

12. EMERGENCY BARRING ORDERS

Introduction

Next to safe accommodation in women's shelters, protection orders, especially emergency protection orders, are central measures to guarantee women victims of violence and their children protection in situations of immediate danger. The Istanbul Convention requires that in such situations the police or another authority can order a perpetrator to vacate the residence of the victim for a sufficient period of time (Council of Europe, 2012, p. 22).

Several European countries have established such measures in recent years (Van der Aa, 2015; Freixes & Román, 2014). The Council of Europe Analytical Study indicated that in 36 countries, authorities have the power to issue an emergency barring order (Council of Europe, 2014, p. 65). Since January 2015, new European protective measures are in place, allowing for a mutual recognition of protective measures in across borders in EU Member States (European Union, 2011 and 2013).¹⁶ Evaluation of these measures are still outstanding, however, the Directive 2011/99/EU foresees that the EU Commission shall submit a report to the European Parliament and to the Council on its application by 11 January 2016.

Despite progress made in establishing protective measures, there is still considerable concern about the implementation, which is also reflected in women's journeys to support in chapter 7. There is little data and research on the application of emergency barring orders and other protective measures by courts and it is difficult to assess their impact and effectiveness in protecting victims. What is known from the experience of women's support services is that there are many obstacles for victim in accessing such measures including the provisional and temporary nature of measures and a shortage of housing programs which force victims to live together with an abusive ex-partner after separation. An order for the abuser to leave the house of the victim is often only temporary and he has the right to come back after the order expires.

In Austria, the first country in Europe to introduce an emergency barring order issued by the police in 1997, over 173,000 police barring orders have been issued from 1997 to 2014 (Wiener Interventions-stelle, 2015, p. 69).¹⁷ Emergency barring orders are followed by civil court protection orders if victims apply for them and the measures are coordinated so that no gap in protection occurs jeopardizing the safety of victims of domestic violence. An indicator has been developed to measure the level of implementation of emergency protection orders, the number of police barring orders per 10,000 population. In 2014, an average of ten police barring orders were issued per 10,000 inhabitants (ibid., p. 72).¹⁸ This indicator, if applied Europe wide, could make comparisons in the implementation of protective measures possible.

Aims and Content of Data Collection

The aim of the data collection was to ask for data on the number of emergency barring orders as well as the number of civil and criminal court protection orders issued in 2014. Unfortunately, the respondents for many countries were not able to provide this information. Most of the information provided was on emergency barring orders and the presentation of the findings therefore concentrates on this measure.

¹⁶ See also WAVE fact sheet on European Protection Orders: http://wave-network.org/sites/default/files/2015-03%20WAVE%20Fact%20sheet%20on%20the%20European%20Protection%20Orders_2015%20MR_0.pdf, 30 December 2015

¹⁷ Austria has approximately 8,5 million inhabitants. Information brochures on the Austrian laws on the protection from violence are available in 20 languages on the website of the Vienna Intervention Centre against domestic violence: <http://www.interventionsstelle-wien.at/gewaltschutzbrochure>, 15 Dec 2015

¹⁸ The 2013 Statistic of the Domestic Violence Intervention Centre Vienna is available in English on the website of the Centre: <http://www.interventionsstelle-wien.at/statistiken-der-wiener-interventionsstelle>, 30th December 2015

TABLE 7 – Existence of Emergency Barring Orders in Europe, and Number of Orders Issued in 2014

Police emergency barring orders (EBOs)	Total Population	Existence of police EBOs (yes/no)	Number of police EBOs issued in 2014	Number of police EBOs issued to protect female victims in 2014
Albania	2,895,947	/	/	/
Armenia	3,010,598	yes	/	/
Austria	8,506,889	yes	8,466	/
Azerbaijan	9,356,483	/	/	/
Belarus	9,463,840	yes	/	/
Belgium	11,203,992	yes	/	/
Bosnia & Herzegovina	3,791,662	No	/	/
Bulgaria	7,245,677	No	/	/
Croatia	4,246,809	yes	/	/
Cyprus	858,000	yes	/	/
Czech Republic	10,538,300	yes	1,378	1,300
Denmark	5,627,235	yes	/	/
Estonia	1,315,819	yes	/	/
Finland	5,451,270	yes	/	/
France	66,320,000	/	/	/
Georgia	4,497,617	No	/	/
Germany	80,767,463	/	/	/
Greece	10,816,286	No	/	/
Hungary	9,877,365	yes	/	/
Iceland	329,100	/	/	/
Ireland	4,605,501	No	/	/
Italy	60,782,668	No	/	/
Kosovo	1,794,180	yes ¹⁹	86	/
Latvia	2,001,468	yes	83	/
Liechtenstein	37,129	yes	4	/
Lithuania	2,943,472	No	/	/
Luxembourg	549,680	/	/	/
Macedonia	2,022,547	/	/	/
Malta	425,284	/	/	/
Moldova	3,559,497	yes	/	/
Montenegro	621, 521	yes	22	/
Netherlands	16,829,289	yes	/	/
Norway	5,107,970	/	/	/
Poland	38,017,856	No	/	/
Portugal	10,347,822	/	/	/
Romania	19,947,311	No	/	/
Russia	142,856,536	No	/	/
Serbia	7,146,759	No	/	/
Slovakia	5,415,949	/	/	/
Slovenia	2,061,085	yes	1,046	/
Spain	46,439,864	/	/	/
Sweden	9,644,864	/	/	/
Switzerland	8,139,631	yes	/	/
Turkey	76,667,864	yes	/	/
Ukraine	42,701,791	yes	5,464	/
UK	64,308,261	yes	/	/

¹⁹ In one region of Kosovo

Findings

WAVE respondents from 33 countries provided information on emergency barring orders in their countries. 22 stated that such a measure was available, 11 negated it. Only eight respondents were able to provide some figures on the number of barring orders issued in 2014 and only two on the number of women protected by such orders. The obvious conclusion from our attempt to gather data on this issue is that such information is not easy to obtain.

Recommendations

- ▶ It should be a minimum requirement that authorities publish annually the number of emergency barring orders issued to protect victims of violence against women
- ▶ More information on the implementation and the impact of emergency barring orders is urgently needed.
- ▶ Administrative data collection needs to be improved and minimum standards for data collection established
- ▶ Data on emergency barring orders (police, other authority)
- ▶ Number of emergency barring orders issued per year
- ▶ Number barring orders violated, including data on sanctions for violations

Data on restraining and protective orders issued by civil courts

- ▶ Number of orders applied for by victims
- ▶ Number of orders granted
- ▶ Number of orders violated including data on sanctions for violations
- ▶ Number of repeat orders

Data on restraining and protective orders issued by the criminal justice system

- ▶ Number of orders issued
- ▶ Number of violations including data on sanctions for violations
- ▶ Number of repeat orders

Indicator for implementation of protective measures:

- ▶ Number of emergency barring orders per 10,000 inhabitants
- ▶ Number of restraining and protective orders per 10,000 inhabitants
- ▶ Violation rate (percentage of orders violated by perpetrators)

In accordance with the recommendations in the Istanbul Convention information on protection orders collected should include the following variables:

- ▶ Sex of victim
- ▶ Age of victim
- ▶ Sex of aggressor
- ▶ Age of aggressor
- ▶ Type of violence
- ▶ Relationship between aggressor and victim
- ▶ Geographical location
- ▶ Additionally qualitative research is needed to include the voices of survivors and their assessment of the usefulness and effectiveness of protective orders and their experiences in accessing these measures.