competent authorities to decide on the protection measures for gender violence victims are the judge and the police.

Protection measures may be requested by the victim. Judicial protection measures may not be adopted *ex officio*; urgent, temporary protection measures (max. 14 days) may be adopted *ex officio* by the police.

Under the Federal Act on Civil Law Protection against Violent Acts and Stalking, protection measures can only be adopted through judicial procedures. They can be issued at any stage of the proceedings (before the proceedings, once they have started or after a decision has been taken). Adoption is requested by means of a written request without formal requirements. The decision to grant or reject the measures can be appealed by the victim or the defendant. There is no official register where the adopted measures are registered.

Under the Legislation of the *Bundesländer* on public order and security, urgent security measures can be adopted *ex officio* by the police, generally for a maximum of 14 days. In case the police decide to take the person causing danger into custody, it should immediately request a court decision.

Two monitoring mechanisms to ensure the correct execution of the protection measures exist: police surveillance and emergency phone numbers. However, no electronic device system is used.

In case of violation of a protection measure, the authority that adopted the measure is competent to hear the case. A breach of a protection measure is sanctioned in criminal proceedings: the perpetrator risks a prison sentence and/or a fine.

Directive 2011/99/EU has not yet been transposed. Transposition will be done by modification of the existing legal instruments.

German law already offers the protection measures established under Directive 2011/99/EU. These are complemented by other protection measures, such as the exclusive use of the common home or custody of the person causing danger, as well as by social support measures, such as financial and psychological support and shelters for victims of gender violence.

The German system is agile, as it allows for urgent measures to be taken by the police (*ex officio* if needed) in the first phase, which gives the victim time to request more structural protection measures from the court. The measures adopted by the court have no maximum duration, which increases the safety of the victim.

The absence of an official register where the adopted protection measures are kept and of a central authority coordinating all matters concerning protection orders may constitute obstacles to an efficient cooperation with the other EU Member States. Finally, so far, no decision has been made on which authority will be competent to issue and execute a European protection order.

3.7 Estonia (EE)

In Estonia, gender violence is not regulated by a specific legal instrument. As a result, victims seeking protection must rely on the general legislation. This protection can be obtained both through criminal and civil proceedings, which in general terms cover the three types of protection measures included in Directive 2011/99/EU: the prohibition to approach the victim, the prohibition to contact the victim and the prohibition from entering spaces or places visited by the victim.

In criminal proceedings, this protection is provided through Temporary Restraining Orders established in the Code of Criminal Procedure of 2006, although their adoption necessarily requires the consent of the victim, which greatly limits their effectiveness. The judge carrying out the preliminary investigation is responsible for verifying the alleged facts, which includes a hearing of the parties. The decision regarding protection measures can however be revoked at the request of the victim, the Public Prosecutor, the defendant or his lawyer, who in this way can oppose their application or apply for their modification or suspension. The maximum duration of a temporary restraining order is 3 years, although the exact duration will depend on the outcome of the judicial proceedings.

Victims can also apply for protection through civil proceedings, i.e. the application of the restraining orders laid down in the Code of Civil Procedure, a series of autonomous measures which, like the aforementioned prohibitions, can be applied for by any victim after the trial. The maximum duration of these measures is also 3 years.

Thus, the procedure to apply for protection measures can be both judicial and administrative. As for the formal requirements for the applications, a written request without formal requirements is sufficient, although legal assistance is required. The adoption of the measures always takes place through a court order, after a hearing of the parties. Their execution is supervised exclusively by the police, whose competences also include the power to decide on the consequences of any breaches of the imposed measures. At this point, it should be pointed out that Estonia has an official register where all adopted protection measures are recorded, which is an important requirement for a successful implementation.

However, the fact that both criminal and civil restraining orders are not mainly designed to protect the victims of gender violence, but to avoid the obstruction of the judicial proceedings impedes the provision of specific protection. This shows that in Estonia gender violence is still insufficiently recognized, in spite of the remarkable efforts that have been made, partly in response to international demands, to update the relevant legislation and to coordinate all actions and policies aimed at fighting

this phenomenon. This progress has occurred especially in the field of victim support, where the State has assumed an increasing role in providing assistance to the victim of gender violence, in particular since the implementation of the Victim Support Act of 2003. For the first time, this act also offers all victims access to mechanisms for obtaining compensation, which until then was something unheard of.

Finally, as Estonia has not yet transposed Directive 2011/99/EU, it is all the more surprising that the competent authority for issuing and executing European protection orders has already been determined, viz. the “Country Court nearest to victim’s place of residence”.

3.8 Greece (EL)

According to the Greek legal order, gender violence is violence used by a man against a woman in the framework of an intimate partner relationship (with or without marriage), but only if there is cohabitation. However, the fact that it is considered a modality of violence exercised in the family sphere explains why in Greece no specific regulation exists for these cases, which are regulated under the more generic Act 3500/2006 for combating domestic violence.

As for the protection measures included in Directive 2011/99/EU, Greek legislation provides for the prohibition to visit certain communities, locations or defined areas where the protected person resides or which he/she visits frequently, which Art. 18 of the referred act describes as follows: the restriction term of the defendant’s removal from the family residence, the transfer of his/her residence, the prohibition of approaching the places of residence or work of the victim, the houses of the latter’s close relatives, the schooling institutions and shelters.

This protection measure is a precautionary measure (as it is automatically interrupted once the final decision of the court or the decision of the Public Prosecutor’s Office to dismiss the case have been made) of indefinite duration (as long as necessary). It should be noted that a successful adoption will depend on the will of the victim, meaning that in case she opposes the measures, they may be suspended or even revoked.

In addition to these measures, other measures may be adopted, both criminal (imprisonment) and support measures (e.g. shelters), and provisional protection order can be applied for at the civil courts in order to protect victims of gender violence (Art. 15 Act 3500/2006).

The authority competent to adopt the above-mentioned restriction measures can be a criminal court, an examining magistrate or the Greek Council of the Judiciary, which means the measures are judicial in the first two cases and administrative in the

last case. In spite of this, the authority which will be competent to issue and execute protection orders in accordance with Articles 3 and 4 of Directive 2011/99/EU remains to be decided.

The available information with regard to the procedures for the adoption of criminal protection measures is incomplete, as nothing has been found regarding the procedure to be followed at the Council of the Judiciary. By contrast, when the competent authority is a judicial organ, Greek legislation gives priority to criminal mediation in less serious cases of gender violence (penalized with up to 5 years of prison), which will be brought before a judicial mediator at the request of the prosecutor (after having examined the possibilities of mediation) in order to change the aggressor's behaviour and avoid judicial proceedings. In this context, provided there is cohabitation, the victim herself may propose the referred restriction measure, which is only applied if the aggressor accepts it. For mediation to be successful, the conditions established in Art. 12 of Act 3500/2006 should be met, meaning the suspected aggressor: admits that he committed the facts and commits himself to not repeating them in the future (during 3 years); participates in a therapeutic programme; compensates the damages caused to the victim; and further agrees, in case of cohabitation with the victim, to abandon the family home for a reasonable period of time.

If judicial mediation is not used or proves unsuccessful, proceedings are followed under application of the criminal rules of procedure. Act 3500/2006 does establish the possibility of revoking, substituting or modifying the protection order by the competent judicial authority which originally imposed it, at the request of the defendant (Art. 18).

Another issue which remains to be determined is the way the execution of protection measures are supervised, as well as the procedures in case they are violated, for lack of information on the subject.

The way Greek legislation regulates gender violence shows a lack of awareness in Greek society regarding this acute social problem. This may also explain why no preparations seem to have been made regarding the adoption of the European protection order and the transposition of Directive 2011/99/EU before 11 January 2015.

3.9 Spain (ES)

Over the past years, the Spanish legislation has shown a series of advances in the fight against gender violence, including the adoption of Organic Act 1/2004 of 28 December on Measures for the Comprehensive Protection against Gender Violence (Spanish abbreviation: LOIGV). The LOIGV is not applied to same-sex relationships.

However, the act which specifically regulates the protection order was adopted in 2003: Act 27/2003, of 31 July, on the Protection Order for Victims of Domestic Violence (Spanish abbreviation: LOP). In addition, complementary measures were established under Organic Act 3/2007, of 22 March, on the Effective Equality of Women and Men. The acts adopted by the various autonomous communities in Spain also included protection measures within the scope of their competences. Targeted research shows that Spain has ratified no international treaties in the field of gender violence (the Istanbul Convention has been signed, but not yet ratified).

All the measures proposed in the Directive with regard to the European protection order are included in the Spanish legislation: The prohibition to visit certain locations, places or defined areas where the protected person resides (art. 64(1) LOIGV); the prohibition or regulation of any kind of contact, in any form, with the protected person (art. 64(5) LOIGV); a prohibition or regulation on approaching the protected person closer than a prescribed distance (art. 64(3) LOIGV). The LOIGV also regulates other kinds of protection measures, due to its comprehensive scope. It includes judicial, financial, and social measures, measures aimed at the children of the victim, etc., be it as precautionary measures or as sanctions to be included in a criminal ruling.

Only the competent court (Court for Violence against Women), as regulated in Art. 43 et seq. LOIGV, may issue a protection order at the request of the victim, her close relatives, the Public Prosecutor's Office, and the public authorities or entities which have been informed of a case of gender violence (art. 2.2 LOP). To order a protection order, the judge should first separately hear the victim and the person responsible for the violence, although a decision can be made by default. After hearing the parties, the judge on duty will decide on the appropriateness of issuing the order, as well as on the content and duration of the measures included in the order.

Article 20 LOIGV regulates legal aid: Victims of gender violence who can prove they lack sufficient means to start legal proceedings, have the right, in accordance with Act 1/1996 of 10 January on Free Legal Aid, to be assisted and represented by a lawyer at the courts during all proceedings, as well as during the administrative proceedings that directly or indirectly derive from the violence committed.

The protection order will enter into force directly after being adopted. The measures are immediately applied, without delay, during 30 days. At the end of this term, the order should be confirmed, modified or revoked by a judge with a period of 30 days. The measures can be maintained for the duration of the proceedings. The parties are given notice of the existence of a protection order. The court will immediately inform the victim and the competent administrative authorities y transmitting them a complete copy of the case file. It should also be noted that Spain is implementing an

electronic system to monitor aggressors, normally by satellite, using so-called 'homelink devices' in order to prevent offenders from approaching victims of gender violence. In Spain, the victim should be informed at all times of the legal and penitentiary status of the aggressor.

The breach of a protection order is a violation of a precautionary or security measure, and constitutes a criminal offence under the Criminal Code, which is punishable with 6 months to 1 year of prison (Art. 468 Criminal Code). In this case, the detention will be registered in the PERPOL database (database of the National Police with criminal information on individuals).

Art. 18 of the LOIGV provides for the right to information of the victims of gender violence. All relevant information and the application form for a protection order are provided by the Spanish authorities in Spanish and the co-official languages in Spain, as well as in English and French. A version in Arabic should be included, considering that a significant share of the victims of gender violence comes from Arabic speaking cultures. The statistical data on gender violence are available at the Observatory on Domestic and Gender Violence (General Council of the Judiciary) and the Government Delegation against Gender Violence (Ministry of Health, Social Services and Equality). The website of the General Council of the Judiciary contains all existing protocols regarding gender violence.

With regard to training courses in Spain on the application of protection orders, two types can be distinguished. One type of courses is aimed at society at large, which are taught mainly at schools. The other courses are aimed at professionals involved in the prevention and control of violence, and constitute specialized training. The Special Government Delegation for Violence against Women, the State Observatory on Violence against Women, the security bodies specialized in the prevention of gender violence and the autonomous communities with police competences, as well as the local police forces, all use action and coordination protocols in the fight against gender violence.

3.10 Finland (FI)

Finland adopted the Act on Restraining Orders in 1998, which was modified to incorporate a specific protection order for cases of violence within the family. In the Finnish legal order various protection measures exist as laid down in Directive 2011/99/EU. These include in particular the prohibition to approach the protected person within a specified geographical area or closer than a prescribed distance; a prohibition to contact the protected persons, including by phone, electronic or

ordinary mail, fax or any other means; as well as the prohibition from entering certain localities or places where the protected persons reside, or which they frequently visit.

These measures are adopted by a judicial authority in criminal proceedings and are applied as preventive measures. They are used to protect women who are victims of gender violence, as well as their descendants, ascendants, relatives and other persons. Adoption of the measures can be requested by any person who, on justified and reasonable grounds, feels threatened or harassed by any other person. In case of inside-the-family restraining orders, the protection measures can be applied for by the victim. If the victim does not do so, they can be applied for by the Public Prosecutor, the police, or professionals of the social services. Adoption of these measures is decided by the competent judicial authority and in some cases by the police.

The protection measures established by the referred act have a maximum duration of a year. They can be extended to ensure the protection of the victim in cases of violence. Moreover, it should be pointed out that the measures are adopted *ex officio* or at the request of the victim, and also of the Public Prosecutor's Office, the police authorities and/or social and administrative entities with responsibilities regarding support and advice to the victim, which play an important role in creating awareness about, and the prevention of violence.

The Finnish public authorities have developed several programmes, actions plans and guidelines aimed at eliminating gender violence, as well as other types of violence, such as domestic violence or same-sex intimate partner violence. They also offer special assistance and promote specialized support services in order to avoid revictimisation and to ensure that no victim is left unprotected. For this reason, the government reports and action plans tend to recommend the improvement of the existing instruments. Worth mentioning, for instance, is the special assistance available to women with disabilities, sexual minorities, migrants and members of ethnic communities residing in Finland.

The wide range of healthcare and social services in Finland is complemented by specific services aimed at aggressors. They have access to public and semi-public services which provide advice on how to avoid committing violent acts, as well as to prevention and rehabilitation programmes. For this category specific programmes have also been created, among others for migrant men, who need special attention during rehabilitation programmes. The Finnish authorities distinguish themselves for their willingness to adopt programmes developed in other countries and implement recommendations and good practices proposed by academic research.

In spite of legislative progress and additional political measures and action programmes in the field of gender violence, Directive 2011/99/EU has not yet been

transposed. Nonetheless, a working group has already been created for this purpose, which has already proposed concrete measures to transpose the directive.

3.11 France (FR)

The main acts regulating the protection order are Act 2010-769 regarding violence committed specifically against women, violence in couples and their impact on children, the Decree for its implementation and the Act 2006-399 of 4 April 2006 reinforcing the prevention and repression of among couples and against children.

The protection order aims to protect persons who are victims of violence committed by their intimate partner or ex-partner, be it as a provisional measure or as a criminal sanction, and entails the prohibition to contact the victim using any means and the prohibition to enter specific places visited by the victim. In addition, other protection measures may be adopted, among which arrangements regarding the custody and the visiting rights with regard to underage children, as well as the application or protection systems, such as electronic monitoring devices and special mobile phones connected to a security service.

When the order is civil in nature, the maximum duration is four months; when it is criminal, the duration may vary from one to seven years.

The protection order may be requested by the victim or by the Public Prosecutor's Office. It may also be issued by the court *ex officio*.

There is no official register in France where the adopted protection measures are registered.

The mechanisms used to ensure the correct execution of the protection measures are police surveillance, emergency phone numbers, and electronic monitoring.

In case of violation of a protection measure, the authority that adopted the measure is competent to hear the case and in case of breach of supervision orders the liberty and custody judge and in case of breach of probation orders the judge responsible for enforcing sentences. A breach of a protection measure is sanctioned in criminal proceedings: the perpetrator risks a prison sentence and/or a fine, and an extension of the imposed injunctions.

The victim is provided access to all types of information (including information on the procedural status of the aggressor) by the specialized victim support services. Information campaigns on gender violence are held regularly.

Currently, victims do not have access to free translation and interpretation services in all EU languages.

In France, training courses on gender violence are provided aimed at the authorities with competence to adopt protection measures, as well as at other

professionals (police, judges, Public Prosecutors, social workers and healthcare professionals, but no specific courses have been offered yet to professionals on the European protection order (although they are being planned), nor information to the general public.

Although a centralized and specialized collection of statistical data on gender violence exists, this information is not available to the general public.

The communication channels used between the competent authorities in France and their counterparts in other countries are liaison officers, EJN, etc.

There are many action protocols in the field of gender violence, which are used by the various parties involved, at different levels (local, departmental).

No information has been found on any bilateral or multilateral cooperation agreements concluded by France with other States in the field of gender violence.

