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REPORT

on the implementation of Directive 2011/99/EU on the European Protection
Order
(2016/2329(INI))

Committee on Civil Liberties, Justice and Home Affairs
Committee on Women's Rights and Gender Equality

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(Joint committee procedure - Rule 55 of the Rules of Procedure)

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EXPLANATORY STATEMENT - SUMMARY OF FACTS AND FINDINGS

Procedure and sources

The European Protection Order (EPO) Directive was initiated by a group of twelve states under the presidency of Spain in 2010. The EPO Directive is based on Article 82(1) TFEU on judicial cooperation in criminal matters. On 11 January 2011, the Directive came into force and EU Member States had to implement the provisions of the Directive into their national laws by 11 January 2015. Ireland and Denmark are not bound by the EPO legislation.

This report represents an opportunity for the rapporteurs of both LIBE and FEMM committees to assess how the mechanism set up by the Directive 2011/99/EU¹, allowing persons who benefit from a protection order in criminal matters issued in one Member State to request an EPO, was applied in the Member States concerned.

This instrument is based on the principle of mutual recognition, which means that protection orders issued in one Member State have to be recognised and enforced in another Member State. One of the main challenges in the application of this instrument is to ensure that the protection of victims is not hampered by the diversity of national measures.

The report will look also into:

- the obstacles encountered in the implementation at Member States level;
- the connection with complementary instruments;
- challenges related to the diversity of measures that Member States may apply in execution of the EPOs;
- the impact of the instrument in terms of protection of victims of crime;
- recommendations on how to overcome the diverse challenges encountered in implementation.

Since their appointment, the two rapporteurs have collected information and have relied on the following sources, among others:

- a hearing held in the joint committee meeting of LIBE and FEMM Committees on 12 October;
- an Ex-post Impact assessment by Parliament's EPRS services, published in September 2017;
- exchange of information with the relevant colleagues of the European Commission and FRA, and relevant victim protection organisations;

The directive includes a review clause (Article 23) that states that *'by 11 January 2016, the Commission shall submit a report to the European Parliament and to the Council on the*

¹ OJ L 338, 21.12.2011, p. 2.

application of this Directive. That report shall be accompanied, if necessary, by legislative proposals'. At the time of the drafting of this implementation report, the Commission did not submit a report on the application of this Directive.

General overview of the implementation of the European Protection Order Directive

Since the entry into force of Directive 2011/99/EU on the EPO in January 2015, very little data have been collected by the European Commission, EU agencies or NGOs to assess the use of this instrument at EU level.

According to EPRS assessment published in September 2017, to date, only seven EPOs have been identified. The very limited use of this instrument is striking given the number of victims who are benefiting from protection measures in criminal matters at the level of Member States – many of whom probably travel/move/commute across the EU on a regular and/or occasional basis. By way of illustration, it has been estimated that in 2010 over 100 000 women residing in the EU were covered by protection measures related to gender-based violence.

Although protection orders could be applied to anyone in need of protection, in practice such measures are mostly applied to protect women in cases related to intimate or domestic violence, harassment, stalking or sexual assault. Gender-based violence is a growing concern at EU level and in 2014 the EU Fundamental Rights Agency (FRA) estimated that one in three women in the EU has experienced physical and/or sexual violence since the age of 15 and that one in five women has experienced stalking. Stalking is listed as one of the offences which most often results in a protection order however it is also one of the offences listed as not being subject to criminal law in every Member State – this definitely disproportionately harms women in getting an EPO.

Protection orders are meant to protect a person against an act that may endanger their life, physical or psychological integrity, dignity, personal liberty or sexual integrity. The aim is to avoid contacts between an offender or a potential offender and a victim or an individual at risk of being assaulted.

All Member States provide for some form of criminal and/or civil protection orders. However, despite an apparent similarity in the way in which these measures are issued, a wide variety of measures exist across the Member States. Furthermore, the way in which they are applied in practice differs greatly.

To ensure that a person who has been granted protection measures in a Member State continues to benefit from an equivalent protection when moving or travelling to another Member State, the EU put in place Directive 2011/99/EU on the EPO, a mechanism for the mutual recognition of protection measures in criminal matters. The protection measures covered by the Directive concern situations where victims or potential victims of crime benefit from a prohibition or regulation of entering certain places, being contacted or approached by a person causing risk, the three most common types of protection measures within the EU.

