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Delegations will find attached the above-mentioned report, which is also available at Eurojust's [website](#).

# Joint Report on the European Protection Order

Perspectives from the judiciary and support services

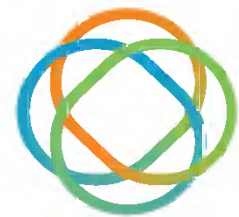
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*Criminal justice across borders*



**EUROJUST**

European Union Agency for  
Criminal Justice Cooperation



European  
Institute for  
**Gender  
Equality**



## **Executive summary**

This joint report by the European Union Agency for Criminal Justice Cooperation (Eurojust) and the European Institute for Gender Equality (EIGE) provides the latest information on the use and relevance of Directive 2011/99/EU on the European Protection Order (EPO) and the challenges and best practices related to its implementation. The main aim of the report is to inform policymakers and practitioners on ways to enhance the implementation of the EPO directive and to raise awareness among support services and legal practitioners, including judges and prosecutors.

With approximately 75 million people victimised annually across the EU, the EPO was created to address the need to protect victims of crime by allowing protection measures granted in one Member State to extend across the EU, ensuring that victims remain safeguarded when they move between countries.

Although the EPO holds great potential to enhance cross-border protection, research by Eurojust and EIGE indicates that the directive has yet to be utilised to its full extent. In practice, the cross-border recognition of protection measures is adopted mostly to protect women in cases related to intimate partner or domestic violence, harassment, stalking or sexual assault, but it has the potential to be applied to any victim of crime. Challenges such as lack of awareness among practitioners, inconsistent application across Member States and limited knowledge and understanding of victims' rights contribute to its underuse.

This report assesses the implementation of the EPO directive, presenting insights from a survey conducted with representatives of the judiciary and victim support services. The survey gathered feedback from 227 respondents across nearly all Member States.

It reveals that the level of familiarity with the EPO among both categories of respondents remains low, with significant gaps in training, communication channels and coordination between support services and judicial authorities. Moreover, the absence of robust national protection measures hampers the EPO's broader application.

## **Key findings**

- The level of familiarity with the EPO among judiciary and support service respondents is low, with only 29 % of judiciary respondents and 13 % of support service respondents being very familiar or familiar with it.
- The lack of proper information provided to victims is at odds with the expectation that it is up to the victim to request the issuing of an EPO. The survey suggests that, as a result, the EPO directive drives a cycle of inaction, with all parties expecting other bodies and services to either know what to do or be the first to act.
- The applicable EU legal framework is complex, as it potentially overlaps with other instruments that provide protection to victims. National legislation could be improved, notably in relation to the harmonisation of definitions of criminal offences.
- Respondents acknowledged the EPO's value, particularly in safeguarding victims of gender-based violence, and that no alternative currently provides comparable cross-border protection.

## **Recommendations**

The report presents key policy recommendations to enhance the EPO's effectiveness, focusing on raising awareness at the national and EU levels, training, better information dissemination among victims, standardising protection measures across Member States, improving judicial cooperation and promoting multi-agency collaboration. The recommendations are as follows:

- enhance awareness and training through comprehensive training for judiciary members, law enforcement agencies and support services;
- ensure robust data collection, to better assess the implementation of the EPO;
- strengthen judicial cooperation by encouraging collaboration among judicial authorities, and ensure communication with law enforcement agencies and support services;
- further identify and act on legal and practical challenges by inviting practitioners to discuss issues in dedicated forums.

Implementing these recommendations will greatly strengthen the protective measures available to victims of crimes, ensuring that the EPO fulfils its intended purpose. A unified approach focusing on awareness, standardisation and collaboration will empower victims and reinforce the EU's commitment to justice and safety for everyone.

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## Introduction

The European Protection Order (EPO) is an instrument of mutual recognition of judicial decisions in criminal matters specifically directed at persons in need of protection. This is a distinct feature that makes the EPO a unique judicial cooperation instrument. The EPO enables specific protection measures taken at the national level to be extended to safeguard individuals at risk across EU Member States.

This instrument has the potential to be a game changer for individuals in need of protection. However, it is rarely utilised.

The recent adoption of the EU directive on combating violence against women and domestic violence and the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) by the EU are likely to lead to an increase in the number of EPOs issued, as one of their aims is to protect victims of gender-based violence (GBV). This creates a timely opportunity to consider the application of the EPO.

For the first time, the European Institute for Gender Equality (EIGE) and the European Union Agency for Criminal Justice Cooperation (Eurojust), in a collaborative effort and within the remits of their respective mandates, offer a practical and cross-cutting assessment of the implementation of the EPO.

The report builds on prior research conducted by the European Commission and the European Parliament <sup>(1)</sup> and is based on a consultation with judicial authorities, law enforcement agencies, support services and legal practitioners. The consultation was complemented by concrete examples of implementation of the EPO stemming from Eurojust casework and interviews with representatives of support services.

The report includes a methodology Chapter explaining the research process (Chapter 1), an overview of the applicable policy and legal frameworks (Chapter 2), the main challenges identified through surveys and practitioner consultations (Chapter 3), Eurojust and EIGE's contributions to supporting EPO implementation (Chapter 4), concluding remarks (Chapter 5), recommendations (Chapter 6) and further information in the annexes, including an extended methodology section, the questionnaire used and the responses collected.

### 1. Methodology

#### 1.1. About the drafters: EIGE and Eurojust

EIGE conducts independent research and shares best practice to promote gender equality and eliminate gender-based discrimination. It empowers individuals to achieve equal opportunities, enabling everyone to thrive, regardless of their gender and background. By integrating research, data and tools, EIGE assists policymakers in designing inclusive and transformative measures that promote gender equality across all areas of life.

While Directive 2011/99/EU on the European Protection Order <sup>(2)</sup>, hereinafter referred to as 'the directive' or 'the EPO directive', applies to victims of all types of crime, prior research indicates that it is used predominantly for victims of GBV, highlighting the significant gender dimension of its application. Consequently, EIGE is well positioned to leverage its expertise in understanding this phenomenon.

Eurojust provides practical support to national authorities by promoting information exchange, developing prosecutorial strategies, facilitating the use of judicial cooperation tools and implementing joint actions. Eurojust assists national judges and prosecutors in addressing the needs and legitimate interests of crime victims beyond their national jurisdictions.

The cross-border nature of the EPO, as a judicial cooperation instrument, aligns with Eurojust's core mandate. However, Eurojust's casework reveals that this instrument is not as frequently used or discussed among practitioners as other judicial cooperation instruments are.

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(1) See inter alia European Parliamentary Research Service, *European Protection Order – Directive 2011/99/EU: European implementation assessment*, 2017, and the report from the Commission to the European Parliament and the Council on the implementation of Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European Protection Order, COM(2020) 187 final of 11 May 2020.

(2) Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European Protection Order (OJ L 338, 21.12.2011, p. 2).

The agencies decided to work together to gather, analyse and act on first-hand information and prior research.

## **1.2. Aims of the report**

This report has two aims: (1) to assist the EU and its Member States to further and better implement the EPO directive and (2) to provide practical recommendations for raising awareness, thus improving the protection of victims of crimes across the EU.

## **1.3. Country-level online survey**

The report is based on a country-level online survey <sup>(3)</sup> targeting two categories of respondents. Section A respondents were representatives of the judiciary <sup>(4)</sup>, while Section B respondents were representatives of victim support services <sup>(5)</sup>.

Survey respondents were asked to answer general questions concerning the EPO and to indicate their level of agreement with statements concerning aspects of the directive that were identified as problematic or worthy of consideration in earlier reports published by the European Commission and the European Parliament. The results are presented in Section 3.

**NB:** Eurojust and EIGE developed a questionnaire to gather country-level information, which was sent to relevant national authorities in Member States for onwards dissemination to the most appropriate contact points. However, the methods used to identify respondents, the limited number of EPOs issued and the general lack of awareness of the EPO directive may affect the accuracy of the survey findings. The drafters have reflected on the report findings based on a critical threshold of replies. Consequently, the findings should be regarded as feedback from practitioners, rather than the result of a robust consultation.

### **1.3.1. Respondents working in the judicial sector (Section A)**

Eurojust national desks were invited to distribute the survey to their competent authorities, and, to ensure a sufficient response rate, the European Judicial Network (EJN) also distributed the survey to its contact points. Section A of the survey received 158 replies. Owing to the number of respondents, the results are not representative, but nevertheless provide very valuable information.

The analysis of the replies indicates that the majority of respondents were prosecutors (47 %) and judges (41 %). Law enforcement personnel and personnel from ministries of justice accounted for 5.7 % and 6.33 % of respondents, respectively. Responses were received from 20 Member States (Bulgaria, Germany, Greece, Spain, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Finland and Sweden). Separate limited contributions were provided by Belgium, Czechia and Ireland. Therefore, overall, representatives from 23 Member States took part in the survey. Some Member States provided a significant number of responses: Romania (42), Hungary (27), Greece (22) and Poland (21).

### **1.3.2. Respondents working in victim support services (Section B)**

For Section B, the survey was disseminated through various networks such as Women Against Violence Europe, the European Women's Lobby and Victim Support Europe, as well as EU agencies such as the European Union Agency for Law Enforcement Training (CEPOL) and national organisations providing targeted support to victims of crime. A total of 69 responses were received, distributed as follows.

- Responses were received from almost all Member States (23), with the exception of four countries (France, Cyprus, Latvia and Slovenia).
- Among the Member States, the response rate varied extensively, with the highest numbers of responses being received from Spain and Portugal.
- The analysis by type of organisation indicates a majority of responses were received from representatives from specialised support services (48 %), such as non-governmental organisations

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(3) Denmark and Ireland were included in the analysis, even though they opted out of the EPO directive. As such, the EPO is not applicable in either of these two Member States and the EPO directive is not binding in these countries (Recitals 41 and 42).

(4) Respondents of Section A included judges, prosecutors, law enforcement personnel and civil servants working in ministries of justice.

(5) Respondents of Section B included representatives from legal aid associations and organisations, bar associations, victim support services, non-governmental organisations, women's rights organisations, interior ministries and police.

(NGOs), women's rights associations and victim support services (43 %). A few replies were received from representatives of interior ministries, the police sector and bar associations.

#### **1.4. Complementary research**

In addition to the survey, EIGE gathered insights and best practices through focus group discussions with key practitioners and independent national institutions working in specialised support services across various Member States.

Eurojust conducted an analysis of its casework by searching its case management system (CMS) <sup>(6)</sup>. The search was carried out for the period 1 January 2018 to 29 February 2024 <sup>(7)</sup> and resulted in 31 general matches with keywords. Of these, nine cases were explicitly and clearly related to the issuing or the execution of an EPO. After consulting with Eurojust national desks, four cases were selected as representative of specific legal and/or practical aspects related to the EPO and as serving the purposes of this report. The relatively limited number of cases at Eurojust does not allow general conclusions to be drawn, but the cases do corroborate some of the feedback received through the survey. These case illustrations are presented in Section 4.1.2.

## **2. Policy and legal framework**

### **2.1. Background**

The EPO directive is the first instrument granting mutual recognition of judicial decisions concerning protection measures for all victims of crime across Member States.

The adoption of the EPO directive was prompted by several EU resolutions. These include the Stockholm programme (2010) <sup>(8)</sup>, which calls on the European Commission and Member States to examine how to improve legislation and practical support measures for protecting victims and points out that victims of crime can be offered special protection measures, which should be effective within the EU.

In addition, the European Parliament resolution on equality between women and men (2010) <sup>(9)</sup> endorsed the proposal to introduce the EPO for victims of crime, and the Council resolution on a roadmap for strengthening the rights and protection of victims (2011) <sup>(10)</sup> stated that action should be taken at the EU level to strengthen the rights and protection of victims of crime and called on the Commission to present proposals to that end, complementing the EPO directive with an appropriate mechanism concerning measures taken in civil matters.

### **2.2. The European Protection Order directive**

#### **2.2.1. What is the European Protection Order directive?**

The EPO directive allows for a judicial or equivalent authority in a Member State, where a national protection measure has been adopted to protect a person against a criminal act that may endanger their life, physical or psychological integrity, dignity, personal liberty or sexual integrity, to issue an EPO at the request of the victim. This enables a competent authority in another Member State to continue the protection of the person within that territory, following criminal conduct or alleged criminal conduct, in accordance with the national law of the issuing Member State (Article 1).

Protection measures are decisions that impose prohibitions or restrictions on a person who poses a danger, aiming to protect a person at risk from potential criminal acts, sometimes referred to as 'the victim' for ease

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(6) The CMS is a software application that supports management of Eurojust cases. It stores case-related documents and personal data. The Eurojust regulation specifically requires that case-related personal data be processed in the CMS and not in any other automated data files. The CMS serves multiple purposes, including generating statistical information.

(7) The search was based on the keywords 'victims' support', 'victims' rights', 'EPO', 'protection order', 'restraining order' and 'restraint order'.

(8) European Council, The Stockholm programme – An open and secure Europe serving and protecting citizens, 2010 (OJ C 115, 4.5.2010, p. 2), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52010XG0504%2801%29>.

(9) European Parliament resolution of 10 February 2010 on equality between women and men in the European Union – 2009 (OJ C 341E, 16.12.2010, p. 35), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52010IP0021&qid=1725544588941>.

(10) Resolution of the Council of 10 June 2011 on a roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings (OJ C 187, 28.6.2011, p. 1), [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011G0628\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011G0628(01)).

of reference. Such measures include (1) a prohibition on entering certain localities, places or defined areas where the protected person resides or visits; (2) a prohibition or regulation of contact, in any form, with the protected person, including by phone, email, post or fax; and (3) a prohibition or regulation on approaching the protected person closer than a prescribed distance.

The requirements for issuing an EPO are threefold: (1) it is considered that a person in a Member State may be in danger; (2) a protection measure or a set of protection measures has been issued by a judicial or equivalent authority of that Member State for that person; (3) the protected person or person in danger moves from one Member State, where the criminal act that gave rise to the protection measure was committed, to another Member State, where the victim intends to stay or visit.

Grounds for non-recognition of an EPO are listed in Article 10. These include the application of the principle of dual criminality: the executing Member State can refuse to recognise an EPO if the protection measure relates to an act that does not constitute a criminal offence in the executing Member State, or if the act or the conduct that triggered the protection measure is statue-barred in the executing Member State.

### **2.2.2. Who does what?**

The timely provision of information to the victim by the judicial competent authorities is paramount.

The EPO directive presupposes regular communication between the executing and issuing authorities. The following section outlines the general role of the main actors (see Visual 1).

**First**, the victim needs to request the issuing of an EPO (Article 6(3)). In this context, the victim needs to be informed by the authorities issuing the national protection measure of the possibility of requesting an EPO in the event that the victim decides to travel to or reside in another Member State (Article 6(5)).

**Second**, when the issuing authority receives the request for an EPO from the victim, the length of the period that the protected person/victim intends to stay in the executing Member State and the seriousness of the need for protection is considered (Article 6). Before the EPO is issued, the person causing the danger is given the right to be heard and the right to challenge the protection measure.

**Third**, the issuing authority transmits the EPO to the competent authority of the executing Member State, where the competent judicial authority must recognise it without delay, after checking the grounds for non-recognition. A dedicated form (see Annex I to the EPO directive) is used.

**Fourth**, the executing authorities are to impose any of the measures provided in the executing Member State in a similar case to ensure the victim's protection (Article 9), and inform the victim, the person causing danger and the competent authority of the issuing Member State at the executing stage (Article 9(3)). The address or other contact details of the protected person shall not be disclosed to the person causing danger, unless necessary for the enforcement of the protection measures (Art. 9 (3)).

