Permanent Bureau | *Bureau* *Permanent*

6, Scheveningseweg 2517 KT The Hague | *La* *Haye* The Netherlands | *Pays-Bas*

telephone | *téléphone* +31 (70) 363 3303 fax | *télécopieur* +31 (70) 360 4867

e-mail | *courriel* secretariat@hcch.net website | *site* *web* http://www.hcch.net

AFFAIRES GÉNÉRALES ET POLITIQUE

GENERAL AFFAIRS AND POLICY

Doc. prél. No 4 B

Prel. Doc. No 4 B

mars / March 2014

PROJET DE PROFIL D’ÉTAT –

RÉUNION  DU  GROUPE  D’EXPERTS  SUR  LA  RECONNAISSANCE  ET  L’EXÉCUTION  DES

ORDONNANCES DE PROTECTION RENDUES PAR DES JURIDICTIONS CIVILES ÉTRANGÈRES

(12 et 13 février 2014)

*proposé* *par* *le* *Bureau* *Permanent*

\* \* \*

DRAFT COUNTRY PROFILE –

MEETING OF THE EXPERTS’ GROUP ON THE RECOGNITION AND

ENFORCEMENT OF FOREIGN CIVIL PROTECTION ORDERS

(12-13 February 2014)

*proposed* *by* *the* *Permanent* *Bureau*

*Document* *préliminaire* *No* *4* *B* *de* *mars* *2014  à  l’attention*

*du  Conseil  d’avril  2014  sur  les  affaires  générales  et  la  politique  de  la  Conférence*

*Preliminary* *Document* *No* *4* *B* *of* *March* *2014* *for* *the* *attention*

*of* *the* *Council* *of* *April* *2014* *on* *General* *Affairs* *and* *Policy* *of* *the* *Conference*

PROJET DE PROFIL D’ÉTAT –

RÉUNION  DU  GROUPE  D’EXPERTS  SUR  LA  RECONNAISSANCE  ET  L’EXÉCUTION  DES

ORDONNANCES DE PROTECTION RENDUES PAR DES JURIDICTIONS CIVILES ÉTRANGÈRES

(12 et 13 février 2014)

*proposé* *par* *le* *Bureau* *Permanent*

\* \* \*

DRAFT COUNTRY PROFILE –

MEETING OF THE EXPERTS’ GROUP ON THE RECOGNITION AND

ENFORCEMENT OF FOREIGN CIVIL PROTECTION ORDERS

(12-13 February 2014)

*proposed* *by* *the* *Permanent* *Bureau*

FOREWORD TO THE DRAFT COUNTRY PROFILE –

NATIONAL AND FOREIGN PROTECTION ORDERS: LEGISLATION, RECOGNITION

AND ENFORCEMENT AND OTHER RESOURCES

This Draft Country Profile was prepared in the light of a mandate given by the 2013

Council on General Affairs and Policy of the Hague Conference on the topic of “Recognition  and  enforcement  of  foreign  civil  protection  orders,”  which  reads  as  follows: “The  Council  welcomed  the  work  carried  out  by  the  Permanent  Bureau  and  invited  it to continue exploratory work, including further comparative research (such as a country profile) and investigation on the feasibility of a future instrument. The Permanent  Bureau  may,  resources  allowing,  convene  an  Experts’  Group  to  assist  in  carrying  out  this  work.”[[1]](#footnote-2)

Country Profiles have been developed under a number of Hague Conventions.[[2]](#footnote-3)

However, the Country Profiles have in general been elaborated subsequent to the adoption or entry into force of a particular instrument. Contracting States, national authorities and others who are involved in the operation of Hague Conventions have found the Country Profile to be an invaluable tool to facilitate access to information on foreign law and procedures, as well as to other national information in relation to a specific Convention, with the goal of facilitating the effective operation of the instrument.

The objectives of this Draft Country Profile are two-fold. Firstly, if completed by individual States or jurisdictions, it will provide a comparative overview of this area of the law. The information sought on domestic law in the Draft Country Profile is based on responses received from Members of the Hague Conference to a 2012 Questionnaire on civil protection orders.[[3]](#footnote-4)

Secondly, the Draft Country Profile seeks to provide necessary information for States, relevant governmental authorities (e.g., members of the judiciary, enforcement officials), and also to individuals / members of the public, in order to facilitate the cross-border recognition and enforcement of foreign protection orders and to facilitate international co-operation in this respect. A later version of this Draft Country Profile could be used as an implementation or operational tool in the context of either a binding or a non-binding international instrument or mechanisms on the subject of protection orders.

This initial version of the Draft Country Profile has been produced as a discussion document   for   the   attention   of   the   meeting   of   the   Experts’   Group   on   Recognition   and

Enforcement of Foreign Civil Protection Orders (12-13 February 2014). It is hoped that the Draft Country Profile will facilitate discussion among the experts, and specific sections of the Draft Country Profile are referred to in the agenda of the meeting.

DRAFT COUNTRY PROFILE – NATIONAL AND FOREIGN PROTECTION ORDERS:

LEGISLATION, RECOGNITION AND ENFORCEMENT AND OTHER RESOURCES

PART I: CENTRAL AUTHORITIES4

1. CENTRAL AUTHORITY CONTACT DETAILS

a. Organisation:

b. Address:

c. Territorial or personal extent of functions, if applicable:

d. Telephone:

e. Fax:

f. E-mail:

g. Website:

h. Contact person(s):

i. Language(s):

2. OTHER CENTRAL AUTHORITY (IF APPLICABLE)

Please attach additional pages if there are more than two designated Central Authorities in your State

a. Organisation:

b. Address:

c. Territorial or personal extent of functions, if applicable:

d Telephone:

e. Fax:

f. E-mail:

g. Website:

h. Contact person(s):

i. Language(s):

3. LANGUAGE REQUIREMENTS

a. Does your State / jurisdiction require that any application and related documents submitted be accompanied by a translation? If so, in what language?

Yes

Into official language of your State /jurisdiction. Please specify:

Into another language. Please specify:

No

b. If your Sate / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory.

PART II: ENFORCEMENT OF NATIONAL PROTECTION ORDERS RENDERED BY JUDICIAL, ADMINISTRATIVE OR OTHER COMPETENT AUTHORITIES

1. COMPETENT ENFORCEMENT AUTHORITIES

1.1. CONTACT DETAILS OF COMPETENT AUTHORITY THAT IS RESPONSIBLE FOR THE

ENFORCEMENT OF NATIONAL PROTECTION ORDERS

Police officers

Bailiffs

Administrative Authority

Other. Please specify: regional (1st, lowest tier) court is responsible.

a. Organisation:

b. Address:

c. Territorial or personal extent of functions, if applicable:

d. Telephone:

e. Fax:

f. E-mail:

g. Website:

h. Contact person(s):

i. Language(s):

4. CENTRAL AUTHORITY OPERATION

Please provide answers for each Central Authority if there is more than one designated in your State (attach additional pages)

a. What are the working days and hours of

the Central Authority?