At the time this instrument was proposed, in order to resolve the issue of separate legal bases in EU law for mutual recognition of civil law measures and criminal law measures, the Commission proposed to adopt a package consisting of the EPO Directive, dealing with criminal procedures, and a Regulation on mutual recognition of protection measures in civil

matters. The Regulation (EU) No. 606/2013 sets up a mechanism allowing for a direct recognition of protection orders issued as a civil law measure between Member States. Thus, persons who benefit from a civil law protection order issued in the Member State of its residence may invoke it directly in other Member States by presenting a certificate¹ to competent authorities certifying their rights. The Regulation applies as of 11 January 2015.

These two instruments are part of a comprehensive set of EU legal acts intended to enhance victims' protection across the EU.

The protection measures included in EPOs depend on the internal national legislations of the Member States: EPOs are issued on the basis of protection measures previously adopted in the issuing State according to its national legislation; the protection stated in the EPOs will be recognised in the State of execution by adopting the protection measures available in accordance with its national legislation.

According to the finding of the above mentioned ex post assessment by EPRS, this Directive has not led to a convergence/approximation of the diversity of national measures: the different national systems for the protection of victims are maintained, the internal legislation on the protection of victims has not been substantially modified, and the implementing laws of the Directive incorporate almost mimetically the provisions of the Directive, with hardly any adjustments.

As regards victims, an important point is the need to provide adequate information to the protected person, including the possibility of requesting an EPO if he/she is moving to another Member State. The authors of the study point to great deficiencies in that regard and underline a general lack of information and awareness campaigns targeted at the victims themselves across the Member States. In these situations, the lack of access to information is detrimental to victims' protection.

As EPOs always imply the moving of a victim from one Member State to another, all victims at some point will be confronted with an unknown legal system or language, placing them in a particularly vulnerable situation. Most Member States have not established any special measures or provisions regarding persons with specific needs.

The effective protection of the victim requires the procedure for the adoption and execution of an EPO to be quick. The national implementing laws of the Member States have used different formulas to stress the immediacy and urgency of the procedure, and in some cases even establish specific time limits. The coordination and communication among the competent and central authorities is also important to the protection of the victims and to the effectiveness of the EPO.

Experts underlined that the issue of training of professionals likely to come in contact with victims in need of protective measures appears to be key. According to the data available very few Member States have organised specific training on the EPO.

¹ OJ L 263, 3.9.2014, p. 10–20

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the implementation of Directive 2011/99/EU on the European Protection Order (2016/2329(INI))

The European Parliament,

- having regard to Articles 2 and 3 of the Treaty on European Union (TEU) and Articles 8, 10, 18, 19, 21, 79 and 82 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Articles 3, 6, 20, 21, 23, 24, 41, 47 of the Charter of Fundamental Rights of the European Union,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR),
- having regard to the Universal Declaration of Human Rights, adopted by the UN General Assembly in 1948,
- having regard to the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),
- having regard to the United Nations Declaration on the Elimination of Violence against Women, adopted on 20 December 1993,
- having regard to the UN Convention on the Rights of the Child, adopted in New York on 20 November 1989,
- having regard to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women on 15 September 1995, and to the subsequent outcome documents adopted at the United Nations Beijing +5 (2000), Beijing +10 (2005), Beijing +15 (2010) and Beijing +20 (2015) special sessions,
- having regard to the General Comment adopted on 26 August 2016 by the UN Committee on the Rights of Persons with Disabilities on Article 6 ('Women and Girls with Disabilities') of the UN Convention on the Rights of Persons with Disabilities,
- having regard to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and to the Council Decisions (EU) 2017/865¹ and (EU) 2017/866 of 11 May 2017² on the signing, on behalf of the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence,
- having regard to the signing of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) by all Member States,

¹ OJ L 131, 20.5.2017, p. 11.

² OJ L 131, 20.5.2017, p. 13.

- having regard to its resolution of 12 September 2017 on the proposal for a Council decision on the conclusion, by the European Union, of the Council of Europe Convention on preventing and combating violence against women and domestic violence¹;
- having regard to 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/JHA²,
- having regard to Council Directive 2004/80/EC relating to compensation to crime victims,
- having regard to Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA³, and to Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA⁴,
- having regard to the Commission communication of 19 June 2012 entitled ‘EU Strategy towards the Eradication of Trafficking in Human Beings, 2012-2016’ (COM(2012)0286),
- having regard to Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European Protection Order⁵,
- having regard to 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 matters⁶,
- having regard to 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 sanctions⁷,
- having regard to 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 detention⁸,
- having regard to Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial

¹ Texts adopted, P8_TA(2017)0329.