At present, Directive 2011/99/EU has not yet been transposed; its transposition would require the modification of various existing legal instruments. A correct implementation would require the introduction of a free translation and interpretation service for victims in all official languages of the EU. Moreover, it has not yet been decided which will be the authorities competent to issue and execute European protection orders. It also is not clear whether French legislation allows for the adoption of a prohibition from entering certain localities, places or defined areas where the protected person resides or visits, which might require a modification of the current legislation in order to adapt it to the Directive. The remaining aspects of the Directive are already covered by the various existing regulations, so that no legal reform would be required for the Directive to be correctly implemented.

3.12 Croatia (HR)

The protection measures available for victims of gender violence in the Republic of Croatia are regulated by several acts: the Act on the Protection against Family Violence, the Criminal Code, the Misdemeanor Act, the Code of Criminal Procedure and the Protocol on the Rules of Procedure in Cases of Family Violence.

The Directive 2011/99/EU has not yet been transposed into the Croatian legal order.

Croatian law already foresees the adoption of the protection measures set forth in the Directive 2011/99/EU on the European protection order: prohibition of approaching the victim, prohibition of contact and prohibition from entering certain localities, places or defined areas where the protected person resides or visits.

These measures are adopted through criminal proceedings and may apply either as precautionary measures or as criminal sanctions.

The protection measures' duration differs depending on their nature. Precautionary measures last as long as they are needed, or until the verdict. They may be extended, replaced by softer measures or suspended if they are no longer necessary. As for the criminal sanctions, they may last up to 5 years. They may not be extended; however, they may be replaced or suspended under certain circumstances.

All these measures may be adopted even against the will of the victim. Moreover, the victim cannot obtain their suspension or termination if (s)he opposes their application.

The competent authorities to decide on the application of protection measures for victims of gender violence are the judge, the public prosecutor's office, the police, and the social workers. The proceedings are urgent.

Protection measures may be requested by the victim – without legal assistance – the police, the public prosecutor's office, the social welfare centres, and the courts. In practice, the police requests the application of such measures on behalf of the victim. Protection measures may be adopted *ex officio* as well.

Protection measures may be adopted at any stage of the procedure. In particular, precautionary measures may be adopted during the criminal proceedings, i.e. before the proceedings are initiated or once they have started but before the court's judgment. As for the criminal sanctions, they are imposed by a judgment and apply after the sentence.

The public prosecutor, the police, the victim, or the accused may appeal the decision. The appeal does not stay the execution of the precautionary measures.

All the adopted protection measures are registered in an official register.

Two monitoring mechanisms exist to ensure the correct execution of the protection measures: police surveillance and emergency phone numbers. However, no electronic device system is used in Croatia.

In case of violation of a protection measure, the authority that adopted the measure is competent to hear the case. The breach of a protection measure constitutes an offence by itself and different sanctions may be imposed on the perpetrator: jail sentences, fines, and/or the extension of the existing measures.

Some aspects of the current legislation are encouraging with regard to the implementation of the Directive 2011/99/EU. The existence of a rather complete legislation on protection measures demonstrates that gender violence has become a major concern for public authorities and civil society. Moreover, a unified official register containing all the adopted protection measures is kept by the Ministry of Justice. This practice will certainly facilitate cooperation with the other EU Member States as information will be easily accessible to them. Furthermore, translation

services in all the official EU languages are free of charge and available to the victims of gender violence.

On the other hand, no decision has been made on how to transpose the directive and on which authority will be competent to issue and execute a European protection order. Finally, there is no central authority coordinating all matters concerning protection orders which assists the competent authorities.

3.13 Hungary (HU)

The Hungarian legal system lacks a comprehensive and systematic approach to gender violence. Various partial reforms have been carried out of different acts and legal provisions in response to international requirements and the demands of local organisations for the defence of women's rights, but these have proven to be little effective in eradicating gender violence.

Until July 2013, the Hungarian Criminal Code did not contain any legal definition specifically regulating domestic violence. Thus, the penalization of violence acts among couples depended on the gravity of the harm caused, for which purpose different more general legal definitions were used. The recent reform of the Criminal Code, which entered into force in July 2013, finally defined repeated domestic violence as a criminal offence with enhanced penalties, delegating the responsibility for initiating legal action to the Public Prosecutor's Office instead of the victim.

In Hungary, the protection measures for victims of gender violence foreseen in Directive 2011/99/EU may be decided by three authorities: the police (preventive and provisional measures, maximum duration 72 hours); the civil courts (provisional measures, maximum duration 30 days); and the criminal courts (criminal proceedings, coercive measure).

In the Criminal Proceedings Act of 1998, following the reform of July 2006, restraining orders are regulated as new types of coercive measures to protect the victims of criminal offences during criminal proceedings. These measures limit the right to free movement and free choice of residence of the accused, as well as the various kinds of contact he may maintain with the victim. More specifically, Articles 138A, 138B and 139 of the referred act establish the coercive character of these measures, which may be adopted by the judge during the criminal proceedings for a minimum term of 10 days and a maximum term of 60 days. The restraining order can be suspended or modified if significant changes occur in the circumstances of the victim or the aggressor.

With regard to civil measures for the protection of victims, in 2009 Act LXXII on Restraining Orders because of Violence Between Relatives was adopted, which allows the police to issue preventive and provisional protections orders for 72 hours,

which may be maintained/extended by the civil courts for up to 30 days. This act allows to issue restraining orders in cases where criminal have not been started (yet). These orders can be adopted *ex officio* by the police, or at the request of the victim or a family member.

The public system for the assistance to victims of gender violence is based on the general services for victim support. The specialized support given to the victims of gender violence is largely provided by NGOs and private associations. There are no statistical data available in Hungary on gender violence and the protection measures applied in cases of violence against women.

In spite of the existing legislation on protection measures, in practice the Hungarian system has proven insufficient and ineffective, as shown by various reports of international organisations and associations dedicated to fighting gender violence. In 2012, the European Court of Humans Rights, in the case *Kaluzcza v. Hungary*, condemned Hungary for the violation of Article 8 of the Convention (right to respect for private and family life) for not adopting sufficient measures to ensure an effective protection of the victim, even though she had repeatedly reported aggressions by her partner and had requested several times for restraining orders to be issued against him.

3.14 Italy (IT)

In Italy, there is no specific act on gender violence, nor is there a specific legal definition. In fact, the Italian legislation on the subject is characterized by its dispersion and the adoption of heterogeneous acts adopted by urgent procedures, which have modified existing acts to adapt them to the new requirements. Thus, the protection measures related to gender violence are scattered across the Civil Code, the Code of Civil Procedure, the Criminal Code and the Code of Criminal Procedure.

In the civil sphere, Act 154 of April 2001 introduced Title IX-bis into the Civil Code concerning protection orders against family abuse. Family abuse is defined as acts committed by the spouse or other cohabitee that cause serious harm to the physical or moral integrity or to the liberty of the other spouse or cohabitee (Art. 342-ter). In these cases, the judge may issue a protection order, which includes a barring order, the prohibition to approach the victim, as well as other measures, which do not include a prohibition of contact. These measures can be adopted for one year, and may be extended at the request of the party concerned.

In the criminal sphere, the most relevant provision is Article 572 concerning the crime of maltreatment of family members and other cohabitees, which has been modified by Act 172 of 1 October 2012 as part of the Title on crimes against the family. Special mention deserves Decree-Law 93 of 14 August 2013 on urgent measures to

fight gender violence, which has been converted into Act 119 of 15 October 2013, which includes a series of modifications to the Criminal Code and the Code of Criminal Procedure. In spite of the name of the Decree-Law, it does not contain exclusive measures to fight gender violence, but they are also applicable to common criminal offences with a particular impact on women, such as sexual violence (sexual assault) (Art. 609-bis) and harassment (stalking) (Art. 612-bis). In this respect, the referred maltreatment against the family may affect a family member, a cohabitee, a person under the authority of the aggressor or entrusted to his care for reasons of education, instruction, guardianship, supervision or custody, or to practice a profession or art. Marital and analogous affective relationships are considered aggravating circumstances for crimes such as sexual violence or harassment.

As for existing protection measures comparable to the ones established in Directive 2011/99/EU, in Italy various measures are provided for in the Code of Criminal Procedure, besides the civil measures already mentioned.

On the one hand, the judge can order the accused to abandon the family home and prohibit him from returning without previous authorisation. As part of the same order, the judge can prohibit the accused from approaching specific locations which are frequently visited by the victim (Art. 282-bis Code of Criminal Procedure). The same injunction from approaching specific locations is provided for as an autonomous measure in Article 282-ter, together with the order to stay at a specified distance from the victim.

On the other hand, Italian legislation includes a modality of barring orders, i.e. urgent measures adopted by the police. Thus, Article 380 allows the police to arrest aggressors in case of maltreatment 'in flagrante', while Article 384-bis allows it to expulse him from the family home and prohibit him to enter specific places in case of other crimes, such as sexual violence, although maltreatment is not included.

In sum, Italy provides for civil, criminal and police protection measures, even though the dispersion of the relevant regulations, the reactive way of legislating, and the lack of a specific legal (including criminal) definition of gender violence, are likely to reduce their practical effectiveness, which will depend more on the decisions of judges and law enforcements agents than on the will of the victim.

3.15 Lithuania (LT)

Since 2011, Lithuania has a Special Act on the Protection against Domestic Violence, which constitutes a milestone as it offers, for the first time in history, a comprehensive approach to this issue. Lithuanian law gives a broad definition of domestic violence, distinguishes various types, identifies the aggressor and the victims, establishes special

services to improve their security and support, and involves the media in the fight against this kind of violence, but above all, it facilitates the persecution of the offenders, enhancing the powers of the courts and the police, and establishes preventive measures for the protection of victims. In cases where this special act is not applicable, several provisions from general criminal and civil regulations can be used.

The existing legislation in Lithuania includes the three protection measures contained in Directive 2011/99/EU – the prohibition from approaching the victim, from contacting the victim and from entering localities and places where the protected person resides or visits – which may be imposed as precautionary measures, criminal sanctions or remand measures. One of the most relevant aspects is that they can be adopted against the will of the victim, thus reinforcing the protection provided. The duration of the measures, when adopted for the first time, may be extended until the trial or even cover the entire period of the imposed criminal sanction. The authorities competent to decide on the adoption of these measures are the courts and the police, which also decide in case they are breached. The procedures can therefore be both judicial and administrative. The measures can be adopted *ex officio* or at the request of the victim or another person with a legitimate interest using a written application complying with certain formal requirements. Once the measures are adopted, according to Lithuanian legislation, they may be renewed, modified or suspended. Their supervision is basically the responsibility of the police, as electronic monitoring is not used. When a protection order is violated, the imposed restrictions may be extended; no other sanctions are provided for.

In consequence, since the adoption of the Special Act on the Protection against Domestic Violence, the protection of the victims of gender violence in Lithuania has improved considerably, in particular when considering the amendments and modifications to the Criminal Code, the Civil Code, the Code of Criminal Procedure and the Code of Civil Procedure which have perfected, reformed and extended the protection measures already contained in these acts. It can therefore be concluded that Lithuania is gradually complying with its European and international obligations regarding gender violence, considering that the advances in the protection of victims do not limit themselves to legislation, but also include financial, social and other kinds of support.

3.16 Luxembourg (LU)

The Act of 30 July 2013 modifying the Act of 8 September 2003 on domestic violence and other acts regulates the expulsion from the family home, which is comparable to a protection order.

This measure is aimed at the person is reasonably believed to be preparing or having committed an offence against the life or physical integrity of a person with whom he lives together as a couple. The expulsion entails the prohibition for the evicted person to enter the home, to contact the protected person and to approach her. These measures can be applied as precautionary measures or as criminal sanctions.

The expulsion measure is adopted for 14 days, but the victim may request the judge to extend the measure for up to 3 months. At the request of the person concerned, the judge may fully or partially decree various prohibitions aimed at the person using or threatening to use gender violence (prohibitions to contact the applicant, send her messages, approach her or the day-care centre or school of her children, establish himself in the same neighbourhood as the victim, visit certain places or follow certain routes). During the validity of the expulsion measure it cannot be modified nor suspended, even if the victim so desires.

Other protection measures can also be applied, such as the detention of the aggressor, the confiscation and prohibition to carry arms, or the allocation of the family home (once a court decision is reached on divorce, the expulsion order ends). Besides legal protection measures, other support measures are available to the victims of gender violence, such as shelters in case of necessity, as well as financial, legal and material support.

The Luxembourg legal system does not provide for instruments that allow for the simultaneous adoption, in one decision, of criminal, civil and/or support measures for the comprehensive protection of gender violence victims.

The request for the adoption of protection measures for victims of gender violence may be submitted by the victim herself, her relatives, the police, the Public Prosecutor's Office, doctors, social workers or any person having knowledge of a case of gender violence. In first instance, it is the police who, after receiving authorisation from the Public Prosecutor's Office, will proceed to expulse the aggressor from the family home. This measure can be adopted *ex officio* or at the request of the victim. Subsequently, it is for the judge to adopt any necessary extension of the expulsion measure.

The expulsion measure is registered in a public register. The police supervise the correct execution of the protection measures. Both victims and offenders receive information and support from specialized services. Moreover, the victims have access to free translation and interpretation services in all EU languages.

In Luxembourg, training courses on gender violence are provided aimed at the authorities with competence to adopt protection measures, as well as at other professionals (police, judges, Public Prosecutors, social workers and healthcare professionals, but no specific courses have been offered to professionals on the

European protection order, nor information to the general public. Statistical data on gender violence are available. The Ministry of Justice, the police, the Public Prosecutor's Office and domestic violence support services (both for victims and aggressors) collect annual data classified by gender, age and the relationship between offender and victim (including whether there was cohabitation).

At present, Directive 2011/99/EU has not yet been transposed. Under the legislation in force, Luxembourg law only permits the expulsion from the home of a violent person who lives with the victim as a couple. This might cause victims who do not live with the aggressor to be insufficiently protected. Moreover, once a judicial divorce decision is reached regarding the allocation of the family home, the expulsion order is terminated, with could also lead to a certain lack of protection.

Nonetheless, with regard to transposition, the fact that the Luxembourg legislation considers all protection measures laid down in the directive, that there is a public register for expulsion measures, free translation services in all official EU languages and a proper collection of statistical data on gender violence will definitely facilitate the transposition of the directive.

No specific action protocols or bilateral or multilateral cooperation agreements with other States in the field of gender violence exist.

3.17 Latvia (LV)

In Latvia, no specific legislation exists regarding gender violence. The subject is regulated by the general provisions of criminal and civil law contained in the Criminal Code, the Code of Criminal Procedure, the Civil Code, the Code of Civil Procedure and the Police Act. Moreover, the lack of a legal concept in the field of gender violence and the restriction of the concept of 'family' – which is defined exclusively as families formed by two spouses and their children – complicates the protection of the victims of gender violence. This is shown by the fact that there are no protection measures *stricto sensu* available to the victims of gender violence, only measures under general legislation which generally complement other sanctions. The measures, instead of protecting the victim, are aimed at preventing the defendant from interfering with the proceedings, which creates a great defencelessness of the victim.

In view of this situation, Latvia is considering the possibility of adopting preventive measures through other procedures than criminal ones. As a matter of fact, the government is currently preparing several proposals to modify the relevant legislation – affecting the Criminal Code, the Code of Criminal Procedure, the Civil Code, the Code of Civil Procedure and the Police Act – which, if approved, would allow for the adoption of preventive protection measures for victims of gender violence.

Thus, if these proposals are approved, for the first time the victims of gender violence will have available true protection measures which in principle should be applied for through civil proceedings, but which in the future might be extended to the criminal sphere by delegation to the police.

In this way, Latvia would remedy in part the lack of attention that historically has been paid to the issue of gender violence. The most recent efforts, not only in the legislative sphere, but also in the social sphere and with respect to the support to victims – characterized by an increasing intervention by the State in victim support policies – seem to herald positive changes.

3.18 Malta (MT)

In 2006, Malta adopted the Domestic Violence Act, which was modified in 2013. It defines domestic violence in Article 2 as “any act of violence, even if only verbal, perpetrated by a household member upon another household member and includes any omission which causes physical or moral harm to the other”. It also defines the persons included in the concept of ‘household’, which stresses the importance of formalizing marital relations. In this respect, violence is not considered domestic violence if it is committed in a relationship without cohabitation or in default of the intention to contract marriage, or when cohabitation ended at least a year before the violence started.

The most relevant regulation is the Criminal Code, which in 2005 added articles 382A, 412C and 412D, respectively establishing restraining orders, protection orders and treatment orders. Gender violence is not defined as a specific criminal offence, although certain criminal offences are aggravated if committed within the household. Moreover, Articles 543(e) and 544 of the Criminal Code allow for the police, in cases of domestic violence, to act *ex officio* and initiate proceedings without any complaint by the victim.