Days of the week open:

Opening time:

Closing time:

Shutdown periods (e.g., public holidays, court closures):

b. Can the authority be accessed outside of

working hours in case of emergency?

Yes

Please specify contact details, if different from above:

No

1.2. CONTACT DETAILS OF OTHER COMPETENT AUTHORITY THAT IS RESPONSIBLE FOR

THE ENFORCEMENT OF NATIONAL PROTECTION ORDERS (IF APPLICABLE)

Please attach additional pages if there are more than two Competent Enforcement Authorities in

your State

Police officers

Bailiffs

Administrative Authority

Other. Please specify:

a. Organisation:

b. Address:

c. Territorial or personal extent of functions, if applicable:

d Telephone:

e. Fax:

f. E-mail:

g. Website:

h Contact person(s):

i. Language(s):

1.4. ORGANISATIONS / BODIES PROVIDING ASSISTANCE TO APPLICANT

Are there other organisations / bodies that will help the intended protected person with enforcement of a protection order?

(Please also see Annex I)

**Yes**[[4]](#footnote-5)**.** Please specify, with full contact details: there are some NGOs.

No

2. DOMESTIC PROTECTION ORDER CONDITIONS OF ENFORCEMENT

2.1. Can domestic protection orders be enforced on the simple presentation of the protection order to the enforcement officer?

Yes, the protection order itself (i.e., the decision establishing the protection order)

**No.** Please specify how enforcement takes place:

1.3. COMPETENT ENFORCEMENT AUTHORITIES OPERATION

Please provide answers for each Competent Enforcement Authority if there is more than one in your State (attach additional pages)

a. What are the working days and hours of the Competent Enforcement Authority?

Days of the week open: President of the court fixes the working hours. Regional court president may establish on-call duty service for judges and court staff.

Opening time:

Closing time:

Shutdown periods (e.g., public holidays, court closures):

b. Can the authority be accessed outside of working hours in case of emergency?

**Yes**

Please specify contact details, if different from above:

No

2.2. What kinds of penalties are applicable for breach of protection orders in your State /jurisdiction? (Please check all which apply)

**Arrest (and detention / imprisonment).**

Please specify:

**Pecuniary measures.** Please specify: **pecuniary fine**

Other. Please specify:

2.3. Do enforcement officers have liability protection for good faith actions or omissions taken in furtherance of enforcement of protection orders?

Yes.Please specify:

**No**

2.4. Does your State / jurisdiction utilise national, regional or local database(s) which register enforceable protection orders for the benefit of law enforcement officials or other authorities?

Yes. Please specify:

**No**

PART III: ENFORCEMENT OF FOREIGN PROTECTION ORDERS RENDERED BY

JUDICIAL, ADMINISTRATIVE OR OTHER COMPETENT AUTHORITIES

The responses to questions in Section 1 are the same as for Part II,

Section 1 (if so, please go to Part III, Section 2)

1. COMPETENT ENFORCEMENT AUTHORITIES

1.1. CONTACT DETAILS OF COMPETENT AUTHORITY THAT IS RESPONSIBLE FOR THE ENFORCEMENT OF FOREIGN PROTECTION ORDERS

Police officers

Bailiffs

Administrative Authority

Other. Please specify: regional (1st tier) court is responsible.

a. Organisation: the competent regional court may be found thanks to search engine on the Ministry of Justice website <http://bip.ms.gov.pl/pl/rejestry-i-ewidencje/lista-sadow-powszechnych/search.html> .

b. Address:

c. Territorial or personal extent of functions, if applicable:

d. Telephone:

e. Fax:

f. E-mail:

g. Website:

h. Contact person(s):

i. Language(s):

1.2. CONTACT DETAILS OF OTHER COMPETENT AUTHORITY THAT IS RESPONSIBLE FOR

THE ENFORCEMENT OF FOREIGN PROTECTION ORDERS (IF APPLICABLE)

Please attach additional pages if there are more than two Competent Enforcement Authorities in your State

Police officers

Bailiffs

Administrative Authority

Other. Please specify:

a. Organisation:

b. Address:

c. Territorial or personal extent of functions, if applicable:

d Telephone:

e. Fax:

f. E-mail:

g. Website:

h Contact person(s):

i. Language(s):

1.4. ORGANISATIONS / BODIES PROVIDING ASSISTANCE TO APPLICANT

Are there other organisations / bodies that will help the intended protected person with enforcement of a protection order?

(Please also see Annex I)

Yes. Please specify, with full contact

details:

No

**The responses to the questions in Section 2 are the same as for Part II, Section 2 (if so, please go to Part IV)**

2. FOREIGN PROTECTION ORDER CONDITIONS OF ENFORCEMENT

2.1. Can foreign protection orders be enforced on the simple presentation of the foreign protection order or the standard enforcement certificate published by the Hague Conference to the enforcement officer?

Yes, the standard Enforcement Certificate published by the Hague Conference

Yes, the foreign protection order itself (i.e., the decision establishing the protection order)

No. Please specify how enforcement takes place:

1.3 COMPETENT ENFORCEMENT AUTHORITIES OPERATION

Please provide answers for each Competent Enforcement Authority if there is more than one designated in your State (attach additional pages)

a. What are the working days and hours of the Competent Enforcement Authority?

Days of the week open:

Opening time:

Closing time:

Shutdown periods (e.g., public holidays, court

closures):

b. Can the authority be accessed outside of working hours in case of emergency?

Yes

Please specify contact details, if different

from above:

No

2.2. What kinds of penalties are applicable for breach of foreign protection orders in your State /jurisdiction? (Please check all which apply)

Arrest (and detention / imprisonment).

Please specify:

Pecuniary measures. Please specify:

Other. Please specify:

2.3. Do enforcement officers have liability protection for good faith actions or omissions taken in furtherance of enforcement of foreign protection orders?

Yes. Please specify:

No

2.4. Does your State / jurisdiction utilise national, regional or local database(s) which register enforceable foreign protection orders for the benefit of law enforcement officials or other authorities?