² OJ L 315, 14.11.2012, p. 57.

³ OJ L 101, 15.4.2011, p. 1.

⁴ OJ L 335, 17.12.2011, p. 1.

⁵ OJ L 338, 21.12.2011, p. 2.

⁶ OJ L 181, 29.6.2013, p. 4.

⁷ OJ L 337, 16.12.2008, p. 102.

⁸ OJ L 294, 11.11.2009, p. 20.

cooperation in criminal matters¹,

- having regard to the Resolution of the Council of 10 June 2011 on a Roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings²,
- having regard to the Stockholm Programme – An open and secure Europe serving and protecting the citizens³,
- having regard to the Rights, Equality and Citizenship Programme 2014-2020,
- having regard to the Commission staff working document of 3 December 2015 entitled ‘Strategic engagement for gender equality 2016-2019’ (SWD(2015)0278),
- having regard to the report of the European Agency for Fundamental Rights (FRA) entitled ‘Violence against women – an EU-wide survey’,
- having regard to its resolution of 26 November 2009 on the elimination of violence against women⁴,
- having regard to its resolution of 10 February 2010 on equality between women and men in the European Union - 2009⁵,
- having regard to its resolution of 25 February 2014 with recommendations to the Commission on combating Violence Against Women⁶,
- having regard to its resolution of 9 June 2015 on the EU Strategy for equality between women and men post 2015⁷,
- having regard to the European Parliamentary Research Service’s European Implementation Assessment (PE 603.272) of Directive 2011/99/EU produced by the Ex-Post Evaluation Unit,
- having regard to Rule 52 of its Rules of Procedure, as well as Article 1(1)(e) of, and Annex 3 to, the decision of the Conference of Presidents of 12 December 2002 on the procedure for granting authorisation to draw up own-initiative reports,
- having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality under Rule 55 of the Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women’s Rights and Gender Equality (A8-0065/2018),

A. whereas any forms of violence against a human being are a direct violation of their

¹ OJ L 350, 30.12.2008, p. 60.

² OJ C 187, 28.6.2011, p. 1.

³ OJ C 115, 4.5.2010, p. 1.

⁴ OJ C 285 E, 21.10.2010, p. 53.

⁵ OJ C 341 E, 16.12.2010, p. 35.

⁶ Texts adopted, P7_TA(2014)0126.

⁷ OJ C 407, 4.11.2016, p. 2.

human dignity, which is the very basis of all fundamental human rights and therefore must be respected and protected; whereas violence against women is a brutal form of discrimination and a human and fundamental rights violation;

- B. whereas victims of violence and abuse are at risk of being subjected to secondary and repeated victimisation, retaliation and intimidation; whereas, therefore, providing them with the necessary protection, including across borders, depends to a great extent on the awareness of victims, society at large and all practitioners who come into contact with them, including relevant actors such as shelters;
- C. whereas the lack of provision of appropriate protection of a human being against gender-based violence has a detrimental effect on society as a whole;
- D. whereas one of the most important security aspects of every society is the protection of the personal integrity and freedom of every individual; whereas the European Agenda on Security should include the safeguarding of personal safety and the protection of all individuals from gender-based violence as priorities;
- E. whereas violence and physical, psychological and sexual abuse disproportionately affect women¹; whereas one in three women in the EU has experienced physical and/or sexual violence since the age of 15; whereas the extent and severity of violence against women are often disregarded and trivialised in some Member States and there is still a worrying widespread tendency to blame the victims; whereas only about a third of women who are physically or sexually abused by their partners contact the authorities;
- F. whereas ensuring gender equality in all policy areas is a fundamental principle of the European Union and an essential element in combating gender-based violence;
- G. whereas the Istanbul Convention, which has been signed but not ratified by the EU and all Member States², stipulates that all of its provisions, in particular measures to protect the rights of victims, shall be secured without discrimination on any ground, and explicitly calls on its signatories to recognise stalking as a criminal offence; whereas the ratification and full implementation of the Istanbul Convention will help overcome the challenges raised by the EPO by providing a coherent European legal framework to prevent and combat violence against women;
- H. whereas, in order to reduce the estimated number of unreported cases of violence, Member States must put in place and reinforce early warning and protection instruments for women so that they can feel safe and able to report gender-based violence; whereas the considerably high number of unrecorded cases of gender-based violence could be linked to a lack of public resources; whereas the relevant authorities must have structures, such as shelters providing medical and forensic support, psychological counselling and legal assistance, that create a safe haven for women who are victims of

