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# MAPPING THE LEGISLATION AND ASSESSING THE IMPACT OF PROTECTION ORDERS IN THE EUROPEAN MEMBER STATES (POEMS)

NATIONAL REPORT MALTA

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## 2. NATIONAL REPORT: MALTA

### 2.1. INTRODUCTION

Protection Orders, as defined for the purposes of this study, are mainly provided for under the Maltese Criminal Code, the Probation Act, and the Restorative Justice Act.<sup>1</sup> The imposition of protection orders within a civil law context is limited. The key provisions are identified and explained further below. The procedures by which these orders are imposed vary – they can either be requested by the prosecuting officer (in our case, the Police or an officer within the office of the Attorney General), or imposed subject to the discretion of the Court ( in many instances, in practice, this would be the result of liaisons between the Courts and the Probation services). Once again, the manner in which such orders can be enforced vary in accordance with the nature of the specific order; a breach of a protection order or a breach of a bail condition for instance, would generally have to be reported to the Police and enforced once the necessary investigations point towards a probable breach; whereas in the case of orders provided for under the Probation Act, there is a better system of monitoring and enforcement in place, due to the fact that a supervising officer would be given the task of monitoring that particular order. Possible advancement in

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1 These laws are available on the internet in English via the following links :

Criminal Code, Laws of Malta, Cap. 9

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8574&l=1>

Probation Act, Laws of Malta, Cap. 446

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8912&l=1>

Restorative Justice Act, Laws of Malta, Cap. 516

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=11813&l=1>

Civil Code, Laws of Malta, Cap. 16

[-http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8580](http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8580)

protection order legislation are envisaged with the ratification of the Istanbul Convention, which process is currently ongoing and should be completed within the next months<sup>2</sup>.

## 2.2. IMPOSITION OF PROTECTION ORDERS

### 2.2.1 PROTECTION ORDERS AVAILABLE WITHIN CRIMINAL LAW

Protection orders, as defined for the purposes of this study, are mainly available under criminal law. Protection Orders, Restraining orders, Bail conditions, Recognizance, and conditions to suspended sentences are imposed through generic criminal law, namely the Criminal Code; Protection Orders and Restraining Orders can however also be imposed by the Civil courts during cases of separation and divorce. Special laws, particularly the Probation Act, provide for the imposition of specific orders to which conditions can be attached ( provisional order of supervision, probation order, combination order, conditional discharge ), whilst the Restorative Justice Act provides for the imposition of conditions to be attached to Parole. Below is an overview of these various provisions :

**Protection Order** – this is a measure provided for under our Criminal Code, namely article 412 C, which provides as follows :

*(1) Where a person (hereinafter in this article and in article 412D referred to as "the accused") has been charged or accused with an offence before the Court of Magistrates whether as a court of inquiry or as a court of criminal judicature, the court may, on reasonable grounds, for the purpose of providing for the safety of the injured person or of other individuals or for the keeping of the public peace or for the purpose of protecting the injured person or other individuals from harassment or other conduct which will cause a fear of violence, issue a protection order against the accused.*

*(2) A protection order may impose any restrictions or prohibitions on the accused that appear to the court necessary or desirable in the circumstances in order to give effect to any of the purposes mentioned in sub-article (1).*

This order can be imposed throughout the criminal proceedings. The length of proceedings can vary according the circumstances of each particular case, from a few weeks to a number of years. It is usually the Police, as public prosecutors, who make the request for the protection order to be issued. This is not an essential requirement, and therefore, where the victim declares himself/herself as a party to the proceedings, they can also make a request for such order to be issued. Furthermore, the court may of its own discretion to issue a Protection order. Prior to issuing a protection order, the court assesses the impact of such a decision on all parties involved, and therefore it does not issue the order without hearing the accused. The procedure that should be followed in order to request a protection order is not stipulated at law. In practice, a request is made on the charge sheet issued by the Police, or can also be

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2 [http://www.maltatoday.com.mt/news/national/36338/malta-to-be-fourth-eu-country-to-ratify-istanbul-convention-20140305#.U0J\\_bl4mahN](http://www.maltatoday.com.mt/news/national/36338/malta-to-be-fourth-eu-country-to-ratify-istanbul-convention-20140305#.U0J_bl4mahN)

requested verbally during a Court sitting by either the prosecuting officer or the legal representative of the victim.

**Restraining Order** - this is a measure provided for under our Criminal Code, namely article 382A, which provides as follows

*(1) Without prejudice to its powers under the provisions of the following articles of this Sub-title, where the court considers it expedient to do so for any of the purposes mentioned in article 412C(1), it may, in passing judgment against the accused, together with any punishment to which it may sentence the offender, make an order (hereinafter referred to as a "restraining order") which may give effect to any thing provided in subarticle (3) of the said article 412C.*

Thus the purpose and effect of a restraining order is similar to that of a Protection Order; the main difference between the two measures being that a Protection Order is issued during the proceedings, whereas a Restraining Order is issued together with the final decision of the Court.

**Recognizance** - this is a measure provided for under our Criminal Code, namely article 383, which provides as follows :

*(1) The court may, where it deems it expedient, in order to provide for the safety of individuals or for the keeping of the public peace, in addition to, or in lieu of the punishment applicable to the offence, require the offender to enter into his own recognizance in a sum of money to be fixed by the court.*

**Bail** - this is a measure provided for under our Criminal Code, namely article 574 *et seq* , which provides as follows :

*574. (1) Any person charged or accused who is in custody for any crime or contravention may, on application or as provided in article 574A, be granted temporary release from custody, upon giving sufficient security to appear at the proceedings at the appointed time and place under such conditions as the court may consider proper to impose in the decree granting bail which decree shall in each case be served on the person charged or accused.*

Bail is a form of undertaking whereby a person awaiting trial may be released from custody.