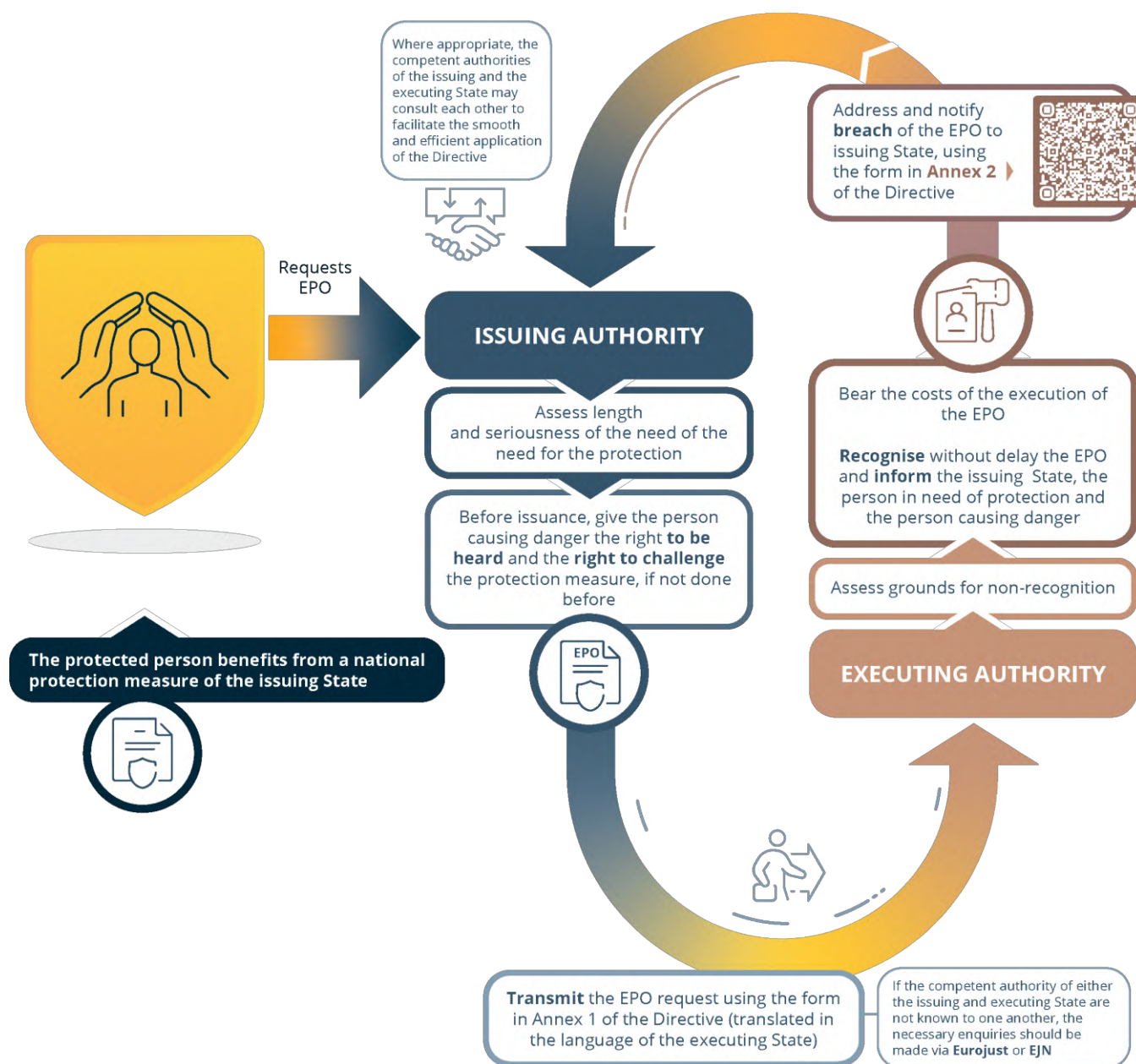
**In the course of the execution of the EPO**, information flow needs to be maintained between the competent authorities (Article 16). For example, if the EPO cannot be executed due to a ground for non-recognition being waived by the executing Member State, the victim will need to be informed in the event that the executing Member State refuses to recognise the EPO (Article 10(2)(a)).

Similarly, decisions such as the renewal, review, modification, revocation and withdrawal of the national protection measure and consequently of the EPO is of the exclusive competence of the issuing Member State (Article 13(1)(a)). The latter will hence need to inform without delay the executing Member State (Article 13(5)).

**In case of a breach of the EPO by the person causing danger**, the breach needs to be addressed by the executing Member State (Article 11(2)) and notified to the issuing Member State (Article 12) using a dedicated form (see Annex II to the EPO directive).

**Finally, grounds for discontinuation of the EPO** are provided in Article 14(1). They include for example the case where there is a clear indication that the protected person does not reside or stay in the territory of the executing Member State





Visual 1. This chart provides basic information on the European Protection Order. It is not an exhaustive account of all the steps to be taken by the competent authorities.

## 2.3. Other judicial instruments for the cross-border protection of victims

### 2.3.1. Regulation (EU) No 606/2013

The regulation on the mutual recognition of protection measures in civil matters <sup>(11)</sup> establishes rules for a mechanism for the recognition of protection measures ordered in a Member State in civil matters. Essentially, this regulation mirrors the EPO directive, providing very similar, if not identical, protection measures.

(11) Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters (OJ L 181, 29.6.2013, p. 4), <https://eur-lex.europa.eu/eli/reg/2013/606/oj/eng>.

Both instruments are meant to work complementarily. As indicated in the implementation assessment of the European Parliament <sup>(12)</sup>, the dual applicable framework originates from the fact that, initially, the European Commission wanted to restrict the EPO to purely criminal procedures. This raised concerns in the Parliament and the Council, as such a restriction would have excluded civil and administrative procedures imposing protective measures from the scope of the EPO directive. Indeed, in some Member States protection measures can be adopted in civil proceedings, which would have resulted in excluding the application of the EPO.

### 2.3.2. Council Framework Decisions 2008/947/JHA and 2009/829/JHA

The EU first regulated protection from the perspective of the convicted or the accused individual. The following two framework decisions were then approved.

- 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 <sup>(13)</sup> has the aim inter alia of ‘facilitating the social rehabilitation of sentenced persons, improving the protection of victims [...], in case of offenders who do not live in the State of conviction’ (Article 1). In this case, the probation measure is imposed on the basis of a judgment and will produce its effect during its execution.
- 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 <sup>(14)</sup> aims inter alia to improve the protection of victims (Article 2) during criminal proceedings.

Both of the framework decisions and the EPO directive aim to enable the mutual recognition of measures issued in a criminal procedure, and overlap to some extent, as all three instruments contain measures aimed at protecting the victim, such as the prohibition of the sentenced person to enter certain areas or contact identified individuals. It should be noted that the framework decisions are more elaborated than the EPO directive as to the prohibitions related to the convicted/accused (they include for example obligation to report or remain at specified place). Unlike the framework decisions, the EPO is focused primarily on the victim. Understanding the interaction between these instruments is therefore key to ensuring the continuous protection of the victim. The implementation of these two framework decisions, among others, will be explored in the ongoing study ‘Possible Lisbonisation of the ex-third pillar acquis in the area of mutual recognition in criminal matters’ <sup>(15)</sup>.

As a result, when the sentenced person or the suspect is transferred for the execution of a probation or supervision measure from one Member State to another, only the relevant framework decisions are applicable (see scenario 4 in Table 1). However, when only the victim moves to another Member State and the offender stays in the Member State that imposed the protection measure, only the EPO should be used (see scenario 1).

As explained in the research conducted by the European Parliamentary Research Service (EPRS) <sup>(16)</sup>, if both the victim and the sentenced person under probation or supervision are to move to the same Member State, Article 20(2) of the EPO directive along with recitals 16 and 33 provide that the EPO directive does not affect the application of the framework decisions in cases where an order is issued based on one of the framework decisions (see scenario 3).

In essence, the EPO directive is designed to ensure that protection measures are recognised and executed in the Member State to which the victim has moved, or intends to move (the second Member State), which is different from the Member State where the national protection measure was originally issued (the first

(12) European Parliamentary Research Service, EPRS, *European Protection Order – Directive 2011/99/EU: European implementation assessment*, 2017.



(13) Council Framework Decision 2008/947/JHA of 27 November 2008 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 (OJ L 337, 16.12.2008, p. 102), <https://eur-lex.europa.eu/eli/dec/2008/947/oj>.

(14) Council Framework Decision 2009/829/JHA of 23 October 2009 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 (OJ L 294, 11.11.2009, p. 20), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32009F0829>.

(15) Ongoing European Commission initiative, ref. JUST/2022/PR/JCOO/0142, under Framework Contract JUST/2020/PR/03/0001 on evaluation, impact assessment and related policy support services in the justice and consumers policy area.

(16) EPRS, *Op. cit.* Page 9

Member State) and from the Member State where the offender has moved (the third Member State) (see scenario 2).

Scenario	Description	Applicable instrument
1	The protected person moves to another State, but the person causing danger stays in the State which took the national protection	The EPO directive applies. 
2	The protected person and the person causing danger each moves to a different State.	Either one of the two framework decisions applies together with the EPO directive apply, but there is no overlap. 
3	Both the protected person and the person causing danger move to the same State.	The applicable framework decision applies to the the suspect/convicted person.  If an EPO is issued in addition, the framework decision takes precedent over the EPO (Article 20(2) of the EPO directive)
4	The protected person stays in the issuing State, but the person causing danger moves to another State.	One of the two framework decision applies (on probation measure and/or supervision measure).

*Table 1. Summary description of the interplay between the framework decisions and the EPO directive.*

### 3. Assessing the implementation of the European Protection Order directive

#### 3.1. Prior research on and assessment of the European Protection Order directive's implementation

To evaluate and assess the implementation of the EPO directive, various assessments have been carried out by the European Commission and the European Parliament, mapping the applicable legal framework at the EU level and assessing the impact of the EPO in the Member States.

##### 3.1.1. European Parliament implementation assessment (2017)

The EPRS provided the first European implementation assessment in 2017 <sup>(17)</sup>, two years after the transposition of the EPO directive into Member States' national legislation. Despite the lack of data at the time, the study identified seven EPOs that had been issued. While, admittedly, the number of victims benefiting from a national protection order who decided to cross the border into another Member State was not reported, the overall number of EPOs does not seem to be commensurate with the overall number of victims who were benefiting from protection measures at the national level <sup>(18)</sup>.

The EPRS assessment concluded that the EPO was underused and identified a series of challenges, including the following.

- EPOs are issued on the basis of protection measures previously adopted in the issuing Member State. The assessment notes that national measures vary in their duration among Member States, as does the possibility of extending, modifying, revoking or withdrawing them.

<sup>(17)</sup> EPRS, *European Protection Order – Directive 2011/99/EU: European implementation assessment*, 2017, p. 17.

<sup>(18)</sup> The study estimated that in 2010 over 100 000 women residing in the EU were covered by national protection measures related to GBV (EPRS, *European Protection Order – Directive 2011/99/EU: European implementation assessment*, 2017, p. 6).

- There is a general lack of awareness and training among justice practitioners, victims and victim support services, which goes hand in hand with a lack of coordination and cooperation among competent authorities and other relevant stakeholders. The study also underlined the need for research across the EU with a cross-border perspective, to monitor and assess the level of implementation of the EPO directive and related challenges.
- There is a wide variety of protection measures across Member States (related to civil, administrative and criminal proceedings) and the legal framework is complex.
- While advanced tools are used by some Member States to protect victims from the breach of protection orders, other Member States do not have the resources for such monitoring mechanisms. This raised doubts as to the practical feasibility of guaranteeing victims an equivalent level of protection across the EU.

The assessment provided some recommendations, focusing mainly on the need for more homogenous national protection measures and more training practitioners, and the need to raise awareness to ensure victims are provided with all relevant information. The assessment also suggested the setting up of monitoring and coordination mechanisms for use by the competent authorities and Member States.

### **3.1.2. European Parliament resolution on the European Protection Order directive (2018)**

One year later, based on the EPRS report, the European Parliament adopted a resolution on the implementation of the EPO directive <sup>(19)</sup>. Emphasising the EU's duty to fully guarantee the rights of victims of violence, including across borders, the recommendation stressed that the EPO had the potential to be an effective instrument to protect victims. However, the general lack of awareness and the challenges in its implementation were working against victims' feelings of safety, trust and willingness to report.

The resolution recognised the difficulties arising in the application of the EPO at the national level, but emphasised that a full and homogenous implementation was the only way it could function effectively and safeguard victims of crime. It stressed that a coordinated effort was needed to address gaps in cooperation, coordination and communication among Member States and civil society organisations, as well as to foster the exchange of good practices in this field.

The resolution stated that these weaknesses, shortcomings in national provisions and the resulting negative impact on the full implementation of the EPO directive must be assessed through continuous monitoring and collection of statistical data. The latter would also allow for a systematic examination of feasible ways to improve EPO-related legislation and its effective implementation in all Member States concerned.

In addition, the resolution called on Member States working with NGOs to provide human rights-based, service-oriented, practical and intersectional training courses for all public officials working with victims on a professional basis in relation to the EPO. Finally, it underlined the need to launch long-term awareness-raising campaigns on available protection instruments and their use, at both the EU and the Member State level.

### **3.1.3. Report from the Commission on the European Protection Order directive (2020)**

In 2020, the European Commission provided the Parliament and the Council with its review report on the EPO directive <sup>(20)</sup>, as required by Article 23. The assessment analyses the transposition of the EPO directive into all national legislation as notified by the Member States to the Commission. The report focused on core provisions crucial for the smooth implementation of the EPO directive. These provisions included the designation of competent authorities; the need for an existing protection measure under national law; the issuance and recognition of an EPO; sanctions for breaching the measures taken as a result of the EPO; and the obligation to inform the parties about their rights.

Overall, the Commission notes that at first sight there were no missing elements in the information provided by Member States. All Member States informed the Commission about judicial or equivalent authorities competent to issue and execute EPOs. However, some of them did not communicate relevant data on the application of the instrument.

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(19) European Parliament resolution of 19 April 2018 on the implementation of Directive 2011/99/EU on the European Protection Order (P8\_TA(2018)0189), [https://www.europarl.europa.eu/doceo/document/TA-8-2018-0189\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-8-2018-0189_EN.pdf).

(20) Report from the Commission to the European Parliament and the Council on the implementation of Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European Protection Order, COM(2020) 187 final of 11 May 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A187%3AFIN>.



In its conclusion, the Commission said that it was satisfied with the way the EPO directive had been transposed. At the same time, the assessment recognised the gap between the transposing measures and the practical application of the EPO directive, confirming that it had not yet reached its full potential. Supporting this statement, the analysis stressed the general lack of awareness of the EPO; the need to improve the implementation of some measures, especially the obligation to inform the victim; the lack of sanctions for breaching a measure adopted in recognition of an EPO; and the diversity of protection measures available in the Member States.

In light of this assessment, the report emphasised the Commission's commitment to an ongoing assessment of Member States' compliance with the EPO directive, ensuring that appropriate measures would be taken to guarantee conformity with its provisions throughout the EU. In addition, the report underlined the need to keep working closely with Member States to overcome difficulties in the implementation of the EPO directive, notably by ensuring financial support for awareness-raising campaigns and practitioners' training.

#### **3.1.4. Evaluation of Directive 2012/29/EU (2022)**

In June 2022, the Commission conducted an evaluation of Directive 2012/29/EU <sup>(21)</sup>, hereinafter referred to as the victims' rights directive. Public consultations found that most respondents did not consider themselves sufficiently informed to assess the coherence and complementarity of the directive with other EU sectoral legislation such as the EPO <sup>(22)</sup>.

More generally, the evaluation found that, despite the apparent complementarity of the EPO directive and the victims' rights directive, the application of protection orders in cross-border situations rarely functioned as it should. A range of challenges were identified, including a lack of knowledge of the system among victims and practitioners, a lack of training, and the diversity of measures among Member States.

In addition, the 2020–2025 EU strategy on victims' rights indicates that the number of EPOs issued and executed in the EU is very low <sup>(23)</sup>. The Commission indicated that the underlying reasons for this situation include a lack of awareness about the availability of protection measures in the Member States and their wide variety, complexity and inefficiency. The Commission further noted that, while Article 18 of the victims' rights directive provides for psychological and other such support to victims, the procedures for the physical protection of victims and their family members are left to national law. The strategy, consequently, envisaged that the Commission would consider further strengthening victims' protection by the continued promotion of the effective application of national protection measures and EPOs.