¹ The FRA's report entitled 'Violence against women: an EU-wide survey. Main results report' shows that one in three women (33 %) has experienced physical and/or sexual violence since the age of 15; one in five women (18 %) has experienced stalking and every second woman (55 %) has been confronted with one or more forms of sexual harassment. Given this, violence against women cannot be seen as a marginal issue that touches only on some women's lives.

² <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures?desktop=true>

gender-based violence;

- I. whereas freedom of movement in the EU entails that people frequently move around from one country to another; whereas the EPO is based on the need to safeguard victims' rights and freedoms, and particularly to respect the right of victims and potential victims to enjoy freedom of movement and to ensure their continued protection when exercising that right;
- J. whereas preventing violence by investing in awareness-raising and information campaigns with effective media coverage, education and training of professionals are crucial elements in combating gender-based violence; whereas the Istanbul Convention obliges the parties to prevent gender-based violence and stereotypes through addressing the role of the media; whereas the general lack of awareness among victims benefiting from national protection measures of the existence of the EPO has a negative impact on its implementation; whereas awareness-raising campaigns and sensitisation programmes to combat the trivialisation of domestic and gender-based violence contribute to an increase in the willingness of victims to report abuse and request national and European protection orders (EPOs), as well as building up their trust in the relevant authorities;
- K. whereas in 2010, when the EPO was proposed by the European Council, 118 000 women residing in the EU were covered by protection measures related to gender-based violence; whereas in 2011, it was estimated that an average of 1 180 individuals would need continuous cross-border protection measures in the EU;
- L. whereas NGOs often play a vital role in many Member States in supporting victims;
- M. whereas EPOs are instruments of mutual recognition and cooperation, which can neither function correctly nor safeguard victims until fully implemented by all Member States;
- N. whereas, particularly in cases of violence, some Member States issue protection measures on the basis of criminal proceedings, while others issue protection orders based on civil proceedings;
- O. whereas a wide variety of protection orders exist across the EU Member States, and due to the different judicial systems in the Member States, the implementation of EPOs faces many difficulties and could consequently undermine the proper application of EPOs for victims and hamper the number of EPOs issued;
- P. whereas the majority of Member States have no registry system to collect data on EPOs, nor is there a European central registry system to collect all relevant EU data; whereas insufficient data make it hard to assess the implementation of the EPO and to address shortcomings in legislation or implementation;
- Q. whereas the EPO is applicable to victims of all types of crime, including victims of terrorism, human trafficking, gender-based violence and organised crime; whereas people in vulnerable situations who have fallen victim to crime need to be treated with particular consideration when applying for an EPO;
- R. whereas there is a strong link between the functioning of the EPO and the minimum standards on the rights, support and protection of victims of crime established through

Directive 2012/29/EU;

1. Calls on the Member States to clearly condemn and to commit themselves to eradicating all forms of gender-based violence and violence against women, and to ensure zero tolerance of these forms of violence;
2. Calls on the Member States and the Commission to mainstream gender in all policies, particularly those where there may be a link with raising awareness about and detecting violence against women, and protecting and safeguarding the integrity of victims;

General assessment of the implementation of the directive, and recommendations to improve the state of implementation and the functioning of the EPO