In cases of domestic violence, Articles 37 and 39 of the Civil Code also allow for the adoption of the protection orders laid down in Article 412C of the Criminal Code after the initiation of formal marital separation or divorce proceedings.

Mention should also be made of the Equality of Men and Women Act of 9 December 2003, modified in 2007, which defines ‘sexual harassment’ and establishes a National Commission for the Promotion of Equality for Men and Women.

With regard to the existing protection measures, Malta provides for two types of measures: the court can issue a criminal restraining order or a protection order with exactly the same protection measures, which, moreover, coincide with the ones established in Directive 2011/99/EU. The objective of the protection order is to

protect the victim during trial, while the objective of the restraining order is to protect the victim after the trial. Civil protection orders are restricted to cases of separation or divorce.

The procedure for Criminal Protection Orders and restraining orders is the same; as a matter of fact, Article 382C (restraining orders) refers to Article 412C. The orders are issued by the Court, taking into account the criteria established in the Criminal Code, for a maximum period of three years, which may be extended or revoked at the request of one of the parties affected by the order. Violation of the imposed measures is punishable by a fine, imprisonment up to six months, or both. According to the Criminal Code and Police Circular 55/07 with regard to the procedure for handling cases of domestic violence, all domestic violence proceedings can be initiated *ex officio*; they can also be initiated at the request of the victim, who may also request the measures to be revoked, modified or renewed.

In short, Malta has started adapting its legislation for the protection of victims of gender violence. However, and for want of more detailed information, it would appear that the victim only obtains protection once criminal proceedings have started, in the form of protection measures comparable to procedural precautionary measures. Between the moment the violence occurs and the criminal complaint no protection mechanisms are foreseen, as barring orders are not regulated, even though the police must report gender violence *ex officio*. In any case, this leaves a highly sensitive period of time during which the victim lacks protection.

Moreover, the personal scope of application of the Criminal Code excludes some categories of victims of gender violence, as a result of the definition provided in the Domestic Violence Act of the persons who are considered to be part of the family for the purpose of interpreting gender violence.

3.19 The Netherlands (NL)

The protection measures available for victims of gender violence in the Netherlands are regulated by various acts: the Criminal Code, the Code of Criminal Procedure, the Civil Code, the Code of Civil Procedure, the Act on Conditional Release, the Regulation for the Care of Forensic Psychiatric Interns, the Framework Act on Forensic Psychiatric Internment, the Penitentiary Framework Act, the Regulation on Temporary Penitentiary Leave and the Act on the Temporary Barring Order.

In order to protect victims of gender violence, Dutch law already foresees the adoption of the protection measures set forth in the Directive 2011/99/EU on the European protection order: prohibition of approaching the victim, prohibition of

contact and prohibition from entering certain localities, places or defined areas where the protected person resides or visits.

These measures are adopted as precautionary measures or as conditions to be observed in case of conditional conviction or conditional internment in a forensic psychiatric clinic, the conditional suspension of custody, the conditional discontinuation of prosecution, or the conditional release from prison or a forensic psychiatric clinic. They may be of criminal, administrative or civil nature.

The competent authorities to decide on the protection measures for gender violence victims are the judge and the public prosecutor's office. Protection measures related to temporary leave from prison or a forensic psychiatric clinic are decided by the Ministry of Justice.

Protection measures may be requested by the victim, the public prosecutor's office and social workers. Protection measures may be adopted *ex officio* as well.

Both judicial and administrative procedures are used to adopt protection measures for victims of gender violence. In case of judicial proceedings, protection measures may be adopted once the proceedings have started, before and after the court decision. In case of administrative proceedings, protection measures can be adopted at any time.

The judicial decision that either grants or rejects protection measures can be appealed.

There is no official register where the adopted protection measures are registered.

Several monitoring mechanisms to ensure the correct execution of the protection measures exist: supervision by the probation service, police surveillance and emergency phone numbers. Several criminal modalities allow for electronic monitoring to be used, though exclusively at the request of the probation service.

In case of violation of a criminal protection measure, the authority that adopted the measure is competent to hear the case. If the measures were adopted as a condition for conditional conviction or conditional internment in a forensic psychiatric clinic, the conditional suspension of custody, the conditional discontinuation of prosecution, or the conditional release from prison or a forensic psychiatric clinic, violation may lead to an end of conditionality. In case of violation of the administrative barring order, the police are competent to decide on the consequences of the breach. A breach of the barring order is a felony punishable by imprisonment or a fine.

Directive 2011/99/EU is still in the process of being transposed. A draft bill has been sent for advice to several advisory organs. By the end of 2013, the draft bill should be sent to the Council of State. Consequently, several important aspects for the

implementation have not been decided yet, such as the competent authorities to issue and execute European protection orders.

Dutch legislation offers a wide range of possibilities for applying protection measures, both as precautionary measures and as part of conditional sanctions. These can be complemented by other support measures, such as financial aid, psychological support, shelters, child protection and residence permits.

The problem is that protection measures can be adopted on a large number of grounds under a wide variety of procedures (particularly criminal procedures), which may complicate mutual recognition in other European Member States. The fact that certain measures may be adopted by the Public Prosecutor's Office, the police or the mayor instead of a judge or court might also lead to recognition problems. The possibility of using electronic supervision, on the other hand, may facilitate the execution of protection orders.

Considering the large variety of grounds and procedures for the adoption of protection orders, the lack of a central register is a serious drawback with regard to the execution and supervision of both national and European protection orders.

3.20 Poland (PL)

The main Polish act regarding gender violence is the Act on Counteracting Domestic Violence of 29 July 1995 (Official Journal 2005/180/143), a modified version of which entered into force on 1 August 2010, which aims to provide enhanced protection for certain categories of persons, in particular women and children. Its scope includes persons of both sexes (children, parents, and other persons living with the victim), as well as same-sex couples. The Criminal Code regulates domestic violence through the more general provision of 'maltreatment'. It provides for imprisonment, an order to abandon the common residence and a restraining order, as well as the possibility for the court to suspend the execution of the sentence and to have the offender participate in re-education programmes, with or without his consent. The criminal offences permitting the application of these measures are, besides domestic violence, harassment, forced marriage, human trafficking, sexual violence and 'other kinds' of violence. According to the rules of family law regarding separation, divorce and child custody, gender violence does not constitute a legal ground for depriving the aggressor of custody over the children. Also of certain relevance is the Act of 26 October 1982 on education in favour of abstinence and against alcoholism.

The protection measures foreseen in Directive 2011/99/EU are included in Polish legislation, even though *stricto sensu* no 'protection order' exists. It is not clear in which cases the measures can be imposed as precautionary measures, a possible option

according to the national questionnaire, which also indicates that protection measures may be adopted as conditions for parole. The consent of the victim is not required. The measures may be imposed against her will. However, the answers to the questionnaire by the national authorities contain contradictory information in this respect, as it also indicates that the measures may be suspended or revoked if the victim opposes their application. In addition to the protection measures, the judicial and administrative authorities can also adopt additional support measures (psychological, financial, etc.).

There are no courts specialized in domestic violence. The competent courts are the criminal courts. The initiative to apply for protection measures corresponds to the victim, her relatives and the competent authorities (police, Public Prosecutor, doctors, social workers), as well as to any person who has knowledge of a case of gender violence. The protection measures must be requested using a written application without formal requirements. Legal assistance is not required. Both parties are heard during the proceedings. The decision on the protection measures is made by the court, the Public Prosecutor's Office, or the administrative authorities, be it *ex officio*, or at the request of other persons with a legitimate interest. The assistance of an interpreter is guaranteed and free of charge. The protection measures may be renewed several times, and can be modified. However, they cannot be suspended. The measures can be appealed, depending on the type of measure adopted. There is no obligation to regularly inform the victim about the procedural or criminal status of the aggressor. There is no public register where protection measures are registered.

The supervision of the execution of the measures is basically performed by a probation officer. Supervision can also be done using electronic monitoring devices (radio frequency), if the court responsible for the execution of sentences so decides. In this case, supervision is done by the referred court and agency specialized in electronic monitoring. Emergency phone numbers are also available to guarantee a correct application of the measures.

The authority which adopted the protection measures is also competent to rule on any breaches of the imposed measures. Breaches are not sanctioned by imprisonment or a fine, but by other measures, such as the revocation of conditional release or the imposition of stricter precautionary measures.

The most important prevention programmes are the 'Blue Line' (hotline), the dissemination of the Charter of the rights of persons affected by domestic violence, the National Plan for the Prevention of Domestic Violence and the Interministerial and Intersectoral Action Platform.

In Poland, training courses have been developed for specialized staff providing primary support to victims. Also, an education handbook was elaborated on domestic violence against elderly persons and persons with disabilities. The National School

for the Judiciary and Public Prosecution offers a study programme which includes training modules on domestic violence. Programmes are also available for the (re) education of aggressors.

Poland signed the Istanbul Convention on 18/12/2012, but has not yet ratified it.

No information has been provided on the status of the transposition of Directive 2011/99/EU.

3.21 Portugal (PT)

The main Portuguese act regulating gender violence is Act 112/2009 of 16 September, establishing the legal regime applicable to the prevention of domestic violence, the protection of and assistance to victims, repealing Act 107/99, of 3 August, and Decree-Law 323/2000, of 19 December, which is completed in particular by Order 229-A/2010, regulating the statute of the victims of domestic violence.

The Portuguese legislation includes all the measures laid down in the Directive, which can be adopted as precautionary measures or be part of a final judicial (or administrative) decision. The protection measures may be granted by a judge or the Public Prosecutor's Office.

The measures can be adopted *ex officio*, or at the request of the victim or other persons with a legitimate interest (descendants, ascendants, or other close persons such as partner or ex-partners). The regulations also cover the violence of women against men and violence in same-sex relationships. Protection measures can also be adopted at the request of the police, the Public Prosecutor, the medical services, and the social services. They can also be applied in cases of human trafficking, sexual aggression or other forms of violence.

The decision will be taken regardless of the will of the victim. No legal assistance is required to apply for protection.

The duration of the measures ranges from 6 months to 5 years, depending on the court's decision. They can be renewed several times. They can be modified, as well as suspended. Portuguese law establishes the principle of autonomy of the will of the victim, which may be limited though by legal provisions. This means that the victim, in principle, can oppose the adoption of protection measures, but that the court can overrule the will of the victim based on other legal provisions, e.g. the Criminal Code.

There are standard forms available to apply for protection measures, which always have to be requested in writing, complying with the formal requirements indicated in the forms. The forms are also available for the victims in electronic format on a dedicated website concerning gender violence.

During the proceedings, according to Act 112/2009, both parties must be heard, albeit separately. The examinations are done in such a way that they can be used during any subsequent judicial proceedings.

The questionnaires differ on whether the judicial decision on protection measures can be appealed. Act 112/2009 establishes, however, that the measures included in it (which do not refer to the possibility of appeal) may not be contrary to general procedural law, a basic principle of which is that judicial decisions can be appealed to a higher court.

There is an official register in Portugal in which the adopted protection measures are registered.

The supervision of the execution of the protection measures is done through police surveillance, emergency phone numbers available to the victims, and by electronic monitoring using radio frequency systems or GPS. The method used is decided by the judge who adopted the protection measures, although the consent of the aggressor is required and, where applicable, the victim's consent. The breach of a protection order constitutes a criminal offence punishable with imprisonment or a fine. The internal judicial authorities use all the currently available means of communication to carry out communications and transmit information between them.

Portuguese legislation requires that the victim be provided with all possible information, save in exceptional cases, because this might affect the success of the proceedings, including the procedural situation of the accused and whether he is in prison or at liberty.

The information about protection measures is available in all the official languages of the EU; the victim is entitled to free translation and interpretation.

Training courses on the protection of the victims of gender violence is provided to all professionals involved in cases of gender violence: police officials, judges, teachers, healthcare staff, social services, etc.

Portugal has not yet transposed Directive 2011/99/EU. It has not been decided yet whether this will be done by means of a single legal instrument or by various instruments. It is clear, however, that various existing regulations will have to be modified.

Portugal has not concluded any bilateral or multilateral cooperation agreements with other States in the field of gender violence, but it has incorporated the Istanbul Convention into its legal order in January 2013.

3.22 Romania (RO)

The definition of family violence is included in Act 217/2003, modified by Act 25/2012. The Romanian legal order still refers to domestic violence, and not to gender violence, even though Article 3 of Act 25/2012 makes clear that domestic violence includes acts which impede women to exercise their rights and freedoms. The express reference to women shows the receptivity of the Romanian authorities towards situations of gender violence.

Romanian national law contains various measures to protect the victims of family violence. These measures can be both civil and criminal in nature. In the first place, Romanian law provides criminal protection to the victims of domestic and gender violence through the courts. In this respect, when violence within the family constitutes a criminal offence according to the new Romanian Criminal Code, the appropriate criminal definitions are applicable, relating to crimes such as family violence, deprivation of liberty, threats, blackmail, harassment, rape or sexual aggression. In these cases, the person accused of family violence will be subject to criminal proceedings, which may lead to a prison sentence. According to Articles 65 and 66 of the new Criminal Code, when a prison sentence is imposed, the court may also, for the duration of the imprisonment and even until five years after the prison sentence has been served, additional sanctions consisting of the prohibition to contact the victim or to approach her, the prohibition to approach her place of residence, work or education, as well as other places where the victim carries out social activities. They may also include a deprivation of the exercise of parental rights. All these are criminal measures aimed at protecting the victim. On the other hand, the new Criminal Code also establishes security measures in Articles 109 and 110, such as the obligation to undergo medical treatment or to accept admission into a medical facility.

Finally, according to the new Criminal Code, in case of suspension of the execution of a criminal sentence (Art. 85) or conditional release (Art. 101), the court may impose on the offender a prohibition to contact the victim or to approach her.

In the second place, the civil measures include the protection order, which was introduced into the Romanian legal order by Act 25/2012 as part of the modification of Act 217/2003. This order is adopted by the civil court when there is found to be a risk for the life, the physical integrity or the liberty of the victim, without the need for the aggressor to have been tried and found criminally responsible. In case of necessity, the order can be adopted as an urgent measure. As this measure is civil in nature, the application of the protection order does not require the institution of criminal proceedings based on family violence. The civil court may issue the protection order before criminal proceedings are initiated, during the examination phase, during the

trial phase or after a criminal sentence has been reached (while respecting the *res judicata* of the final criminal sentence).

The order may include measures such as the obligation of the aggressor to keep a certain distance from the victim or her children, or from her place of residence, work or education, the prohibition from entering certain locations, or the prohibition from contacting the victim by any means. Also included may be measures such as the expulsion of the aggressor from the family home, the reintegration of the victim and her children in the family home, the adjudication of the custody of the children, and the obligation to satisfy the expenses derived from the temporary accommodation for the victim and her children in case they cannot stay in the family home. The content of the protection order can even be more extensive, given that the law allows for the court to include measures for the supervision and rehabilitation of the aggressor, obliging him to participate in psychological treatment or psychotherapy, or other ways of rehabilitation. Finally, Act 25/2012 also establishes measures to improve support for victims of domestic violence, as well as general measures to increase the awareness of the general public.

All in all, the protection order is not the only legal instrument suitable for the protection of the victims of family violence, although it is the most visible one, and can be applied regardless of whether criminal proceedings have been instituted against the aggressor. The protection orders are issued by both civil and criminal courts, which may impose other obligations (civil or criminal) than imprisonment on the aggressor in order to protect the victim.

3.23 Sweden (SE)

The Swedish legal order offers a wide range of measures for the protection of victims, with different characteristics. In 1998, the Swedish parliament adopted the Act on Violence against Women, which modified the Penal Code by adding a new criminal offence in Chapter IV (on crimes against liberty and peace), Section 4a, penalizing repeated violent acts by a man against a woman who has, or has had, a close relationship to the perpetrator. Also in 1998, the Restraining Orders Act entered into force, which guaranteed protection to women who were victims of violence, persecution or harassment.

With regard to the protection measures in the Directive, mention should be made of the visiting bans and the restraining orders. The first type of measures involves a prohibition of contact and communication with the protected person, including phone, mail, fax and similar means of communication. They also include a prohibition to visit certain locations and spaces where the protected person resides or which she/

he frequently visits. The restraining order, on the other hand, is a protection order which limits the liberties of the person concerned to a larger extent, which is why a higher risk for the integrity and life of the (possible) victim must be shown. Proof is therefore required that there is a greater probability of a crime being committed against the protected person.