The release from custody is only granted when the court is satisfied that the person released on bail will not prejudice the ends of justice. Failure to grant bail is only a precautionary measure. So when a court refuses to grant bail, it cannot justify such refusal by stating that the person asking for bail is probably guilty of the offence with which he is charged. In fact the considerations made against the granting of bail should not include the merits of the case. This also applies to submissions made by the parties. These are considerations that deal with the merits of the case and should not be considered when deciding whether

or not granting bail. A balance must be struck between the rights of the accused on the one hand and the rights of the community on the other hand, and in this regard, a list of conditions is generally imposed.

**Power of the President in Special Cases** – This is a measure provided for under article 574 of our Criminal Code, which states as follows :

*It shall also be lawful for the President of Malta, in special cases, to grant temporary release to any accused person who is in custody for any crime or contravention, subject to such conditions as the President of Malta may think fit to impose. In default of observance by the accused of any of such conditions he shall be liable to be re-arrested forthwith.*

This is a provision that does not appear to be used in practice, at least not in recent years. In theory, the President of the Republic is empowered to grant temporary release from custody of a person pending trial, and in granting such temporary release, the President may impose any conditions which s/he may deem fit, including measures aimed at securing the safety of the victim.

**Probation Order and Provisional Order of Supervision**– this is a measure provided for under the Probation Act ( Laws of Malta, Cap. 446)

*7. (1) The court may, subject to the provisions of the following sub-article, instead of sentencing the offender, make a probation order, that is to say, an order requiring the offender to be under the supervision of a probation officer for a period to be specified in the order of not less than one year and not more than three years.*

Thus a probation order is imposed upon judgment, and therefore at the final stages of the criminal proceedings. This order can include conditions which in practice would impose upon the offender certain conditions which would prohibit him from contacting the victim or re-offending with the probationary period.

The law goes on to state, however that ‘... the Court may, if it deems it to be in the best interest of the person accused, issue a **provisional order of supervision** of the accused by a probation officer, even during any criminal proceedings, under such conditions as the Court may deem fit.’

Thus the Probation Act also empowers the courts to impose conditions upon the accused even throughout the duration of the criminal proceedings. This is referred to as a Provisional Order of Supervision.

**Combination Order** – this is a measure provided for under article 18 of the Probation Act, and provides as follows :

*The court may, instead of sentencing the offender to imprisonment, order the offender to be placed on a combination order. A combination order shall require the offender to be placed under probation supervision as specified in article 7 and perform a community service order, as specified in article 11.*

*Nevertheless, such order shall not require the offender to perform less than forty hours of work or more than one hundred hours in addition to any number of hours of work still to be performed under any previous community service order.*

Thus, a combination order, through the imposition of conditions made applicable under the Probation Order, can also impose conditions on the offender. Since such orders have to entail a combination of a probation order and a community service order, and in view of the fact that a community service order is seldom applied, this order is not commonly availed of in practice.

**Conditional Discharge Order** – this is a measure provided for under article 22 of the Probation Act, and provides as follows :

*22. (1) Where a court by which a person is convicted of an offence ... is of opinion that, having regard to the circumstances of the case, including the nature of the offence and the character of the offender, it is inexpedient to inflict punishment and that a probation order, a community service order or a combination order are not appropriate, the court may make an order discharging the offender absolutely, or, if the court thinks fit, discharging the offender subject to the condition that he commits no offence during such period, not exceeding three years from the date of the order, as may be specified therein..'*

**Suspended Sentence** – this is a measure provided for under article 28I (2) of the Criminal Code, which provides as follows :

*28A. ...a court which passes a sentence of imprisonment for a term of not more than two years for an offence may order that the sentence shall not take effect unless, during a period specified in the order, being not less than one year or more than four years from the date of the order, the offender commits another offence punishable with imprisonment and thereafter a court competent to do so orders under article 28B that the original sentence shall take effect...*

Thus, by obliging the offender to refrain from committing an offence, this measure is indirectly creating a form of protection towards the victim.

**Parole** – this is a measure provided for under the Restorative Justice Act ( Laws of Malta, Cap. 516), which provides as follows :

*"parole" means the authorisation granted by the Parole Board to a prisoner serving one or more sentences of imprisonment to be released on parole, during a part of his term of imprisonment upon reaching the parole eligibility date, under the supervision of the parole officer and subject to the parole conditions as may be specified in the parole licence;*

Generally, the parole licence would include generic conditions, such as that the parole licence would be withdrawn in case the offender relapses; and may also include other specific conditions, including the

obligation to refrain from approaching or contacting the victim, in accordance with the specific characteristics of the particular case.

In criminal law, the Protection Orders, Bail conditions and provisional orders of supervision can be imposed during all stages of the criminal procedure; whereas the other orders can only be imposed at sentencing stage, namely at the final stages of the procedure.

### 2.2.2 PROTECTION ORDERS AVAILABLE WITHIN CIVIL LAW

The Maltese Civil Code, Chapter 16 of the Laws of Malta is a generic legal instrument that provides for the imposition of Protection Orders, as envisaged under criminal law, during civil proceedings pertaining to separation between spouses :

*39. Where a law suit for personal separation has been filed by either spouse and evidence of acts of domestic violence has been produced, the court may, either on an application of one of the parties or on its own motion in order to protect the safety of the parties involved or in the best interests of the child or children or of any other minor dependants of any of the spouses, issue a protection order under article 412 C of the Criminal Code and, or a treatment order under article 412D of the same Code and the provisions of those articles shall mutatis mutandis apply to an order issued under this article as if it were an order issued under the corresponding article of the said Code.*

Who can apply for a protection order ?

With regards to the orders that can be imposed during civil proceedings, namely the Protection Order, these can be applied for by the victim herself, but can also be imposed by the court on the basis of its own discretion. In criminal proceedings, the said protection order and restraining order can be requested by the prosecuting officer ( the Police or the Attorney General), or by the legal representative of the victim who would be appearing as a party to the suit (*parte civile*)

With regard to the imposition of bail conditions, it is generally the police who would make a request for a particular condition to be imposed.