3. Acknowledges that all Member States, which are bound by the EPO Directive, have notified the Commission of its transposition into national law;
4. Is aware of the positive effect the establishment of the Area of Freedom, Security and Justice may have on the cross-border protection of victims; considers that the EPO has the potential to be an effective instrument to protect victims in a modern world characterised by high mobility and a lack of internal borders; notes with concern, however, that since the transposition of the EPO Directive only seven EPOs have been identified across the Member States, although thousands of national protection orders have been requested and issued in the Member States in recent years¹;
5. Deplores that the Commission did not submit a report to Parliament and Council on the application of the EPO Directive by 11 January 2016; calls on the Commission to meet its reporting obligations as set out in the directive and to include in its report a mapping of national protection measures, an overview of training activities, an analysis of the compliance by Member States with the right of victims to free legal aid, including information on whether any costs are borne by the victims in relation to a protection order, and a mapping of awareness-raising campaigns taking place in Member States;
6. Recalls the obligation for the executing state to recognise the EPO with the same priority as the issuing state in spite of the various complexities and legal challenges involved;
7. Is concerned that there is a significant gap between coordination and communication among the Member States when an EPO is executed; calls on the Member States to improve and jointly enhance cooperation and communication in relation to the EPO as this would set in motion much more efficient procedures and simultaneous cross-border action among the Member States;
8. Insists that the collection of statistical data needs to be improved in order to assess the extent of the problem and the results of action to reduce gender-based violence; calls on the Member States to standardise and digitalise EPO forms and procedures and to set up a National Registry System of EPOs with the aim of collecting data, as well as to

¹ The EPRS study on the ‘European Protection Order Directive 2011/99/EU – European Implementation Assessment’ reports that ‘it has been estimated that in 2010 over 100 000 women residing in the EU were covered by protection measures related to gender-based violence’.

improve the exchange of information with the Commission and the Member States; calls on the Member States to collect and to communicate regularly to the Commission gender-disaggregated data and data related to the number of EPOs requested, issued and enforced, as well as information on the types of crimes;

9. Calls on the Commission to set up a European Registry System to collect information on EPOs from all Member States;
10. Call for one standard form, valid in both criminal and civil cases and in all Member States, to be designed and used in applying for and recognising protection orders; asks that a digital management system also be employed to facilitate coordination, standardise data collected and speed up both management of the orders and the preparation of operational statistics at EU level;
11. Calls on the Commission and the Member States to publish the full list of competent authorities responsible for issuing and recognising EPOs and of central authorities transmitting and receiving EPOs in the Member States, and to make the list easily accessible to enable protected persons and victim support organisations to request EPOs or to settle related issues; calls on the Member States to strengthen their national and local institutions and competent authorities to enhance the accessibility and applicability of the EPO in a manner conducive to EPOs being issued;
12. Calls on the Commission to foster all forms of exchange of good practices and cooperation between Member States as well as between Member States and civil society in order to safeguard the appropriate functioning of EPOs;
13. Stresses that victims of crime who have or would consider obtaining a national protection order should be automatically and properly informed and reminded by a specific responsible authority, both orally and in writing, of the possibility of requesting an EPO during criminal proceedings; stresses that the protected person should not have to bear financial costs when he or she requests the issuing of an EPO;
14. Calls on the Member States to conduct an individual assessment, adopting a gender-sensitive approach, in relation to the provision of assistance and support measures when requesting EPOs;
15. Deplores the lack of access to justice and legal aid for victims of all types of crime in some Member States which results in poor information provided to the victim of the possibility of requesting an EPO; considers that the provision of free legal aid, administrative support and adequate information on the EPO to protected persons should be ensured by Member States as this is crucial for the use and effectiveness of the instrument, both at the stage of issuing and of enforcement; calls on Member States to increase the resources devoted to monitoring and preventing violence against women in rural areas;
16. Encourages the Member States to notify protected persons of additional social assistance resources available in the host state, such as family allowances, accommodation, etc., as these measures lie outside the scope of the EPO;
17. Stresses that as part of the protection and complementary social work, special attention

should be paid to child victims and to the children of victims of criminal acts, especially when at risk of sexual assault;