According to Swedish legislation, the competent authorities for the adoption of the restraining order and the visiting ban are the criminal courts and the Public Prosecutor's Office. These measures can be applied for by the victim, the relatives of the victim, the authorities and other public agents, such as the Public Prosecutor, the police, medical doctors, social workers, and any other person who is aware of a case of gender violence. The supervision of the correct execution of the electronic monitoring measures is the responsibility of the authority which decided on the adoption of the protection measures, although this can also be done by the police.

It should be noted that the numerous available public services in Sweden, as well as the available budget for the application of the protection measures, tend to facilitate the access of victims to support measures, also in cases of particular vulnerability, to guarantee their protection. With a view to their protection, any person with knowledge of a case of gender violence is therefore allowed to apply for protection measures, apart from the possibility of adopting protection measures *ex officio*. The agility of the system is increased by the fact that it is the Public Prosecutor's Office which finally decides on their adoption. Moreover, the fact that all information is translated and the right of the victims to an interpreter is guaranteed, as well as the accessibility to information regarding the violent acts, indicates the will of the Swedish authorities to provide access to all available resources and services. In this respect, mention should also be made of the extensive information available, the important role played by universities, and the existence of specialized training courses for the professionals involved in the cases and proceedings regarding gender violence.

With regard to Directive 2011/99/EU: the Swedish government has not yet transposed the directive, and has not yet decided the necessary mechanisms to do so. Nonetheless, sufficient mechanisms exist to guarantee the application of its content, as well as the necessary institutional networks and information channels to allow for a correct implementation.

3.24 Slovenia (SI)

The main dedicated legal instrument on gender violence in Slovenia is the Family Violence Prevention Act of 2008, which provides a very broad definition of domestic violence and uses an equally broad definition of the family concept. In addition, the

Criminal Procedure Act of 1995, modified in 2006, provides for a restraining order regarding a person or a place as a precautionary measure. Also relevant is the Police Tasks and Powers Act of February 2013, which allows for immediate action by the police in cases of domestic violence. Moreover, the Criminal Code of 2008 penalizes domestic violence as a specific crime, although it does not include any of the measures laid down in Directive 2011/99/EU as accessory or complementary sanction.

Thus, there are three types of protection measures for victims of gender violence. In the first place, the precautionary measures laid down in the Criminal Procedure Act, based on which the court can prohibit the accused to approach a person or a place closer than a specified distance. These measures are adopted during the judicial proceedings at the request of the Public Prosecutor. In case of breach, the accused can be arrested. In the second place, emergency protection orders or barring orders issued by the police, which make it possible to immediately separate the aggressor from the victim for a period of 48 hours, which can be extended by a judge up to 10 days, and can be extended again by the court up to 60 days. The aggressor can be prohibited to approach a specific place or person or to harass the victim by different means of communication. In the third place, the protection measures established in the Family Violence Protection Act of 2008, which are not linked to specific proceedings, but to an act of violence. These can be imposed for a maximum period of six months, and allow the judge to prohibit the aggressor from entering to the accommodation premises where the victim lives, to come at a specified distance within the proximity of the accommodation where the victim lives, to come near to places which the victim frequents regularly or to establish contact with the victim or meet her.

It is not clear whether the measures are adopted at the request of the victim or *ex officio*, as the reported information and the referred legal instruments contain contradictory information on the subject. It would appear that the precautionary measures and the emergency protection orders can be issued *ex officio*, as the acts of violence are considered a public offence, and entail the obligation of authorities, organisations and NGOs to report the case when there are indications that gender violence has been committed. On the other hand, the measures derived from the Family Protection Order will depend on the relevant judicial order, which apparently must be issued at the request of the parties involved.

All these measures coincide with the measures laid down in the Directive, in that they are issued by the judicial authorities in the context of criminal proceedings – provided that the competent authority is a criminal court, in the case of the Family Protection Order – and include restrictions regarding the access to specific locations, communication with the victim and the allowed distance to the victim. The supervision of the execution of the measures is done by the police, and sanctions are applied in case

the protection measures are violated, namely detention of the aggressor for breaches of the barring order or precautionary measures. In contrast, no sanction is applied for violation of the measures under the Family Violence Protection Act, which have the longest duration, i.e. six months, renewable by another six months.

In short, Slovenia has tried to tackle the issue of gender violence by means of a triple approach, which is complemented by additional civil measures, such as the allocation of the family home in case of violence. However, the short duration of some of these measures, the requirement that the victim must apply for their renewal, and the lack of harmonisation between them, might lead to a discontinuous protection of the victims of gender violence, which could affect its effectiveness.

3.25 Slovakia (SK)

In the Slovakian legal order no specific regulation of gender violence exists, nor is it legally defined. Thus, the provisions concerning the protection of the victims of gender violence are included in various more general legal instruments, such as the Criminal Code, the Code of Criminal Procedure, the Civil Code and the Code of Civil Procedure.

The reform of the Criminal Code, done in 2005, revised the crime of physical or mental maltreatment of a close person or a person entrusted into one's care (Art. 208, Battering a Close Person and a Person Entrusted into one's Care), broadened the legal definition of 'close persons' and increased the penalties. Apart from this offence dealing with aggressions in the domestic sphere, the Criminal Code also regulates other types of gender-related violence, such as human trafficking, trafficking of women and sexual violence.

With regard to the protection measures laid down in the Directive, there is no specific regulation for the victims of gender violence. In spite of this, Article 51 of the Criminal Code regulates the prohibition to enter certain spaces or places where the offence was committed, as well as the judicial order not to approach the victim within a distance of five meter, not to stay in the surroundings of the victim's residence and the obligation to leave an apartment or house in which the offender resides illegally or which he has occupied illegally. These measures are used as an alternative to imprisonment, which is suspended on the condition that the measures are complied with. To this end, compliance is supervised. These measures can be imposed for a duration between one to five years. According to Article 49(1) of the Criminal Code, these measures may be adopted if the established penalty does not exceed two years of prison and if the judge considers them reasonable, taking into account a series of elements, such as the personal situation of the offender, the protection of society, the rehabilitation of the

offender or his educational influence. On the other hand, Article 62 of the Criminal Code also provides for the prohibition of residence as a main penalty. This prohibition may be imposed by the court, if necessary, for a period of one to five years in case of an intentional offence, taking into account the previous way of life of the convicted person and the place of the crime, in order to protect public order, the family, health, morals or property. The prohibition may not include the locality or district where the delinquent has his permanent residence.

In Slovakia, civil courts and police officers can also intervene in the adoption of protection measures for victims of gender violence. The first are authorized to expulse the aggressor from the home, to prohibit entry to it, as well as to approach the victim during 48 hours. Moreover, the Civil Code offers the possibility of adopting a restraining order if due to physical or psychological violence, or due to threats on the part of the spouse, ex-spouse or person with whom the victim shares a home, cohabitation has become unbearable. The Code of Civil Procedure has established a new type of prejudicial decision (provisional/precautionary measure) that impedes the aggressor to enter the home in which a close person or a person entrusted to his care or custody lives and against whom, it is reasonably believed, he might commit an offence. This measure must be adopted during the first 48 hours and is applied before the judicial proceedings have started.

In short: in Slovakia three authorities have the competence to intervene in the adoption of protection measures that entail a restraining order for the aggressor and/or his expulsion from the home: police officers (short term police expulsion, max. 48 hours); civil judicial organs (precautionary measure to be decided within 48 hours, although its duration will depend on the judge); and criminal judicial organs (criminal sanctions as main penalty or as substitution for imprisonment).

3.26 United Kingdom (UK)

In the United Kingdom a sophisticated strategy is used to fight so-called 'domestic violence' in a coordinated way. The concept used since 2004 distinguishes itself, first of all, by its wide scope and the fact that it is completely gender neutral, as it defines this kind of violence as "any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality". The legislation regulating this phenomenon is also comprehensive and covers both the criminal and the civil sphere. However, out of the entire regulation – dispersed over various Acts – for the purpose of this investigation it is worthwhile to point out the following acts: The Crime and Security Act (2010) and the Domestic Violence,

Crime and Victims Act (2004). These two acts currently contain the most important measures for the protection of the victims of domestic violence: the 'go orders' from the Act of 2010 and the 'restraining orders' from the Act of 2004, without forgetting the civil 'injunction' or 'protection orders'. Each of these measures is adopted by a different procedure.

On the one hand, the 'go orders' are divided into the 'Domestic Violence Protection Notice' (DVPN) and the 'Domestic Violence Protection Order' (DVPO). A DVPN is a precautionary measure granted by the police to any potential victim of domestic violence, provided there are reasonable indications of violence or the threat of violence used by an individual over 18 against another individual or 'associated persons', meaning both she and these associated persons may be protected in case of emergency. This 'notice' must be authorised by a 'police superintendent'. Its content may include the prohibition to bother the victim – which may be a general prohibition or a ban on specific activities – as well as the obligation to leave the family home in case the offender and the victim previously lived together. The notice may be issued even against the will of the victim. Following the breach of a DVPN, the police may arrest the offender without a warrant and hold that person in custody until the magistrates' court takes a decision regarding the possible application of a DVPO. The hearing regarding the DVPO must take place within 24 hours of the arrest of the alleged offender. Within 48 hours of the DVPN being issued (excluding weekends and bank holidays), the police must submit an application to the magistrates' court for the DVPO. The DVPO will only be issued if the Court deems that the reasonable grounds for believing that violence was used are confirmed; it will be in force for no fewer than 14 days beginning on the day it was made, but no longer than 28 days. The content of a DVPO may vary, but generally speaking it includes the same prohibitions and obligations as a DVPN. Just as in the case of a DVPN, a DVPO may be adopted without taking into account the will of the victim and in case of breach the law provides that the offender may be arrested without warrant and can be held in custody until the Court takes a decision (always within 24 hours following the arrest, excluding bank holidays and weekends).

Apart from the so-called 'go orders' criminal law provides for 'restraining orders'. The measures included in the Act of 2004, which partially modify the literal tenor of Section 5 of the Protection from Harassment Act (1997), are applied by a magistrate's court or the Crown Court in order to protect the victims. Their content may vary, but they always include a series of prohibitions aimed at preventing aggressions or a founded risk of aggression. Their duration is established in the order itself. The conditions of these measures can be revised, modified or revoked by the court that adopted them and at the request of the public prosecutor, the defendant or any person to which the

order refers. In case the measures are breached, the offender is liable on conviction on indictment, to imprisonment for a term not exceeding five years, or a fine, or both; or on summary conviction, to imprisonment for a term not exceeding six months, or a fine not exceeding the statutory maximum, or both. The Domestic Violence, Crime and Victims Act of 2004 moreover provides for the possibility of a 'restraining order on acquittal', i.e. maintenance of the protection measures even though the accused was acquitted in cases where the court considers that the danger for the victim continues to exist. The most important novelty introduced by this act, however, is the fact that it considers the breach of a civil protection measure, the 'non-molestation order' foreseen in the Family Law Act of 1996, as a criminal offence. Thus, as of 2004, the breach of a civil 'non-molestation order' is punishable by up to 5 years of prison.

On the other hand, victims can seek protection using civil proceedings in the form of a 'civil injunction' or 'protection order'. Part IV of the Family Law Act de 1996 provides for two types of injunctions that can be applied in cases of domestic violence: a 'non-molestation order', which is used to prevent that the intimate partner or ex-partner uses violence, threatens the victim or her children, harasses them or molests them. Or an 'occupation order', which regulates the use of the family home and restricts access to it or its immediate surroundings by the aggressor, and the breach of which constitutes a criminal offence under the current legislation. Both these injunctions have a limited duration, but can be extended or applied 'until further order'. Although 'non-molestation orders' can be extended successively without a maximum time limit, occupation orders can only be extended up to 12 months if the individual concerned has the legal right to remain in the home. The hearing regarding the application is held behind closed doors, during which only the directed affected person – who may be represented by a solicitor or other legal representative – may be present.

The described regulations show that the United Kingdom has created an advanced system to protect the victims of domestic violence, which – in spite of not having transposed the Directive 2011/99/EU yet – places it at the forefront of the EU in the fight against this phenomenon.

4. Questionnaires submitted to the national authorities

4.1 Methodology

The questionnaire prepared by the Epogender project was used to obtain information on the protection of the victims of gender violence in the 26 EU Member States bound by Directive 2011/99/EU. Ireland and Denmark are not subject to the application of the Directive, as established in recitals (41) and (42).

The response rate for the questionnaire was 88.4% (23 out of 26 Member States answered the questionnaire). Italy, Malta and the United Kingdom did not respond. With regard to the replies received, it must be observed that in most of the Member States the responding national authorities are specifically dedicated to gender equality issues. This is the case of Austria (Women Section of the Ministry for Women and the Civil Service – *Gewaltprävention und Frauenspezifische Legistik*), Belgium (Gender Equality Institute – *Institut pour l'égalité des femmes et des hommes*), Croatia (Office for Gender Equality – *Ured Ravnopravnost Spolova*), Czech Republic (Government Council for Equal Opportunities between Men and Women – *Oddělení rovných příležitostí žen a mužů*), Estonia (Gender Equality Department of the Ministry of Social Affairs – *Soolise Võrdõiguslikkuse osakond*), Greece (General Secretariat for Gender Equality of the Ministry of the Interior), Romania (Department of Equal opportunities between women and men of the Ministry of Labour, Family, Social Protection and the Elderly – *Direcția Egalitate de Șanse între femei și bărbați*), Slovakia (Department of Gender Equality and Equal Opportunities of the Ministry of Labour – *Rodová Rovnosť a Rovnosť Príležitosti*) and Sweden (Division for Gender Equality at the Ministry of Education and Research).

In other States, the responding national authorities deal exclusively with domestic violence or gender violence issues: Cyprus (Advisory Committee for the Prevention

and Combating of Violence in the Family), Luxembourg (Cooperation Committee for professionals combating violence of the Ministry of Equal Opportunities - *Comité de coopération entre les professionnels dans le domaine de la lutte contre la violence*) and Spain (Government Delegation for Gender Violence - *Delegación del Gobierno para la Violencia de Género*).

Other national authorities work under the authority of the Ministry of Justice: Austria, Finland (Criminal and Procedural Law Unit), Germany (Federal Ministry of Justice), the Netherlands (Ministry of Security and Justice), Portugal (Directorate-General for Justice Policy of the Ministry of Justice), Hungary (Department of Criminal Judicial Cooperation) and Spain (International Cooperation Unit of the Ministry of Justice – *Unidad de cooperación internacional del Ministerio de Justicia*). Two responding authorities work under the authority of the Ministry of the Interior: Slovenia (General Police Directorate) and Portugal (*Direção nacional da PSP*). Two responding authorities work under the authority of the Ministry of Social Affairs: Latvia and Lithuania. In two countries, our contact person was the EU Affairs Coordinator: France (Ministry of Justice and Social Affairs – General Secretariat for European Affairs) and Portugal (Ministry of Internal Affairs – Department of European Affairs). The French case is particularly interesting to the extent that the person in charge coordinated the responses from all the relevant ministries (mostly Justice, Interior and Social Affairs), thus avoiding overlaps and allowing comprehensive responses. Finally, in Sweden, besides the Division for Gender Equality, an academic institution, the National Centre for Knowledge on Men’s Violence against Women also answered to our questionnaire.

For Bulgaria and Poland our partners, the Bulgarian Judges Association and the University of Szczecin, were in charge of contacting their respective national authorities.

Table: Responses received from Member States (in %)

Questionnaires received	Questionnaires not received
Austria, Belgium, Bulgaria, Croatia, Czech Republic, Cyprus, Estonia, Hungary, Finland, France, Germany, Greece, Latvia, Lithuania, Luxembourg, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden	Italy, Malta, the United Kingdom
23 States	3 States
88,4% of the total	11.5% of the total

4.2 Results of the questionnaires

1. Protection measures

1.1 Please indicate which of the following protection measures for victims of gender violence are provided for in your national legal system: (please mark all applicable options)

- The prohibition of approaching the protected person within a specified geographic area or distance.
- The prohibition of communicating with the protected person, including contacts by phone, electronic or postal mail, by fax or any other means.
- The prohibition to visit certain communities, locations or defined areas where the protected person resides or which he/she visits frequently.