**b. Which organizations or authorities are involved in applying for and issuing protection orders? (Do, for instance, probation services play a role in the issuing of criminal protection orders?)**

In civil proceedings it is only the plaintiff that is involved in the request for the protection order. In criminal proceedings, the police and the probation services play an important role in requesting the imposition of the order and in the courts' decision to approve or reject the request.

In both civil and criminal proceedings however, the Courts are empowered to impose the orders through their own discretion, however this seldom occurs in practice.

**c. Can protection orders be issued on an *ex parte* basis (without hearing the offender)?**

The provisions dealing with Protection Orders and restraining orders provide detailed criteria which need to be taken into consideration by the Court when deciding whether to impose such orders. The needs of the accused person always have to be taken into account, and therefore such orders cannot be imposed on an *ex parte* basis.

- 1) a. Are protection orders available for all types of victims or crimes, or only for a certain subset of victims or crimes (e.g., only victims of domestic violence, stalking, female victims)? In other words, can all victims receive protection?

Not all the different types of orders are available to all types of victims of crime; however there are particular orders, such as the recognizance, which are available to all types of victims. In Malta, the provisions dealing with Protection Orders and Restraining Orders were introduced concurrently with the Domestic Violence Act; however the imposition of such orders was not restricted to such types of crimes. Treatment Orders are intended to help rehabilitate the aggressor.

- b. Can protection orders be issued independently from other legal proceedings (e.g., independent from criminal proceedings if the victim does not wish to press charges or independent from divorce proceedings)?

Currently there are no protection orders that can be imposed independently of criminal or civil proceedings. Moreover, in criminal cases concerning domestic violence, and also other types of offences where the complaint of the injured party is not required, criminal proceedings can be instituted without the express request or wish of the victim – the relevant orders can be imposed through these legal proceedings.

- 2) a. What procedures have to be followed in order to obtain a protection order? (please explain the different steps that need to be taken)

The law does not stipulate the procedure through which a protection order or a restraining order can be requested. In practice, these are requested by the Police when they issue the charge sheet (the document which specifies the charges which would have allegedly been breached) and which is then presented to the presiding Magistrate. When it comes to protection orders requested through civil proceedings, a request is included in the application filed in front of the courts, which application would also include one or more other requests pertaining to the case in question. The respondent would have a right of reply. The court may issue a decree imposing a protection order without hearing the parties viva voce. Evidence may be presented in writing through an affidavit which would be submitted together with the said application. The decree would be served on both parties, that is, the plaintiff and the respondent.

- b. Could you give an indication of the length of the proceedings?

The law stipulates that in cases of domestic violence, the courts have to appoint a case of separation for hearing within 4 days. In practice however, this seldom occurs, due to the fact that few lawyers make a request to this effect in their respective applications.

Criminal cases heard by the Court of Magistrates are usually appointed for hearing a number of weeks after a report is filed with the Police. A protection order cannot be issued before a case is appointed for hearing. Delays also happen in view of the fact that many times, the defendant would not yet have been notified when a date is appointed for hearing, and thus the court cannot proceed with hearing the case. In practice this means that often weeks, if not months, lapse, from the date of the incident to the date when the court can decide whether to issue a protection order or otherwise. There is a procedure through which a person can be detained up to a maximum of forty eight hours, and then be arraigned in court with urgency within that 48 hour time window. The law does not provide detail regarding which

cases have to be heard with urgency, and therefore the matter is often left at the discretion of the relevant Police Inspector, who acts as the prosecutor. In practice, this procedure is only resorted to in cases which appear to be very serious, such as cases of very serious bodily harm. .

c. Does the protection order come into effect as soon as the decision on a protection order is made or are there any additional requirements before the orders really come into effect (e.g., in civil proceedings the notification/service of the verdict to the defendant)? In other words, is the victim immediately protected or can there be a lapse of time before the actual protection begins?

In civil cases, a protection order becomes effective once the court decree is served on the respondent. In criminal cases, the defendant is generally present during the proceedings and therefore the protection order becomes effective immediately. A practice that has developed is that the victim, or the victim's lawyer, would notify the Police Inspector in charge of the Police Station where she resides, in order to notify them of the fact that a protection order has been issued on her behalf. This would help ensure monitoring of the order and call upon the assistance of the Police in case of a breach. Bail needs to be registered before it becomes effective

d. Is there a regulation for interim protection that can be given immediately upon request or very quickly? For how long? What steps have to be taken in order to finalize the protection after the interim order?

In Malta there is no short term barring order, or interim protection order. Bail conditions however can have the effect of protecting the victim within the short term, since these are imposed at the early stages of criminal proceedings. Of course, this only applies if the defendant is arraigned under arrest, which is the exception rather than the rule, so in practice, in most cases, the victim does not have any form of protection during the period from when the report is filed with the Police until the date of the hearing of the case.

3) a. What are the application requirements in order to (successfully) apply for a protection order? In other words, under what conditions will a protection order be imposed?

A Protection Order or Restraining Order is imposed for one of the following purposes :

- ✧ *providing for the safety of the injured person or of other individuals*
- ✧ *the keeping of the public peace*
- ✧ *protecting the injured person or other individuals from harassment or other conduct which will cause a fear of violence*

Protection Orders and Restraining Orders are issued on the basis of the considerations stipulated at law, namely the following :

*(a) the need to ensure that the injured person or other individual specified in the order is protected from injury or molestation; and*

*(b) the welfare of any children or any dependants who may be affected by the order; and*

*(c) the accommodation needs of all persons who may be affected by the order, in particular of the injured person, his children and his other dependants; and*

*(d) any hardship that may be caused to the accused or to any other person as a result of making the order; and*

*(e) the accused's willingness or otherwise to submit to such treatment as the court may deem appropriate; and*

*(f) any other matter that, in the circumstances of the case, the court considers relevant:*

A recognizance can be imposed for one of these conditions :

⤴ *the safety of individuals*

⤴ *the keeping of the public peace*

Bail conditions are imposed for one of the following purposes :

a) to ensure that the defendant **will appear in Court at the appointed date and time**

(b) will not **abscond or leave Malta**;

(c) will **observe any of the conditions which the court would consider proper**

(d) will not **interfere or attempt to interfere with witnesses** or otherwise **obstruct or attempt to obstruct the course of justice in relation to himself or to any other person**; or

(e) will not **commit any other offence**.