Yes. Please specify:

No

PART IV: RECOGNITION AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT OF FOREIGN PROTECTION ORDERS

1. COMPETENT AUTHORITIES

1.1. CONTACT DETAILS OF COMPETENT AUTHORITY THAT IS RESPONSIBLE FOR RECOGNITION AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT OF FOREIGN PROTECTION ORDERS

Judicial Authority

Administrative Authority

Other Authority

a. Organisation:

b. Address:

c. Territorial or personal extent of functions, if applicable:

d. Telephone:

e. Fax:

f. E-mail:

g. Website:

h. Contact person(s):

i. Language(s):

1.2. CONTACT DETAILS OF OTHER COMPETENT AUTHORITY THAT IS RESPONSIBLE FOR RECOGNITION AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT OF FOREIGN PROTECTION ORDERS (IF APPLICABLE)

Please attach additional pages if there is more than one designated Competent Authority in your

State

Judicial Authority

Administrative Authority

Other Authority

a. Organisation:

b. Address:

c. Territorial or personal extent of functions, if applicable:

d Telephone:

e. Fax:

f. E-mail:

g. Website:

h. Contact person(s):

i. Language(s):

1.3. LANGUAGE REQUIREMENTS FOR APPLICATIONS TO COMPETENT AUTHORITIES

Please provide answers for each Competent Authority if there is more than one designated in your

State (attach additional pages)

a. Does your State / jurisdiction require that a foreign application and related documents for recognition and declaration of enforceability or registration for enforcement be accompanied by a translation? If so, in what language?

**Yes**

**Into official language of your State** / jurisdiction. Please specify:

Into another language. Please specify:

No

b. If your State / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory.

1.4. COMPETENT AUTHORITIES OPERATION

Please provide answers for each Competent Authority if there is more than one designated in your

State (attach additional pages)

a. What are the working days and hours of the Competent Authority?

Days of the week open:

Opening time:

Closing time:

Shutdown periods (e.g., public holidays, court

closures):

b. Can the authority be accessed outside of working hours in case of emergency?

Yes

Please specify contact details, if different from above:

No

1.5. ORGANISATIONS / BODIES PROVIDING ASSISTANCE TO APPLICANT

Are there other organisations / bodies that will help with an application for the recognition and

enforcement of a foreign protection order?

(Please also see Annex I)

Yes. Please specify, with full contact details:

No

2. RELEVANT LEGISLATION

Does your State / jurisdiction currently have laws (including rules of private international

law) by which protection orders from foreign States are recognised and declared enforceable

or registered for enforcement in your jurisdiction?

**Yes**

Please describe:

Please list relevant Internet weblink(s), if available:

Please comment on special features, if any, found in these laws which seek to quickly

protect persons at-risk in cross-border settings:

No

3. NECESSARY INFORMATION FOR APPLICATIONS FOR RECOGNITION AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT OF

FOREIGN PROTECTION ORDERS

3.1. What information is required to be included in an application for recognition and declaration of enforceability or registration for enforcement of a foreignprotection order? (Please check all which apply)

**About the protected person (applicant):**

**Full name**

**Date and** / or **place of birth**

**Personal identification number (such as social security or passport number)**

Mailing address

Telephone, e-mail and other contact details

**Nationality / nationalities**

Other. Please specify:

**About the person causing the risk (respondent):**

**Full name**

**Date and** / or **place of birth**

**Personal identification number (such as social security or passport number)**

Mailing address

Telephone, e-mail and other contact details

**Nationality / nationalities**

Other. Please specify:

About the issuing Authority:

**Name**

Mailing address

Telephone, e-mail and other contact details

**Internal reference number of the case**

Other. Please specify:

**About the protection order:**

**Information on the types of the measures included in the protection order**

**Date of effect of the protection order**

**Duration of the protection order**

**Names of the parties to the protection order**

**Renewability of the protection order**

Other. Please specify:

Other information:

Please specify:

3.2. What documents are required for recognition and declaration of enforceability or registration for enforcement of a foreign protection order? (please check all which apply)

**A complete text of the order**

**A complete copy of the order certified by the competent authority in the State of origin**

An abstract or extract of the order drawn up by the competent authority of the State of origin, in lieu of the complete text of order

A document stating that the decision is enforceable in the State of origin

If the protection order was rendered in default of appearance in the State of origin, a document or documents attesting, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the decision and the opportunity to challenge or to appeal it on fact and law

Any other relevant document. Please specify:

3.3. Does your State / jurisdiction have a prescribed or preferred form for an application to recognise and enforce a protection order?

Yes, the standard form published by the Hague Conference

Yes. Please attach a copy of the form or provide a website link or both:

**No**

3.4. Can your State / jurisdiction accept an application and related documents transmitted by electronic means?

**Yes.** Please specify:

No

3.5. What is the average expected time from the submission of the application to the finalisation of the recognition and declaration of enforceability or registration for enforcement procedure?

Up to 6 weeks

6 to 12 weeks

More than 12 weeks

3.6. Can the merits of the protection order be reviewed in recognition and declaration of enforceability or registration for enforcement procedures?

**Yes.** Please specify:

No

3.7. Is recognition and declaration of enforceability or registration for enforcement of a severable part of a

foreign protection order possible in your State / jurisdiction?

Yes. Please specify:

**No**

4. ELIGIBLE APPLICANTS FOR RECOGNITION AND ENFORCEMENT

Who can apply for the recognition and enforcement of a foreign protection order?

(check all which apply)

**The intended protected person**

**A representative or advocate of the intended protected person**. Please specify

any criteria:

Any interested party

Other. Please specify:

5. TYPES AND FEATURES OF PROTECTION ORDERS WHICH MAY BE RECOGNISED AND ENFORCED IN YOUR STATE / JURISDICTION

5.1. Foreign protection orders addressing what types of behaviours can be recognised and

enforced in your State / jurisdiction? (please check all which apply)

**Contacting or communicating with the protected person in person**

by way of a third party

by mail

by e-mail

by phone

by other means. Please specify:

**Approaching or being in physical proximity to the protected person**

**Distance requirement?**

**General harassment of the protected person**

**Molestation / annoyance of the protected person**

**Staying away from a certain place**

Please describe:

Forwarding or disseminating personal data or photos of the protected person

**Possession of weapons**

**Behaviours at the discretion of the judge or other competent authority in an**

**individual case**

Encouraging others to engage in behaviour against the protected person where, if the behaviour was undertaken by the respondent, would be prohibited by a protection order

**Other specific behaviours.** Please specify:

5.2. Protection orders for the benefit of what categories of protected persons can be recognised and enforced in your State /jurisdiction? (please check all which apply)

**Married persons**

**Formerly married persons**

**Divorcing persons**

Women only

**Unmarried couples**

**Family members**

**Roommates / housemates**

**Children of the intended protected person**

**Other relatives of the intended protected person**

**Persons who are not in any kind of**

**intimate or cohabitation relationship**

**Other individuals.** Please specify:

5.3. Against whom can protection orders be recognised and enforced in your State /jurisdiction? (please check all which apply)

**An individual perpetrator or potential perpetrator only**

**Family members of the principal perpetrator or potential perpetrator**

**Other individuals.** Please specify: **any perpetrator or potential perpetrator**

5.4. Can supplementary matters included in a protection order, which may or may not be directly related to the immediate safety of the protected person, also be recognised and enforced in your State /jurisdiction?