The evaluation of the victims' rights directive and consultations during the preparation of the proposal for the revision of the directive indicate that the lack of measures for victims' physical protection in the directive has not been filled by national law and practice. Many stakeholders consulted as part of the evaluation found that victims' right to protection is not widely available and should be strengthened. To overcome the identified shortcoming, with the revision of the directive the Commission proposes to strengthen the use of protection measures for victims' physical protection, such as protection orders, by adding physical protection measures to the list of specialised protection measures currently laid down in Article 23 of the directive. This proposal will contribute to raising awareness about the national protection measures available, including protection orders. It also aims to simplify and improve how the measures are currently applied at the national level. This will facilitate the mutual recognition of EPOs.

At the time of writing in February 2025, the proposal for the revision of the victims' rights directive was being negotiated by the Parliament and the Council.

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(21) This evaluation (Commission staff working document – Evaluation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, SWD(2022) 180 final of 28 June 2022, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022SC0179>) complements an earlier assessment published in May 2020, in which the Commission assessed the extent to which Member States had taken the necessary measures in order to comply with the directive, pursuant to Article 29 (see COM(2020) 188 final of 11 May 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0188>).

(22) Ibid. (Commission staff working document) p. 77.

(23) The Commission report on the implementation of the EPO directive indicated that, according to the information available to the Commission, only 37 EPOs were issued and only 15 were executed in the period 2015–2018 (the years for which Member States provided data to the Commission).

### 3.2. Outcome of the research

Building on previous research, EIGE and Eurojust joined forces to design an online survey (see Section 1.3). The online survey targeted two main categories of respondents: the first category (Section A) was representatives of the judiciary, including representatives of law enforcement agencies <sup>(24)</sup> and the second category of respondents (Section B) were representatives of victim support services <sup>(25)</sup>.

Respondents were requested to answer general questions concerning the EPO and to express their level of agreement with some statements regarding problematic aspects of the EPO directive, as well as some potentially useful recommendations.

As indicated in the project methodology (see Annex 3), the relatively small number of respondents and the way they were identified does not allow for any generalisation of the results. The results of the survey should therefore be taken for what they are: a general indication of the way some practitioners experienced the implementation of or the support provided for implementing EPOs. The full questionnaire is available in Annex 4.

#### 3.2.1. General overview of the results

The online country-level survey received a total of 227 replies, covering almost all Member States. Of the total number of responses:

- 158 were from representatives of the judiciary (70 %) – mainly judges (41 %) and prosecutors (47 %);
- 69 were provided by representatives of support services (30 %) – mainly representatives of victim support services (43 %) and specialised support services (48 %), such as NGOs and women's rights associations.

Overall, the level of familiarity with the EPO was assessed as quite low. The following findings were considered:

- on average, 29 % of respondents in Section A declared that they were 'very' or 'somewhat familiar' with the EPO, while more than 30 % stated that they were 'not at all familiar' with it;
- in Section B, respondents were asked about the familiarity of the "victims" and the "Support services" with the EPO. Only 13% of the respondents felt that support services were familiar or very familiar with EPO while 38% are somewhat familiar. Respondents felt that victims are less aware of the EPO (51% declared that victims are not at all aware). 36% of the respondents did not reply to the question.

Although the majority of respondents from support services (64 %) stated that they were aware of the existence of the EPO prior to responding to the survey:

- 91 % had never received any training on the instrument;
- more than 70 % did not know if there were any national contact points to reach out to for information;
- less than 15 % had come into contact with a victim who was seeking or who had been granted an EPO.

The lack of familiarity and involvement with the EPO was confirmed by the fact that around 70 % of respondents in Section B affirmed that their services did not provide victims with information regarding the EPO, but that sometimes other information on protection measures was made available. However, when information on the EPO was provided, it was provided mainly to victims of certain crimes <sup>(26)</sup> (26 %) or to victims who mentioned the possibility of moving to another Member State (49 %).

Among those respondents who had received information about the EPO, in most cases (71 %) it was delivered orally during meetings/consultations, and less commonly through helplines and phone calls (26 %), leaflets and printed materials (16 %) and digital channels (13 %).

An additional layer of (dis)engagement may be inferred from support service respondents' feedback regarding the existence of communication channels between them and the representative of the judiciary and the justice sector or law enforcement agency. In fact, when asked about these communication channels,

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(24) Section A respondents included judges, prosecutors, law enforcement personnel and civil servants working in ministries of justice.

(25) Section B respondents included representatives from legal aid associations and organisations, bar associations, victim support offices, NGOs, women's rights organisations, interior ministries and police.

(26) Information was provided mainly to victims of domestic and intimate partner violence, victims of trafficking in human beings and victims of cyber-enabled crimes.

only 39 % of respondents confirmed they were in place, with reference mainly to the authority issuing the EPO, while 35 % answered negatively and 26 % said that they ‘did not know’.

From the judiciary side, it is apparent that the instrument is used primarily in the investigative stage of criminal proceedings (55 %), sometimes in the trial stage (23 %) and rarely after the judgment (14 %). Respondents in Section A echoed the replies of those in Section B when indicating that EPOs are used predominantly in domestic violence (DV) cases. They further indicated that they are also – although not often – used in cases of trafficking in human beings.

Respondents in Section A confirmed a number of challenges that had already been identified in previous reports by the Commission and the Parliament. These include the EPO’s relationship with other EU instruments (77 % <sup>(27)</sup> of respondents agreed to a great and to some extent); the need for close coordination between the issuing and the executing Member State (68 % <sup>(28)</sup> agreed to some or a great extent); uncertainties as to the duration of the stay of the protected person in the executing Member State (56 %); the differing level of protection in the other state (54 %); and language barriers (51 %). However, when the EPO is being executed, respondents indicated no difficulties related to the grounds for non-recognition (94 %).

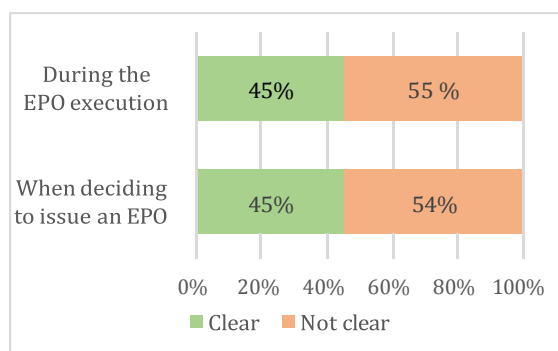


Figure 1. Clarity of the relationship between the EPO and the protection measures in the framework decision on probation measures and alternative sanctions and/or in the framework decision on supervision measures, according to judiciary respondents (%).

Furthermore, the relationship between the EPO directive and the aforementioned framework decisions appears to be unclear for 54 % of respondents, both when deciding to issue an EPO and during its execution (Figure 1).

The vast majority of the respondents acknowledge that there is no better way to protect the victims at national level in a cross-border situation (79 %).

Measures to improve the use of the EPO, notably in reference to victims of DV and violence against women (VAW), were suggested by respondents in Section A. These include improving the design and dissemination of guidelines (79 %), the harmonisation of protection measures at the EU level (77 %), improving information provided to victims (76 %), the monitoring of protection measures and the adoption of dissuasive penalties in cases where they are breached (76 %) and the creation of a central database at the EU level (74 %).

### 3.2.2. Challenges related to the implementation of the European Protection Order directive

It is worth analysing where the views and perspectives of these two categories of respondents (judiciary and support services) converge, as well as the areas where their responses are not aligned, taking into account also what emerged during the discussions with experts.

This section therefore describes the major gaps and shortcomings that undermine the full and effective implementation of the EPO directive, bearing in mind that the survey was based primarily on statements with which respondents were asked to indicate their level of agreement, and the results subsequently reported referring to the percentage (%) of respondents.

(27) The percentage was calculated by including respondents who answered ‘do not know’. If we exclude those who replied ‘do not know’, the percentage increases to 87 %.

(28) If we exclude those who responded ‘do not know’, the percentage increases to 84 %.

### *Lack of awareness*

The lack of familiarity with the EPO is a recurring feature, and it has been identified as a challenge for victims by both support services and judicial practitioners to similar extents (Figure 2).

From victims' perspectives, according to 84 % of respondents in Section B, victims' lack of awareness of their rights and, in particular, of the EPO, represents a challenge. Nevertheless, in the context of the focus group discussions organised with representatives from support services, participants unanimously agreed that victims' knowledge on and awareness of the matter should not be expected, nor taken for granted. In this regard, the lack of awareness of service providers and legal practitioners was confirmed as the main concern.

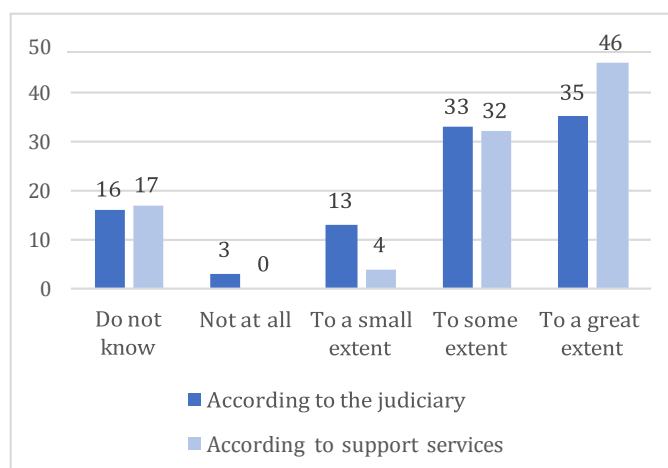


Figure 2. Extent to which victims who request an EPO face challenges due to practitioners' lack of awareness (%).

### *Entwined links with other available instruments*

One additional aspect undermining the implementation of the EPO is related to the way it interacts with other applicable EU instruments. Indeed, its interaction with other instruments providing similar protection measures for victims – such as Framework Decision 2008/8947/JHA on probation measures and alternative sanctions, Framework Decision 2009/829/JHA on supervision measures and the Civil European Protection Certificate (Regulation (EU) No 606/2013) – was identified as a challenge to some extent by 39 % of respondents from the judiciary. 35 % responded that they did not know if this was the case (Figure 3).

All four instruments provide for similar if not identical protection measures, leaving judicial authorities to decide the appropriate one to apply (see Section 2.2).

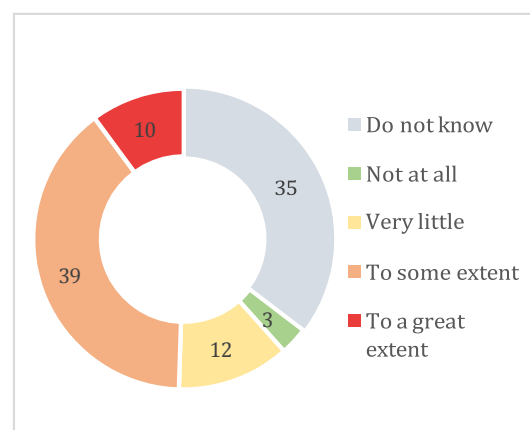


Figure 3. Extent to which the interaction of the EPO with other instruments represents a challenge for the judiciary, according to respondents (%).

### *Grounds for non-recognition and difference in the level of protection*

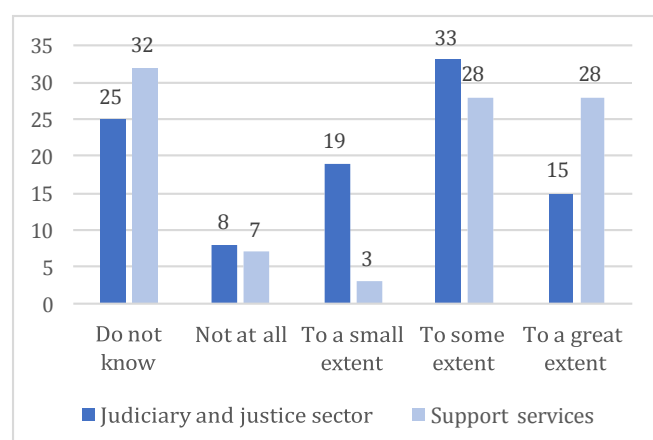


Figure 4. Extent to which the lack of harmonisation of the criminal offences on the basis of which an EPO is recognised represents a challenge, according to judiciary and support service respondents (%).

The lack of harmonisation of the criminal offences on the basis of which the EPO is recognised by the executing Member States is a further obstacle, according to both categories of respondents, as shown in Figure 4.

Specifically, this is related to Article 10(1c) of the EPO directive, which provides that the execution of the EPO can be refused by the executing Member State if 'the protection measure relates to an act which does not constitute a criminal offence under the law of the executing State'. This lack of harmonisation was, however, not substantiated in the survey with concrete examples, and seems to contradict the response of almost all judicial respondents (94 %) that they had no difficulties related to the grounds for non-recognition.



From the Spanish perspective, the crime of physical mistreatment (*maltrato de obra*), as defined in Article 153 <sup>(29)</sup> of the Criminal Code, does not require any injury to be inflicted, which means it could be considered non-punishable conduct in many Member States. Therefore, the issuance of an EPO based on the commission of this criminal act in Spain may not be recognised or executed by the state to which the victim moves.

Most of the respondents also indicated that there were challenges stemming from the different level of protection measures offered to victims among Member States. This assessment was shared to some or a great extent by 53 % of respondents from the judiciary and 67 % of respondents from support services (Figure 5).

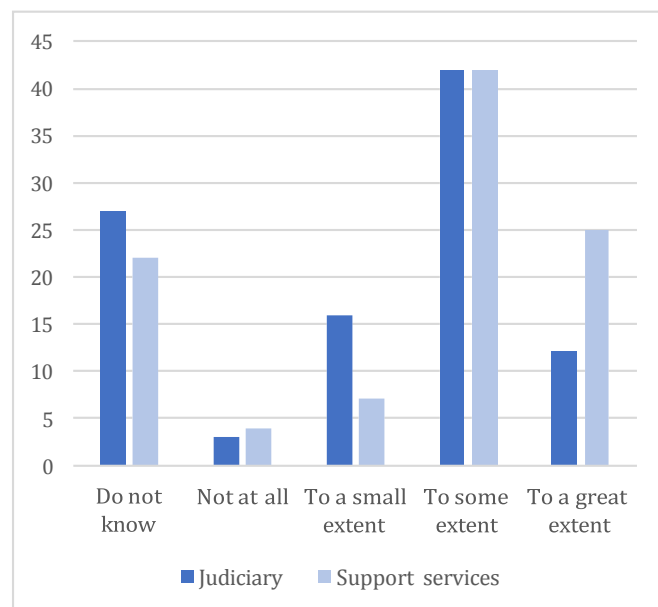


Figure 5. Extent to which differences in the type and scope of protection measures offered to victims at the national level represents a challenge, according to judiciary and support service respondents (%).

Furthermore, for at least 36 % of respondents, competent authorities in executing Member States face difficulties in ensuring a similar level of protection.

The heterogeneity of the level of protection offered by Member States may constitute a technical limitation hampering the execution of EPOs. This is exacerbated by the lack of effective mechanisms to monitor national protection measures in many Member States. For example, the level of technological advancement (e.g. the use of electronic bracelets) at the national level varies considerably, hampering the ability to pursue the ultimate aim of the EPO directive, namely to provide continuous and similar protection to the victim moving to another Member State. Nevertheless, the principle on which the EPO directive is based remains that of mutual recognition among Member States and not harmonisation of mechanisms.

#### Procedural weakness and implementation gaps

Another set of common challenges pertain mostly to procedural weaknesses (i.e. in issuing/executing an EPO).

From the support services' side, on average there is a similar level of agreement (around 28 %) that the following aspects represent a challenge to a great or some extent for victims requiring an EPO: overly complicated procedures, excessive length of procedures / delays, lack of coordination across countries and difficulties in exchange of information among relevant competent authorities. However, around 40 % were not able to provide an answer ('do not know'). As already mentioned, the absence of national focal points also constitutes an obstacle, as it prevents smooth communication between services.