The power of the President to grant temporary release from custody in special cases may be granted subject to such conditions as the President of Malta may think fit to impose – this is a very wide criterion which can be applied on the basis of the discretion of the President..

Provisional Orders of supervision may be imposed if the Court deems it to be in the best interest of the person accused – here therefore the focus is not on the safety of the injured party, but the best interest of the accused.

With regards to Probation Orders, these can be imposed only in relation to offences in relation to which the punishment does not exceed seven years imprisonment; and that the court is satisfied that the supervision of the offender by a probation officer is desirable in the interest of securing the rehabilitation of the offender; and that having regard to the circumstances of the case, including the nature of the offence and the character of the offender, the issue of such order is appropriate.

With regard to probation orders and provisional orders of supervision however, the law stipulates that the order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition by the offender of the same offence or the commission of other offences, and the court may also give to the probation officer such directions as it may deem necessary for securing these purposes – therefore the interests of the victim may be said to be indirectly covered by this provision.

A conditional discharge order may be imposed in case where the offence is punishable with imprisonment for a term exceeding seven years); and the Court is of the opinion that, having regard to the circumstances of the case, including the nature of the offence and the character of the offender, it is inexpedient to inflict punishment and that a probation order, a community service order or a combination order are not appropriate – this measure therefore does not specifically provide for the safety of the injured party as a primary consideration; however this may be indirectly considered when assessing 'the character of the offender' i.e, whether he is likely to persist in the abusive behaviour or otherwise.

A suspended sentence can be imposed when the case appears to the court to be one in which a sentence of imprisonment would have been appropriate in the absence of any power to suspend such a sentence. The law does not provide for any further considerations on which to base the court decision except for this rule.

**b. Is legal representation/advice of victims required by law or in practice?**

Legal representative of victims is not required by law – in practice however legal representation of the victim is generally expected in civil proceedings, whereas in criminal proceedings, victims are given the option of declaring themselves as party to the proceedings (*parte civile*), and would be able to have legal representation during those proceedings.

**c. Is free legal representation/advice available?**

Legal Aid is available in civil cases, subject to means testing. In criminal cases however, legal aid is only available to defendants. Some non-governmental organisations provide free legal advice and/or representation, however they have limited resources and hence are not in a position to provide such a service on a national level.

**4) a. What types of protection can be provided for in the orders (e.g., 'no contact' orders, orders prohibiting someone to enter a certain area, orders prohibiting someone to follow another person around, etcetera)?**

The law stipulates the type of restrictions that can be imposed through a Protection Order and a Restraining Order. The law stipulates that a protection order may impose any restrictions or prohibitions on the accused that appear to the court necessary or desirable in the circumstances. The law goes on to state that, without limiting the nature of the orders a protection order may do all or any of the following:

*(a) prohibits or restricts the accused from approaching or following the movements of the injured person or any other individual specified in the order; or*

*(b) prohibit or restrict access by the accused, for a period not exceeding six months or until final judgement, to premises in which the injured person, or any other individual specified in the order, lives, works or frequents even if the accused has a legal interest in those premises; or*

*(c) prohibit the accused from contacting or molesting the injured person or any other individual specified in the order.*

The other types of protection orders may include generic conditions which the court may deem fit in the circumstances. In general, the conditions would be imposed as a means to provide for the safety of the injured party and to prevent re-offending; as well as to ensure that the offender appears in court and does not attempt to obstruct the course of justice.

b. Is there an order that has the effect of moving/barring a violent (or threatening) person from the common or family home (eviction or barring order)? For how long can the violent/threatening person be barred? During the barring period, is help provided to the victims? And to the offender?

Yes, a protection order issued under article xxx of the Criminal Code stipulates, inter alia, that such an order may ' *prohibit or restrict access by the accused, for a period not exceeding six months or until final judgement, to premises in which the injured person, or any other individual specified in the order, lives, works or frequents even if the accused has a legal interest in those premises*' - this effectively means that the accused can be removed from the family home for a maximum period of six months.

Help for victims is available through various services, namely the Domestic Violence Unit within Appogg, which is the national social welfare agency; as well as various NGO's which provide information and support to victims, including Victim Support Malta. However, these services are independent of the court proceedings and are not always necessarily involved in such proceedings since there is no automatic system of referral. Help for offenders is also available through generic support services, namely shelters for homeless persons run by non-governmental organisations. Once again, the latter services are not automatically involved in court proceedings and there is no automatic referral system. However, when a probation order or a provisional order of supervision is imposed, offenders are assisted by the Probation Services through their assigned probation officer.

c. Which of these types of protection are imposed most often in practice?

In practice, the most commonly applied types of protection are Probation Orders and Provisional orders of supervision. In Malta, data pertaining to all these types of protection is not published and is only available upon request. Despite the fact that a request for the provision of such data has been submitted, to date it has not yet been provided.

d. Can the different types of protection orders also be imposed in combination with each other (e.g., a no contact order and a prohibition to enter a street)?

Yes, various types of protection orders can be imposed in combination with each other.

e. If so, which combinations are most often imposed in general?

In general, the court would impose a recognizance, together with a provisional order of supervision and/or a probation order. Once again, due to the fact that no data was provided, this assertion is being made following consultation with various practitioners.

5) a. Are there any formal legal requirements for the formulation of protection orders? In other words, are there certain elements that always need to be included in the decision or does it, for instance, suffice if the restrained person is told 'not to contact' another person?

b. How does this work in practice? How elaborate are these protection order decisions in general?