	Answers		Case %
	N	%	
The prohibition of approaching the protected person within a specified geographic area or distance	17	30,4%	85,0%
The prohibition of communicating with the protected person, including contacts by phone, electronic or postal mail	19	33,9%	95,0%
The prohibition to visit certain communities, locations or defined areas where the protected person resides	20	35,7%	100,0%
Total	56	100,0%	280,0%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
20	95,2%	1	4,8%	21	100,0%

1.2 In case in your State these measures are adopted in criminal matters, these measures are applied as:

- Precautionary measures
- Criminal sanctions
- Other options: _____

	Answers		Case %
	N	%	
Precautionary measures	16	48,5%	88,9%
Criminal sanctions	14	42,4%	77,8%
Other options	3	9,1%	16,7%
Total	33	100,0%	183,3%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
18	85,7%	3	14,3%	21	100,0%

	Frequency	%	Valid %	Cumulative %
Valid	18	85,7	85,7	85,7
According to Law 217/2003 the court may issue a protection order, with a temporary character with obligations or prohibitions measures	1	4,8	4,8	90,5
Remand measures	1	4,8	4,8	95,2
Temporary arrangement/restrictive terms	1	4,8	4,8	100,0
Total	21	100,0	100,0	

1.3 Please indicate to which person(s) these protection measures can be applied: (please mark all applicable options)

- To the woman
- To the descendants
- To the ascendants
- To other relatives
- To other persons. In this case, please specify which: _____

N	Answers		Case %
	N	%	
To the woman	19	21,8%	95,0%
To the descendants	18	20,7%	90,0%
To the ascendants	18	20,7%	90,0%
To other relatives	15	17,2%	75,0%
To other persons	17	19,5%	85,0%
Total	87	100,0%	435,0%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
20	95,2%	1	4,8%	21	100,0%

	Frequency	%	Valid %	Cumulative %
Valid	4	19,0	19,0	19,0
A restraining order may be imposed to any person, if there are reasonable grounds to assume that the person against whom the order is applied for is likely to commit an offence against the life, health, liberty or privacy of the person who feels threatened or in some other way severely harass this person (Act on Restraining orders, 898/1998, section 1)	1	4,8	4,8	23,8
Anyone	1	4,8	4,8	28,6
Cohabitation	1	4,8	4,8	33,3
Children	1	4,8	4,8	38,1
Everyone affected by the crime	1	4,8	4,8	42,9
In criminal matters, any person specifically designated by the judge/court	1	4,8	4,8	47,6

Measures indicated in 1.1 can be applied to any victim in regard to any criminal offence, including, but not limited to, domestic violence and gender based violence, provided it is absolutely necessary for the protection of the victim. However, the protection order for cases of domestic violence includes a wider range of protection measures, and in the case of gender based violence in the definition of Spanish law (i.e. a man against a woman in a close relation), even a wider range of measures are provided	1	4,8	4,8	52,4
Men	1	4,8	4,8	57,1
No restrictions	1	4,8	4,8	61,9
Persons who have established relationships similar to those of spouses or between parents and children, if they live together; guardian or other person exercising the rights to the child; legal representative or other person who cares for a person with mental illness, intellectual disability or physical disability, except those that fulfil these responsibilities in the exercise of professional duties	1	4,8	4,8	66,7
To all the victims who are supposed to live with the suspect and the accused and are in possible danger due to the acts of the persons mentioned beforehand	1	4,8	4,8	71,4
To all the victims, no matters their gender and dependents	1	4,8	4,8	76,2
To all victims of domestic violence	1	4,8	4,8	81,0
To any victim/endangered person	1	4,8	4,8	85,7
To any victim/or complaint	1	4,8	4,8	90,5

To persons who have a common child; to persons living in the same household; to spouse; to blood relative in straight line; to blood related collaterally up to and including the 3 rd degree; to relative by marriage up to and including the 2 nd degree; to adoptive parents; to adoptive children; to foster carer, foster parents, foster children; to custodian or trustee; to the guarded; to former spouse; to the children; to the man; to the common-law partners and to ex-common-law partners; to same-sex partner and to ex same sex partner	1	4,8	4,8	95,2
To the persons in factual cohabitation with the aggressor	1	4,8	4,8	100,0
Total	21	100,0	100,0	

1.4 Please indicate in which cases of gender violence these measures are adopted: (please mark all applicable options)

- Violence in partner relation or similar close relationship
- Man against woman
- Same sex relationship
- Domestic violence
- Harassment
- Forced marriage
- Human trafficking
- Sexual violence
- Other types of violence

	Answers		Case %
	N	%	
Violence in partner relation or similar close relationship	20	17,7%	100,0%
Domestic violence	20	17,7%	100,0%
Harassment	17	15,0%	85,0%
Forced marriage	10	8,8%	50,0%
Human trafficking	13	11,5%	65,0%

Sexual violence	19	16,8%	95,0%
Other types of violence	14	12,4%	70,0%
Total	113	100,0%	565,0%

1.4 Summary					
Cases					
Valid		Missing		Total	
N	%	N	%	N	%
20	95,2%	1	4,8%	21	100,0%

Subquestion 1.4			
	Answers		Case %
	N	%	
Man against women	20	55,6%	100,0%
Same sex relationship	16	44,4%	80,0%
Total	36	100,0%	180,0%

Subquestion 1.4 Summary					
Cases					
Valid		Missing		Total	
N	%	N	%	N	%
20	95,2%	1	4,8%	21	100,0%

1.5 Can the measures be adopted even against the will of the victim?

- Yes
 No

Table 1.5					
		Frequency	%	Valid %	Cumulative %
Valid	Yes	14	66,7	70,0	70,0
	No	6	28,6	30,0	100,0
	Total	20	95,2	100,0	
Missing	Don't answer	1	4,8		
Total		21	100,0		

1.6 Please indicate the maximum duration established for these measures the first time they are adopted

Days/months/years _____

	Frequency	%	Valid %	Cumulative %
Valid	9	42,9	42,9	42,9
1 year	1	4,8	4,8	47,6
10 days, 3 months or 6 months	1	4,8	4,8	52,4
11110/14 regarding the upcoming new law	1	4,8	4,8	57,1
3 years	1	4,8	4,8	61,9
6 months with the possibility of requesting a new protection order if there are indications that life, physical, psychical integrity or freedom would be endangered	1	4,8	4,8	66,7
6 months, 1 year	1	4,8	4,8	71,4
8-24 days until the filing of the criminal case	1	4,8	4,8	76,2
Civil proceeding:4 months/ Criminal proceedings: 1 year (deferment with probation), 3 years (punishment), 3 to 7 years (probation measures, in case of a repeated offence)	1	4,8	4,8	81,0
In general the maximum duration for a restraining order is one year, but an inside-the-family restraining order can be ordered at most for three months at a time (Act on Restraining Orders, section 7)	1	4,8	4,8	85,7
Max. 5 years	1	4,8	4,8	90,5
Maximum 3 years for probation measures; maximum 18 months for protection measures under the Law on Protection against Domestic Violence	1	4,8	4,8	95,2
The coercive measure of prohibition and imposition of conducts has maximum duration limits established in the Code of Criminal Procedure (varying between 4 months and one and a half year according to the procedural phase)	1	4,8	4,8	100,0
Total	21	100,0	100,0	

- Other options:
- Until the court session take place
 - For the duration of the imposed punishment
 - _____

1.6 Other options			
	Answers		Case %
	N	%	
Until the court session take place	8	36,4 %	53,3%
For the duration of the imposed punishment	5	22,7%	33,3%
Other	9	40,9%	60,0%
Total	22	100,0%	146,7%

1.6 Other options. Summary					
Cases					
Valid		Missing		Total	
N	%	N	%	N	%
15	71,4%	6	28,6%	21	100,0%

1.6 Other				
	Frequency	%	Valid %	Cumulative %
Valid	12	57,1	57,1	57,1
According to the Court's decision	1	4,8	4,8	61,9
As needed	1	4,8	4,8	66,7
Possibility of extension from 10/14 days to 3 months	1	4,8	4,8	71,4
Restrain order by police started from verbal order until 48 hours	1	4,8	4,8	76,2
Temporary restraining order: 10 days	1	4,8	4,8	81,0
The measures can be in place until the court delivers a final judgment which puts an end to them	1	4,8	4,8	85,7
There is no maximum duration	1	4,8	4,8	90,5
Until final judgement	1	4,8	4,8	95,2
Until the final judgement in particular case is issued (since the measures are precautionary measures)	1	4,8	4,8	100,0
Total	21	100,0	100,0	

1.7 Can these measures be extended?

- Yes, once
- Yes, several times
- No

	Answers		Case %
	N	%	
Yes, once	3	13,6%	15,8%
Yes, several times	15	68,2%	78,9%
No	4	18,2%	21,1%
Total	22	100,0%	115,8%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
19	90,5%	2	9,5%	21	100,0%

1.8 Can these measures be modified?

- Yes
- No

		Frequency	%	Valid %	Cumulative %
Valid	Yes	18	85,7	90,0	90,0
	No	2	9,5	10,0	100,0
	Total	20	95,2	100,0	
Missing	Don't answer	1	4,8		
Total		21	100,0		

1.9 Can these measures be suspended?

- Yes
- No

		Frequency	%	Valid %	Cumulative %
Valid	Yes	16	76,2	80,0	80,0
	No	4	19,0	20,0	100,0
	Total	20	95,2	100,0	
Missing	Don't answer	1	4,8		
Total		21	100,0		

1.10 Once the measures have been adopted, can they be suspended or revoked if the victim opposes their application?

- Yes
 No

		Frequency	%	Valid %	Cumulative %
Valid	Yes	11	52,4	55,0	55,0
	No	9	42,9	45,0	100,0
	Total	20	95,2	100,0	
Missing	Don't answer	1	4,8		
Total		21	100,0		

2. Other protection measures

2.1 In your State, do other protection measures exist for victims of gender violence?

- No
 Yes. If so, please indicate the type of measure: (please mark all applicable options)
 Prohibition of the possession of arms
 Prison
 Award of the use and enjoyment of the family home
 Custody, visitation, contact and access arrangements with regard to the children
 Establishment of maintenance allowance
 Measures aimed at avoiding risks for or harm to the minor

- Shelters
- Residence or work permits
- Other protection measures:
- Please, indicate which _____

		Frequency	%	Valid %	Cumulative %
Valid	Yes	19	90,5	100,0	100,0
Missing	Don't answer	2	9,5		
Total		21	100,0		

	Answers		Case %
	N	%	
Prohibition of the possession of arms	12	12,1%	66,7%
Prison	16	16,2%	88,9%
Award of the use and enjoyment of the family home	10	10,1%	55,6%
Custody, visitation, contact and access arrangements with regard to the children	14	14,1%	77,8%
Establishment of maintenance allowance	9	9,1%	50,0%
Measures aimed at avoiding risks for or harm to the minor	12	12,1%	66,7%
Shelters	17	17,2%	94,4%
Residence or work permits	9	9,1%	50,0%
Total	99	100,0%	550,0%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
18	85,7%	3	14,3%	21	100,0%

Subquestion 2.1 Others				
	Frequency	%	Valid %	Cumulative %
Valid	13	61,9	61,9	61,9
Admission to correctional programmes	1	4,8	4,8	66,7
As regards child sexual abuse there is obligation of teachers to communicate offenses against children to the competent prosecutor (Law 3500/2006)	1	4,8	4,8	71,4
Detention; arrest; restraining order by court in criminal proceedings; removal a child to avoid further harm; police ensures safety, when entering residential premises to get necessary belongings to ensure basic needs from the victim and victim's child; seizure of the house key (the police officer handed a key of residence)	1	4,8	4,8	76,2
If necessary, the obligation for the abuser to follow psychotherapy, addiction treatment or any other form of counselling or therapy	1	4,8	4,8	81,0
In German Law there is no closed list of protection measures. The law only gives examples for possible protection measures	1	4,8	4,8	85,7
Prohibition for the aggressor to reside in the same city that the victim under certain circumstances; hiding of victim data related to address; judiciary protection of the victim at the judiciary offices; any other possible measure to avoid children to stay in danger or to suffer side effects	1	4,8	4,8	90,5
Protection order in civil case	1	4,8	4,8	95,2
Teleprotection device; device "women in great danger" (experimentation)	1	4,8	4,8	100,0
Total	21	100,0	100,0	

2.2 In your State, do support measures (social measures) exist for victims of gender violence?

- No
- Yes. If so, please indicate which: (please mark all applicable options)
- Specific measures in the work sphere
- Financial aid

- Legal aid
- Health and/or psychological support
- Others _____

		Frequency	%	Valid %	Cumulative %
Valid	Yes	18	85,7	100,0	100,0
Missing	Don't answer	3	14,3		
Total		21	100,0		

	Answers		Case %
	N	%	
Specific measures in the work sphere	5	8,9%	27,8%
Financial aid	10	17,9%	55,6%
Legal aid	17	30,4%	94,4%
Health and/or psychological support	16	28,6%	88,9%
Others	8	14,3%	44,4%
Total	56	100,0%	311,1%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
18	85,7%	3	14,3%	21	100,0%

	Frequency	%	Valid %	Cumulative %
Valid	13	61,9	61,9	61,9
Asylum shelters	1	4,8	4,8	66,7
Empowerment	1	4,8	4,8	76,2
Free legal aid; immediate transfer of victim's children to another school, labour rights, etc.	1	4,8	4,8	81,0
Material aid	1	4,8	4,8	85,7

Social and legal counselling, employment counselling, possibility to stay in shelters	1	4,8	4,8	90,5
Support at the Court provided by victims/witness Support Department if the victim is summoned by county and municipal courts in Zagreb, Zadar, Osijek, Vukovar, Split, Rijeka and Sisak and by the misdemeanour courts in Zagreb, Zadar and Vukovar	1	4,8	4,8	95,2
Victim Support Services	1	4,8	4,8	100,0
Total	21	100,0	100,0	

2.3 Does your national legal system provide for a single legal instrument that allows for the simultaneous adoption of civil and/or support measures for the comprehensive protection of gender violence victims?

- No
- Yes. If so, please indicate the norm that regulates it _____

		Frequency	%	Valid %	Cumulative %
Valid	Yes	4	19,0	23,5	23,5
	No	13	61,9	76,5	100,0
	Total	17	81,0	100,0	
Missing	Don't answer	4	19,0		
Total		21	100,0		

3. Competent authorities

3.1 Who can request the adoption of protection measures mentioned in question 2.1 against gender violence? (please mark all applicable options)

- The victim
- The victim's relatives
- Authorities and other public agents:
- Police

- Public Prosecutor's Office
 Doctors
 Social workers
 Any person who has knowledge of a case of gender violence
 Others _____

	Answers		Case %
	N	%	
The victim	15	36,6%	78,9%
The victim's relatives	8	19,5%	42,1%
Authorities and other public agents	18	43,9%	94,7%
Total	41	100,0%	215,8%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
19	90,5%	2	9,5%	21	100,0%

	Answers		Case %
	N	%	
Police	10	20,4%	58,8%
Public Prosecutor's Office	15	30,6%	88,2%
Doctors	5	10,2%	29,4%
Social workers	12	24,5%	70,6%
Any person who has knowledge of a case of gender violence	4	8,2%	23,5%
Others	3	6,1%	17,6%
Total	49	100,0%	288,2%

Subquestion 3.1 Summary					
Cases					
Valid		Missing		Total	
N	%	N	%	N	%
17	81,0%	4	19,0%	21	100,0%

3.1 Others				
	Frequency	%	Valid %	Cumulative %
Valid	17	81,0	81,0	81,0
Depending on the fact if it is a criminal measure or a civil measure; in criminal procedures, all persons can request protection at the prosecutor's office; in civil cases only beneficiaries (victim and relatives) can request it	1	4,8	4,8	85,7
The Court	1	4,8	4,8	90,5
The representative of either social service providers in preventing and combating domestic violence, certified by law with the victim consent	1	4,8	4,8	95,2
Victim Support specialists	1	4,8	4,8	100,0
Total	21	100,0	100,0	

3.2 In your State, who is competent to decide on the protection measures for gender violence victims mentioned in the previous question? (please mark all applicable options)

- Judge
- Public Prosecutor's Office
- Administrative authority
- Police
- Social workers
- Other persons: In this case, please specify which _____

	Answers		Case %
	N	%	
Judge	17	47,2%	94,4%
Public Prosecutor's Office	9	25,0%	50,0%
Administrative authority	1	2,8%	5,6%
Police	5	13,9%	27,8%
Social worker	3	8,3%	16,7%
Other persons	1	2,8%	5,6%
Total	36	100,0%	200,0%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
18	85,7%	3	14,3%	21	100,0%

	Frequency	%	Valid %	Cumulative %
Valid	20	95,2	95,2	95,2
In case of a temporarily restraining order, the mayor imposes this protection measure. Prison: judge; custody, etc.: Judge; Measures for children: child protection centre; residence or work permits: immigration office	1	4,8	4,8	100,0
Total	21	100,0	100,0	

3.3 These measures are adopted by the competent authority:

- Ex-officio
- At the request of the victim or other persons with a legitimate interest (see 4.1)
- Both ex-officio and at the request of the victim or other persons with a legitimate interest (see 4.1)

	Answers		Case %
	N	%	
Ex-officio	3	15,8%	17,6%
At the request of the victim or other persons with a legitimate interest (see 4.1)	4	21,1%	23,5%
Both ex-officio and at the request of the victim or other persons with a legitimate interest (see 4.1)	12	63,2%	70,6%
Total	19	100,0%	111,8%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
17	81,0%	4	19,0%	21	100,0%

3.4 In relation to Article 3 of Directive 2011/99/EU, which authority in your State is competent to issue a European protection order?