The judiciary and justice sector respondents identified as a recurring challenge difficulties in imposing penalties in the event of a breach of the protection measures (Figure 6). This was also the case for respondents in Section B, who strongly agreed with penalties as a way to improve the effectiveness and implementation of the EPO.

(29) Article 153(1) of the Spanish Criminal Code reads (emphasis added): 'Whoever, by any means or procedure, causes another mental damage or an injury less serious than those outlined in Section 2 of Article 147, **or who hits or abuses another by action, without causing such person an injury**, if the victim is or has been his wife, or a woman with whom he has been bound by a similar emotional relation, even if not cohabitating, or an especially vulnerable person who lives with the offender, the offender shall be punished with a **prison sentence of six months to one year**, or community service from thirty-one to eighty days and, in all cases, deprivation of the right to own and carry weapons from one year and a day to three years, as well as, if the Judge or Court of Law deems it appropriate in the interest of the minor or person with disabilities requiring special protection, barring from the exercise of parental rights, guardianship, care, safekeeping or fostership for up to five years.'

Shifting the focus back to the judiciary, there was a high level of agreement (expressed below through the sum of 'to a great extent' and 'to some extent' answers, not as an average) regarding:

- the need for close cooperation between issuing and executing authorities (68 %);
- uncertainties as to the duration of the stay of the protected person in the executing Member State (56 %);
- issues related to the transfer of requests (48 %).

Fewer respondents reported the following as a challenge: the lack of clarity as to the time frame / duration for recognising the protection measures (41 %) and

difficulties faced by the executing authorities in determining the duration of the measures taken by the issuing authorities (34 %). An additional difficulty appeared to be ensuring that the person causing danger is heard when applicable, which was raised 'to a great extent' and 'to some extent' by 49 % of respondents. It should be noted that, on average, 24 % of respondents replied 'do not know' to all these statements.

Overall, the survey suggests that the EPO produces a cycle of inaction, with all actors expecting other bodies and services to either know what to do or be the first to act. As stressed in the focus group discussion held by EIGE: 'judicial and victims' support services are waiting for the victims, rather than going for the victims'. A representative of victim support services also highlighted the difficulties they face in collaborating with the judicial system when assisting victims. Participants commonly shared a general sense of a lack of cooperative multi-agency coordination among relevant actors, undermining the effectiveness of protective measures at the national level.

#### *Lack of support mechanisms to facilitate access to European Protection Orders*

Shortcomings in and the absence of mechanisms aimed at simplifying access to EPOs were identified as challenges. 71 % of support service respondents identified the lack of legal assistance / legal aid or support mechanisms available to victims as the main challenge ('to a great extent' and 'to some extent'), affecting victims' ability to execute their rights. In addition, while free legal aid may be offered, its provision often varies among Member States, and access to it may be subject to certain conditions, acting as a barrier for victims.

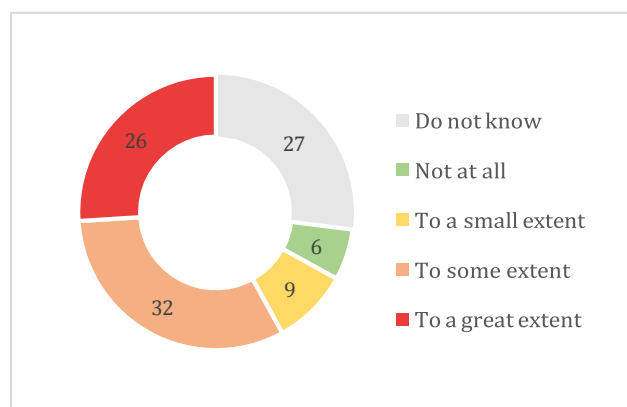


Figure 7. Extent to which barriers to accessing national protection orders represent a challenge for victims, preventing them from requesting an EPO, according to support service respondents (%).

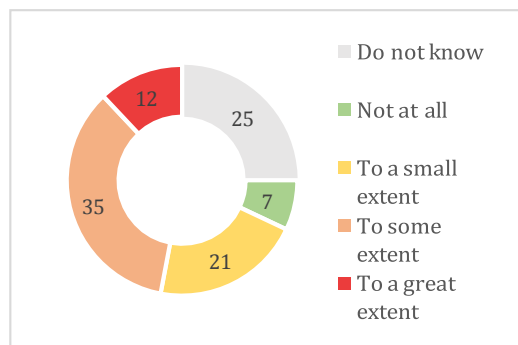


Figure 6. Extent to which imposing penalties in the event of a breach of the protection measures represents a challenge, according to judiciary respondents (%).

According to the respondents from support services, another obstacle is related to barriers to accessing national protection orders in the first place, preventing victims from requesting an EPO (Figure 7). Indeed, as stated under Article 5 of the directive, the adoption of a protection measure under national law is the legal pre-requirement to apply for and be granted an EPO.

Due to all these challenges, the EPO does not properly meet victims' need for protection. Although 32 % of respondents from support services agreed with this statement 'to a great extent' and 'to some extent', it is worth noting that 45 % responded 'do not know', confirming the general lack of awareness of this instrument. On this point, 58 % of respondents from the judiciary agreed that the lack of information provided to protected persons represents a challenge 'to a great extent' and 'to some extent'. However, according to respondents in Section A, the authority mandated to inform the protected person about the EPO is the police (33 %) and the

judicial authorities (37 %) <sup>(30)</sup>. This is covered by Article 6(5) of the EPO directive at the issuing stage of the national protection measure and by Article 9(3) of the directive at the executing stage, which provide that the executing authority shall inform the protected person, the person causing danger and the competent authority of the issuing Member State.

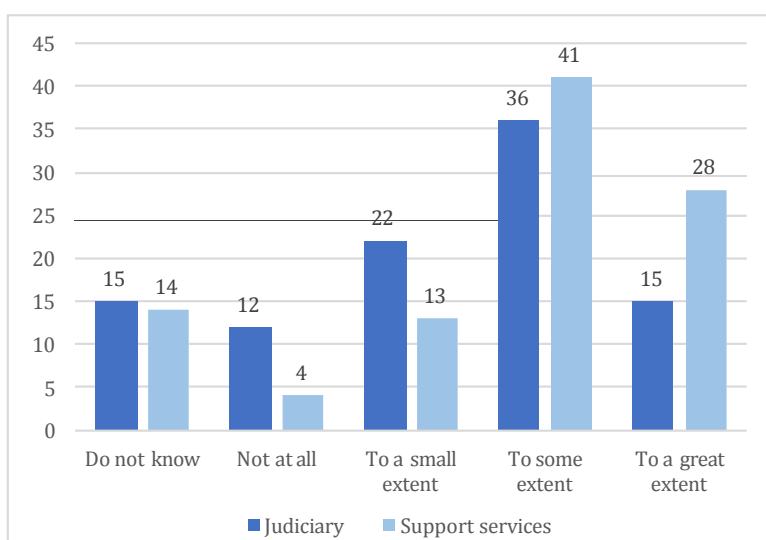
### *Barriers to victims accessing protection*

The challenges discussed in this section focus more on the victims' perspective, giving an overview of several barriers to the full implementation of EPOs. In the EIGE-led focus group discussion, participants agreed that the greater focus on the responsibility of the victim to be informed and the expectation that they are proactive in seeking an EPO does not seem to take into account the difficult situation in which they find themselves and the 'extra burden' of bureaucratic processes on victims.

The survey findings demonstrate that some factors exacerbate the already difficult process of securing an EPO. Among these, victims' fear of their location being disclosed was identified as a challenge by 71 % of support service respondents ('to a great extent' and 'to some extent'). Article 6(4) of the EPO directive states that the person causing danger shall be heard by the issuing Member State. The possible disclosure of the location of the victim increases their general feeling of distrust in the justice system, as recognised by 72 % of respondents.

A common obstacle identified by both categories of respondents was linguistic barriers (Figure 8), specifically a lack of access to translation/interpretation services – affecting in particular women victims with migrant background – and a lack of provisions enabling the use of technologies, for example audio/interpreting equipment to listen to victims, or setting up on-line video conferences.

Figure 8. Extent to which linguistic barriers represent a challenge for victims, according to judiciary and support service respondents (%).



### **3.2.3. Challenges related to gender-based violence and specialised support services**

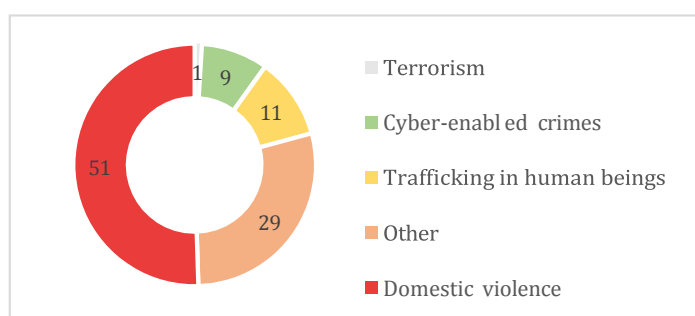


Figure 9. Types of crimes for which EPOs are issued the most by the judiciary, according to respondents (%).

Although an EPO can be requested by the victim of any crime, the instrument is used mainly to protect women in cases of intimate partner violence (IPV) or DV, harassment, stalking or sexual assault <sup>(31)</sup>. As is widely recognised, women are disproportionately affected by GBV and particularly vulnerable to secondary and repeated victimisation, intimidation and retaliation. Therefore, in most cases, women are the primary beneficiaries of the EPO.

(30) Article 6(5) of the EPO directive reads: 'When a competent authority adopts a protection measure containing one or more of the prohibitions or restrictions referred to in Article 5, it shall inform the protected person in an appropriate way, in accordance with the procedures under its national law, about the possibility of requesting an EPO in the case that that person decides to leave for another Member State, as well as of the basic conditions for such a request. The authority shall advise the protected person to submit an application before leaving the territory of the issuing State.' Hence, the obligation to inform is on the issuing authority (namely the authority that adopts the protection measure). The issuing authority shall follow the procedure established under the national law.

(31) Report on the implementation of Directive 2011/99/EU on the European Protection Order (2016/2329(INI)) [A-8-2018-0065 EN.pdf](#)

The analysis of the survey results confirms this. The judiciary said that DV was the crime for which they issued the most EPOs (Figure 9).

From the support services' side, it is worth noting that when information on the EPO is given, it is provided mainly to victims of IPV and DV (41 % of respondents). Among this 41 %, the majority of respondents represented specialised support services (81 %), while only 19 % represented general support services. In addition, when providing information about the EPO, specific consideration is given to female victims of IPV (80 % of respondents) and DV (69 % of respondents). This is also the reason why more than 45 % of respondents in Section B identified the lack of specialised support services for victims of VAW and DV as a challenge 'to a great extent' and 'to some extent' for victims who request an EPO.

Following a more in-depth assessment, it is apparent that the challenges identified in the survey may prevent victims' need for protection from being met. It would be more reasonable to affirm that, perhaps, much more tailored support should be provided, especially for specific categories of victims, such as women in violent situations, with a migrant background and/or belonging to a minority group.

With regard to the provision of tailored specialist support services to victims of VAW and DV, it should be noted that the recently adopted directive on combating VAW and DV, once transposed into national law (by June 2027), will significantly improve the situation. Member States are also required to provide targeted specialist support to victims experiencing intersectional discrimination (that is, discrimination based on a combination of sex and any other grounds of discrimination as referred to in Article 21 of the Charter of Fundamental Rights of the European Union) and to groups at increased risk of VAW and DV <sup>(32)</sup>.

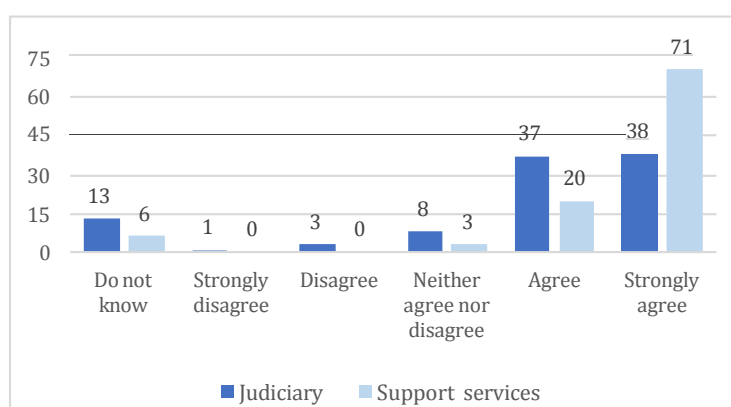
Insights into existing problems were provided by respondents with experience of working with victim support services. For example, migrant women in particular may not want to contact support services in the country they are moving to and are the least open to having 'state intervention' in their lives following experiences of violence. In addition, meeting with state authorities does not lessen their sense of insecurity around their residence status, and in fact may be perceived as a possible threat.

Additionally, bearing in mind the set of challenges mentioned previously, it is relevant to stress the greater impact they may have on women victims of IPV and DV. For instance, in some countries, state-provided free legal assistance is not sufficiently available to victims of GBV, as courts' can apply a subjective interpretation of the granting criteria. This lack of homogeneity in court rooms was stressed by a participant in the focus group with particular reference to differences at the national and local levels: 'Regardless of the clarity of the law and its procedure in establishing whether or not to adopt protection orders, the concrete application of it is not homogeneous among courts and judges, and discrepancies are detected in different courts, especially at the local level'.

Other factors preventing victims of IPV from exercising their rights are that they are often financially dependent on the perpetrators or fear losing custody rights if they move to another country. This is related to the fact that, in many Member States, national protection orders do not include civil measures related to family law proceedings and/or child protection proceedings, and women benefiting from protection orders still need to comply with court-ordered custody arrangements and visitation regimes.

To overcome the abovementioned challenges and shortcomings, most respondents to the survey agreed on the need for harmonised definitions of all forms of VAW/DV criminal offences across Member States (Figure 10).

Figure 10. Extent to which harmonised definitions of VAW/DV offences across the EU are considered a way to increase the EPO's use and effectiveness, according to judiciary and support service respondents (%).



(32) These include women with disabilities, women with dependant residence status or a dependant residence permit, undocumented migrant women, women applicants for international protection, women fleeing armed conflict, women affected by homelessness, women with a minority racial or ethnic background, women living in rural areas, women in prostitution, women with low income, women detainees, lesbian, gay, bisexual, trans or intersex persons, older women or women with alcohol and drug use disorders.

There was a similar level of agreement (85 % on average) on the need for harmonised protection measures to be available to victims of VAW/DV across Member States.

Overall, possible ways to increase the use and effectiveness of the EPO in cases of VAW/DV – reported below – generated the same level of agreement among respondents. The level of agreement among the judiciary and justice sector (strongly agree and agree) ranged from 74 % to 78 %; for support services, the range was between 88 % and 97 %.

The recommendations put forward by respondents from support services included:

- paying particular attention to the way protective measures are implemented to ensure a comparable level of protection;
- providing guidelines on the implementation of the EPO to relevant professionals;
- improving exchange of data and information across Member States, including by using an existing or yet to be created database or a register at the EU level;
- improving knowledge and awareness on protection measures available to victims;
- monitoring protection measures and issuing dissuasive penalties for breaches.

In addition, when asked about other possible ways to increase the use and effectiveness of the EPO in the cases of VAW and DV, support services shared a general level of agreement (87–97 %) with the following statements:

- higher involvement of the local police and support services in implementing protective measures;
- training for relevant professionals on the implementation of the EPO;
- establish/strengthen specialised support services, providing legal aid;
- conduct awareness-raising campaigns on victims' rights (including EPOs).

Although the question related specifically to cases of GBV, it is important to note that the recommendations are valid across a broader range of cases to increase the use and effectiveness of the EPO.

### **3.3. Closing observations**

Based on the results of both the survey and the focus group discussions, this section identified the common challenges identified by relevant stakeholders and practitioners and provided examples of barriers to the full implementation of the EPO and its effectiveness. Looking at support services, 30 % of respondents recognised that, particularly in cross-border cases, there is no other instrument available to protect victims, and, when properly implemented, that the EPO is a good instrument. However, this constitutes only one third of respondents, and it should be noted that 52 % of respondents answered 'do not know'. This does not deny the relevance and efficiency of the mechanism per se, but rather points to the persistent lack of awareness about the EPO.