Yes:

Temporary maintenance orders

Temporary child custody orders

Protection of property

Mandatory counselling

Monetary reimbursement of damages to the protected person

Seizure of property of the respondent

Other. Please specify:

**No**

5.5. Protection orders of what duration can be recognised and enforced in your State /

jurisdiction? (please check all which apply)

Orders which have a minimum duration.

Please specify:

Orders which have a maximum duration.

Please specify:

Orders which are of a fixed duration. Please specify:

Orders which are of a duration according to judicial /  other  instituting  authority’s

discretion

**Orders which are renewable**. Please describe: **Protection measures are issued for unlimited time. They may be amended or revoked in new proceedings following the changes in the factual situation.**

Orders which are not renewable. Please describe:

Lifetime or indefinite orders

5.6. Does your State / jurisdiction recognise and enforce foreign protection orders considered to be of an interim or emergency nature (in contrast to more permanent orders)?

Yes

Please describe any specific treatment of these types of orders:

No

6. GROUNDS FOR REFUSAL OF RECOGNITION AND DECLARATION OF ENFORCEABILITY

OR REGISTRATION FOR ENFORCEMENT OF A FOREIGN PROTECTION ORDER

What are the grounds for refusal of recognition and declaration of enforceability or registration

for enforcement of a foreign protection order?

(please check all which apply)

**Review of jurisdictional grounds of issuing competent authority.**

Please specify:

The recognition and / or enforcement is manifestly incompatible with the public

policy (“ordre *public”)  of  your  State* /jurisdiction

The protection order was obtained by fraud in connection with a matter of

procedure

Proceedings between the same parties and having the same purpose are pending

before an authority of your State /jurisdiction and those proceedings were

the first to be instituted

The protection order is incompatible with an order rendered between the same

parties and having the same purpose, either in your State / jurisdiction or in another State, and this latter order fulfils the conditions necessary for recognition and declaration of enforceability or registration for enforcement in your State/ jurisdiction

In a case where the protection order was rendered in default of appearance in the State of origin, the respondent had neither proper notice of the proceedings and an opportunity to be heard, nor proper notice of the order and the opportunity to challenge or appeal it on fact and law

Other. Please specify:

7. PROTECTION ORDERS IN THE CONTEXT OF THE 1980 CHILD ABDUCTION

CONVENTION AND THE 1996 CHILD PROTECTION CONVENTION

7.1. Is your State is a Party to the 1980 Child

Abduction Convention? *(Convention* *of* *25* *October* *1980* *on* *the Civil* *Aspects* *of* *International* *Child*

*Abduction)*

**Yes**

No

7.2. If your State is a Party to the 1980 Child Abduction Convention, please indicate the mechanisms that are used in your State /jurisdiction to recognise and enforce a protection order made in a foreign State to protect an accompanying parent upon the return of a child under the 1980 Child Abduction Convention (please check all which apply).

Mirror orders

Voluntary undertakings

**Recognition and enforcement of foreign protection orders under another international instrument**. Please specify:

**Recognition and enforcement of foreign protection orders under domestic law (including rules of private international law)**. Please specify:

Other. Please specify:

7.3. If your State is also a Party to the 1996 Child Protection Convention *(Convention of* *19* *October* *1996* *on* *Jurisdiction, Applicable* *Law,* *Recognition,* *Enforcement and* *Co-operation* *in* *Respect* *of* *Parental Responsibility* *and* *Measures* *for* *the Protection* *of* *Children),* are provisions of this Convention (e.g., Art. 11 relating to necessary measures of protection in cases of urgency) utilised in order to protect an accompanying parent when a return order of a child is issued under the 1980 Child Abduction Convention by a competent authority in your State / jurisdiction?

**Yes.** Please specify:

No

Not Applicable (not Party to the 1996 Child Protection Convention)

8. BILATERAL, REGIONAL AND INTERNATIONAL INSTRUMENTS

8.1. Please list any bilateral, regional, and international instruments or co-operation mechanisms that currently or will in the future bind your State or jurisdiction, which cover the recognition and enforcement of foreign protection orders:

Poland is not bound by any international convention which would cover only the recognition and enforcement of foreign protection orders.

To reflect the differences in the Member States’ national protection measures, which can be of civil, criminal or administrative law nature, the EU legal framework consist of several instruments: a **Regulation for civil law protection measures** and a **Directive for criminal law protection measures.** Due to separate legal bases in EU law for mutual recognition of civil law measures and criminal law measures, two separate instruments were required. This framework is supplemented by existing Regulations with a more general scope. Together these instruments will ensure the free circulation of the most common types of protection measures within the EU.

**Regulation (EU) 606/2013 on mutual recognition of protection measures in civil matters** has been adopted in 2013. It provides for a mechanism, by which victims of (in particular domestic) violence can rely on restraining or protection orders issued against the perpetrator in their home country - a Member State of the European Union - when they travel or move to another Member State. The regulation is a legal act of the [European Union](http://en.wikipedia.org/wiki/European_Union) that becomes immediately enforceable as law in all Member States simultaneously from its date of application which is foreseen on 11 January 2015. Thus the provisions of Regulation (EU) 606/2013 do not need to be mediated into national law by means of implementing measures and upon its date of coming into force it will override national laws dealing with the same subject matter.

This Regulation supplements **Directive 2011/99/EU of 13 December 2011 on the European protection order**, which applies to protection measures adopted in criminal matters. This [directive](http://en.wikipedia.org/wiki/Directive_%28European_Union%29) needs to be [transposed into national law](http://en.wikipedia.org/wiki/Transposition_%28law%29) by 11 of January 2015. This means that by this date the EU Member States should give force to its provisions by passing appropriate implementation measures.

8.2. Please comment on special features, if any, found in these existing instruments or co-operation mechanisms which seek to quickly protect persons at risk in cross-border settings:

1. **Regulation (EU) 606/2013:**

• **Automatic recognition based on the presentation of a certificate** -– On substance, Regulation (EU) 606/2013 is based on the procedures commonly used in other EU instruments on the mutual recognition of judicial and extrajudicial decisions in civil and commercial matters as well as in family law, such as Regulation (EC) No 44/2001 (Brussels I)[[5]](#footnote-6) and Regulation (EC) No 2201/2003 (Brussels IIa)[[6]](#footnote-7). It provides for automatic recognition based on the presentation of a certificate. A key element of the Regulation is the EU-wide standard certificate, adopted by the Commission on 2 September 2014, containing all necessary information so that the protection measure is recognised and can be enforced without the need for any special procedures upon simple presentation of the certificate to the competent authority of the Member State of recognition.

• **Scope and closed list of measures** - The Regulation (EU) 606/2013 applies to three types of protection measures obliging the perpetrator to refrain from or regulating the following behaviours: (a) entering the place where the protected person resides, works or stays regularly; (b) contacting, in any form, the protected person, including by phone, electronic or ordinary mail, fax or any other means; (c) approaching the protected person closer than a prescribed distance.