- The same authorities as those competent to adopt protection measures under internal legislation
- An authority (authorities) different from those competent to adopt protection measures under internal legislation. In this case, which?

- This has not been decided yet.

	Answers		Case %
	N	%	
The same authorities as those competent to adopt protection measures under internal legislation	2	10,5%	10,5%
An authority (authorities) different from those competent to adopt protection measures under internal legislation	1	5,3%	5,3%
This has not been decided yet	16	84,2%	84,2%
Total	19	100,0%	100,0%

3.4 Summary					
Cases					
Valid		Missing		Total	
N	%	N	%	N	%
19	90,5%	2	9,5%	21	100,0%

Subquestion 3.4				
	Frequency	%	Valid %	Cumulative %
Valid	20	95,2	95,2	95,2
County Court nearest to victim's place of residence	1	4,8	4,8	100,0
Total	21	100,0	100,0	

3.5 In relation to Article 3 of Directive 2011/99/EU, which authority in your State is competent to execute a European protection order?

- The same authorities as those competent to adopt protection measures under internal legislation
- A different authority. In this case, which? _____
- This has not been decided yet.

Table 3.5			
	Answers		Case %
	N	%	
The same authorities as those competent to adopt protection measures under internal legislation	2	6,1%	10,5%
A different authority	15	45,5%	78,9%
This has not been decided yet	16	48,5%	84,2%
Total	33	100,0%	173,7%

3.5 Summary					
Cases					
Valid		Missing		Total	
N	%	N	%	N	%
19	90,5%	2	9,5%	21	100,0%

3.6 In relation to Article 4 of Directive 2011/99/EU, is there a central authority coordinating all matters concerning protection orders which assists the competent authorities?

- No
- Yes. In this case, please specify which _____

		Frequency	%	Valid %	Cumulative %
Valid	Yes	2	9,5	11,8	11,8
	No	15	71,4	88,2	100,0
	Total	17	81,0	100,0	
Missing	Don't answer	4	19,0		
Total		21	100,0		

		Frequency	%	Valid %	Cumulative %
Valid		19	90,5	90,5	90,5
It has been suggested by the working group implementing the Directive 2011/99/EU that the Ministry of Justice would assist the courts in coordination the matters concerning European protection orders		1	4,8	4,8	95,2
The Ministry of Justice		1	4,8	4,8	100,0
Total		21	100,0	100,0	

3.7 Has the information referred to in the three previous questions already been communicated to the Commission, as required by Article 3 of Directive 2011/99/EU?

- No
- Yes. If so, by which authority has this been done? _____

		Frequency	%	Valid %	Cumulative %
Valid	No	15	71,4	100,0	100,0
Missing	Don't answer	6	28,6		
Total		21	100,0		

4. Procedures to adopt protection measures (type and characteristics)

4.1 Which procedures are used to adopt protection measures for victims of gender violence?

- Judicial
- Administrative
- Both
- Others _____

	Answers		Case %
	N	%	
Judicial	12	57,1%	66,7%
Administrative	2	9,5%	11,1%
Both	7	33,3%	38,9%
Total	21	100,0%	116,7%

4.2 When can protection measures for victims of gender violence be adopted?

- In the case of judicial procedures:
 - Before the proceedings are initiated
 - Once the proceedings have started, but before the court decision
 - After the court has decided
 - At any given moment
- In the case the proceedings are administrative:
 - Before the proceedings are initiated
 - Once the proceedings have started, but before a decision is taken
 - After a decision is taken
 - At any given moment
- In the case of other proceedings, please specify the moment the protection measures can be adopted: _____

	Answers		Case %
	N	%	
Before the proceedings are initiated	6	19,4%	33,3%
Once the proceedings have started, but before the court decision	8	25,8%	44,4%
After the court has decided	10	32,3%	55,6%
At any given moment	7	22,6%	38,9%
Total	31	100,0%	172,2%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
18	85,7%	3	14,3%	21	100,0%

	Answers		Case %
	N	%	
Before the proceedings are initiated	1	20,0%	25,0%
Once the proceedings have started, but before a decision is taken	1	20,0%	25,0%
At any given moment	3	60,0%	75,0%
Total	5	100,0%	125,0%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
4	19,0%	17	81,0%	21	100,0%

	Frequency	%	Valid %	Cumulative %
Valid	20	95,2	95,2	95,2
In civil cases at any given moment	1	4,8	4,8	100,0
Total	21	100,0	100,0	

4.3 With regard to the proceedings:

How is the adoption of protection measures for victims of gender violence requested?

- Using a standardized form
- Using a written request meeting certain formal requirements
- Using a written request without formal requirements

	Answers		Case %
	N	%	
Using a standardized form	4	22,2%	22,2%
Using a written request meeting certain formal requirements	9	50,0%	50,0%
Using a written request without formal requirements	5	27,8%	27,8%
Total	18	100,0%	100,0%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
18	85,7%	3	14,3%	21	100,0%

Do these procedures require legal assistance?

- Yes
- No

		Frequency	%	Valid %	Cumulative %
Valid	Yes	3	14,3	16,7	16,7
	No	15	71,4	83,3	100,0
	Total	18	85,7	100,0	
Missing	System	3	14,3		
Total		21	100,0		

Is there a phase in the proceedings where the parties are heard?

- Yes
 No

		Frequency	%	Valid %	Cumulative %
Valid	Yes	16	76,2	88,9	88,9
	No	2	9,5	11,1	100,0
	Total	18	85,7	100,0	
Missing	System	3	14,3		
Total		21	100,0		

Do the measures have to be adopted within a maximum period of time?

- Yes
 No

		Frequency	%	Valid %	Cumulative %
Valid	Yes	8	38,1	50,0	50,0
	No	8	38,1	50,0	100,0
	Total	16	76,2	100,0	
Missing	Don't answer	2	9,5		
	System	3	14,3		
	Total	5	23,8		
Total		21	100,0		

Through what type of decision are the measures adopted? _____

	Frequency	%	Valid %	Cumulative %
Valid	11	52,4	52,4	52,4
A judicial decision: order or judgment	1	4,8	4,8	57,1
Court decision	2	9,5	9,5	66,7
Court decision or verdict depending on which procedure has been followed- the civil procedure under the Law on Protection against Domestic Violence or the criminal procedure under the Criminal Procedure Code	1	4,8	4,8	71,4

Court decision, judgement	1	4,8	4,8	76,2
Court order	2	9,5	9,5	85,7
Depends on the type of measure	1	4,8	4,8	90,5
The protection order is issued by a court, or exceptionally, until the protection order is issued, a report from the Prosecutor stating evidence of gender based violence	1	4,8	4,8	95,2
Through a decision of the presiding judge	1	4,8	4,8	100,0
Total	21	100,0	100,0	

Can the decision that grants/rejects protection measures for victims of gender violence be appealed?

No

Yes. If so,

By which authority? _____

By which proceeding? _____

		Frequency	%	Valid %	Cumulative %
Valid	Yes	14	66,7	77,8	77,8
	No	4	19,0	22,2	100,0
	Total	18	85,7	100,0	
Missing	System	3	14,3		
Total		21	100,0		

	Frequency	%	Valid %	Cumulative %
Valid	8	38,1	38,1	38,1
All	1	4,8	4,8	42,9
Board on appeal	1	4,8	4,8	47,6
By the parties	1	4,8	4,8	52,4
Court of Appeal	1	4,8	4,8	57,1
It depends on the protection measure	1	4,8	4,8	61,9
Parties to the proceedings	1	4,8	4,8	66,7
Prosecutor	1	4,8	4,8	71,4

Public prosecutor, police, victim, defender of the accused	1	4,8	4,8	76,2
The decision cannot be appealed. However, a party can submit a request for cancelling the protection measure	1	4,8	4,8	81,0
The mayor, public prosecutor, defendant	1	4,8	4,8	85,7
The person him/herself	1	4,8	4,8	90,5
The Public Prosecutor, the defendant, the victim	1	4,8	4,8	95,2
Victim or defendant	1	4,8	4,8	100,0
Total	21	100,0	100,0	

Table 4.3.h				
	Frequency	%	Valid %	Cumulative %
Valid	8	38,1	38,1	38,1
Appeal	2	9,5	9,5	47,6
Appeal against the decision of the court adopting the protection measure	1	4,8	4,8	52,4
Appeal to a court	1	4,8	4,8	57,1
Appeal to the Court of appeal	1	4,8	4,8	61,9
Appeal to the same court or to a higher instance	1	4,8	4,8	66,7
Complaint. Note: Precaution measure is determined by decision against which the parties may file an appeal which doesn't delay its execution. The court decides on the appeal. Against a decision on the security measures the parties may file an appeal to be decided by the court of appeal	1	4,8	4,8	71,4
Court proceeding	1	4,8	4,8	76,2
It depends on the protection measure	1	4,8	4,8	81,0
Judicial proceedings	1	4,8	4,8	85,7
Standard appeals	1	4,8	4,8	90,5

Standard form of appeal in judicial procedures	1	4,8	4,8	95,2
When it concerns a restraining order an appeal to the Court of Appeal is possible	1	4,8	4,8	100,0
Total	21	100,0	100,0	

4.4 Is there an official register in your State where the adopted protection measures are registered?

- Yes
 No

		Frequency	%	Valid %	Cumulative %
Valid	Yes	9	42,9	47,4	47,4
	No	10	47,6	52,6	100,0
	Total	19	90,5	100,0	
Missing	Don't answer	2	9,5		
Total		21	100,0		

5. Supervision of execution

5.1 What mechanisms does the legislation in your State establish for the supervision of the execution of the protection measures? (please mark all applicable options)

- Police surveillance
 Emergency telephone numbers
 Electronic monitoring
 No such mechanisms exist
 Others. Please indicate which: _____

Table 5.1			
	Answers		Case %
	N	%	
Police surveillance	15	45,5%	88,2%
Emergency telephone numbers	8	24,2%	47,1%
Electronic monitoring	5	15,2%	29,4%
No such mechanisms exist	2	6,1%	11,8%
Others	3	9,1%	17,6%
Total	33	100,0%	194,1%

5.1 Summary					
Cases					
Valid		Missing		Total	
N	%	N	%	N	%
17	81,0%	4	19,0%	21	100,0%

5.2 Are any of the following electronic monitoring devices used in your State?

- RF-systems (Radio Frequency) to monitor the location of the individual within the established areas.
- RF-systems to supervise the distance between the individual and the protected person
- GPS-systems to prevent the individual from approaching the protected person or certain restricted areas.
- None are used

5.2 Summary					
Cases					
Valid		Missing		Total	
N	%	N	%	N	%
18	85,7%	3	14,3%	21	100,0%

5.3 Which authority decides on the application of telematic monitoring devices?

- The same authority as the one which adopts the protection measures
- A different authority: _____
- No such authority exists

	Answers		Case %
	N	%	
The same authority as the one which adopts the protection measures	5	33,3%	35,7%
A different authority	1	6,7%	7,1%
No such authority exists	9	60,0%	64,3%
Total	15	100,0%	107,1%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
14	66,7%	7	33,3%	21	100,0%

	Frequency	%	Valid %	Cumulative %
Valid	20	95,2	95,2	95,2
The Judge responsible for enforcing sentences	1	4,8	4,8	100,0
Total	21	100,0	100,0	

5.4 Which authority supervises the execution of the measures when telematic monitoring systems are used?

- The same authority as the one which adopts the protection measures
- A different authority: _____
- No such authority exists

	Answers		Case %
	N	%	
The same authority as the one which adopts the protection measures	4	23,5%	26,7%
A different authority	3	17,6%	20,0%
No such authority exists	10	58,8%	66,7%
Total	17	100,0%	113,3%

5.4 Summary					
Cases					
Valid		Missing		Total	
N	%	N	%	N	%
15	71,4%	6	28,6%	21	100,0%

Subquestion 5.4				
	Frequency	%	Valid %	Cumulative %
Valid	18	85,7	85,7	85,7
Police (only technical supervision, Policemust report to court)	1	4,8	4,8	90,5
Police; probation service	1	4,8	4,8	95,2
The “Service Pénitentiaire d’insertion et de probation”, which is a prison administration within the ministry of Justice, is the service in charge of the supervision of probation measures, alongside with the judge responsible for enforcing sentences	1	4,8	4,8	100,0
Total	21	100,0	100,0	

6. Violation of protection measures

6.1 Which authority has competence to decide on any breach of the measures for the protection of victims?

- The same authority as the one which adopts the protection measures
- A different authority: _____

	Answers		Case %
	N	%	
The same authority as the one which adopts the protection measures	15	68,2%	83,3%
A different authority	7	31,8%	38,9%
Total	22	100,0%	122,2%

6.1 Summary					
Cases					
Valid		Missing		Total	
N	%	N	%	N	%
18	85,7%	3	14,3%	21	100,0%

Subquestion 6.1				
	Frequency	%	Valid %	Cumulative %
Valid	14	66,7	66,7	66,7
Court. When there is a violation of the security measure. The replacement of the precaution measure for detention (remand prison) is always decided by the court. Depending on who ordered a precaution measure (the public prosecutor or the court), the body that replaces the precaution measure for detention (remand prison) may be the same body that ordered a precaution measure or the order	1	4,8	4,8	71,4
In case of breach of supervision orders: the liberty and custody judge; in case of breach of probation orders: the judge responsible for enforcing sentences	1	4,8	4,8	76,2
Police in case of temporary restraining order	1	4,8	4,8	81,0
Police, Court	1	4,8	4,8	85,7
Security authorities	1	4,8	4,8	90,5
The Judge at the court of first instance if a breach is not brought about by a gender-based violence act and the Judge at the Court for Violence against women in the event that a breach is brought about by a gender-based violence act	1	4,8	4,8	95,2
The Police	1	4,8	4,8	100,0
Total	21	100,0	100,0	

6.2 Can sanctions be imposed in case of breach of protection measures?

- No
- Yes. If so, which measures are provided for? (please mark all applicable options)
- Prison
- Fine
- Extension of the imposed injunctions
- Others _____

		Frequency	%	Valid %	Cumulative %
Valid	Yes	18	85,7	94,7	94,7
	No	1	4,8	5,3	100,0
	Total	19	90,5	100,0	
Missing	Don't answer	2	9,5		
Total		21	100,0		

	Answers		Case %
	N	%	
Prison	14	35,0%	77,8%
Fine	14	35,0%	77,8%
Extension of the imposed injunctions	7	17,5%	38,9%
Others	5	12,5%	27,8%
Total	40	100,0%	222,2%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
18	85,7%	3	14,3%	21	100,0%

Subquestion 6.2 Others				
	Frequency	%	Valid %	Cumulative %
Valid	16	76,2	76,2	76,2
Act of law enforcement	1	4,8	4,8	81,0
Criminal sanctions	1	4,8	4,8	85,7
Detention; removal from place of violation	1	4,8	4,8	90,5
In case of violation of security measure it is possible to start a new prosecution for the criminal offense of "Failure to enforce court decisions". In the case of violation of precaution measure, the measure is replaced with remand prison	1	4,8	4,8	95,2
Probation	1	4,8	4,8	100,0
Total	21	100,0	100,0	

7. Specialized information and protection services

7.1 Where can victims of gender violence obtain information in your State? _____

Table 7.1				
	Frequency	%	Valid %	Cumulative %
Valid	2	9,5	9,5	9,5
A temporary incentive scheme created a national system of Domestic Violence Support Centres (SHGs) from 2004	1	4,8	4,8	14,3
At the police, social work centres, NGOs, courts	1	4,8	4,8	19,0
At the relevant ministries (mainly Ministry of Justice and Ministry of Labour, Social and Family Affairs); Police authorities; Internet; NGOs	1	4,8	4,8	23,8
Counselling Centres of the General Secretariat for Gender Equality/SOS helpline 15900/Police Stations	1	4,8	4,8	28,6