With regard to respondents from the justice sector, the main benefits of the EPO cited included protecting the victim (68 %) and ensuring a similar level of protection across borders (44 %). Although only 14 % considered the EPO 'easy to use', 79 % of professionals from the judiciary and justice sector affirmed that there are no other instruments / national provisions offering similar or better protection mechanisms to ensure the protection of victims in cross-border situations.

## **4. The added value of Eurojust and EIGE**

### **4.1. The facilitating role of Eurojust and the European Judicial Network in relation to the European Protection Order**

#### **4.1.1. General strategic and operational support to national authorities**

Eurojust contributes to the mutual understanding of Member States' legal systems; stimulates and facilitates consultation between judicial authorities; and coordinates and provides national authorities with relevant legal information.

Eurojust as a facilitator of judicial cooperation assists Member States in implementing judicial instruments of cooperation such as joint investigation teams, the European arrest warrant, the European Investigation Order and the regulation on mutual recognition of freezing orders and confiscation orders. Feedback gathered on the use of such instruments helps identify practical challenges and legal gaps, and is reflected



in strategic reports disseminated to practitioners and decision-makers. These reports can translate into guidelines <sup>(33)</sup> and compilations of best practice.

With respect to the EPO, however, Eurojust strategic and operational work suggests that it is much less used than other judicial cooperation instruments. The general support offered by Eurojust to practitioners could nonetheless apply to facilitating the issuance and execution of EPOs.

From an operational standpoint, one pivotal element of judicial cooperation in general is the timely and effective exchange of information. To that effect, Eurojust organises level II meetings. These are informal meetings between two or more Member States to discuss one or more cases. They can take place at any stage of the case for several purposes. The main aim of a level II meeting is to identify how to tackle the issues at stake and agree on the way forward. Within the context of such meetings, a preliminary assessment of the victim's needs could hint at the need to consider the issuance of an EPO or facilitate its execution. As EPOs typically concern two Member States, Level II meetings could be well suited to clarifying the relevant competent authorities for the execution of an EPO, for example. This is specifically mentioned in the EPO directive which invites the competent authorities to make the relevant inquiries, including, when appropriate, via EJN and Eurojust<sup>34</sup>.

Eurojust can also organise coordination meetings designed to bring together the judicial and law enforcement authorities of the countries involved to reach agreement on their cooperation. In such meetings, prosecutors, investigative judges and law enforcement representatives come together, share information and agree on the next steps in view of resolving legal and practical issues and deciding what actions to take and which measures to apply. Participants can, if appropriate, take the opportunity to discuss specific aspects such as victim-related matters. For example, if appropriate, participants may exchange information on the identity and status of the victim, the nature and extent of their damage or loss, and possible remedial actions such as protection or compensation. In the course of a coordination meeting, the need to issue an EPO could be explored when relevant. For example, Eurojust could promote the issuing of an EPO or facilitate its execution as part of its advisory role. This could be envisaged specifically in cases warranting the protection of a victim who has expressly indicated their will to move from one Member State to another. This possibility will however depend on the confidentiality of the investigation, as the use of the EPO presupposes the issuance of national protection measures, informing the person causing danger and giving the latter the possibility to be heard.

Concerning judicial cooperation tools, Eurojust regularly provides practitioners with casework reports and analysis on topical issues. These publications are designed to inform both practitioners and policymakers of the main difficulties encountered in the practical application of such instruments, based on Eurojust's casework, and to highlight, where relevant, the role that the agency has played in overcoming such difficulties. This report aims to fulfil this objective by raising awareness among practitioners. Eurojust could also contribute to the dissemination of dedicated guidelines alone or in conjunction with another EU institution or agency. A more tailored application of the EPO directive, to reach its full potential, may be attained by the publication and dissemination of such guidelines (or similar informative material).

Another important judicial cooperation facilitator is the EJN. The EJN is a network of national contact points for the facilitation of judicial cooperation in criminal matters. The main role of EJN contact points, defined as 'active intermediaries', is to facilitate judicial cooperation in criminal matters between the EU Member States, particularly actions to combat forms of serious crime. To this end, they assist in establishing direct contact between competent authorities and provide the legal and practical information necessary to prepare an effective request for judicial cooperation or to improve judicial cooperation in general. Eurojust and EJN collaborate frequently on joint projects <sup>(35)</sup>.

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(33) See, for example, Eurojust, *Guidelines for Deciding 'Which Jurisdiction Should Prosecute?'*, 2016, [https://www.eurojust.europa.eu/sites/default/files/Publications/Reports/2016\\_Jurisdiction-Guidelines\\_EN.pdf](https://www.eurojust.europa.eu/sites/default/files/Publications/Reports/2016_Jurisdiction-Guidelines_EN.pdf); Eurojust, *Guidelines for deciding on competing requests for surrender and extradition*, 2019, <https://www.eurojust.europa.eu/judicial-cooperation/eurojust-role-facilitating-judicial-cooperation-instruments/european-arrest-warrant/guidelines>; and Eurojust, *Guidelines on How to Prosecute Investment Fraud*, 2021, <https://www.eurojust.europa.eu/publication/eurojust-guidelines-how-prosecute-investment-fraud>.

(34) See Article 8 (2) of the EPO directive

(35) See, for example, the joint EJN–Eurojust publication *Updated questionnaire and compilation on the requirements for issuing and executing judicial authorities in EAW proceedings pursuant to the CJEU's case-law*, 2024, <https://www.eurojust.europa.eu/publication/updated-questionnaire-and-compilation-requirements-issuing-and-executing-judicial>.

Generally, the EJNI has found that a number of victims' rights could be improved. In a report published in May 2022 <sup>(36)</sup>, the EJNI highlighted challenges relating to victims of cross-border crimes in the areas of access to information, procedural rights and victims' right to protection. Admittedly, the report does not relate directly to the EPO; nonetheless, these findings corroborate to a large extent the results of the survey on the EPO.

At the 51st plenary meeting of the EJNI in November 2018 <sup>(37)</sup>, practitioners discussed the application of mutual recognition instruments, including the EPO and Framework Decisions 2008/947/JHA and 2009/829/JHA. The EJNI reported the limited familiarity of the participants with these instruments in general. The lack of experience in using these instruments leads to delays in their execution. The issuing authorities sometimes have the additional task of providing extra information and even guidance to the executing authorities in the executing Member State, causing additional delays in the process.

As regards the EPO specifically, practitioners at the time indicated a series of challenges, including the lack of familiarity with aspects related to the issuance and execution of the EPO, issues related to the actual transmission of the EPO, difficulties in the identification of the competent authorities, the potential overlap with framework decisions, and the fact that some Member States have assigned civil courts as the competent authorities for the EPO. Practitioners recommended inter alia continuous training and direct contact between judicial authorities.

The EJNI has developed a library with useful resources on the EPO, including national notifications of the competent authorities in charge of issuing and executing EPOs. The dedicated web pages are accessible using the following link: <https://www.ejn-crimjust.europa.eu/ejn/libSearchResults/EN>. It should be noted however that the pages dedicated to the EPO are slightly less detailed than those for other judicial cooperation instruments.

To use to the fullest the added value of Eurojust and EJNI, practitioners are invited to contact either one of them, depending on the complexity of the case, as provided by Article 8 (2) of the EPO directive. EJNI and Eurojust published a paper in April 2024 outlining their respective added value <sup>(38)</sup>

#### **4.1.2. Analysis of Eurojust casework on the European Protection Order**

To complement the findings of the survey, Eurojust reviewed its casework and identified case illustrations. These are not necessarily representative of trends, as, overall, relatively few cases could be identified and analysed, as indicated in Section 1.4. However, they indicate specific challenges faced by practitioners and how Eurojust helped overcome them.

##### *The need for protection*

Within the context of an expanded area of freedom of movement of EU nationals, motivated by either touristic or economic reasons, the need for protection goes beyond the EU. Norway, as an attractive country offering relatively good working conditions, is however not part of the EPO. A Eurojust case illustrates *a contrario* that the use of the EPO could have benefited the victim, a national of a Member State.

##### **Case illustration 1**

Following DV perpetrated by her partner, a Latvian national moved from Latvia to Norway. After a failed attempt by the perpetrator to enter Norway, the victim requested a restraining order on 22 December 2020. The restraining order was issued by the Norwegian police prosecutor on 11 January 2021. After several violations of the Norwegian restraining order, the perpetrator was sentenced to five months imprisonment. Later, he was transferred to Latvia to serve his sentence.

This case illustrates some of the challenges of not being part of the EPO. The restraining order issued by the Norwegian authorities was valid only in Norway. As such, the violation of the Norwegian restraining order was considered a crime only if it was committed in Norway. As a result, the Norwegian police did not notify the Latvian authorities about the restraining order nor of its

(36) EJNI, 'Contribution of the EJNI contact points in the field of victims' rights and to the revision of the victims' rights directive', 2022, <https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/3923>.

(37) EJNI, 51st plenary meeting of the European Judicial Network – 22–23 November 2018 in Vienna, Council document 14754/18 of 5 December 2018.

(38) Joint EJNI and Eurojust publication, *Assistance in international cooperation in criminal matters for practitioners – European Judicial Network and Eurojust: What can we do for you?*, 2024, <https://www.eurojust.europa.eu/sites/default/files/assets/ejn-ej-assistance-in-international-cooperation-in-criminal-matters-for-practitioners.pdf>.

subsequent violation, leaving the Latvian authorities unaware of the history of the case and the victim unprotected in the event of her return to Latvia.

- ➔ This case illustrates that in non-EU countries attracting EU nationals, a protection mechanism may be beneficial. It is worth noting that the Norwegian liaison prosecutor at Eurojust explained that an internal assessment is being conducted as to whether Norway should join the EPO. The liaison prosecutor for Norway intends to write a letter to the Norwegian Attorney General and the Norwegian Justice Department to suggest that the Norwegian authorities consider implementing measures similar to those of the EPO.

#### *The benefit of the comprehensive yet complex legal framework*

While the complexity of the applicable legal framework may pose difficulties for practitioners, it could also be an opportunity to find the appropriate instrument to protect the victim. In a case involving Ireland, a country that opted out of the directive, the correct applicable instrument was found following advice offered by Eurojust, and resulted the victim being provided with the same type of protection as the EPO offers. The case illustration below is similar to case illustration 3 in that it concerns the application of Regulation (EU) No 606/2013. The difference in this case is that only Regulation (EU) No 606/2013 (and not the EPO) could be applied by virtue of the fact that, according to Irish procedural law, the matter falls within the remit of civil law. For the same reason, the Council framework decision on supervision measures as an alternative to provisional detention was not the applicable instrument either.

#### **Case illustration 2**

This case was referred to Eurojust in July 2022 after a national protection order under the Irish Domestic Violence Act 2018<sup>(39)</sup> (a civil matter) was issued in Ireland. The applicant and respondent were from Lithuania, and it appeared that the applicant sent the national protection order to Lithuania, seeking for it to apply there.

The case was opened in Ireland on the request of Lithuanian authorities in order to consult Irish colleagues on the protection measure sent directly to Lithuanian police. The EPO is, in practice, not used in Lithuania, and the case reflected a lack of awareness regarding the practical application of Directive 2011/99/EU.

The instrument mentioned in the initial correspondence between the national authorities as possibly applying was Council Framework Decision 2009/829/JHA on the application of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.

Then, Eurojust's Irish desk reached out to the Irish authorities, and the response that was ultimately provided was to refer to Regulation (EU) No 606/2013 of 12 June 2013 on mutual recognition of protection measures in civil matters, as the applicable instrument to enforce what is a civil protection measure under Irish law in another Member State.

- This case illustrates the complex legal framework applicable to victims seeking to be protected and the role of Eurojust as a key actor in advising national authorities on the correct instrument to use.

#### *The continuous protection of victims, regardless of the type of judicial authority involved*

As pointed out in 2017 by the European Parliament in its assessment<sup>(40)</sup>, at the EU level two different legal mechanisms seek to protect victims by recognising protection measures adopted under national civil or criminal legal proceedings. Both instruments – the EPO directive and Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters – provide for the same protection measures, but they use different tools: a protection order in the first case and a civil certificate in the other.

For instance, in Austria and Germany both criminal law- and civil law-based protection measures are possible, but the most comprehensive and most often used long-term protection orders have to be applied for by the victim at a civil court. In Austria, civil law-based protection orders are the only long-term protection measure. In other Member States, such as Spain, the legal framework allows the adoption of these protection measures only in criminal proceedings. Therefore, while Spain issues only EPOs and never

(39) <https://revisedacts.lawreform.ie/eli/2018/act/6/front/revised/en/html>.

(40) EPRS, Op. cit., p. 11.



certificates, it may receive certificates and has to execute them. Germany, on the other hand, issues mainly certificates and rarely EPOs, yet it has to execute them.

Due to its mandate, Eurojust cannot conduct any thorough study in relation to Regulation (EU) No 606/2013, as it does not relate to criminal law. Nonetheless, the case below exemplifies that, thanks to the mutual recognition principle and the flexible wording of both instruments, the continued protection of victims can be ensured, regardless of the type of judicial authority that issued the national protection measure.

### **Case illustration 3**

A Spanish judge from Palma, Mallorca, issued a national protection order in the context of violence perpetrated against a woman. Later, the victim moved to Germany and requested the execution of the decision there.

In this case, the Spanish judge faced difficulties identifying the competent German authority to which the EPO should be transmitted; thus, he referred the matter to Eurojust for assistance.

This case illustrates the interplay between jurisdictions using predominantly civil law to govern protection measures and other jurisdictions that use criminal law. In this situation, it was apparent that Germany applies civil law measures. The EPO directive does not preclude the execution of an EPO issued by Spain for which only criminal law can be the basis for issuing such protection measures. Indeed, it recognises that an EPO can be issued and executed regardless of the type of judicial authority involved, be it civil or criminal.

- This case is emblematic of the fact that the mutual recognition principle that governs the EPO enables two Member States using a different legal basis for applying protection measures to, nonetheless, ensure the continued protection of the victim. Being aware of this fact allowed Eurojust to quickly identify the competent authority, in this case the family division of a German district court.

### *The need to expedite the execution of European Protection Orders*

Article 15 of the directive does not provide details on the time limit for the recognition of an EPO. In its assessment, the Parliament noted that national laws implementing the directive, which to a considerable extent merely copy the provisions therein, do not either. Nonetheless, by virtue of the very nature of the instrument, a certain sense of urgency governs the recognition of an EPO. Recital 13 indicates that a request for the issuance of an EPO 'should be treated with appropriate speed', while Article 9(1) requires that the competent authority of the executing Member State recognise it 'without delay'.

Eurojust is operational in urgent cases 24/7 through its on-call coordination mechanism, as provided for in Article 19 of the Eurojust regulation <sup>(41)</sup>. Eurojust is therefore well placed to provide timely guidance to the national authority seeking to issue or execute an EPO. In the case below, the prompt advice provided by the agency allowed an EPO to be executed within a matter of days.

### **Case illustration 4**

A domestic protection measure was issued by a Spanish judge specialising in GBV cases in July 2021. Almost a year later, the victim decided to move from San Sebastian to Hendaye, France, which is 25 km away. On 27 June 2022, the Spanish judge issued an EPO and translated the protection order into French.

However, the Spanish judge faced difficulty in identifying the relevant French authorities. The Spanish desk at Eurojust was approached to facilitate the process. As a result, as early as 2 July 2022, a French judge in Bayonne received the EPO, and the measures established in Spain to protect the victim were then recognised in France, thus ensuring continued protection of the victim.

- The case illustrates how Eurojust can play a key role in coordinating the application of a EU instrument by identifying the relevant executing authority. The case exemplifies the added value of relying on Eurojust to address situations that require urgent action.

(41) Regulation (EU) 2018/1727 of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138), <https://eur-lex.europa.eu/eli/reg/2018/1727/oj/eng>.