It does not provide for the recognition of orders prohibiting other specific behaviours provided in national legislations or by discretion of the judge (e.g. dissemination of information or images of a person at risk) neither to supplementary matters relating to safety (mandatory counselling or therapy, protection of property of the protected person or possession of weapons). Since it appeared that the type and scope of protection measures vary considerably in the Member States, to facilitate quick and speedy circulation, only the three above types of measures which are known in all Member States and, presumably, cover most of the situations will be covered by the Regulation. The same approach was already chosen by Directive 2012/29/EU dealing with protection orders in criminal matters.

The Regulation applies to protection orders existing under national law to protect individual persons at risk against individual perpetrators regardless of their civil status or degree of relationship. However, the recognition of protection measures issued between parents and their children is excluded from the scope of the Regulation in order to preserve the *acquis* of Regulation (EC) 2201/2003 (Brussels IIa).

The Regulation does not enumerate the actions or harmful behaviours covered by the scope (as domestic violence, stalking, traffic in human beings etc.) but generally refers to all measures "with a view to protecting a person when there exist serious grounds for considering that that person's life, physical or psychological integrity, personal liberty, security or sexual integrity is at risk".

The Regulation also applies to orders issued in ex-parte procedures.

As the nature of the authority is concerned, the Regulation covers protection orders issued by judicial and non-judicial authorities (e.g. mayor), provided that certain guaranties to satisfy the fundamental rights' requirements are met (particularly impartiality of the authority and possibility to appeal to a judicial authority).

• **Concept of "Adjustment" of certain orders by the authority of the Member State of recognition** - The competent authority in the Member State of recognition will be allowed to adjust the factual elements of the protection order (such as the specific address of the place of residence or work or the distance the perpetrator must keep from the protected person) where such adjustment is necessary for the practical implementation of the order.

• **Procedural safeguards, simplified notifications and concentration of procedures in the issuing Member State** - The Regulation balances the efficiency of procedures for mutual recognition with procedural safeguards for the person causing the risk (the potential perpetrator) by providing the following procedural elements: notification of the protection measure to the perpetrator as a condition for issuing a certificate, simplified methods of notification of the certificate and of any adjustment, procedure to rectify or withdraw a certificate which contains factual errors and appeal against the recognition in case of violation of public policy.

To ensure that recognition is simple, rapid and not obstructed by appeals in the Member State of enforcement, most of above procedures take place in the Member State of origin.

• **Limitation in time of the effects of recognition** - The duration of protection measures varies considerably in the legal systems of the Member States: from 48 h measures taken by the mayor to judicial decisions which are unlimited in time. This divergence has called for an innovative concept of recognition. For the first time in an EU instrument on mutual recognition the effects of recognition is limited in time to period of 12 months counting from the moment of the issuance of the certificate..

• **Limited grounds for the refusal of recognition** - In line with other EU instruments in civil matters, a limited number of grounds for refusal are provided (public policy and irreconcilability with another judgement).

The Regulation does not allow for an appeal against the issuing of a certificate and does not allow for a review as to the substance of the protection measure in the Member State of recognition.

• **No need for translation** - With a view to avoiding the need of translation, the Regulation provides for the use of a standardised multilingual certificate. The EU-Certificate adopted in September 2014 provides an efficient and user-friendly instrument for practitioners and victims, which also takes into account the urgency in which most of the protected persons may find themselves when asking for the certificate. The certificate contains very few free text fields to reduce the burden of translation. .The dynamic and multilingual version of the certificate will be operational on the EU judicial cooperation networks (European e-Justice Portal) from January 2015 (a non-dynamic version of the certificate is attached to the reply).

• **Respect of the autonomy of the protected person -** The Regulation does not provide for a centralised/EU-wide database of the enforceable protection orders or issued certificates but foresees that the relevant information on legislation and procedures concerning national protection measures and on the type of competent authorities will be made publicly available in the portal of EU judicial cooperation networks. With a view to preserving the autonomy of the protected persons, the Regulation does neither provide for a direct transmission of the enforceable protection order between the authorities concerned but rather leaves it entirely to the protected person whether or not to present the certificate to the authority in the Member State of recognition thereby invoking the protection there.

• **Complementarity and crossover between civil and criminal systems of protection measures** - EU national legal systems provide for a variety of civil protection orders, there are civil protection measures issued in civil proceedings as well as measures which arise from criminal proceedings or are enshrined in criminal law or even measures having a hybrid nature. To assure that all persons at risk in possession of an enforceable protection order benefit from protection throughout the Union, the EU intends to have a legal framework which addresses the recognition of all kinds of protection orders, irrespective of whether they are civil, criminal or administrative in nature. Due to constraints resulting from a separate legal basis in the field of civil and criminal matters, the EU framework will consist of two separate legislative acts: the Regulation and the recently adopted Directive 2011/99/EU on the European Protection Order. These two legislative acts are intended to be complementary but mutually exclusive.

This complementarity of legal acts allows that a protection order issued under the jurisdiction of a Member State which provides for purely criminal measures is recognised in another EU jurisdiction which knows only protection measures of civil nature and vice versa.

The limitations of the legal basis in civil matters have consequences on the scope of the instrument: the Regulation deals only with the recognition of the obligation imposed by the protection measure. It does not regulate the procedures for implementation or enforcement of the measure, nor does it cover any potential sanctions that might be imposed in case of a breach of the protection measure in the Member State of recognition. Both enforcement and possible sanctions are left to the law of that state. In accordance with the general principles of Union law, each Member State has to ensure that recognised protection measures can take full effect in its territory.

**2. Directive 2011/99/EU on the European Protection Order**

Alike Regulation 606/2013, Directive 2011/99/EU applies to **three types of protection measures** obliging the perpetrator to refrain from or regulating the following behaviours: (a) entering the place where the protected person resides, works or stays regularly; (b) contacting, in any form, the protected person, including by phone, electronic or ordinary mail, fax or any other means;(c) approaching the protected person closer than a prescribed distance.

In order to be considered a protection measure "in criminal matters" and to fall into the scope of the Directive, the original measure has to be adopted in accordance with the national law of the issuing state with a view to protecting a person against a **criminal act** by another person which may endanger his life, physical or psychological integrity, dignity, personal liberty or sexual integrity, following criminal conduct, or alleged **criminal conduct**.

The **mechanism of recognition is differen**t from the civil law Regulation since, instead of two steps, it involves a three-step procedure: (i) issuing of a national protection measure in the victim’s home country; (ii) the protected person requests the home Member State to issue a "European Protection Order"; (iii) the Member State which receives the European Protection Order (transmitted by a competent authority), instead of simply recognising and executing the foreign protection measures, adopts a new national protection measure which corresponds to the best extent to the protection granted in the victim’s home Member State. To this aim, the second Member State can use all types of measures available domestically: criminal, civil or administrative.