There are no formal legal requirements for the formulation of POs. The wording of the orders is usually generic ( eg not to approach the victim, not to molest the victim), which in practice makes it difficult to identify a breach of the orders. For instance, if an offender habitually drives near the residence of a victim with the intention of intimidating her with his presence, it is difficult to determine whether this would constitute a breach of a loosely worded protection order, especially in a small country such as Malta where individuals are bound to meet, especially if they reside or work in the same area.

6) a. Are there any legal limitations to the scope of these protection orders – e.g., only a couple of streets – or are the legal authorities free to decide the scope of protection orders any way they see fit?

There are no legal limitation to the scope of the protection orders and legal authorities are free to decide the scope of protection orders the way they see fit. In general, the impact on the offender is taken into consideration and the courts would be reluctant to apply restrictions which would be impractical for the offender in terms of conducting their daily activities.

b. If there are limitations, which factors do the legal authorities have to take into account when deciding on the scope of protection orders?

When deciding on the scope of protection orders, the Courts have to consider the following :

*(a) the need to ensure that the injured person or other individual specified in the order is protected from injury or molestation; and*

*(b) the welfare of any children or any dependants who may be affected by the order; and*

*(c) the accommodation needs of all persons who may be affected by the order, in particular of the injured person, his children and his other dependants; and*

*(d) any hardship that may be caused to the accused or to any other person as a result of making the order; and*

*(e) the accused's willingness or otherwise to submit to such treatment as the court may deem appropriate; and*

*(f) any other matter that, in the circumstances of the case, the court considers relevant:*

*Provided that particular attention shall be given to the matters in paragraphs (a), (b) and (e).*

**c. Which factors do they take into account in practice?**

The law stipulates that considerations (a), (b) and (e) above should be given particular attention. In practice these orders are seldom applied and therefore it is difficult to determine which factors are mostly taken into account, however it is safe to say that the courts do give particular attention to the hardships that would be created on the accused person, ie (d).

- 7) a. How are prohibitions to enter a certain area mostly delineated? For instance, are these areas indicated on a map or are they indicated by naming the surrounding streets? Or do legal authorities use radiuses ("person A is no longer allowed to be within 200 meters of the victim's house")?

There is no delineation of such areas as PO's are generally worded in a generic manner.

- b. What is the average scope of an order that prohibits someone to enter a certain area (one street, multiple streets, a village)?

Vide 10 above.

- 8) a. Are there any legal limitations to the duration of protection orders? Do the orders always have to be issued for a specified or a determined period? And is there a maximum or minimum duration attached to the orders?

The various types of protection orders have specified periods of duration, with a maximum period prescribed by law.

Protection Order - the law specifies that a protection order shall remain in force for a period, not exceeding three years, specified by the court. The duration of the protection order can be revoked or extended for further periods.

With regards to a specific type of protection order envisaged under the law, namely that which would prohibit or restrict access by the accused, to premises in which the injured person, or any other individual specified in the order, lives, works or frequents, the law stipulates that this order shall be for a period not exceeding six months or until final judgement.

Restraining Order - *A restraining order shall remain in force for such period, not exceeding three years, as specified by the court which may order that such period shall commence to run from the date of expiration or remission of the punishment.*

*Recognizance - the term of the recognizance shall not exceed twelve months.*

Provisional order of supervision – this order is, by virtue of its nature, limited until the duration of the criminal proceedings.

Probation order – This order can be issued for a period of *not less than one year and not more than three years*.

Conditional discharge - the law stipulates that the court may discharge the offender subject to the condition that he commits no offence during a period, not exceeding three years from the date of the order.

Suspended sentence – the effect of a suspended sentence of imprisonment is that the sentence shall not take effect unless, during a period specified in the order, being not less than one year or more than four years from the date of the order, the offender commits another offence punishable with imprisonment.

Parole – the *parole licence shall, unless it is previously revoked as per the conditions specified at law, remain in force until the expiry of the parole period specified in the parole licence, that is, the date on which the parolee's sentence of imprisonment expires*.

b. Which factors do legal authorities generally take into account when deciding on the duration of a protection order?

Factors that possibly play a role in deciding on the duration of a PO are: the likeliness that the offender would re-offend, the term of any treatment programmes which the offender would have been required to attend, the burden that such a prohibition would create on the offender, whether the offender is a recidivist, and the seriousness and gravity of the violence (if the case concerns violence or abuse). However, this information is being provided following consultation with practitioners, since there is no such data which can be referred to in order to provide a reply. Supported by research.

c. What is the average duration of the different protection orders (half a year, one year, two years)?

No such data is available.

9) a. To what extent (if any) do the wishes of the victims influence the imposition of protection orders? Can victims, for instance, request the cessation of protection orders?

Victims are particularly influential in requesting protection orders, particularly if these are specifically request in a formal complaint filed with the police (kwerela) in criminal proceedings, or are specifically request in the application filed in civil proceedings. However, there is no data to determine how much victims' requests to this effect actually influence the decision of the Courts to grant such protection orders.

b. In cases where a protection order is not directly requested by the victims, is there always an assessment of the victims' need for a protection order or do victims have to bring this up themselves?

No – the carrying out of a victims' needs and risk assessment has been recommended by various stakeholders, however to date this recommendation has not yet been implemented.

c. Can victims influence the type/scope/duration of protection orders? Are they, for instance, involved in deciding on the type of protection order or the scope of protection orders?

As per the reply to (b) above, victims' power to influence the type, scope or duration of protection order can mainly be exercised by stipulating such a request in the relevant complaint or application.

10) a. Can offenders formally challenge/appeal the imposition of protection orders?