## 4.2. The European Protection Order from a gender perspective

### 4.2.1. Legal framework for protecting the rights of victims of gender-based violence

The EPO directive is only one part of the victims' rights framework, particularly when it comes to GBV and DV cases. In fact, it is part of a complex and multidisciplinary legislative framework.

The victims' rights directive <sup>(42)</sup>, the recently adopted EU directive on combating violence against women and domestic violence <sup>(43)</sup> (hereinafter 'the directive on combating VAW and DV') and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) <sup>(44)</sup>, as well as GBV-related policies, can provide women victims of IPV and DV with a comprehensive and effective framework geared to their protection; therefore, the EPO directive cannot be applied in isolation (see Visual 2 below).

- 2008 → EU Council Framework Decision 2008/947/JHA on the application of the **principle of mutual recognition to judgments and probation decisions**.
- 2009 → EU 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**.
  - EU Parliament Resolution on the **elimination of violence against women**.
- 2010 → EU Parliament Resolution on equality between women and men in the Union ⇒ **proposal to introduce the EPO for VAW victims**.
- 2011 → EU Council Resolution on a Roadmap for strengthening the **rights and protection of victims**, especially in criminal proceedings.



### Directive 2011/99/EU on the European Protection Order

- 2012 → Directive 2012/29/EU on minimum standards on the rights, support and protection of victims of crime (**Victims' Rights Directive**).
- 2013 → Regulation (EU) 606/2013 on **mutual recognition of protection measures in civil matters**.
- 2014 → Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).
- 2020 → European Commission **EU Strategy on victims' rights** (2020-2025).
  - European Commission A Union of Equality: **Gender Equality Strategy 2020-2025**.
- 2023 → Regulation (EU) 2023/2844 on the **digitalization of judicial cooperation** and access to justice in cross-border civil, commercial and criminal matters.
  - **EU ratification** of the Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 2011.
- 2024 → Directive (EU) 2024/1385 on **combating violence against women and domestic violence**.

*Visual 2. Summary of the main legislation related to victims' rights protection at the EU level.*

*Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime ('victims' rights directive')*

The victims' rights directive aims to ensure that victims of crime receive appropriate information, tailored support, protection and legal aid, and are treated in a respectful, sensitive and professional manner. It recognises the need for special support and protection measures for women victims of GBV and their children, and economic and/or social dependence on the perpetrator as potentially exacerbating elements.

Particularly relevant is Article 8, enshrining the right of victims to access support services that are in line with their needs and act in their interests before, during and after criminal proceedings.

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(42) Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, p. 57), <https://eur-lex.europa.eu/eli/dir/2012/29/oj>.

(43) Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence (OJ L, 2024/1385, 24.5.2024), [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL\\_202401385](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AL_202401385).

(44) Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, 11.V.2011, Council of Europe Treaty Series No 210, <https://rm.coe.int/168008482e>.

Furthermore, Article 9 specifies that specialist support services shall, as a minimum, develop and provide shelters or appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, intimidation and retaliation.

In addition, Article 23 recognises the right of victims with specific protection needs to benefit from special measures during criminal proceedings.

The victims' rights directive provides a set of rights for all victims of crime, including the right to access support and protection in accordance with their individual needs. In July 2023, the Commission adopted a proposal for the revision of the victims' rights directive <sup>(45)</sup>. With the revision of the directive, the Commission aims to strengthen all victims' rights, including victims' right to protection, through better assessment of individual victims' needs and the availability of additional protection measures such as protection orders. The proposal for the revision of the victims' rights directive adds measures for victims' physical protection that aim to raise awareness about the available national protection measures. It is expected that this will facilitate the mutual recognition of EPOs.

### *The Istanbul Convention*

In 2023, the EU became the 38th party to the Istanbul Convention <sup>(46)</sup>. The EU has acceded to the convention with regard to matters falling within its exclusive competence, namely matters related to institutions and public administration of the EU and, to the extent that an exclusive competence exists, with regard to matters related to judicial cooperation in criminal matters, asylum and *non-refoulement*. The EU is now bound by ambitious and comprehensive standards to prevent and combat VAW and DV within these areas. This includes funding, policy and legislative measures.

Several significant aspects of the Istanbul Convention highlight that it is a crucial legal mechanism for supporting the effective application of the EPO, as the EPO can be interpreted in light of the provisions of the convention insofar as they fall within the exclusive competence of the EU and therefore become part of EU law, ranking between primary and secondary law (Article 216(2) of the Treaty of the Functioning of the European Union). These aspects have been clustered into three main domains, listed below <sup>(47)</sup>.

**Geographical scope.** The Istanbul Convention serves as a compelling legal framework for promoting victim protection in all jurisdictions. The convention obligates its parties to adopt necessary legislative measures to protect victims. Key articles in the Istanbul Convention related to victim protection include:

- Article 5(2), which stipulates that state parties must exercise due diligence to prevent, investigate, punish, and compensate for violence by non-state actors;
- Article 18(1) and 18(5), which mandates immediate protection and consular support for victims;
- Article 53, which stipulates that states must ensure that restraining or protection orders are available to victims without imposing excessive administrative or financial burdens on victims and must allow their issuance even without a prior hearing of the other party;
- Article 62, which encourages cross-border cooperation to enforce protective measures and civil/criminal judgments effectively.

**Determination of the EPO issuing authority.** An EPO can be issued only at the victim's request, as stipulated in Article 6.2 of the EPO directive. However, the Istanbul Convention provides a broader framework for sharing critical information between states, allowing authorities to initiate protective measures *ex officio* (on their own initiative) to prevent recurring violence, for example:

- Article 63 urges states to share information promptly if a person is at immediate risk of violence in another country;
- Article 64 allows information obtained during investigations to be transferred between states, potentially triggering protective measures in the recipient state.

**Minimising grounds for denial of protection orders.** Both the Istanbul Convention and the directive on combating VAW and DV mitigate this issue by requiring Member States to criminalise certain behaviours such as stalking, psychological violence (Istanbul Convention), certain forms of cyber violence, including

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(45) Proposal for a directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, COM(2023) 424 final of 12 July 2023, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52023PC0424>.

(46) *Istanbul Convention*, Op. cit., p. 25.

(47) Rodríguez-Medel, C., *La Orden Europea de Protección y el Convenio de Estambul*, CGGPJ, Cuadernos Digitales de Formación, 2016.

cyber stalking (directive on combating VAW and DV), female genital mutilation (FGM) and forced marriage (both the convention and the directive on combating VAW and DV).

Apart from the provisions mentioned above, Article 62 obliges state parties to cooperate with each other in accordance with the provisions of the Istanbul Convention and through the application of relevant international and regional instruments on cooperation in civil and criminal matters. These arrangements are to be agreed on the basis of uniform or reciprocal legislation and internal laws, to the widest extent possible, for the purpose of preventing, combating and prosecuting all forms of violence covered by the scope of the Istanbul Convention, including enforcing relevant civil and criminal judgments issued by the judicial authorities of parties, including protection orders.

It is worth emphasising the importance that the Istanbul Convention attaches to support services. Notably, Article 20 recognises the need for general support services to ensure that victims have access to services facilitating their recovery from violence. Specifically, Article 22 calls on parties to provide or arrange for specialist women's support services for all women victims of violence and their children.

The Istanbul Convention devotes special attention to victims' protection, stating that authorities should ensure a prompt response and avoid delays during investigations and criminal proceedings. It also grants authorities the power to adopt emergency barring orders in situations of immediate danger, order a perpetrator to vacate the residence of the victim or person at risk for a sufficient period of time, and prohibit the perpetrator from contacting or entering the residence of the victim or person at risk. The convention also states that effective, proportionate and dissuasive criminal or other legal sanctions shall be applied in the event of a breach. It should be noted that, following the ratification by the EU of the Istanbul Convention, the parts of the Istanbul Convention that fall within an area largely covered by EU law are now parts of the EU *acquis*.

#### *Directive (EU) 2024/1385 on combating violence against women and domestic violence*

A very recent step forward in this context has been the adoption of the directive on combating VAW and DV, the first EU-wide binding legal instrument on this topic. Mirroring the Istanbul Convention, it aims to provide a comprehensive framework to effectively prevent and combat VAW and DV throughout the EU by strengthening and introducing measures in relation to criminal offences, protection and support of victims, access to justice, data collection, prevention, coordination and cooperation.

The directive recognises that victims of VAW and DV are at an increased risk of intimidation, retaliation and secondary and repeat victimisation, and that Member States should ensure the protection of their dignity and physical integrity. In addition, it states that victims should be able to access their rights before, during and for an appropriate time after criminal proceedings, in accordance with their needs, including access to legal aid (Article 14).

Furthermore, it requires that Member States identify and assess victims' protection and support needs (Articles 16–17), in line with the victims' rights directive. Based on this evaluation, adequate protection measures must be guaranteed, such as granting of emergency barring orders, restraining orders or protection orders. The assessment shall be undertaken in collaboration with relevant actors, and specialist support services must be available to offer support to victims (Article 18).

According to Article 19, Member States shall ensure that, in situations of immediate danger to the victim's or dependant's health or safety, competent authorities are granted the power to issue, without undue delay, measures such as emergency barring orders, restraining orders and protection orders. In addition, they shall inform victims of the possibility of applying for protection measures and seeking their cross-border recognition pursuant to the directive or Regulation (EU) No 606/2013. Any breaches of the recognised measures shall be subject to effective, proportionate and dissuasive penalties.

#### **4.2.2. Concluding observations**

The relationship between all these legally binding acts at the EU level require Member States to ensure that (1) competent authorities have the power to issue emergency barring orders and (2) victims of VAW/DV can request that emergency barring, restraining and protection orders be issued.

These new obligations may be a game changer in terms of the number of EPOs requested, issued and executed.

Indeed, it can be expected that the number of requests for EPOs will increase significantly in the coming years, as Article 19(4) of the directive on combating VAW and DV specifically requires Member States to 'ensure that, where relevant for the safety of the victim, competent authorities inform victims of the

possibility to ... seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU or Regulation (EU) No 606/2013'.

While the EPO directive aims to protect all victims of crime, the protection of victims of GBV may require a more tailored application of the EPO directive to reach its full potential. Examples along these lines are provided below.

For instance, the ground to refuse the recognition of an EPO when the protection measure relates to a criminal act that does not constitute a criminal offence under the law of the executing Member State (e.g. an act may qualify as rape in one Member State but not in another). Another example relates to the statute of limitation. We could for example envisage a case when the protection measure relates to an act of GBV that is statute-barred under the law of the executing Member State (e.g. the crime of forced marriage may be time-barred for three years after the victim has reached the age of majority in the executing Member State, but the limitation period may be longer in the issuing Member State).

Finally, the prohibition and restriction measures referred to in Article 5 of the EPO directive need to be interpreted in light of the Istanbul Convention and the directive on combating VAW and DV. For example, an EPO may be beneficial when the protection measure adopted in the issuing Member State prescribes a certain behaviour on the part of the person causing danger (e.g. 'injunction' – see Point 268 of the Istanbul Convention) or prohibits the person causing danger from possessing a firearm (see recital 45 of the directive on combating VAW and DV).

#### **4.2.3. Enhancing the impact of the European Protection Order through its interaction with the broader gender-based violence legal framework: a practical case**

To provide a clearer understanding of the complex relationship between the applicable legal instruments and highlight how they can complement and support each other, it may be useful to provide an example using a fictitious practical case. The appropriate interaction and effective implementation of these instruments can definitely provide women victims of GBV with a robust and effective framework to rely on.

In particular, the recent adoption of the directive on combating VAW and DV embeds the potential for an extremely positive impact on the protection and support of female victims of GBV. Its interaction with the EPO should finally lead to a comprehensive response for victims in the EU.

##### **Case study on FGM of minors in the family environment: practical application of Directive (EU) 2024/1385 and the EPO under Directive 2011/99/EU**

The father of a 14-year-old girl lives with his daughter and the rest of the family in Member State A. Because of his sociocultural beliefs, he decides to commission a female citizen to carry out the genital mutilation of the girl. When the mother hears what has happened, she rushes her daughter to hospital to receive appropriate medical assistance and then files a complaint with the police. She decides to flee to Member State B with her daughters to prevent the same thing from being done to the younger girl and to avoid reprisals for having denounced the perpetrators.

Under Article 3 of the directive on combating VAW and DV, the acts attributable to the father and the citizen constitute the criminal offence of FGM in all Member States, that is, both the person who carries out the mutilation and the person who forces the woman or girl to undergo it, with all the aggravating circumstances of the case (Article 11), are criminally liable. Hence, they should be subjected to criminal prosecution in Member State A.

According to Article 7, Member States shall ensure that effective, age-appropriate and easily accessible support is available to victims of FGM, including health care, surgery and trauma care, and counselling tailored to victims' specific needs, for as long as necessary.

Regarding the reporting procedure, an accessible, user-friendly, secure and immediately available channel, including an online channel, should be at victims' disposal (i.e. a state-wide, free, 24/7 telephone line to provide information and counselling to victims). Similarly, if the minor decides to report the crime, Member States must have a safe and confidential reporting procedure accessible to and appropriate for the child.

During the criminal proceedings, the mother and daughters will have access to free legal aid. In addition, their protection needs and potential risks to them will be assessed. Thus, support should be provided to them by specialised support services in a comprehensive manner (Article 18 of the directive on combating VAW and DV), and national competent authorities should take appropriate protective measures (i.e. by



applying prohibitions or restrictions, for example prohibiting the perpetrator from entering certain places, or contacting or approaching the family).

As the mother has announced that she intends to move to Member State B with her daughters, the authorities of Member State A must inform her about the possibility of applying for cross-border recognition of these protection measures (Article 19 of the directive on combating VAW and DV) through the mechanism of the EPO. Given that it is not possible for a judicial authority to issue an EPO without a request by the protected person (Article 6 of the EPO directive), it is crucial that, from the beginning, the victim is informed of the possibility of requesting that this measure is issued by the competent authority.

When the issuing authority in Member State A receives the request for an EPO from the victim, the length of the period that the protected person intends to stay in the executing Member State and the seriousness of the need for protection will be considered (Article 6 of the EPO directive). Before issuing the EPO, the person causing danger will be given the right to be heard and the right to challenge the protection measure. Then, the issuing authority imposing the measure transmits the EPO to the competent authority of the executing Member State, where the judge should recognise it without delay, imposing any of the measures provided in the Member State in a similar case to ensure the victims' protection (Article 9 of the EPO directive). The executing Member State is responsible for the consequences of breaching a protection measure, and it is competent to impose criminal sanctions in the event of non-compliance.

Under the directive on combating VAW and DV, Member States are required to put in place appropriate mechanisms to ensure the implementation of protection and support measures through the effective coordination and cooperation of relevant authorities, agencies and bodies, in particular specialised support services for women (Article 40–41). This coordination of support measures is key, as a criminal act such as the one in this case generates the need for specialised and multidisciplinary support that must be provided and properly coordinated.

The directive also addresses cooperation between different Member States (Article 43) to improve the implementation of the directive. As part of such cooperation, Member States are required, as a minimum, to exchange best practices with each other through established networks and, where necessary, consult each other on individual cases, possibly through Eurojust and the EJNI.

## **5. Conclusions**

The relatively limited number of replies to the survey and the low number of EPOs issued may affect some of the findings, which need to be regarded as feedback from practitioners rather than the result of a robust consultation. Nonetheless, the report confirms that the EPO, although considered a useful instrument, is still underused across the EU for a variety of reasons. From a judicial perspective, the report indicates a general lack of awareness, a complex legal framework, and weaknesses and gaps in issuing and executing EPOs. The relevant judicial authorities need to be able to navigate the complex legal framework, connect with each other easily and collaborate more effectively to address the legal and practical challenges related to the issuance and execution of EPOs.

In this respect, the findings suggest that legislation at the national level could be improved. For example, practitioners pointed to the need to harmonise protection measures available to victims of VAW and DV across the Member States, as well as the need to harmonise definitions of criminal offences, in particular to ensure that all forms of VAW and DV are criminalised and do not impact on the recognition of the EPO by the executing Member State.