18. Deplores that translation and interpretation services into a language the victim understands are not guaranteed by the Member States before, during and after the issuing of an EPO;
19. Stresses that victims should always have the right to be heard during EPO procedures; underlines that translation and interpretation services need to be available and free of charge during the entire EPO process; highlights, therefore, that all relevant documents should be translated into a language understood by the victim;
20. Deplores the shortage of special measures implemented by the Member States for victims in vulnerable situations or victims with specific needs; considers that cuts in public spending often adversely affect the resources available for these special measures; calls, therefore, on the Member States, in cooperation with the Commission and relevant organisations working in victim protection, to adopt special guidelines and measures that will facilitate the EPO for victims in vulnerable situations or victims with specific needs;
21. Highlights that, due to the increasing and dangerous trend of trafficking in human beings, the European Protection Order can be a very beneficial instrument for victims of human trafficking; calls on the Commission, therefore, to incorporate the EPO within an EU strategy to combat human trafficking;
22. Considers that, in order to fulfil its potential and to ensure equivalent protection measures in both the issuing and executing state, the issuance of the protection order must be as fast, effective, efficient and automatic as possible and involve minimum bureaucracy; calls on the Commission and the Member States to fix a clear and short timeframe of two weeks for the competent authorities of the Member States when issuing and notifying about EPOs in order to avoid increasing the uncertainty of protected persons and the pressure they are under, and, for the sake of achieving the same goal, to instruct the competent authorities to provide sufficient information to the victims during the process of taking a decision on their EPO requests, including notifying them about any incidents that appear during this procedure; urges the Member States, in this context, to allocate sufficient resources to authorities working with EPOs in order to facilitate an efficient system that takes into account the situation of the victim;
23. Calls on the Member States to take due account of the interest of the protected person and to be a safe haven for people reporting violence by fully respecting the obligation not to inform the person causing danger of the location and other details concerning the protected person – unless strictly necessary in order to meet the objectives of the protection order; stresses that whenever the situation requires that the perpetrator be informed of any details regarding the EPO, the victim must be informed of that decision;
24. Calls on the Member States to envisage special procedures to facilitate the issuance of EPOs to protect family members living with a victim who is already protected by an

EPO;

25. Highlights the increasing efficiency of new technologies such as GPS monitoring systems and smartphone applications that trigger an alarm when danger is imminent as a means of improving the efficiency and adaptability of EPOs both within the issuing and the executing state; is worried that only a limited number of Member States use such new technologies;
26. Highlights the importance of monitoring EPOs in the executing state in relation to the threat to which the victim is exposed in order to determine if the protection measures adopted have been properly implemented and if they need to be revised;
27. Calls on the Commission to monitor the implementation of this directive and launch without delay infringement proceedings against all Member States that breach it;
28. Encourages, in line with the often repeated views of associations for victims of gender violence, the testing of procedures that change the traditional approach to how protection is viewed in most Member States; stresses that, rather than focusing on measures for victims, as is often the case, risk-avoidance techniques ought to include prevention, surveillance, control and monitoring of the persons inflicting harm, and that the preventive measures employed ought to include, as a priority, mandatory re-education for perpetrators;
29. Calls on the Commission and the Member States to carry out a thorough examination of possible ways of improving EPO-related legislation and its effective implementation in all EU Member States and practical support in order to guarantee the rights to international protection and to assistance and support enjoyed by victims of violence protected at national level;
30. Calls on EU agencies such as the FRA and the European Institute for Gender Equality to monitor the implementation of the directive regularly;
31. Calls on the Commission to launch a civil society monitoring and reporting call in order to improve the working of the EPO instrument in the Member States, making EU funds available to NGOs to this end;
32. Calls on the Commission to launch calls promoting research into the use of national and European protection orders and to coordinate programmes to initiate awareness-raising campaigns within the Member States to inform victims of crime of the possibility of applying for an EPO and about cross-border protection measures;
33. Calls on the Member States to step up their work with NGOs and to provide mandatory 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 and who are key to the correct implementation of this directive; stresses that specific and regular training and courses on the EPOs for the police, the personnel of the competent national authorities and for legal practitioners, social workers, associations and NGOs dealing with victims of violence should be established in all Member States; calls for staff working with cases of gender-based violence to receive adequate training on considering the specific needs of women who are victims of violence and to be

allocated sufficient resources in order to prioritise gender-based violence;

34. Calls on the Member States, given the deeply rooted nature of misogyny and sexism in our societies and the increasing exposure of children and teenagers to violence online, to include education on gender equality and non-violence on the primary and secondary school curricula by engaging pupils in discussions and by making use of all possible teaching opportunities;
35. Highlights that new means of communication, via digital platforms for example, are being used as a new form of gender-based violence that also includes threats and harassment; calls therefore on the Member States to include these aspects when issuing and/or executing an EPO;