Yes, offenders can formally challenge the imposition of protection orders in accordance with natural justice rules. Thus for instance, in imposing bail conditions, the defence of the accused would submit their arguments concerning the imposition of specific conditions requested by the prosecution; in criminal cases in which a protection order or a restraining order is being requested, the law specifically stipulates that '*A party to the proceedings in which an order has been made under this article or any other individual mentioned in the order, may apply to the court at any time for the extension, variation or revocation of the order and after all the parties have had an opportunity to be heard the court shall, in determining whether to extend, vary or revoke an order*'; and in civil proceedings, the respondent always has a right to reply to the requests presented by the plaintiff in her application.

b. To what extent (if any) do the wishes of the offender influence the imposition of protection orders? Are, for instance, (disproportionate) disadvantageous consequences for the offender taken into account?

There is no data to provide a sufficiently backed reply to this question, also in view of the fact that different Judges or Magistrates tend to vary in their approach, however it is safe to say that in general the court does fairly weigh the needs of both parties. The problem lies in the fact that in general, in criminal proceedings it is the prosecution that is a party to the case together with the offender, and thus if the victim is not represented (which happens often), the needs and wishes of the victim may not be fairly presented and evaluated.

c. Can offenders influence the type/scope/duration of protection orders? Are they, for instance, involved in deciding on the type of protection order or the scope of protection orders?

Yes, generally the defence and the prosecution are involved in an informal process of plea bargaining, which would then determine the recommendations that the prosecution would make to the Judiciary. This situation will now be reinforced in view of the fact that plea bargaining has recently been formally introduced in our legal system.

11) To what extent (if any), do practical impediments (such as shortage of police personnel, lack of available resources in certain (rural) areas) to the enforcement of protection orders play a role in the decision to impose a protection order? Do legal authorities, for instance, refuse to impose certain protection orders, because they know their enforcement in practice is problematic or do they impose these protection orders anyway (e.g., for reasons of 'sending a message' to the offender)?

Practical impediments are the main obstacle for the enforcement of legislation in general, including protection orders. Particularly, due to the large workloads which the Police (the prosecutors) have to deal with, there might not be sufficient time to give each case the time and attention it requires. Therefore safety considerations may not always be made by the prosecuting officer. The fact that there is no legal

aid available to victims in criminal proceedings also reinforces this situation and creates an unfair playing field, since all offenders are entitled to legal aid in the criminal law sphere, without even having to undergo means testing.

12) Can previous protection orders be taken into account in other ensuing legal proceedings against the same perpetrator (e.g., as evidence of a pattern of violence)?

No – in all criminal proceedings, the offender has to be judged on the basis of that particular incident and no pattern of violence can be established if based on previous criminal proceedings or convictions.

13) a. When a protection order is issued in a case of domestic violence, are the children automatically included in the protection?

No, the protection order needs to stipulate that its scope of protection extends to the children.

b. How is the order granted/implemented if the violent partner has visitation rights?

This is an issue which in practice, may be effecting the imposition of protection orders. However our legal system provides for a measure through which visitation rights can be exercised under supervision, and therefore the protection order can stipulate that access to children can be only made with the presence of a supervising officer.

c. Are there any problems with protection orders and custody/visitation decisions by the courts?

Although the law stipulates that the best interest of the children should supersede other interest, in practice the courts are reluctant to completely deny access rights to the parents; it is believed that this may be a criterion which is hindering the imposition of protection orders in general.

14) a. Are so-called 'mutual protection orders' (i.e., protection orders that restrain both the victim and the offender) allowed in your country?

b. If not, in which cases are mutual protection orders prohibited and what is the rationale behind this prohibition?

Yes, protection orders can be imposed simultaneously on both parties. This even more so since a practice has developed through which, when both parties make allegations of violence against each other, the police issue charges against both parties. This can result in protection orders being requested by both parties. Although this is possible in theory, no such case has yet been encountered in practice.

15) a. Are protection orders provided free of charge?

b. If not, who has to pay for the legal costs/court fees?

c. Can these costs/fees constitute an undue financial burden for the victim (and bar him/her from applying for a protection order)?

Protection orders may be provided free of charge, since they are requested by the Police (the prosecuting officers). However, in practice, if victims were all legally represented in criminal proceedings, as they are entitled at law, without the cost of hiring a lawyer being a barrier to the exercise of this right, victims'

rights, including the right to protection by virtue of a protection order, would be more often applied in practice.

### 2.2.2. ENFORCEMENT OF PROTECTION ORDERS

*If protection orders can be imposed through multiple areas of law, please make a distinction between these areas of law in answering the following questions. For instance, if a protection order can be imposed in both criminal and civil law, make sure that you answer for both areas of law where and how protection orders are registered (question 1).*

16) Where and how are protection orders registered?

Protection Orders are not registered – the victim is generally advised to carry a copy of the Court decree through which the order is imposed, in order to be able to claim protection under the order if the need arises.

17) a. Is the victim always informed of the imposition of a protection order and of the conditions that the offender has to comply with?

b. In what way is the victim informed? Does this happen automatically? By mail or letter?

The victim is not necessarily always informed about the imposition of a protection order and the conditions imposed therein, particularly if s/he is not a party to the proceedings. In most cases, the police would have to inform the victim; however since there is yet no legal provision obliging the competent authorities to provide information to victims, it may happen that a victim is not kept sufficiently informed about the outcome of the proceedings. In civil cases however, the system imposes the notification of court decrees to both parties, and therefore s/he would be informed once notification is done.

18) Who is or which authorities are responsible for monitoring the compliance with protection orders? In other words, who checks whether these orders are violated or not?

There is no structured monitoring system of protection orders. The best forms of monitoring occur in relation to Probation Orders and other orders issued under the probation act, since a probation officer would be assigned to the particular offender. However, once again, such officers would mainly have contact with the offender and not the victim, and therefore they may not always be aware of any breach of the conditions imposed in such orders.

19) a. Which activities can the monitoring authorities undertake to check the compliance with protection orders? (e.g., GPS, extra surveillance, house visits, etcetera)

In general, no pro-active monitoring activities are conducted, except for routine checks by the Mobile Squad within the Police, who, if aware of the imposition of a protection order against a particular person, happen to witness a breach of the conditions of the order, can take immediate action. However generally action will only be taken upon the victim's complaint that a condition imposed in a protection order has been breached.

b. Which of these activities do they generally undertake in practice?