The Directive also contains provisions to ensure the respect of the procedural rights of the person causing the danger. It requires that this person causing danger should be given the *right to be heard* and the *right to challenge the protection measure* before issuing the European Protection Order.

As other criminal law instruments, the Directive provides for a number of grounds that can constitute a basis for refusing recognition of European protection order.

In case of breach, the second Member State applies the sanctions attached to its national protection measure adopted on the bases of the European protection order.

PART V: PROTECTION ORDER REGIMES / TYPES OF ORDERS AVAILABLE IN

YOUR STATE / JURISDICTION AND APPLICATIONS FOR ESTABLISHMENT

OF NATIONAL PROTECTION ORDERS

1. RELEVANT LEGISLATION ON NATIONAL PROTECTION ORDERS

1.1. Does your State / jurisdiction currently have protection order regime(s) in force?

(Please attach additional pages if there is more than one type of protection order available in your State / jurisdiction)

No

**Yes**

Please provide a reference to the protection order regime, with the date and title of legislation(s) or a reference to relevant case law:

Please list any Internet weblink(s) to the legislation or case law, if available:

The protection order regime, from the perspective of your State / jurisdiction, is considered to be of the following character:

**Civil**

Administrative

**Criminal**

Other. Please specify:

1.2. If protection order regime(s) exist in your State / jurisdiction, are modifications of the existing regime(s) contemplated?

**Yes.** Please specify:

No

1.3. If there is no protection order regime in force in your State / jurisdiction, are there plans to legislate in this area in the future?

Yes. Please specify:

No

2.3. CONTACT DETAILS OF OTHER COMPETENT AUTHORITY RESPONSIBLE FOR

ESTABLISHING NATIONAL PROTECTION ORDERS (IF APPLICABLE)

Please attach additional pages if there is more than one designated Competent Authority in your State

a. Organisation:

b. Address:

c. Territorial or personal extent of functions, if applicable:

d Telephone:

e. Fax:

f. E-mail:

g. Website:

h. Contact person(s):

i. Language(s):

2. COMPETENT AUTHORITIES RESPONSIBLE FOR ESTABLISHING NATIONAL

PROTECTION ORDERS

2.1. Which courts or authorities are competent to issue protection orders? (please check all which apply)

**Family courts**

**Courts of general jurisdiction**

Specialised domestic violence courts

**Civil courts**

**Criminal courts**

Administrative authorities. Please specify:

Police authorities

Other. Please specify:

2.2 CONTACT DETAILS OF COMPETENT AUTHORITY RESPONSIBLE FOR ESTABLISHING

NATIONAL PROTECTION ORDERS

a. Organisation:

b. Address:

c. Territorial or personal extent of functions, if applicable:

d Telephone:

e. Fax:

f. E-mail:

g. Website:

h. Contact person(s):

i. Language(s):

2.4. ORGANISATIONS /BODIES PROVIDING ASSISTANCE TO APPLICANT

Are there organisations / bodies that will help applicants with filing applications for the

establishment of a protection order?

(Please also see Annex I)

Yes. Please specify, with full contact

details:

No

2.5. LANGUAGE REQUIREMENTS FOR APPLICATIONS TO COMPETENT AUTHORITIES

(ESTABLISHMENT APPLICATIONS)

The responses to questions in this Section are the same as for Part IV, Section 1.3 (if so, please go to next Section)

Please provide answers for each Competent Authority if there is more than one designated in your State (attach additional pages)

a. What language does your State /jurisdiction require for any application and related documents for establishment of a protection order?

Official language of your State /jurisdiction. Please Specify:

Other languages are accepted. Please specify:

b. If your State / jurisdiction has more than one official language in its territory and cannot, for reasons of internal law, accept for the whole of your State / jurisdiction documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of its territory.

2.6. COMPETENT AUTHORITIES OPERATION

The responses to questions in this Section are the same as for Part IV, Section 1.4 (if so, please go to next Section)

Please provide answers for each Competent Authority if there is more than one designated in your State (attach additional pages)

a. What are the working days and hours of the Competent Authority?

Days of the week open:

Opening time:

Closing time:

Shutdown periods (e.g., public holidays, court closures):

b. Can the Competent Authority be accessed outside of working hours in case of emergency?

Yes

Please specify contact details, if different from above:

No

3. TYPES AND FEATURES OF PROTECTION ORDERS

3.1. What types of behaviours do protection orders in your State / jurisdiction obligate

an individual to refrain from or to do? (please check all which apply)

**Contacting or communicating with the protected person in person**

by way of a third party

by mail

by e-mail

by phone

by other means. Please specify:

**Approaching or being in physical proximity to the protected person**

Distance requirement?

**General harassment of the protected person**

**Molestation / annoyance of the protected person**

**Staying away from a certain place**

Please describe:

Forwarding or disseminating personal data or photos of the protected person

**Possession of weapons**

**Behaviours at the discretion of the judge or other competent authority in an individual case**

Encouraging others to engage in behaviour against the protected person where, if the behaviour was undertaken by the respondent, would be prohibited by a protection order

Other specific behaviours. Please specify:

3.2. For whom are protection orders available (i.e., who are the intended protected persons)? (please check all which apply)

**Married persons**

**Formerly married persons**

**Divorcing persons**

Women only

**Unmarried couples**

**Family members**

**Roommates / housemates**

**Children of the intended protected person**

**Other relatives of the intended protected person**

**Persons who are not in any kind of intimate or cohabitation relationship**

**Other individuals**. Please specify:

3.3. Against whom are the protection orders available? (please check all which apply)

**Any individual perpetrator or potential perpetrator**

Family members of the principal perpetrator or potential perpetrator

Other individuals. Please specify:

3.4. Please indicate who in your State /jurisdiction is able to apply for / initiate the institution of a protection order (please check all which apply).

**The intended protected person** only (i.e. the victim or potential victim who will be protected by the order)

Family member(s) of the protected person. Please specify:

Public prosecutor

Police officials

A judge *ex* *officio*

Other public authority or official. Please specify:

Other advocate for the protected person.

Please specify:

Other. Please specify:

3.5. If possible, please indicate the actions or potential actions in response to which the protection orders are put in place (please check all which apply).

**Domestic and family violence**

**Sexual assault**

**Dating violence**

**Stalking**

**Forced marriage**

**So-called  “honour  crimes”**

**Human trafficking**

**Other general criminal or harmful behaviour**

Other behaviours / situations. Please specify :

3.6. Can supplementary matters, which may or may not be directly related to the immediate safety of the protected person, be included in protection order?

Yes;

Temporary maintenance orders

Temporary child custody orders

Protection of property

Mandatory counselling

Monetary reimbursement of damages to the protected person

Seizure of property of the respondent

Other. Please specify:

**No**

3.7. Please specify whether the protection orders (which are not of an interim or emergency nature) in your State /jurisdiction (please check all which apply).