From a brochure published in German, English and Turkish language by the German Federal Ministry of Justice and the German Federal Ministry for Family Business, also available on the homepage of the German Federal Ministry of Justice. In addition, female victims of gender violence may call the emergency service “violence against women” that gives those women first advice in urgent cases of violence	1	4,8	4,8	33,3
From law enforcement agencies (police stations, gendarmerie...), victim's associations, women's rights associations, web sites of the Ministry of Justice, leaflets in courts, offices within courts specialized in victim's assistance	1	4,8	4,8	38,1
From relevant NGOs and specialized websites. Information also provided by particular social services providers (shelters, etc.). Information for victims of gender violence is also included at websites of the Ministry of the Interior	1	4,8	4,8	42,9
From relevant State institutions (such as State Agency for Child Protection National Commission for Combating Trafficking of Human Beings, etc.) and NGOs. There is also a hot line for victims of violence through which the victims can report domestic violence and receive information	1	4,8	4,8	47,6
General Directorate of Social Assistance and Child Protection; The representative of social services providers in preventing and combating domestic violence; police and Internet	1	4,8	4,8	52,4
NCK, National helpline, governmental websites, NGOs, the Police, etc.	1	4,8	4,8	57,1
Police Department, Office for Victims and Witnesses Support, Social Welfare Centres	1	4,8	4,8	61,9
Police Departments, court, Public Prosecution Offices	1	4,8	4,8	66,7
Police Prosecutor, Victim Support, Shelters	1	4,8	4,8	71,4
Police stations and several other public departments, prosecution services, Commission for Gender Equality, NGOs	1	4,8	4,8	76,2

Police stations, public prosecutor's offices, house of justice, NGOs, social services, shelters, hospitals and health services, the bar and lawyers, public administration (at federal, regional and local levels), etc.	1	4,8	4,8	81,0
Police, Service d'Assistance aux Victimes de Violence Domestique (SAVVD), Shelters, Service d'aide aux Victimes du Parquet Général, Ministry for Equal Opportunities (www.violence.lu)	1	4,8	4,8	85,7
Police, Social Services, Association for the Prevention & Handing of Violence in the Family, Advisory Committee on the Prevention & Handing of Domestic Violence	1	4,8	4,8	90,5
Specialized assistance centres, a network run by NGOs and financed by public means, which provides assistance to the victims of domestic violence. The victims can also approach Committee on Human Rights of the Seimas (Parliament) of the Republic of Lithuania, Ministry of Social Security and Labour, Ministry of Justice, Ministry of the Interior, Prosecution Service of the Republic of Lithuania, The Seimas Ombudsmen, Equal Opportunities Ombudsperson office, Police department under the MOI, other state institutions	1	4,8	4,8	95,2
There are various means by which victims of gender based violence can obtain information on their rights and on what course of action is best to take in their situation. First of all, there is a 24/7 three digit help line "016", providing assistance and legal information on gender based violence. Secondly, the Ministry for Health, Social Services and Equality has created a web site containing all type of resources available to victims of GBV. Besides, through various information campaigns launched by the public authorities, leaflets and other information and awareness material are available to women in the premises of women centres, police stations, health system, centres for the assistance of victims within the courts, women associations, high schools, etc.	1	4,8	4,8	100,0
Total	21	100,0	100,0	

7.2 What kind of information is provided by the available services? (please mark all applicable options)

- Information on the kind of support the victim may receive: financial, health, psychological, labour, legal, etc.
- Information on how to report the violence and the consequences
- Information on how the proceedings work
- Information on how to obtain protection, including the adoption of protection measures;
- Information on access to compensation;
- Information on the right to translation and interpretation;
- Information on other matters.

Please, specify _____

	Answers		Case %
	N	%	
Information on the kind of support the victim may receive: financial, health, psychological, labour, legal, etc.	17	15,2%	89,5%
Information on how to report the violence and the consequences	18	16,1%	94,7%
Information on how the proceedings work	17	15,2%	89,5%
Information on how to obtain protection, including the adoption of protection measures	19	17,0%	100,0%
Information on access to compensation	17	15,2%	89,5%
Information on the right to translation and interpretation	19	17,0%	100,0%
Information on other matters	5	4,5%	26,3%
Total	112	100,0%	589,5%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
19	90,5%	2	9,5%	21	100,0%

Subquestion 7.2				
	Frequency	%	Valid %	Cumulative %
Valid	18	85,7	85,7	85,7
Information on matters of health and employment	1	4,8	4,8	90,5
Information of the shelters	1	4,8	4,8	95,2
The right of access to a lawyer and to legal aid	1	4,8	4,8	100,0
Total	21	100,0	100,0	

7.3 Does your national legal system establish the obligation to regularly inform the victim about the procedural or criminal status of the aggressor?

- Yes
 No

Table 7.3					
		Frequency	%	Valid %	Cumulative %
Valid	Yes	6	28,6	35,3	35,3
	No	11	52,4	64,7	100,0
	Total	17	81,0	100,0	
Missing	Don't answer	4	19,0		
Total		21	100,0		

7.4 Are there specialized units in the Police to protect and inform the victim?

- Yes
 No

Table 7.4					
		Frequency	%	Valid %	Cumulative %
Valid	Yes	10	47,6	52,6	52,6
	No	9	42,9	47,4	100,0
	Total	19	90,5	100,0	
Missing	Don't answer	2	9,5		
Total		21	100,0		

7.5 Have information and awareness campaigns been carried out concerning protection measures for gender violence victims?

- No
- Yes. If so, are reliable data available to verify the effectiveness of these campaigns?
- No
- Yes

		Frequency	%	Valid %	Cumulative %
Valid	Yes	13	61,9	68,4	68,4
	No	6	28,6	31,6	100,0
	Total	19	90,5	100,0	
Missing	Don't answer	2	9,5		
Total		21	100,0		

		Frequency	%	Valid %	Cumulative %
Valid	Yes	5	23,8	38,5	38,5
	No	8	38,1	61,5	100,0
	Total	13	61,9	100,0	
Missing	Don't answer	1	4,8		
	System	7	33,3		
	Total	8	38,1		
Total		21	100,0		

8. Linguistic barriers

8.1 Do the competent authorities in your State issuing protection orders provide for translation services in all the official languages of the EU?

- For all of them
- For none of them
- For some of them. Please indicate which: _____

		Frequency	%	Valid %	Cumulative %
Valid	For all of them	7	33,3	46,7	46,7
	For none of them	3	14,3	20,0	66,7
	For some of them	5	23,8	33,3	100,0
	Total	15	71,4	100,0	
Missing	Don't answer	6	28,6		
Total		21	100,0		

	Frequency	%	Valid %	Cumulative %
Valid	15	71,4	71,4	71,4
Any upon request	1	4,8	4,8	76,2
“Ce sera le cas après la transposition de la Directive 2012/29/UE, qui prévoit la traduction des mesures de protection ordonnées dans le cadre de procédures pénales”	1	4,8	4,8	81,0
English	1	4,8	4,8	85,7
French and Dutch	1	4,8	4,8	90,5
Interpreters are available during criminal proceedings. Information is available in several languages. Translation of documents is not common	1	4,8	4,8	95,2
It depends on a case and parties involved, if they do not understand the official language	1	4,8	4,8	100,0
Total	21	100,0	100,0	

8.2 Do the victims of gender violence have access to translation or interpretation services?

- Yes
- No

		Frequency	%	Valid %	Cumulative %
Valid	Yes	15	71,4	83,3	83,3
	No	3	14,3	16,7	100,0
	Total	18	85,7	100,0	
Missing	Don't answer	3	14,3		
Total		21	100,0		

8.3 If so, are these services free of charge?

- Yes
 No

		Frequency	%	Valid %	Cumulative %
Valid	Yes	11	52,4	73,3	73,3
	No	4	19,0	26,7	100,0
	Total	15	71,4	100,0	
Missing	Don't answer	4	19,0		
	System	2	9,5		
	Total	6	28,6		
Total		21	100,0		

9. Training on gender violence

9.1 Do training courses on gender violence exist in your State aimed at the authorities with competence to adopt protection measures?

- Yes
 No

		Frequency	%	Valid %	Cumulative %
Valid	Yes	18	85,7	94,7	94,7
	No	1	4,8	5,3	100,0
	Total	19	90,5	100,0	
Missing	Don't answer	2	9,5		
Total		21	100,0		

9.2 Do training courses on gender violence exist in your State aimed at other professionals?

- No
- Yes. If so, to which professionals are they addressed? (please mark all applicable options)
- Police
- Judges
- Public prosecutors
- Social workers
- Others: _____

		Frequency	%	Valid %	Cumulative %
Valid	Yes	18	85,7	90,0	90,0
	No	2	9,5	10,0	100,0
	Total	20	95,2	100,0	
Missing	Don't answer	1	4,8		
Total		21	100,0		

	Answers		Case %
	N	%	
Police	16	23,5%	88,9%
Judges	15	22,1%	83,3%
Public prosecutors	15	22,1%	83,3%
Social workers	15	22,1%	83,3%
Others:	7	10,3%	38,9%
Total	68	100,0%	377,8%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
18	85,7%	3	14,3%	21	100,0%

9.2 Others				
	Frequency	%	Valid %	Cumulative %
Valid	14	66,7	66,7	66,7
Education, health system	1	4,8	4,8	71,4
Health centres (doctors, nurses); schools (teachers, principals, school psychologist)	1	4,8	4,8	76,2
Lawyers, physicians, psychologists and therapists, nurses and midwives, teachers, Government official, civil servants	1	4,8	4,8	81,0
Medical and health care professionals	1	4,8	4,8	85,7
Midwives, doctors, health care providers	1	4,8	4,8	90,5
NGOs	1	4,8	4,8	95,2
Training course for NGO network dealing with the domestic violence	1	4,8	4,8	100,0
Total	21	100,0	100,0	

9.3 Have specific training courses or activities on the European protection order been carried out in your State?

- Yes
 No

Table 9.3					
		Frequency	%	Valid %	Cumulative %
Valid	Yes	1	4,8	6,3	6,3
	No	15	71,4	93,8	100,0
	Total	16	76,2	100,0	
Missing	Don't answer	5	23,8		
Total		21	100,0		

9.4 Will an information campaign on the European protection order be held in your State aimed at the general public?

- Yes
 No

		Frequency	%	Valid %	Cumulative %
Valid	Yes	2	9,5	14,3	14,3
	No	12	57,1	85,7	100,0
	Total	14	66,7	100,0	
Missing	Don't answer	5	23,8		
	System	2	9,5		
	Total	7	33,3		
Total		21	100,0		

10. Statistical data

10.1 Are there statistical data available in your State on gender violence and the protection measures applied in cases of violence against women?

- No
- Yes. If so:
- Is there an organ which administers these data?
 - No
 - Yes. If so, which? _____
 - Are these data accessible to the general public?
 - No
 - Yes. If so, where and how can they be accessed? _____

		Frequency	%	Valid %	Cumulative %
Valid	Yes	17	81,0	89,5	89,5
	No	2	9,5	10,5	100,0
	Total	19	90,5	100,0	
Missing	Don't answer	2	9,5		
Total		21	100,0		

		Frequency	%	Valid %	Cumulative %
Valid	Yes	16	76,2	100,0	100,0
Missing	System	5	23,8		
Total		21	100,0		

	Frequency	%	Valid %	Cumulative %
Valid	5	23,8	23,8	23,8
DGPJ and DGAO	1	4,8	4,8	28,6
General Secretariat for gender equality and the SOS Helpline 15900	1	4,8	4,8	33,3
German Federal Office for Justice; German Federal Ministry of the Interior	1	4,8	4,8	38,1
Information Centre for interior affairs	1	4,8	4,8	42,9
Information technology and Communication Department under the Ministry of the Interior of the Republic of Lithuania, Statistics Lithuania	1	4,8	4,8	47,6
Ministry of Justice	1	4,8	4,8	52,4
Ministry of Justice for judicial precautionary measures, Ministry of the Interior for restraining orders	1	4,8	4,8	57,1
Ministry of Justice, Ministry of Interior, Ministry of Social Policy and Youth (for victims of domestic violence)	1	4,8	4,8	61,9
Ministry of Labour, Family, Social Protection and Elderly-Child Protection Department; Romanian Police	1	4,8	4,8	66,7
National Council for crime prevention	1	4,8	4,8	71,4
Police; Courts; Social Services	1	4,8	4,8	76,2
Public Prosecutor Office, Police, SAVVD, shelters, Comité Coopération entre les professionnels dans le domaine de la lutte contre la violence	1	4,8	4,8	81,0

Regarding the protection measures, the General Council of the Judiciary Power, the Ministry of Justice through a dedicated data base are competent. For any other information, the Government Delegation against Gender Violence is competent	1	4,8	4,8	85,7
Statistical Office of the Slovak Republic	1	4,8	4,8	90,5
The Ministry of Justice (software "CASSIOPEE"); The MIPROF: interministerial mission for the protection of women victims of violence; The Ministry of the Interior (software "LRPPN" and "STATISTIC OP"	1	4,8	4,8	95,2
There are multiple organs, no clear general statistics. Police databanks; statistics of public prosecution; statistics on condemnations; social welfare statistics; prevalence studies; numbers provided by NGOs	1	4,8	4,8	100,0
Total	21	100,0	100,0	

		Frequency	%	Valid %	Cumulative %
Valid	Yes	13	61,9	81,3	81,3
	No	3	14,3	18,8	100,0
	Total	16	76,2	100,0	
Missing	System	5	23,8		
Total		21	100,0		

10.1.c Others				
	Frequency	%	Valid %	Cumulative %
Valid	11	52,4	52,4	52,4
By internet, access to the annual report of the Police (Ministère de l'Intérieur), the annual report of the SAVVD, the annual report of the Ministère de l'Égalité des chances and the annual report of the Comité de coopération entre les professionnels dans le domaine de la lutte contre la violence	1	4,8	4,8	57,1
By the Internet or free (written) request	1	4,8	4,8	61,9
Difficult. See question above: all relevant organs have their own methods on dispensing the data	1	4,8	4,8	66,7
Ministry of Justice and Ministry of Interior	1	4,8	4,8	71,4
National Council fro crime prevention website	1	4,8	4,8	76,2
RASI and Official Statistics of Justice	1	4,8	4,8	81,0
Request should be sent to specific institutions e.g. Police, supreme court of Republic of Slovenia, Association of Centres for Social work	1	4,8	4,8	85,7
Through the Annual Reports by the National Observatory on Violence against Women in paper and on the website. Additionally, the Ministry of Justice also publishes statistical data on the Statistics National Institute (INE) website through the statistical exploitation of the Central Registry for the Protection of Domestic and Gender-based Violence victim's available data	1	4,8	4,8	90,5
Website	1	4,8	4,8	95,2
Yearly overview of criminal statistics and also upon request	1	4,8	4,8	100,0
Total	21	100,0	100,0	

11. Transposition of the directive

11.1 Has Directive 2011/99/EU already been transposed in your State?

- Yes. If so, through which regulatory instruments? _____
- If not, which would be the most effective regulatory instrument to implement the Directive?
- Transposition using a single legal instrument specifically for this purpose.
- Modification of the various, already existing regulations.

		Frequency	%	Valid %	Cumulative %
Valid	Yes	1	4,8	5,6	5,6
	No	17	81,0	94,4	100,0
	Total	18	85,7	100,0	
Missing	Don't answer	3	14,3		
Total		21	100,0		

		Frequency	%	Valid %	Cumulative %
Valid		20	95,2	95,2	95,2
The Directive 2011/99/EU has been transposed in some of its articles by various already existing legal instruments. However, the majority of them has not yet been transposed		1	4,8	4,8	100,0
Total		21	100,0	100,0	

		Frequency	%	Valid %	Cumulative %
Valid	Transposition using a single legal instrument specifically for this purpose	4	19,0	30,8	30,8
	Modification of the various, already existing regulations.	9	42,9	69,2	100,0
	Total	13	61,9	100,0	
Missing	System	8	38,1		
Total		21	100,0		

12. Communication channels between authorities

12.1 Which communication channels are used between the competent authorities in your State and their counterparts in other countries?