In practice, no pro-active monitoring activities are carried out.

c. If protection orders can be monitored with the help of technical devices (e.g., GPS), how often is this used in practice?

No such devices are used in Malta.

d. Are protection orders actively monitored or is it generally left up to the victim to report violations?

It is generally left to the victim to report violations .

e. How do the monitoring authorities generally become aware of a violation of a protection order: through the victim or through pro-active monitoring activities?

Consequently, monitoring authorities generally become aware of violations through the victim, not pro-active monitoring activities .

20) a. Is contact with the offender initiated by the victim considered a breach to the protection order?

In theory, contact initiated by the victim can still be interpreted as a breach of a protection order; in practice, it is very unlikely that the Police would act upon a claim that a protection order has been breached if contact is initiated by the victim herself.

b. What (if any) role does contact initiated by the victim him/herself play in establishing or proving a protection order violation?

In practice it is likely that contact initiated by the victim will not be considered a breach of a protection order.

c. What (if any) role does contact initiated by the victim him/herself play in the official reaction to protection order violation? Are the authorities, for instance, less inclined to impose a sanction on the offender if the victim initiated contact him/herself?

Please vide (a) above.

21) a. Which evidentiary requirements have to be met before a violation of a protection order can be established?

The law does not stipulate the evidentiary requirements that must be met. In practice however, photographs, CCTV footage and eyewitness accounts are the most commonly forms of evidence that are resorted to during investigations.

b. Which procedure(s) has to be followed in order for the protection order to be enforced after a violation?

Criminal protection orders – a complaint is filed with the Police ( either verbally or in writing), who will then initiate their investigations. If through investigations evidence is found which would support the victims' claim, the offender is then prosecuted.

In civil matters, if a protection order as per the provisions of the Criminal Code is in force, the procedure to be applied is the same as in criminal matters, that is, a report to that effect is made to the Police who will then have to initiate proceedings.

When it comes to measures provided for under the Probation Act, such as probation orders, the procedure to be enforced after a violation is that the respective probation officer files a *denunzia* (a sort of formal report) to the court, who then may institute proceedings for breach of the conditions stipulated in the order.

Bail ???

22) a. What are possible reactions/sanctions if a protection order is violated?

Protection Order - *If without reasonable excuse the accused contravenes any prohibition or restriction imposed upon him by an order under this article, he shall be guilty of an offence and shall, on conviction, be liable to a fine (multa) of two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to imprisonment not exceeding six months or to both such fine and imprisonment.*

Restraining Order - *If without reasonable excuse the offender contravenes any prohibition or restriction imposed upon him by an order under this article, he shall be guilty of an offence and shall, on conviction, be liable a fine (multa) of two thousand and three hundred and twenty-nine euro and thirty-seven cents (2329.37) or to imprisonment not exceeding six months or to both such fine and imprisonment.*

Recognizance – the sum of money provided as surety would be forfeited - the law stipulates that '*Such sum shall not be less than one hundred and sixteen euro and forty-seven cents (116.47) nor more than two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37)*'.

Bail – in case of a proven breach of bail conditions, the person would be remanded in custody and lose any surety imposed if bail conditions are also tied to a recognizance

Provisional Order of supervision – this order is imposed during the ongoing criminal proceedings, and therefore a person who would breach such an order would either be remanded in custody or such a breach may be taken into account by the Magistrate when passing final judgment

Probation Order - if the offender fails to comply therewith or commits another offence, the offender will be liable to be sentenced for the original offence

Conditional Discharge – *the offender will be liable to be sentenced for the original offence.*

Suspended Sentence – the sentence of imprisonment may become operational and therefore the accused can be remanded in custody

b. Are there only formal reactions/sanctions available, or are there also informal reactions possible to the breach of a protection order (e.g., a change of the conditions, a warning)?

In practice, informal reactions may include warnings by the Police or the Probation Officer.

c. Which (official or unofficial) reaction usually follows on a protection order violation?

A formal reaction to a violation of a protection order would result in a brief Police investigation which would then lead to charges being issued. The offender would receive notice of the summons to appear in Court at the appointed time and date.

d. In your opinion, are the sanctions/reactions to protection order violations 'effective, proportionate and dissuasive'?

No, particularly when the protection order imposed is the Recognizance, which is the most common and oldest type of protection order. The sum imposed by the Court as surety is generally insufficient to be considered effective proportionate and dissuasive. Stricter penalties need to be introduced, and the Courts have to be more ready to apply such penalties, in order to render them more effective and dissuasive in align them in proportion to the damage caused to the victim.

e. Are reports of PO violations, such as emergency calls by the victims, automatically given priority (e.g., with the police)?

Not necessarily- it is very much dependant on whether the offender is known to the Police and therefore considered to be particularly dangerous.

23) a. Is the violation of civil, administrative or other protection orders criminalized? In other words, is the violation of any protection order an offense in itself?

Yes – a breach of a protection order is an offence in itself; whereas breaches of Probation Orders, Conditional Discharges and Suspended sentence may also result in liability to punishments of imprisonment applicable in relation to the original offence.

b. If so, what is the range of sanctions (minimum and maximum penalty) attached to a violation?

Violation of a protection order or a restraining order incurs a *liability to a fine (multa) of two thousand and three hundred and twenty-nine euro and thirty-seven cents (2,329.37) or to imprisonment not exceeding six months or to both such fine and imprisonment.*

c. If so, how do the police generally react to a violation of a civil, administrative or other protection order?

The police, being the prosecutors in such cases, would issue fresh charges and arraign the offender in court to face those charges.

d. If not, can the victim still call in the help of the police and how do the police react?