General recommendations relating to gender-based violence

36. Calls on the Commission to include the protection of all citizens, especially those in the most vulnerable situations, in the European Agenda on Security with a focus on the victims of crimes such as trafficking in human beings or gender-based violence, including victims of terrorism, who also need special attention, support and social recognition;
37. Calls on the Commission to set up campaigns to encourage women to report any forms of violence on the basis of gender, so that they may be protected and so that the accuracy of data on gender-based violence can be improved;
38. Stresses that, in line with the assessment report drawn up by the EPRS, the first reason for the differing levels of use of national and European protection orders is that victims and many professionals are unaware of the possibilities the directive offers; calls, therefore, on the Member States to take full responsibility for their citizens and – with the involvement of relevant NGOs – to launch long-term awareness-raising and intersectional sensitising campaigns on the available protection instruments and their use, targeting a) the whole of society, b) potential victims, especially women with national protection orders in force, and c) professionals, such as law enforcement officers, officials in the judicial system and providers of legal aid and social and emergency services, who are the first to deal with victims; calls on the Commission, therefore, to provide funding to launch information programmes;
39. Acknowledges the existence of the e-justice portal run by the Commission with contributions from Member States; welcomes the Commission's initiative to extend the existing 'victims' corner' within the e-justice portal and to include all relevant information concerning victims' rights, including country-specific guidelines on reporting cases of violence; highlights the need to design the 'victims' corner' as an easy-to-use, practical tool and information source which should be available in all official EU languages; encourages the Member States to put in place a user-friendly website dedicated to victims' rights which would also include the EPO and a digital reporting platform to facilitate the identification of gender-based violence, and which could be easily accessible via the national justice information portals, for example;
40. Urges the Member States to step up their work with NGOs protecting the victims of violence in order to design strategies featuring both proactive and reactive measures in

relation to gender-based violence, the functioning of the EPO instrument and the necessary changes in legislation and support;

41. Calls on the Commission to present a legal act to support Member States in the prevention and suppression of all forms of violence against women and girls and of gender-based violence;
42. Calls on the Council to activate the *passerelle* clause by adopting a unanimous decision to identify violence against women and girls (and other forms of gender-based violence) as a criminal offence under Article 83(1) TFEU;
43. Calls, as a matter of urgency, for action conducive to the progressive convergence of legislation on violent behaviour resulting in protection orders; stresses that attacks which target women in particular are a serious matter and should be punished as a crime in all Member States, and protection measures in cases of gender-based violence should also be issued by the courts;

For a coherent EU legal framework protecting victims

44. Welcomes the signing, on 13 June 2017, of the EU's accession to the Istanbul Convention, which follows a holistic, comprehensive and coordinated approach, placing the rights of the victim at the centre, and which should be fully connected with the EPO; calls on the EU to conclude a broad accession to the Convention to prevent violence against women, combat impunity and protect victims; underlines the importance of this instrument in overcoming one of the barriers to the application of EPOs, namely the lack of recognition of stalking as a criminal offence across all Member States; in line with its resolution of 12 September 2017 on EU accession to the Istanbul Convention, asks the Commission to designate an EU coordinator on Violence Against Women who would be responsible for the coordination, implementation, monitoring and evaluation of EU policies, instruments and measures to prevent and combat all forms of violence against women and girls and to act as representative of the EU on the Committee of the Parties to the Convention;
45. Calls on all Member States that have not yet done so to ratify and fully enforce the Istanbul Convention and to allocate adequate financial and human resources to preventing and combating violence against women and gender-based violence, including by empowering women and girls, protecting victims and enabling them to be awarded compensation;
46. Calls on the Member States to ensure appropriate training, procedures and guidelines for all professionals dealing with the victims of all acts of violence covered by the scope of the Istanbul Convention in order to avoid discrimination or re-victimisation during judicial, medical and police proceedings;
47. Welcomes the obligation laid down by the Istanbul Convention to set up state-wide 24/7 telephone helplines free of charge to provide advice to callers in relation to all forms of violence covered by the scope of the Convention; encourages the Member States to use this tool in relevant cases and to provide victims with information related to the EPO;
48. Underlines that the judicial and practical flaws in the implementation of this directive

can be counteracted by the proper interplay and coordination between the various EU victim-protection instruments, such as the Framework Decision on supervision measures as an alternative to provisional detention and the Framework Decision on probation measures¹, Regulation 606/2013 on mutual recognition of protection measures in civil matters² and Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, which has established the right to receive information and to receive interpretation services and translation of information free of charge, and which adopts an all-encompassing approach to victims with special needs, including victims of gender-based violence;