	Frequency	%	Valid %	Cumulative %
Valid	11	52,4	52,4	52,4
Department for cross border cooperation at the public prosecutor's office	1	4,8	4,8	57,1
E-mail, fax, telephone	1	4,8	4,8	61,9
Every type of communication that leaves a written record.	1	4,8	4,8	66,7
In general: direct contacts between the competent authorities	1	4,8	4,8	71,4
International Police and Prosecutor Cooperation	1	4,8	4,8	76,2
Interpol, liaison officers, e-mail, fax, postal mail	1	4,8	4,8	81,0
Judicial authorities communicate directly with their EU counterparts as far as judicial cooperation in civil and criminal matters is concerned, and generally make use of available mechanisms established in the EU in order to support and enhance such cooperation, namely, Eurojust, European Judicial network, and similar networks that involves the judiciary or police systems (prosecutors, lawyers, etc.)	1	4,8	4,8	85,7
Liaison officers, EJM, etc.	1	4,8	4,8	90,5
Official communication channels of mutual assistance in criminal matters based upon the Council of Europe Convention in Criminal matters	1	4,8	4,8	95,2
Police: between contact points for International Police Cooperation; Justice: Ministerial International legal assistance	1	4,8	4,8	100,0
Total	21	100,0	100,0	

12.2 Which are the legally valid means to carry out communications and transmit information between the various internal judicial authorities?

- Fax
- Registered fax with confirmation of receipt (e.g., burofax)
- Internal computer network (Intranet)
- Videoconference
- E-mail
- Postal mail
- Registered mail with confirmation of receipt
- Others: _____

	Answers		Case %
	N	%	
Fax	12	16,4%	80,0%
Registered fax with confirmation of receipt (e.g., burofax)	12	16,4%	80,0%
Internal computer network (Intranet)	3	4,1%	20,0%
Videoconference	7	9,6%	46,7%
E-mail	11	15,1%	73,3%
Postal mail	14	19,2%	93,3%
Registered mail with confirmation of receipt	11	15,1%	73,3%
Others:	3	4,1%	20,0%
Total	73	100,0%	486,7%

Cases					
Valid		Missing		Total	
N	%	N	%	N	%
15	71,4%	6	28,6%	21	100,0%

Subquestion 12.2 Others				
	Frequency	%	Valid %	Cumulative %
Valid	18	85,7	85,7	85,7
Internal registered mail	1	4,8	4,8	90,5
Phone	1	4,8	4,8	95,2
Phone calls	1	4,8	4,8	100,0
Total	21	100,0	100,0	

13. Action protocols in the field of gender violence

13.1 Do action protocols (meaning mutual agreements for coordination and action signed between two or more administrative bodies) exist in the field of gender violence in your national legal system?

- No
- Yes. Which? _____

Would you be so kind as to send us a copy of this document?

Table 13.1					
		Frequency	%	Valid %	Cumulative %
Valid	Yes	7	33,3	41,2	41,2
	No	10	47,6	58,8	100,0
	Total	17	81,0	100,0	
Missing	Don't answer	3	14,3		
	System	1	4,8		
	Total	4	19,0		
Total		21	100,0		

Subquestion 13.1				
	Frequency	%	Valid %	Cumulative %
Valid	15	71,4	71,4	71,4
Many, as exhaustive list can't be tabled	1	4,8	4,8	76,2
National Action Plan for 2013-2015	1	4,8	4,8	81,0
National Action Plan on Intimate Partner Violence and Other forms of Family Violence	1	4,8	4,8	85,7

Only on Domestic Violence: Manual for Inter-Departmental Procedures (Advisory Committee for the Prevention and Combating of Violence in the Family). National Action Plan for the Prevention and Combating of Violence in the Family (Advisory Committee for the Prevention and Combating of Violence in the Family)	1	4,8	4,8	90,5
Protocol for coordination between the State Police and the Judiciary and the Prosecutor office, passed on June 10 th ; protocol of coordination between the State Police and the Local Police, passed March 13 th , 2006; Agreement to use the Local Police as Judiciary Police, specifically to supervise protection orders, signed on February 20 th , 2007; Protocol of coordination between State Police and the lawyers to improve the judiciary assistant to victims, passed on July 3 rd , 2007; Protocol on risk assessment by State Police and its coordination with the Judiciary, passed on July 10 th , 2007; Agreement to supervise the functioning of the Electronic devices signed on July 8 th , 2009, by the Ministry of justice, the ministry of Interior, the General Council of the Judiciary Power, the General Prosecutor Office and the Ministry of Health, social Services and Equality; Protocol for forensic risk intervention, passed on March 30 th , 2007; Protocol for forensic risk assessment, passed on September 2011	1	4,8	4,8	95,2
Protocol on Rules of Procedure in cases of Sexual Violence adopted on 29 November 2011, Protocol on Rules of Procedure in cases of Domestic violence, adopted in 2005. It is underway the drafting of the amendments to the Protocol on Rules of Procedure in Cases of Domestic Violence, according to the new Act on Protection from Domestic Violence from 2009 and according to the new Criminal Code from 2011. Protocol on Rules of Procedure in Cases of Violence against Children	1	4,8	4,8	100,0
Total	21	100,0	100,0	

14. Bilateral or multilateral cooperation agreements with other states regarding gender violence

14.1 Has your State concluded any bilateral or multilateral cooperation agreements with other States in the field of gender violence?

- No
- Yes. If so:
 - With which States?
 - EU Member States. Which ones? _____
 - Non EU Member States. Which ones? _____
 - Do these agreements include the recognition of protection measures such as set out in the Directive?
 - No
 - Yes

Table 14.1.a

		Frequency	%	Valid %	Cumulative %
Valid	Yes	3	14,3	17,6	17,6
	No	14	66,7	82,4	100,0
	Total	17	81,0	100,0	
Missing	Don't answer	3	14,3		
	System	1	4,8		
	Total	4	19,0		
Total		21	100,0		

Table 14.1.b

		Frequency	%	Valid %	Cumulative %
Valid	EU Member States	2	9,5	66,7	66,7
	Non EU Member States	1	4,8	33,3	100,0
	Total	3	14,3	100,0	
Missing	System	18	85,7		
Total		21	100,0		

Subquestion 14.1.b.1				
	Frequency	%	Valid %	Cumulative %
Valid	19	90,5	90,5	90,5
Austria is a party to the Council of Europe Convention on Supervision of 30.4.1964 which also applies to acts of gender violence. So, with the States Parties of the above-mentioned Convention	1	4,8	4,8	95,2
The Council of Europe Convention on preventing and combating violence against women and domestic violence; the RoC signed it in January 2013. The UN Convention on the Elimination of All Forms of Discrimination Against Women; the RoC ratified it on 9 September 1992	1	4,8	4,8	100,0
Total	21	100,0	100,0	

Subquestion 14.1.b.2				
	Frequency	%	Valid %	Cumulative %
Valid	20	95,2	95,2	95,2
In the context of Council of Europe (Council of Europe Convention on preventing and combating violence against women and domestic violence)	1	4,8	4,8	100,0
Total	21	100,0	100,0	

Table 14.1.c					
		Frequency	%	Valid %	Cumulative %
Valid	Yes	1	4,8	50,0	50,0
	No	1	4,8	50,0	100,0
	Total	2	9,5	100,0	
Missing	System	19	90,5		
Total		21	100,0		

5. Directory of legislation

AUSTRIA (AT)

- ✦ Protection against Violence Act, 01.05.1997.
- ✦ Second Protection against Violence Act, 01.06.2009.
- ✦ Enforcement Code, 01.01.2004.
- ✦ Act on the Security Police, 01.05.1993.
- ✦ Criminal Code.
- ✦ Code of Criminal Procedure.
- ✦ Civil Code.
- ✦ Code of Civil Procedure.

BELGIUM (BE)

- ✦ Act to fight violence within couples, 24.11.1997.
- ✦ Act on the allocation of the family home to the spouse or legal cohabitee as victim of physical partner violence, and amending Article 410 of the Criminal Code, 28.01.2003.
- ✦ Act on the temporary barring order in cases of gender violence, 15.01.2012.
- ✦ Civil Code.
- ✦ Code of Civil Procedure.
- ✦ Criminal Code.
- ✦ Code of Criminal Procedure.

BULGARIA (BG)

- ✦ Act 27/2005 on protection from Domestic Violence, with subsequent amendments (December 2009 and December 2010).
- ✦ Criminal Code.
- ✦ Code of Criminal Procedure.

CZECH REPUBLIC (CZ)

- ✦ Act 135/2006 Coll., amending certain Acts in the area of protection against domestic violence, 14.03.2006.
- ✦ Act 273/2008 Coll., on the Police of the Czech Republic, 17.07.2008.
- ✦ Act 94/1963 Coll., on the Family, 1963 (with amendments).
- ✦ Act 108/2006 Coll., on Social Services, 14.03.2006.
- ✦ Criminal Code, 08.01.2009.
- ✦ Code of Criminal Procedure.
- ✦ Code of Civil Procedure.

CYPRUS (CY)

- ✦ Act 212(I)/2004 amending the Violence in the Family (Prevention and Protection of Victims) Act 2000 (L.119(I)/2000), 01.03.2005.

GERMANY (DE)

- ✦ Act modifying the Act on domestic violence and other acts, 11.12.2001.
- ✦ Federal Stalking Act, 22.03.2007.
- ✦ Family Procedure Reform Act, 17.12.2008.
- ✦ Civil Code.
- ✦ Code of Civil Procedure.

ESTONIA (EE)

- ✦ Victim Support Act, 17.12.2003.
- ✦ Criminal Code, 06.06.2002.
- ✦ Code of Civil Procedure, 10.04.2005.
- ✦ Code of Criminal Procedure, 01.07.2004.

GREECE (EL)

- ✦ Act 3500/2006, for combating domestic violence, 24.10.2006.

SPAIN (ES)

- ✦ Organic Act 1/2004 of 28 December on Comprehensive Protection Measures against Gender Violence, 28.12.2004.
- ✦ Act 27/2003 of July 31st on the protection order for victims of domestic violence, 31.07.2003.
- ✦ Organic Act 3/2007 of 22 March for effective equality between women and men, 22.03.2007.
- ✦ Act 29/2011, of 22 September, on the recognition and comprehensive protection of the victims of terrorism, 22.09.2011.
- ✦ Act 35/1995, of 11 December, on aid and assistance to victims of violent crimes and sexual freedom, 11.12.1995.
- ✦ Act 52/2007 of 26 December, by which rights are recognized and extended and measures are set up for those who suffered persecution or violence during the Civil War and the Franco dictatorship, 26.12.2007.
- ✦ Organic Act 10/2011, of 27 July, amending Sections 31bis and 59bis of Organic Act 4/2000, of 11 January, on the rights and freedoms of aliens in Spain and their social integration, 27.07.2011.
- ✦ Criminal Code.
- ✦ Civil Code.
- ✦ Criminal Procedure Act.

FINLAND (FI)

- ✦ Marriage Act (234/1929; amendments up to 1226/2001 included).
- ✦ Child Welfare Act (683/1983), 1983.
- ✦ Sex Offence Code (563/1998; included in chapter 20 of the Criminal Code), 1998.
- ✦ The Act on Restraining Orders (898/1998), 1998.
- ✦ Act on Equality between Women and Men (609/1986; amendments up to 232/2005 included).
- ✦ Non-Discrimination Act (21/2004; as amended by Act 50/2006).
- ✦ Criminal Code (39/1889; amendments up to 650/2003 as well as 1372/2003, 650/2004 and 1006/2004 included).
- ✦ The Constitution of Finland (731/1999), 1999.

FRANCE (FR)

- ✦ Act 2010-769 regarding violence committed specifically against women, violence in couples and their impact on children, 09.07.2009.
- ✦ Decree 2010-1134 on the civil protection procedure for victims of partner violence, 29.09.2010.
- ✦ Act 2006-399 of 4 April 2006 reinforcing the prevention and repression of among couples and against children, 04.04.2006.
- ✦ Act 2005-1549 on the treatment of recidivism regarding criminal offences, 12.12.2005.
- ✦ Civil Code.
- ✦ Criminal Code.

CROATIA (HR)

- ✦ Act on the Protection against Family Violence, 30.10.2009.
- ✦ Misdemeanour Act, 03.10.2007.
- ✦ Act on Free Legal Aid, 23.05.2008.
- ✦ Criminal Code, 21.10.2011.
- ✦ Code of Criminal Procedure, 18.12.2008.

HUNGARY (HU)

- ✦ Act LXXII on Restraining Orders because of Violence between Relatives (Civil Orders), 2009.
- ✦ Criminal Code.
- ✦ Criminal Proceedings Act, 1998 (amended in 2006).

ITALY (IT)

- ✦ Criminal Code, 08.01.2009.
- ✦ Code of Criminal Procedure, 29.11.1961.
- ✦ Civil Code.
- ✦ Code of Civil Procedure, 04.11.1963.

LITHUANIA (LT)

- ✦ Special Act on Protection against domestic violence, 26.05.2011.
- ✦ Criminal Code, 26.09.2000.

LUXEMBOURG (LU)

- * Act modifying the Act on domestic violence and other acts, 30.07.2013.
- * Act on domestic violence, 08.09.2003.
- * Act on the Police and the General Police Inspection, 31.05.1999.
- * Criminal Code.
- * Code of Civil Procedure.
- * Code of Criminal Procedure.

LATVIA (LV)

- * Law on Police, 04.06.1991.
- * Criminal Code 26.09.2000.
- * Criminal Procedure Law, 14.03.2002.
- * Civil Code, 24.04.1997.
- * Civil Procedure Law, 14.10.1998.

MALTA (MT)

- * Domestic Violence Act, 2006.
- * Criminal Code, amended in 2005.

THE NETHERLANDS (NL)

- * Act on Conditional Release, 06.12.2007.
- * Regulation for the Care of Forensic Psychiatric Interns, 22.05.1997.
- * Framework Act on Forensic Psychiatric Internment, 25.06.1997.
- * Penitentiary Framework Act, 18.06.1998.
- * Regulation on Temporary Penitentiary Leave, 24.12.1998.
- * Act on the Temporary Barring Order, 09.10.2008.
- * Criminal Code.
- * Code of Criminal Procedure.
- * Civil Code.
- * Code of Civil Procedure.

POLAND (PL)

- * Act on Counteracting Domestic Violence, 29.07.1995.

- ✦ Family Code.
- ✦ Criminal Code, 1997.

PORTUGAL (PT)

- ✦ Act 7/2000, 27.05.2000.
- ✦ Act 112/2009 of 16 September, establishing the legal regime applicable to the prevention of domestic violence, the protection of and assistance to victims, repealing Act 107/99, of 3 August, 11.09.2009.
- ✦ Decree-Law 323/2000, of 19 December, 19.12.2000.
- ✦ Order 229-A/2010, regulating the statute of the victims of domestic violence.
- ✦ Criminal Code.

ROMANIA (RO)

- ✦ Act 217/2003 on the preventing and fighting against family violence, modified by Act 25/2012 amending Law on preventing and combating family violence, into force 05.2012.
- ✦ Law 211/2004 on the protection of victims, 2004.
- ✦ Act 202/2002 on equal opportunities, 2002.
- ✦ Act 272/2004 on the protection and promotion of children's rights, 2004.
- ✦ Order 384/306/993/2004 on the approval of cooperative procedures in preventing and monitoring domestic violence cases, 2004.
- ✦ Criminal Code (Act 286/2009, 24.06).

SWEDEN (SE)

- ✦ Restraining Orders Act 1988/688 (amendments up to 2011).
- ✦ Violence against Women Act 1998:393.
- ✦ Sexual Harassment Act 1997/98:55.
- ✦ Social Services Act 2001:453.
- ✦ Criminal Code, 1965.

SLOVENIA (SI)

- ✦ Family Violence Protection Act, March 2008.
- ✦ Police Tasks and Powers Act, February 2013.

- ✦ Criminal Code, 2008.
- ✦ Criminal Procedure Act, 1995 (amended in 2006).
- ✦ Civil Procedure Act (amended in 2004).

SLOVAKIA (SK)

- ✦ Act 491/2008 Coll., Police Forces Act, 2008.
- ✦ Act 365/2004 Coll., on Equal Treatment in Certain Areas and Protection against Discrimination (Antidiscrimination Act), 2004.
- ✦ Act 2005-300 Coll., Criminal Code, 2005.
- ✦ Act 141/1961 Coll., Code of Criminal Procedure.
- ✦ Act 1964-40 Coll., Civil Code.
- ✦ Act 1963-99 Coll., Code of Civil Procedure.

UNITED KINGDOM (UK)

- ✦ Domestic Violence, Crime and Victims Act, 15.11.2004.
- ✦ Crime and Security Act, 08.04.2010.
- ✦ Protection from Harassment Act, 21.3.1997.
- ✦ Family Law Act, 04.07.1996.



In this publication the preliminary results are presented of the European Epogender project “Gender violence: protocols for the protection of victims and effectiveness of protection orders. Towards an efficient implementation of Directive 2011/99/EU”, carried out under the Daphne III Programme (2007-2013) of the European Union. The handbook focuses on the analysis of the national legislation of the EU Member States regarding protection measures for the victims of gender violence, as well as the issues that may arise in applying the European protection order.