From the side of specialised support services and NGOs, it is apparent that, frequently, victims' first contacts, especially in GBV cases, lack knowledge about and awareness of the EPO. In addition, there is a lack of training, coordination, national focal points and communication channels.

The report suggests that when victims are informed about the EPO, it is mainly done orally; only exceptionally is information provided in writing or through digital resources. Furthermore, it must be noted that, if the victim plans to move to a Member State other than the one in which the person causing danger remains, the usefulness of requesting a national protection measure may not be appreciated, although this is the premise for requesting any cross-border protection measure through the EPO. Given that the issuing of the EPO is triggered by the victim, it is crucial to provide clear information on the link between national and cross-border protection measures. The nexus between the EPO and national protection measures therefore requires a twofold approach: encourage national authorities to facilitate access to national protection measures and, at the same time, promote the use of EPOs.

By virtue of their respective mandates EIGE and Eurojust can facilitate the further implementation of the EPO, thus helping victims exercise their rights in a cross-border context and at the national level.

## 6. Recommendations

Based on the survey, prior research and consultations with practitioners within the context of the EIGE-led focus group, avenues were identified to address some of the challenges identified in the report. Not all challenges could be addressed due to the multidisciplinary nature and complexity of the instrument. Nonetheless, some recommendations can be put forward at the national and EU levels. They include (1) enhancing awareness and training, (2) ensuring robust data collection, (3) strengthening judicial cooperation and (4) further identifying and acting on legal and practical challenges.

### 6.1. At the EU level

<b>Recommendation 1.</b> Address the lack of awareness regarding the EPO.	<p>→ <b>Action 1.1.</b> Promote the EPO, using EU-based training facilities, among judicial practitioners, law enforcement agencies and support services, and possibly through an information campaign.</p> <p>→ <b>Action 1.2.</b> Design, using specialised EU agencies, guidelines / information material targeting judicial professionals, law enforcement agencies, NGOs and victim support services, and help them navigate the current set-up. The material distributed should take into consideration the interplay between the EPO and the directive on combatting VAW and DV.</p> <p>→ <b>Action 1.3.</b> Assist victims through existing dedicated EU helplines, including helplines for GBV victims, by providing information regarding transborder protection through the EPO.</p> <p>→ <b>Action 1.4.</b> Promote information about and the use of EPOs in dedicated networks (judicial and NGO).</p>
<b>Recommendation 2.</b> Address the difficulties related to communications between the issuing and executing Member States, such as on the duration of the EPO.	<p>→ <b>Action 2.1.</b> Promote among judges and prosecutors the referral to EJN and/or Eurojust to facilitate the issuance and execution of EPOs when relevant.</p> <p>→ <b>Action 2.2.</b> Encourage practitioners to consult the EJN website and the EJN to ensure that the EJN Atlas tool is up to date.</p>
<b>Recommendation 3.</b> Address the complex legal framework.	<p>→ <b>Action 3.1.</b> Consider strengthening standards of protection orders at the national level to facilitate mutual recognition under the EPO directive and regulation.</p>

### 6.2. At the national level

<b>Recommendation 4.</b> Ensure that national authorities issue national protection measures, specifically when there are indications that the victim may wish to move from one Member State to another.	<p>→ <b>Action 4.1.</b> Conduct systematic risk assessment and assessments of victims' needs.</p> <p>→ <b>Action 4.2.</b> Promote national protection measures among judicial practitioners, law enforcement agencies and support services.</p>
<b>Recommendation 5.</b> Raise awareness on the existence of national protection measures and the EPO.	<p>→ <b>Action 5.1.</b> Promote information related to national protection measures, particularly among victims, support services, law enforcement agencies and legal professionals, through education in support service induction courses, police academies and judicial training institutes. Hold dedicated training sessions for post holders.</p> <p>→ <b>Action 5.12.</b> Disseminate information on the EPO to support services that provide information and support to victims.</p>

	<p>➔ <b>Action 5.3.</b> Disseminate information regarding national jurisprudence on the EPO and training material on how this mutual recognition instrument is used by judicial authorities in different Member States.</p>
<p><b>Recommendation 6.</b> Foster cooperation and coherence between national actors.</p>	<p>➔ <b>Action 6.1.</b> Strengthen multi-agency cooperation to ensure a harmonised approach to the application of the EPO directive at the national level, including cooperation between the police, the judiciary and victim support services.</p> <p>➔ <b>Action 6.2.</b> Ensure the availability and accessibility of free legal aid to victims of crime, and victims of GBV in particular.</p> <p>➔ <b>Action 6.3.</b> Disseminate good practices among judicial and law enforcement authorities, NGOs and victim support services, and promote the establishment of national contact points (for judicial practitioners and for support services) specialised in the EPO.</p>
<p><b>Recommendation 7.</b> Collect statistical information and substantial information on the way the EPO is implemented.</p>	<p>➔ <b>Action 7.1.</b> Establish data collection, information sharing and monitoring mechanisms in relation to national protection orders and EPOs.</p>



## **Annexes**

### **Annex 1. List of abbreviations**

CMS	case management system
DV	domestic violence
EIGE	European Institute for Gender Equality
EJN	European Judicial Network
EPO	European Protection Order
EPRS	European Parliamentary Research Service
Eurojust	European Union Agency for Judicial Cooperation
FGM	female genital mutilation
GBV	gender-based violence
IPV	intimate partner violence
NGO	non-governmental organisation
VAW	violence against women

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### **Annex 3. Methodology**

Both agencies would like to thank all questionnaire respondents and participants in the focus group. These include representatives from the judiciary, law enforcement authorities, victim support services, civil society organisations and academia. Special credit goes to the European Commission, the European Commission Coordinator for Victims' Rights, the EJM and the European Union Agency for Fundamental Rights (FRA) for their valuable insights. EIGE would like to thank Dr Carmen Rodriguez-Medel and Susana Pavlou for peer-reviewing the drafts of this report.

The methodology used to carry out this project was based on a mixture of quantitative and qualitative research. It included desk research and a literature review, an online survey targeting support services, legal practitioners and law enforcement officers, and online /focus group discussions with participants of the survey.

#### **Methodology for the desk research and literature review**

The objectives of the desk research and literature review on the EPO were to:

- build on previous research projects and monitoring reports on the implementation of the EPO directive;
- study the development of and progress made in the implementation of the EPO directive;
- identify failures of the Member States related to the full implementation of the EPO directive;
- identify problems/clashes associated with the different instruments that provide protection to victims and the EPO.

**Limitations.** An acknowledged limitation of the desk research and literature review conducted for the report is that little research has been carried out on this topic. The report builds on prior research conducted by the European Commission and the European Parliament; academic research was not included.

#### **Methodology for the online survey**

The target groups of the survey were representatives of (1) law enforcement authorities (judges, prosecutors and judicial civil servants) and (2) support services (police, lawyers and NGOs / victim support services that operate in the partner countries, providing services to victims of GBV and/or victims of crime more generally). The online survey aimed to reach as many respondents as possible without purposive monitoring of sample characteristics.

The results of the online survey are intended to be indicative of the level of awareness of protection measures and the challenges that remain for fully implementing the EPO directive, from the perspective of the people in charge of its implementation; they do not allow for any generalisation of the results.

Channels of communication and dissemination of the online survey included EU agencies' networks (Eurojust – EJM, the European Union Agency for Law Enforcement Training (CEPOL), the European Lawyers' Association) and social media channels, as well as the partner organisations' contact databases. The survey targeting support services was also disseminated to the members of the Women Against Violence in Europe, the European Women's Lobby and the Victim Support Europe network, along with national organisations providing targeted support.

**Limitations.** The small number of respondents does not allow for any generalisation of the results, but they shed light on the main challenges encountered in fully implementing the protection measures. The online survey did not target victims of crime due to difficulties in identifying them; instead, it focused on the professionals in charge of implementing the EPO. The privacy and anonymity of the respondents were ensured.

#### **Methodology for conducting focus group discussions**

The overall aim of the focus group discussions was to take an in-depth look at the results of the online survey and better analyse gaps, challenges and good examples of providing cross-border protection measures to victims of crime, with a specific focus on victims of VAW. All participants that agreed to be contacted after the completion of the survey were reached out to and two focus group discussions were organised by EIGE. The purpose of the discussions was to:

- gather opinions on the role of professionals and victims in requesting cross-border protection;
- gather opinions on gaps and challenges in providing information about the EPO and requesting it;
- discuss gaps, challenges and good practices related to informing/granting access to cross-border protection measures.

### **Ethics and dataprotection rules**

The research team had a strong commitment to ethical issues and data protection rules. The research complied strictly with the national and EU data protection legislation, especially the general data protection regulation (Regulation (EU) 2016/679), Regulation (EU) 2018/1725, as well as Regulation (EC) No 223/2009 on the processing of data for statistical purposes. Data collected in the survey were processed anonymously, ensuring that the participants cannot be identified. Participants signed a consent form with all the ethical considerations.

### **Data processing and storage**

Procedures concerning storage, processing and transferring of data complied with the highest standards of security and data protection. The team and people responsible for processing data were subject to a duty of confidentiality and informed about the required ethical and data protection rules, and ensured the security of processing such data. The team ensured that people processing the data on a minimal basis were subject to a duty of confidentiality, took the appropriate measures to ensure the secure processing of data and assisted EIGE in demonstrating compliance with the data protection regulation. Data subjects were ensured of the following right: the right to contact EIGE's Data Protection Officer by email ([dpo@eige.europa.eu](mailto:dpo@eige.europa.eu)).

## Annex 4. Survey on the implementation of the European Protection Order and results

### Sections

I am giving my contribution as a:

- A. representative of the judiciary, the justice sector or a law enforcement agency ( $n = 158$ );
- B. representative of support services for victims ( $n = 69$ ).

### Section A. Representative of the judiciary, the justice sector or a law enforcement agency

Please specify your occupation

	Number of respondents	Percentage of respondents
Judge	65	41 %
Prosecutor	74	47 %
Law enforcement officer	9	6 %
Civil servant, Ministry of Justice	10	6 %

Country of the institution

<b>BE</b>	Belgium	0	<b>LT</b>	Lithuania	3
<b>BG</b>	Bulgaria	2	<b>LU</b>	Luxembourg	1
<b>CZ</b>	Czechia	0	<b>HU</b>	Hungary	27
<b>DK</b>	Denmark	0	<b>MT</b>	Malta	2
<b>DE</b>	Germany	2	<b>NL</b>	Netherlands	1
<b>EE</b>	Estonia	0	<b>AT</b>	Austria	1
<b>IE</b>	Ireland	0	<b>PL</b>	Poland	22
<b>EL</b>	Greece	22	<b>PT</b>	Portugal	8
<b>ES</b>	Spain	15	<b>RO</b>	Romania	42
<b>FR</b>	France	0	<b>SI</b>	Slovenia	1
<b>HR</b>	Croatia	1	<b>SK</b>	Slovakia	0
<b>IT</b>	Italy	1	<b>FI</b>	Finland	2
<b>CY</b>	Cyprus	2	<b>SE</b>	Sweden	2
<b>LV</b>	Latvia	1			

1. How would you assess the familiarity of law enforcement and judicial practitioners with the European Protection Order (EPO)?

Law enforcement officers	Number of respondents	Percentage of respondents
Very familiar	16	10 %
Familiar	28	18 %
Somewhat familiar	58	37 %
Not at all familiar	56	35 %

Judicial practitioners	Number of respondents	Percentage of respondents
Very familiar	15	10 %
Familiar	32	20 %
Somewhat familiar	63	40 %
Not at all familiar	48	30 %

2. For what crime type do you issue most EPOs?

	Number of respondents	Percentage of respondents
Trafficking in human beings	18	11 %
Domestic violence	80	51 %
Terrorism	0	0 %
Cyber-enabled crime (harassment, stalking, etc.)	14	9 %
Other	46	29 %

3. At what stage of the criminal proceedings do you use an EPO? (More than one answer is allowed.)

	Number of respondents	Percentage of respondents
Investigative stage (protection/supervision measure)	87	46 %
Trial stage (protection measure)	37	20 %
After the judgment (probation measure or penalty)	22	12 %
Other	41	22 %

4. What are in your opinion the main benefits of the EPO? (More than one answer is allowed.)

	Number of respondents	Percentage of respondents
Protect the victim	108	51 %
Ensure a similar level of protection across borders	69	32 %
Easy to use (as based on principle of mutual recognition)	23	11 %
Other	13	6 %

5. What are in your opinion the main challenges associated with the EPO?

	To a great extent		To some extent		To a small extent		Not at all		Do not know	
Interaction with other instruments such as Framework Decision 2008/947/JHA ...; or Framework Decision 2009/829/JHA ...; or the ... (Regulation (EU) No 606/2013)	16	10 %	62	39 %	19	12 %	5	3 %	56	35 %
The need for close coordination between the issuing and the executing authorities	48	30 %	60	38 %	19	12 %	2	1 %	29	18 %
The lack of information provided to the protected persons	34	21 %	58	37 %	22	14 %	11	7 %	33	21 %
Practitioners' lack of awareness of the EPO	56	35 %	52	33 %	20	13 %	5	3 %	25	16 %
Language barriers	23	15 %	57	36 %	55	22 %	19	12 %	24	15 %
Uncertainties as to the duration of the stay of the protected person in the executing Member State	21	13 %	68	43 %	27	17 %	10	6 %	32	20 %
Issues related to the transfer of requests	14	9 %	61	39 %	28	18 %	18	11 %	37	23 %
Ensuring that the person causing danger is heard when applicable	15	9 %	63	40 %	30	19 %	11	7 %	39	25 %
Your authorities (as the executing state) face difficulties in ensuring a similar level of protection	10	6 %	46	29 %	41	26 %	19	12 %	44	28 %
Your authorities (as executing authority) face difficulties in determining the duration	8	5 %	46	29 %	41	26 %	19	12 %	44	28 %

of the measures taken by the issuing authorities										
Lack of clarity as to the time frame / duration for recognising the protection measures	13	8 %	52	33 %	31	20 %	17	11 %	45	29 %
Difficulties related to the imposition of penalties in the event of a breach of the protection measures	19	12 %	55	35 %	33	21 %	11	7 %	40	25 %
Lack of harmonisation of the criminal offences on the basis of which a EPO is recognised (e.g. criminal act in issuing Member State is not recognised as a criminal offence in the executing Member State)	24	15 %	52	33 %	30	19 %	13	8 %	39	25 %
The level of protection differs from one Member State to the other	19	12 %	66	42 %	26	16 %	5	3 %	42	27 %
Other	4	3 %	15	10 %	8	5 %	3	2 %	71	45 %

6. When executing a European Protection Order, have you faced difficulties related to the grounds for non-recognition?

	Number of respondents	Percentage of respondents
No	149	94 %
Yes	9	6 %

7. If yes, choose one of the below. In your country:

	Number of respondents	Percentage of respondents
All nine grounds are optional	1	11 %
All nine grounds are mandatory	0	0 %
The grounds are a mix of mandatory and optional	7	78 %
No answer	1	11 %

8. In your opinion, do other instruments / national provisions offer similar or better protection mechanisms to ensure the protection of the victim in a cross-border situation?