49. Calls upon the Member States to inform victims about other protection measures in case the executing state ceases to come under the scope of this directive;
50. Calls on the Commission to take action with a view to reviewing the existing instruments of legal protection for the victims of crime and establishing a coherent EU legal framework for it;
51. Calls on the Commission to assess how this directive is applied in connection with the related instrument in civil matters, namely Regulation EU No 606/2013, and to propose guidelines on how these two legal EU instruments seeking to protect victims by recognising protection measures adopted under national civil or criminal legal proceedings could be more efficiently applied by Member States;

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52. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the EU Fundamental Rights Agency and the European Institute for Gender Equality.

¹ 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, and 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, in case the offender as well as the victim move to another Member State, OJ L 337, 16.12.2008, p. 102.

² 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.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	27.2.2018
Result of final vote	+: 54 -: 6 0: 1
Members present for the final vote	Asim Ademov, Martina Anderson, Maria Arena, Heinz K. Becker, Monika Beňová, Malin Björk, Vilija Blinkevičiūtė, Frank Engel, Ana Gomes, Sylvie Guillaume, Monika Hohlmeier, Mary Honeyball, Sophia in 't Veld, Teresa Jiménez-Becerril Barrio, Agnieszka Kozłowska-Rajewicz, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Monica Macovei, Florent Marcellesi, Roberta Metsola, Claude Moraes, Péter Niedermüller, Maria Noichl, Liliana Rodrigues, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Michaela Šojdová, Helga Stevens, Traian Ungureanu, Ángela Vallina, Udo Voigt, Elissavet Vozemberg-Vrionidi, Josef Weidenholzer, Cecilia Wikström, Anna Záborská, Tomáš Zdechovský, Auke Zijlstra, Maria Gabriela Zoană
Substitutes present for the final vote	Izaskun Bilbao Barandica, Gérard Deprez, Rosa Estaràs Ferragut, Maria Grapini, Lívia Járóka, Sylvia-Yvonne Kaufmann, Urszula Krupa, Jeroen Lenaers, Andrejs Mamikins, Christine Revault d'Allonnes Bonnefoy, Jaromír Štětina
Substitutes under Rule 200(2) present for the final vote	Franc Bogovič, Iris Hoffmann, Peter Jahr, Ivan Jakovčić, Svetoslav Hristov Malinov, Dennis Radtke, Julia Reid, Dominique Riquet, Tadeusz Zwiefka

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

54	+
ALDE	Izaskun Bilbao Barandica, Gérard Deprez, Sophia in 't Veld, Ivan Jakovčić, Dominique Riquet, Cecilia Wikström
ECR	Monica Macovei, Helga Stevens
GUE/NGL	Martina Anderson, Malin Björk, Ángela Vallina
PPE	Asim Ademov, Heinz K. Becker, Franc Bogovič, Frank Engel, Rosa Estaràs Ferragut, Monika Hohlmeier, Peter Jahr, Livia Járóka, Teresa Jiménez-Becerril Barrio, Agnieszka Kozłowska-Rajewicz, Barbara Kudrycka, Jeroen Lenaers, Svetoslav Hristov Malinov, Roberta Metsola, Dennis Radtke, Csaba Sógor, Michaela Šojdrová, Jaromír Štětina, Traian Ungureanu, Elissavet Vozemberg-Vrionidi, Tomáš Zdechovský, Tadeusz Zwiefka
S&D	Maria Arena, Monika Beňová, Vilija Blinkevičiūtė, Ana Gomes, Maria Grapini, Sylvie Guillaume, Iris Hoffmann, Mary Honeyball, Sylvia-Yvonne Kaufmann, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Péter Niedermüller, Maria Noichl, Christine Revault d'Allonnes Bonnefoy, Liliana Rodrigues, Birgit Sippel, Maria Gabriela Zoaňă
VERTS/ALE	Florent Marcellesi, Judith Sargentini

6	-
ECR	Urszula Krupa, Branislav Škripek
EFDD	Julia Reid
ENF	Auke Zijlstra
NI	Udo Voigt
S&D	Josef Weidenholzer

1	0
PPE	Anna Záborská

Key to symbols:

+ : in favour

- : against

0 : abstention