Have a minimum duration. Please specify:

Have a maximum duration. Please specify:

Are of a fixed duration. Please specify:

Are of a duration according to judicial /other  instituting  authority’s  discretion

Are renewable. Please describe:

**Are not renewable (indefinite)**. Please describe: **May be revoked or amended if change of circumstances. New proceedings and new decision necessary.**

Lifetime or indefinite orders

3.8. Generally, what is the expected time from the submission of an application to a final order (excluding appeals)?

Within 24 hours

Within 2 to 3 days

Up to 1 week

1 to 4 weeks

More than 4 weeks

Other. Please specify:

3.9. Does your State / jurisdiction offer protection orders considered to be of an interim or emergency nature (in contrast to more permanent orders)?

**Yes**

Please describe the main features of these orders, including information as to when the respondent is notified and has an opportunity to be heard and / or challenge such an order and until when these orders are effective:

No

4. AVAILABILITY OF PROTECTION ORDERS FOR VISITORS TO YOUR STATE /JURISDICTION

Can an individual in need of protection while temporarily visiting your State / jurisdiction easily obtain a protection order in your State /jurisdiction for the duration of his / her visit?

Yes. Please specify:

**No**

Comments:

5. JURISDICTIONAL GROUNDS AND LAW APPLICABLE TO PROTECTION ORDERS IN

YOUR STATE / JURISDICTION

5.1. Please specify the grounds upon which national competent authorities may assume jurisdiction for the establishment of protection orders (check all which apply).

**Physical presence in the State /jurisdiction of the person seeking protection**

Future physical presence in the State /jurisdiction of the person seeking protection

**Physical presence of the defendant in the State / jurisdiction**

Other:

Comments:

5.2. Please specify what law will be applicable to the establishment of a protection order.

**Law of the forum**

Other law. Please specify, indicating relevant conflict of law rules:

6. NECESSARY INFORMATION FOR APPLICATIONS FOR ESTABLISHMENT OF

NATIONAL PROTECTION ORDERS

6.1. Does your State / jurisdiction have a prescribed or preferred form for an application to establish a protection order?

Yes, standard form for establishment published by the Hague Conference

Yes. Please attach a copy of the form or provide a website link or both:

**No**

6.2. What information is required to be included in an application to establish a

protection order?

About the applicant:

**Full name**

**Date and / or place of birth**

**Personal identification number** (such as social security or passport number)

Mailing address

Telephone, e-mail and other contact details

**Nationality / nationalities**

Other. Please specify:

About the respondent:

Full name

**Date and** / or **place of birth**

**Personal identification number** (such as social security or passport number)

Mailing address

Telephone, e-mail and other contact details

Nationality / nationalities

Other. Please specify:

Other information:

Please specify:

6.3. What documents are required for an application to establish a protection order?

Please specify.

6.4. Can your State / jurisdiction accept an application and related documents transmitted by electronic means?

Yes. Please specify:

**No**

7. APPLICATIONS TO MODIFY PROTECTION ORDERS

7.1. In addition to application contents specified in Section 6.2, what information is required in order to process an application to modify a protection order established in your State / jurisdiction?

About the applicant:

Please specify:

About the respondent:

Please specify:

7.2. What documents are required for an application to modify a protection order made in your State / jurisdiction?

Complete text of the existing protection order

Other. Please specify:

7.3. On what grounds can an application be filed for modification of a protection order made in your State / jurisdiction?

**Changed circumstances of the protected person so as to justify the modification**

**Changed circumstances of the person causing the risk so as to justify the modification**

Other. Please specify:

7.4. Does your State / jurisdiction have a prescribed or preferred form for an application to modify a protection order made in your State?

Yes, standard form for modification published by the Hague Conference

Yes. Please attach a copy of the form or provide a website link or both:

**No**

7.5. Can your State / jurisdiction accept an application and related documents transmitted by electronic means?

Yes

**No**

8. RESPONDENT’S  RIGHTS

Please answer questions in this section for the protection order regimes in your State / jurisdiction

which are not considered to be of an interim or emergency nature (covered in Section 3.9., above)

8.1 Does the respondent have an opportunity to be heard in proceedings for protection

orders in your State / jurisdiction?

**Yes, always.**

It depends upon the particular case and is at the discretion of the judge / authority hearing the case. Please specify:

Other. Please specify:

8.2 Is the respondent given notice when a protection order is rendered or modified?

**Yes**

No

Comments:

8.3 Please describe any other important features of respondent rights.

9. APPLICANT’S  RIGHTS AND SUPPLEMENTARY SERVICES

9.1. Does the intended protected person have an opportunity to be heard in proceedings for protection orders in your State /jurisdiction?

**Yes,** always.

It depends upon the particular case and is at the discretion of the judge / authority hearing the case. Please specify:

Other. Please specify:

9.2. Is the protected person or his / her representative given notice when a protection order is rendered or modified?

**Yes**

No

Comments:

9.3. Are there any support services available in your State / jurisdiction for victims of domestic violence or other crimes /behaviours (e.g., as described in Section 3.5., above)?

If existent, are these services also available for non-nationals or non-residents of your State /jurisdiction? (i.e.,are they also available to foreigners?)

Yes. Please complete Annex I describing services and providing contact details.

No

Yes

No

Comments:

10. BILATERAL, REGIONAL AND INTERNATIONAL INSTRUMENTS GENERALLY ADDRESSING PROTECTION ORDERS

10.1. Please list any bilateral, regional, and international instruments or co-operation mechanisms that currently or will in the future bind your State or jurisdiction, which address protection orders generally:

**1. Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime** provides that every victim is offered protection measures during criminal proceedings in accordance with their needs. Under this new instrument, all victims (and to a certain extent also their family members) will have an individual assessment to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings. In particular:

Article 4 requires that Member States shall ensure that victims are offered, without unnecessary delay and from their first contact with a competent authority, information about how and under what conditions they can obtain protection, including protection measures.

Article 18 requires that Member States shall ensure that "measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members".

Member States have to comply with this Directive by 16 November 2015 by adopting the necessary national provisions.

**2. Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters** **(Brussels I)** provides for recognition and enforcement of judgments with the exception of ex parte measures which have not been served on the defendant. A judgment can be enforced once it has been declared enforceable (‘*exequatur* procedure’). A recently adopted recast of the Brussels I Regulation (Regulation (EU) No 1215/2012 of 12 December 2012, which applies from January 2015) has abolished the exequatur procedure.

Some of the civil law protection measures at issue may fall under the Brussels I Regulation and may continue to do so after the entry into force of the Regulation on the mutual recognition of civil law protection measures, since the latter is allowing for time-limited recognition only.