	Number of respondents	Percentage of respondents
Yes	32	20 %
No	126	80 %

8.1. If yes, what would those instruments be and what would the provisions be?

	Number of respondents	Percentage of respondents
a. Civil certificate as provided in the Civil European Protection Order (Regulation (EU) No 606/2013)	11	33 %
<i>If 8.1.a is yes, please specify which ones:</i>		
— a prohibition or regulation on entering the place where the protected person resides, works, or regularly visits or stays;	8	
— a prohibition or regulation of contact, in any form, with the protected person, including by telephone, electronic or ordinary mail, fax or any other means;	3	
— a prohibition or regulation on approaching the protected person closer than a prescribed distance.	3	
b. Measures envisaged in the framework decision on supervision measures (2009/829/JHA)	9	27 %



<i>If 8.1.b is yes, please specify which ones:</i>		
— an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	7	
— an obligation to remain at a specified place, where applicable during specified times;	4	
— an obligation containing limitations on leaving the territory of the executing State;	3	
— an obligation to report at specified times to a specific authority;	3	
— an obligation to avoid contact with specific persons in relation with the offence(s) allegedly committed.	7	
c. Measures envisaged in the framework decision on probation measures and alternative sanctions (2008/947/JHA)	10	30 %
<i>If 8.1.c is yes, please specify which ones:</i>		
— an obligation not to enter certain localities, places or defined areas in the issuing or executing State;	9	
— answer an obligation containing limitations on leaving the territory of the executing State;	2	
— an obligation to avoid contact with specific persons.	6	
d. Other measures provided at the national level	13	39 %

9. In your opinion, how clear is the relationship between the EPO and the protection measure mentioned in the framework decision on probation measures and alternative sanctions, and/or in the framework decision on supervision measures:

	Clear		Not clear	
When deciding to issue an EPO	16	10 %	62	39 %
During the execution of an EPO	48	30 %	60	38 %

10. Which authority – if any – is mandated to inform the protected person about the existence of the EPO?

	Number of respondents	Percentage of respondents
The police	52	33 %
Law enforcement agency	5	3 %
Judicial authorities (judge/prosecutor)	58	37 %
Other	1	0 %
I don't know	42	27 %

11. Below you will find several statements indicating possible ways to increase the use and effectiveness of the EPO specifically in cases of violence against women (VAW) and domestic violence (DV). Please mark to what extent do you agree or disagree with the following statements:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I do not know
Definitions of criminal offences across EU Member States should be harmonised (to ensure all forms of VAW/DV are criminalised in EU)	60	58	13	4	2	21
	38 %	37 %	8 %	2 %	1 %	13 %
Protection measures available to victims of VAW/DV across EU Member States should be harmonised	63	59	10	4	2	20
	40 %	37 %	6 %	3 %	1 %	13 %
Particular attention should be given to the way protective measures are implemented to ensure a comparable level of protection	50	69	16	1	0	22
	32 %	44 %	10 %	1 %	0 %	14 %
	62	63	11	2	0	20

Guidelines on the implementation of the EPO should be provided	39 %	40 %	7 %	1 %	0 %	13 %
Exchange of data and information across EU Member States should be improved, including by using a database or register at the EU level	62	56	18	1	0	21
	39 %	35 %	11 %	1 %	0 %	13 %
Knowledge and awareness on protection measures available to victims should be improved	61	61	14	0	0	22
	39 %	39 %	9 %	0 %	0 %	14 %
Protection measures should be monitored and dissuasive penalties for breaches should be issued	62	59	14	2	0	21
	39 %	37 %	9 %	1 %	0 %	13 %

12. Are you aware of any best practices or initiatives implemented at the national or European level regarding the European Protection Order? Please specify\_\_\_\_\_

For example, such initiatives can include training materials, guidelines, awareness campaigns, national registries of national protection orders or other examples illustrating how EPOs are implemented, etc.

## Section B. Representative of support services

Type of service

	Number of respondents	Percentage of respondents
General support to victims	20	29 %
Specialised support to victims	47	68 %
Not applicable	2	3 %

Type of organisation you are representing

	Number of respondents	Percentage of respondents
Legal aid association and institution	0	0 %
Bar association	2	3 %
Victim support office	30	43 %
Non-governmental organisation	25	36 %
Women's rights organisation	8	11 %
Ministry of Interior / police	2	3 %

Country of the institution

<b>BE</b>	Belgium	2	<b>LT</b>	Lithuania	1
<b>BG</b>	Bulgaria	3	<b>LU</b>	Luxembourg	1
<b>CZ</b>	Czechia	4	<b>HU</b>	Hungary	1
<b>DK</b>	Denmark	0	<b>MT</b>	Malta	3
<b>DE</b>	Germany	2	<b>NL</b>	Netherlands	2
<b>EE</b>	Estonia	1	<b>AT</b>	Austria	6
<b>IE</b>	Ireland	1	<b>PL</b>	Poland	2
<b>EL</b>	Greece	1	<b>PT</b>	Portugal	14
<b>ES</b>	Spain	12	<b>RO</b>	Romania	1
<b>FR</b>	France	0	<b>SI</b>	Slovenia	0
<b>HR</b>	Croatia	2	<b>SK</b>	Slovakia	4
<b>IT</b>	Italy	3	<b>FI</b>	Finland	1
<b>CY</b>	Cyprus	0	<b>SE</b>	Sweden	2
<b>LV</b>	Latvia	0			

1. Prior to this survey were you aware of the existence of the EPO?

	Number of respondents	Percentage of respondents
Yes	44	64 %
No	25	36 %

1.1. How familiar are support services and victims with the procedure to request the European Protection Order?

Support services	Number of respondents	Percentage of respondents
Very familiar	2	3 %
Familiar	7	10 %
Somewhat familiar	26	38 %
Not at all familiar	9	13 %

Victims	Number of respondents	Percentage of respondents
Very familiar	0	0 %
Familiar	1	1 %
Somewhat familiar	8	12 %
Not at all familiar	35	51 %

1.2. Have you received any training related to the EPO?

	Number of respondents	Percentage of respondents
Yes	6	9 %
No	63	91 %

1.3. Who provided the training? Please, specify.

Member State	Who provided the training
Austria	Bundesministerium für Justiz gemeinsam mit Opferschutzeinrichtung (Federal Ministry of Justice together with the Victims' Protection Institution)
Greece	Law school in the context of the Artemis EU Project (Just)
Malta (2)	Judiciary
Spain	TAIEX (EU)
Sweden	/

1.4. Are there national contact points in your country you can reach out to for information about the EPO?

	Number of respondents	Percentage of respondents
Yes	11	16 %
No	9	13 %
I don't know	49	71 %

1.5. If yes, please specify:

If the contact points belong to	Number of respondents
Law enforcement agencies	2
Public prosecutor services	2
Courts	2
Others	5

Which kind of information they are able to provide	Number of respondents
Only when the victim is seeking to be protected abroad	3

Only when the EPO has been issued by a foreign authority and has been sent to your country for execution	1
In both cases	5

If the contact points may operate when dealing	Number of respondents
Only with cases of selected crimes	3
With all crimes	7
No answer	1

2. Have you ever come into contact with a victim seeking / who has been granted an EPO?

	Number of respondents	Percentage of respondents
Yes	10	14 %
No	50	72 %
No, but I know a colleague who has	9	13 %

3. Do you know how long it usually takes to recognise the EPO in your country? Please specify the average period between the victim's request to recognise the EPO and the execution of the EPO.

	Number of respondents	Percentage of respondents
Less than one week	1	1 %
Between one week and one month	5	7 %
Other	4	6 %
I don't know	59	86 %

4. Does your service provide victims with information regarding the European Protection Order?

	Number of respondents	Percentage of respondents'
Yes	21	30 %
No	15	22 %
No information on the EPO is provided, but other information on protective measures is made available	33	48 %

5. Please specify whether the information about the European Protection Order is provided:

	Number of respondents	Percentage of respondents
To victims of all crimes	15	22 %
Only to victims who mention that they may move to another EU Member State	34	49 %
Only to victims of selected crimes	18	26 %

5.1. Please specify which ones:

	Number of respondents
Trafficking in human beings	8
Intimate partner violence	13
Domestic violence	15
Terrorism	2
Cyber-enabled crime (harassment, stalking, etc.)	6
Other	3
No answer	22

6. When providing information on the EPO, is specific consideration given to:

	Number of respondents
Persons with disabilities	18
The elderly	15
Migrants	22
Female victims of intimate partner violence	52
Female victims of domestic violence	46
LGBTQI+ individuals	17
Other	12

7. How do you inform victims about the European Protection Order?

	Number of respondents
Information is conveyed orally (e.g. during meetings/consultations with victims)	47
Through leaflets and other printed materials	9
Through a helpline or via telephone	16
Through digital channels (e.g. organisation's website, social media)	7
Other	17

8. Are there any communication channels between you and the representative of the judiciary, justice sector or law enforcement agencies? If yes, indicate with whom:

	Number of respondents	Percentage of respondents
Yes	27	39 %
The authority issuing the EPO in your country	16	59%
Foreign authorities involved in the executing phase	1	4%
Foreign authorities involved in the issuing phase	1	4%
The authority executing the EPO in your country	3	11%
I don't know	6	22%
No	24	35 %
I don't know	18	26 %

9. To your knowledge, to what extent would the victims who request the EPO face the following challenges, if any?

	To a great extent		To some extent		To a small extent		Not at all		Do not know	
Victims' lack of awareness of their rights	32	46 %	26	38 %	3	4 %	0	0 %	8	12 %
Victims' lack of awareness of the EPO	52	75 %	6	9 %	2	3 %	0	0 %	9	13 %
Service providers' lack of awareness of the EPO	32	46 %	22	32 %	3	4 %	0	0 %	12	17 %
Barriers to accessing national protection orders prevent them from requesting an EPO	18	26 %	22	32 %	6	9 %	4	6 %	19	28 %
Lack of legal assistance / legal aid or support mechanisms	18	26 %	31	45 %	3	4 %	6	9 %	11	16 %
Lack of specialised support services for victims of VAW and DV	10	14 %	22	32 %	14	20 %	14	20 %	9	13 %
Victims' distrust in the justice system	18	26 %	32	46 %	8	12 %	2	3 %	9	13 %

Victims' fear that their location will be disclosed	26	38 %	23	33 %	6	9 %	1	1 %	13	19 %
Linguistic barriers	19	28 %	28	41 %	9	13 %	3	4 %	10	14 %
Lack of harmonisation of the criminal offences	19	28 %	19	28 %	2	3 %	5	7 %	22	32 %
Differences in type and scope of protection measures offered to victims at the national level	17	25 %	29	42 %	5	7 %	3	4 %	15	22 %
The procedure is overly complicated	20	29 %	17	25 %	5	7 %	1	1 %	26	38 %
Excessive length of procedures/delays	25	36 %	12	17 %	2	3 %	0	0 %	30	43 %
Lack of coordination across countries	23	33 %	19	28 %	1	1 %	0	0 %	26	38 %
Difficult exchange of information among relevant competent authorities	21	30 %	20	29 %	2	3 %	0	0 %	26	38 %
The EPO does not properly meet victims' needs for protection	10	14 %	12	17 %	9	13 %	7	10 %	31	45 %
Other	2	3 %	2	3 %	0	0 %	0	0 %	65	94 %

10. In your opinion, do other instruments / national provisions offer similar or better protection mechanisms to ensure the protection of the victim in cross-border situations?

	Number of respondents	Percentage of respondents
Yes	11	16 %
No	21	30 %
I don't know	36	52 %

11. This question focuses on challenges and barriers in accessing the European Protection Order encountered only by a specific group of victims, namely those who have experienced violence against women and domestic violence (VAW/DV).

Based on your experience, what are the challenges in implementing the EPO that relate specifically to victims of violence against women and domestic violence (VAW/DV)?

This is a list of responses from different survey respondents:

- "Lack of trust in the criminal system".
- "Lack of a focal point in every country and difficulties in the exchange of information among relevant authorities".
- "Lack of a monitoring system".
- "Lack of awareness and access to get it recognised and subsequently enforced".
- "The EPO needs to take into consideration the higher barrier migrant women and women with kids face to leave their current residential country. Especially victims with a migration background are exhausted by bureaucratic paperwork and insecure resident and work permits. Knowing the legislation of other countries is already very demanding for professionals, let alone victims."
- "Female victims of DV oftentimes are highly (financially) dependent on their abusive (ex-)partners and have a hard time gathering information and resources to implement legal aids. Fear of unsafety, isolation, lack of support, retaliation, fear for the children's safety".
- "Procedural challenges".
- "Prejudices. According to our experience, in fact, men (not women) could face stronger challenges and barriers in accessing the European Protection Order (and all protective measures in general) because of the prejudice that men are 'strong' and women 'weak'. Also, men are victims of domestic violence, stalking, sexual violence. It is more difficult for them to reach support, they feel ashamed/inappropriate and sometimes directly demand, if they can ask for help, or if help is



provided only to women. People of ethnic minorities have frequently lower level of trust in the police, therefore lower access to protective measures in general”.

- “The lack of knowledge and usage of EPO”.
- “It is necessary to inform about the EPO to all support services and law enforcement. Female victims whocome from other countries come with no documentation or protection order and they cannot access the protection that they would be entitled in this country”.
- “The lack of cooperation between the services”.
- “Excessive bureaucracy in the judicial system; lack of knowledge among judicial actors about European instruments and the usefulness of their application”.
- “The language, probably. The culture, the legal normative”.
- “Low incomes, children, difficulty adapting to another country, lackof support in terms of housing”.
- “I believe that it is difficult to implement the EPO to victims of VAW/DV because, when they move to another country, they don’t always contact organisations, as they want to get control in their lives and try to forget the things they are escaping from. So, in organisations it is difficult to encounter people with EPOs. Also, our legal system doesn’t have the capacity to offer protections to VAW/DV victims in a general way”.

12. Below you will find several statements indicating possible ways to increase the use and effectiveness of the EPO specifically in the cases of violence against women (VAW) and domestic violence (DV). Please mark to what extent do you agree or disagree with the following statements:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	I do not know
Definitions of criminal offences across EU Member States should be harmonised (to ensure all forms of VAW/DV are criminalised in EU)	49	14	2	0	0	4
	71 %	20 %	3 %	0 %	0 %	6 %
Protection measures available to victims of VAW/DV across EU Member States should be harmonised	50	14	2	0	0	3
	72 %	20 %	3 %	0 %	0 %	4 %
Particular attention should be put on the way protection measures are implemented to ensure a comparable level of protection	50	14	2	0	0	5
	72 %	20 %	3 %	0 %	0 %	7 %
Guidelines on the implementation of the EPO should be provided to relevant professionals	56	11	0	0	0	2
	81 %	16 %	0 %	0 %	0 %	3 %
Exchange of data and information across EU Member States should be improved	49	12	2	0	0	6
	71 %	17 %	3 %	0 %	0 %	9 %
Knowledge and awareness on protection measures available to victims should be improved	55	12	0	0	0	2
	80 %	17 %	0 %	0 %	0 %	3 %
Protection measures should be monitored and dissuasive penalties for breaches should be issued	47	16	1	0	0	5
	68 %	23 %	1 %	0 %	0 %	7 %
Higher involvement of the local police and the support services in the implementation of the protective measures	44	16	2	1	2	4
	64 %	23 %	3 %	1 %	3 %	6 %
Training for relevant professionals on the implementation of the EPO	56	11	0	0	0	2
	81 %	16 %	0 %	0 %	0 %	3 %
Establish/strengthen specialised support services, provide legal aid	51	16	0	0	0	2
	74 %	23 %	0 %	0 %	0 %	3 %
	52	15	0	0	0	2

Conduct awareness-raising campaigns on victims' rights (including EPOs)	75 %	22 %	0 %	0 %	0 %	3 %
Other	3	0	1	0	0	2
	4 %	0 %	1 %	0 %	0 %	3 %

13. Are you aware of any promising practices or initiatives implemented at the national or European level regarding the EPO? For example, such initiatives can include training materials, guidelines, awareness campaigns, national registries of national protection orders or other examples illustrating how EPOs are implemented?

This is a list of responses from different survey respondents:

- "Awareness campaigns, national register of protection orders, common database of EPO".
- "Practical online guidelines explaining the possible use of the European Protection Order".
- "Support for intervention centres".
- "Victim Support Unit of the police is in continuous training to always keep up to date with new practices, policies and also participate in many campaigns".
- "In our NGO, we conducted a DG Justice project called Artemis, which focused on EPO. In its framework, there was a national report created, and also we provided trainings to several representatives of authorities".
- "In Slovakia there are intervention centres helping crime victims get proper assistance – legal, psychological, social under Act No 274/2017 on crime victims' protection – establish cooperation between police and NGOs and other specific entities providing complex services for crime victims, specifically on domestic and gender-based violence".



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