



WOMEN AGAINST VIOLENCE EUROPE

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WAVE Fact sheet

European Protection Orders (EPO)

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In 2010, two engaged and courageous Spanish Members of the European Parliament, Carmen Romero López and Teresa Jiménez-Becerril Barrio, started a groundbreaking initiative to improve the protection of women from gender-based violence in the EU, the European Protection Order. The idea was to establish an EU law regulating the mutual recognition of national protection orders in all EU Member States and guaranteeing victims of violence protection when moving from one country to another. Despite fierce conflicts with the then Commissioner Viviane Reding over the legal competence of the European Parliament for such an initiative, the two European Parliamentarians did not give up. The conflict was eventually settled with the establishment of two types of European Protection Orders.

Two mechanisms: European Protection Orders in civil and criminal matters

The new mechanism consists of two separate instruments: the *Regulation on mutual recognition of protection measures in civil matters*¹ and the *Directive on the European Protection Order*.² The mechanisms reflect the differences in the Member States' national protection measures, which can be of civil, criminal or administrative nature. Together, the two instruments aim to ensure that all victims of violence have the opportunity to get their protection orders recognized in any EU Member State. Both instruments have entered into force on 11 January 2015, with the participation of all EU Member States except Denmark.

Functioning of the European protection orders

Mutual recognition of protective measures in civil matters The Regulation on the mutual recognition of protective measures in civil matters (EPO civil matters) foresees that national protection measures are recognized and enforced in another country. A practical example is given in the following fictive situation:

The European protection order in practice – A fictive example

Britta, a Germany national who has been abused by her ex-husband, is granted a civil protection order by a German court on 15 January 2015; the order prohibits the ex-husband from contacting her. Britta finds employment in France and plans to move there, however, she fears that he might follow and harass her at her new workplace.

¹ 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.

² Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order.

Britta seeks help at the women's counseling center in her town. She is informed that she can obtain a certificate that will enable her protection order to be valid in France and guarantee her safety there. With the support of the center, she obtains a certificate from the court that has issued her protection order; the certificate is valid for 12 months. Upon her request, the certificate has been translated into French, and the court notifies the ex-husband that the protection order is now valid in the whole of the EU. Shortly after Britta moves to France, the ex-husband attempts to contact her by going to her workplace. Britta presents her protection order certificate and French police ensure the abuser leaves her workplace. The police enforce the protection order, based on French legislation.

Protective measures vary in different EU Member States; therefore, the authorities implementing the protection order dispensed by another country can adjust the measures.

Article 18 of the Regulation requires Member States to communicate information to the Commission by 11 July 2014 on the type of authorities that are competent to implement the measures. The Commission must ensure this information is made public on the website of the European Judicial Network and through other means.

European protection order in criminal matters The European protection order in criminal matters applies if the original protection order is a criminal measure. It works in a similar way as the civil matter order, however, the process and some details of the provision vary.

To implement the European protection order in criminal matters, Article 4, §2 indicates that each Member State must inform the Commission of a central authority, or authorities, responsible for the administrative transmission and reception of any European protection order, as well as for all related official correspondence. Victims who need protection in another country may submit a request to the competent authority for a European protection order.

WAVE supports access to the European protection orders by survivors of violence

The European protection orders are important measures to guarantee the protection of women victims of gender-based violence in exercising their right to free movement in the European Union. However, legal provisions remain complex and it is crucial that women victims of violence are provided with information, as well as professional and empowering support, to make use of this new legislation.

Specialist women's support services have a crucial role in ensuring that European protection orders function in practice; the WAVE Network is planning to further develop information and dissemination measures, as well as training, to contribute to the effective implementation of the new provisions.

Evaluation

Evaluation foreseen in the legislation:

1. Regulation of EPO in civil matters:

Article 20 Review: By 11 January 2020, the Commission shall submit to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Regulation. If necessary, the report shall be accompanied by proposals for amendments.

2. Directive EPO in criminal matters:

Article 23 Review: **By 11 January 2016**, the Commission shall submit a report to the European Parliament and to the Council on the application of this Directive. The report shall be accompanied, if necessary, by legislative proposals.

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