**3. Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (Brussels II a)** provides foras a rule, enforcement of a judgment once it has been declared enforceable (‘*exequatur* procedure’). However, certain judgments concerning rights of access and certain judgments which require the return of the child following abduction benefit from the abolition of the *exequatur* procedure.

Civil law protection measures taken in a parent-child relationship may fall under the Brussels II a Regulation. Chapter II of this Regulation contains a number of uniform grounds of jurisdiction which designate the competent court in matrimonial matters and matters of parental responsibility. Additionally, Article 20 of this Regulation enables a court to take provisional, including protective, measures in accordance with its national law in respect of a person on its territory even if a court of another Member State has jurisdiction as to the substance of the matter.

10.2. Please provide relevant Internet weblink(s), if available:

10.3. Please comment on special features, if any, found in these instruments or co-operation mechanisms which seek to quickly protect persons at risk in cross-border settings:

PART VI: OTHER GENERAL INFORMATION ON NATIONAL PROTECTION

ORDERS AND RECOGNITION AND ENFORCEMENT OF FOREIGN PROTECTION ORDERS

1. LEGAL REPRESENTATION AND ASSISTANCE

1.1. Is legal representation required in proceedings concerning national protection orders or for the recognition and enforcement of a foreign protection order?

Yes

No

No, but recommended.

1.2. If legal representation is required in proceedings, can those other than lawyers represent the parties?

Yes. Please specify:

No

1.3. Is free or reduced rate legal assistance available to an applicant for a protection order or for its recognition and enforcement in your State / jurisdiction?

Yes, free legal assistance.

Yes, reduced rate legal assistance.

No

1.4. If free or reduced rate legal assistance is not available, in what other ways can your State / jurisdiction assist an applicant financially?

There is a system of costs ordering the respondent to pay

Pro bono legal assistance

Other. Please specify:

Not at all

1.5. Is free or reduced rate legal assistance available to the respondent?

Yes, free legal assistance

Yes, reduced rate legal assistance

No

1.6. Please indicate on what basis free or reduced rate legal assistance may be available.

Income of the applicant. Please specify:

Assets of the applicant. Please specify:

Age of the applicant. Please specify:

Country of residence of the applicant

Likelihood of success of the proceedings

Other. Please specify:

1.7. Which costs are covered by free or reduced rate legal assistance?

Translation

Interpretation

Service of documents

Court fees

Lawyer fees

Other. Please specify:

1.8. Does your State / jurisdiction have a prescribed or preferred form for an application for free or reduced rate legal assistance?

Yes. Please attach a copy of the form or provide a website link or both:

No

1.9. Can your State / jurisdiction accept an application and related documents transmitted by electronic means?

Yes. Please specify:

No

2. CHALLENGES / APPEALS

2.1. Can a protection order or its recognition and / or enforcement be challenged?

**Yes;**

Please specify how many levels of appeal exist and to which court(s) / authority(ies) an appeal may be made:

No

2.2. Who can initiate the appeal process? **Either applicant or respondent**

Other. Please specify:

2.3. On what grounds can an appeal be initiated? Please specify.

2.4. Is leave to appeal required?

 Yes

No

In certain circumstances. Please specify:

2.5. Can a protection order or its recognition and / or enforcement be suspended (i.e., ‘stayed’)  pending  an  appeal?

Yes, a protection order or its recognition and enforcement is *automatically* suspended pending an appeal

Yes, a protection order or its recognition and enforcement can be suspended pending an appeal at the request of either party

Yes, a protection order or its recognition and enforcement can be suspended pending an appeal at the request of either party and after determination by the judge / authority

Please specify :

No

2.6. Is there a time limit by which an appeal must be filed?

Yes

The time limit: **14 days (7 in some cases) from the reception of the court decision**

From when the time limit starts to run (e.g., from the date of the order, from the date the order was notified to the parties etc.):

No

2.7. Generally, what is the expected time within which appeals are filed and decided?

Less than 1 month

1 to 3 months

Longer than 3 months

ANNEX I

SUPPORT SERVICES AVAILABLE FOR VICTIMS OF DOMESTIC VIOLENCE AND OTHER

CRIMINAL OR HARMFUL BEHAVIOURS (E.G., SEE PART V, SECTION 3.5) IN YOUR STATE / JURISDICTION

Please attach additional pages as necessary if there are more organisations that offer support services for victims in your State / jurisdiction

1. CONTACT DETAILS OF ORGANISATION OFFERING SUPPORT SERVICES

a. Organisation:

b. Description of services offered:

c. Address:

d. Telephone:

e. Fax:

f. E-mail:

g. Website:

h. Contact person(s):

i. Language(s):

2. CONTACT DETAILS OF ORGANISATION OFFERING SUPPORT SERVICES

a. Organisation:

b. Description of services offered:

c. Address:

d. Telephone:

e. Fax:

f. E-mail:

g. Website:

h. Contact person(s):

i. Language(s):

3. CONTACT DETAILS OF ORGANISATION OFFERING SUPPORT SERVICES

a. Organisation:

b. Description of services offered:

c. Address:

d. Telephone:

e. Fax:

f. E-mail:

g. Website:

h. Contact person(s):

i. Language(s):

1. Conclusion and Recommendation No 9 of the Conclusions and Recommendations of the Council on General

Affairs and Policy of the Conference (9-11 April 2013) (available on the Hague Conference website under  “Work  in  Progress”  then  “General  Affairs”). [↑](#footnote-ref-2)
2. For example, in relation to the *Hague* *Convention* *of* *23* *November* *2007* *on* *the* *International* *Recovery* *of* *Child*

*Support* *and* *Other* *Forms* *of* *Family* *Maintenance* (developed during the negotiations of the Convention), the

*Hague* *Convention* *of* *29* *May* *1993* *on* *Protection* *of* *Children* *and* *Co-operation* *in* *Respect* *of* *Intercountry*

*Adoption* and the *Hague* *Convention* *of* *25* *October* *1980* *on* *the* *Civil* *Aspects* *of* *International* *Child* *Abduction*

(available  on  the  Hague  Conference  website  at  under  “Conventions”). [↑](#footnote-ref-3)
3. “Questionnaire  on  the  Recognition  and  Enforcement  of  Foreign  Civil  Protection  Orders,”  Prel.  Doc.  No  4  A  of

November 2012 for the attention of the Council of April 2013 on General Affairs and Policy of the Conference

(available   on   the   Hague   Conference   website   at   <   www.hcch.net   >   under   “Work   in   Progress”   then   “General  Affairs”). [↑](#footnote-ref-4)
4. The pdf form HCCH contained bugs. Therfore we converted the file to Word. **Instead of ticking the boxes, the text in bold letters constitutes the choice of applicable option, where applicable.** [↑](#footnote-ref-5)
5. OJ L 12, 16.1.2001, p. 1 [↑](#footnote-ref-6)
6. OJ L 338, 23.12.2003, p.1 [↑](#footnote-ref-7)