In general, when victims call the police to report a breach of a protection order, they would first refer to the document issued by the Court in order to refer to the wording of the order. They would then conduct an investigation, which would generally entail calling in the offender to provide his version of facts. In practice, it is difficult to 'pin down' a person during the actual breach, unless the victim is aware of any CCTV footage which can confirm her claims. Witnesses are generally reluctant to get involved in such matters. Without the necessary evidence to support the claim therefore, it may be difficult for the Police to issue charges pertaining to breaches of protection orders.

- 24) a. Is the monitoring authority capable of issuing a sanction following the breach of the order or does the authority have to report the violation to another authority in order for the sanction to be issued?

The 'monitoring authority', namely the Police, would need to bring the offender in front of the Court, and it is then the Magistrate who is empowered to apply the relevant sanctions.

- b. If so, are they obliged to report all violations or do they have a discretionary power not to report violations?

The Police are obliged to investigate all claims concerning breaches of protection orders; however whether they decide to issue charges depends on the evidence available, and therefore there may be instances where, due to the fact that insufficient evidence is available, they use their discretion not to prosecute.

Victims can freely decide whether or not to report violations.

- c. If so, how is this discretionary power used in practice?

Vide (b) above.

- 25) Do monitoring authorities receive training in how to monitor and enforce protection orders?

Monitoring authorities, namely the Police, receive training on legislation concerning domestic violence, which includes awareness regarding protection orders and restraining orders; however this training does not include detailed information regarding monitoring and enforcement.

### 2.2.3. TYPES AND INCIDENCE OF PROTECTION ORDERS

*This section inquires after the presence of (empirical) studies into the **nature and incidence** of protection orders in your country. If such studies have been conducted, please refer to these studies and give a brief (English) summary of the research design, methods and most important outcomes of the studies in an appendix.*

- 26) Is there any (empirical) information available on the number of protection orders imposed on a yearly basis in your country? How often are protection orders imposed on a yearly basis? Please distinguish per area of law

Protection Orders and Restraining Orders : such information is only available upon request. Despite requests being made, no information was provided at the time of writing the report.

With regards to 'other types' of protection orders, the following data was received pertaining to the year 2013 :

Provisional order of Supervision	52
Probation Order	309
Community Service Order	10
Parole Licences	4

27) a. Which types of protection orders (no contact, prohibitions to enter an area, eviction from the family home, other) are imposed most often?

b. Which combinations of protection orders are most often imposed?

No such data was provided.

28) For which types of crimes are protection orders generally imposed (IPV, stalking, rape, other)?

No such data was provided.

29) Is there any (empirical) information available on specific victim and offender characteristics?

a. Are protection orders generally imposed against male offenders on behalf of female victims?

No such data was provided.

b. Which percentage of the restrainees already had a prior police record?

No such data was provided

c. Which percentage of the restrainees already had a previous protection order imposed against him/her?

No such data was provided

#### 2.2.4. PROTECTION ORDER EFFECTIVENESS

*This section inquires after the presence of (empirical) studies into protection order **effectiveness** and the reaction to the violation of protection orders. If any such studies have been conducted in your country, please refer to these studies and give a brief (English) summary of the research design, methods and most important outcomes of the studies in an appendix.*

30) a. Is there any empirical information available on the effectiveness of protection orders in your country? Do protection orders stop or reduce the unwanted contact? Or do they have another effect (e.g. improve the well-being of the victims, change in the nature of the violence)?

b. Which percentage of the imposed protection orders are violated?

c. If protection orders are still violated, are there any changes in the nature of the violence (e.g., violent incidents are less serious)?

d. Is there any empirical information on the role that victims play in protection order violations (e.g., percentage of cases in which the victims themselves initiated contact)?

No such data was provided.

31) Is there any empirical information available on factors which significantly influence the effectiveness of protection orders, either in a positive or a negative way?

No such data was provided.

32) Is there any empirical information available on the formal and informal reaction of the enforcing authorities to violations?

- a. How often (what percentage) do violations lead to a formal reaction?
- b. How often (what percentage) do violations lead to an informal reaction?
- c. How often (what percentage) do violations lead to no reaction?

No such data was provided.

#### 2.2.5. IMPEDIMENTS TO PROTECTION ORDER LEGISLATION, ENFORCEMENT AND EFFECTIVENESS

33) Which impediments are present in your country when it comes to:

- a. Problems with protection order legislation

In terms of protection order legislation, the biggest problem is the fact that our legal system does not currently provide for any emergency barring orders which can be imposed independently of legal proceedings – this leads to the fact that often, by the time that a case is appointed for hearing and the court can decide on a request to issue an order, considerable time ( weeks and months) may have passed and thus the victim does not have any form of protection when s/he mostly needs it.

Another problem is that, in view of the fact that different forms of protection are available, the Courts seem unsure regarding which forms of protection may be best suited to different situations.

- b. Problems with protection order imposition/issuing/procedure

Please vide (a) above.

- c. Problems with protection order monitoring

The biggest problem with protection order monitoring is that these cannot all be physically monitored at all times. Another problem is the fact that since the wording of protection orders is usually very generic, it is difficult to determine when a breach actually occurs, particularly when the offender does so in a manner that is subtle and indirect.

- d. Problems with protection order enforcement

The above outlined problems concerning monitoring in turn effect the actual enforcement of the orders. Another problem concerning enforcement is also the fact that some lawyers may still be unaware of the possibility of requesting a protection order, particularly in civil matters, and therefore do not include a specific request to this effect when submitting their applications to the court – in turn this leads to the law not being utilised and enforced.

e. Problems with protection order effectiveness?

The effectiveness of protection orders is hindered by the fact that (a) these are worded in generic terms and therefore difficult to enforce (b) they are not sufficiently issued (c) they cannot be easily monitored , and mostly (d) that when they are in fact issued, a considerable period of time would have lapsed from the date of the incident, thus leaving the victim unprotected at the time when she is most vulnerable.

34) In your opinion, what is/are the biggest problem(s) when it comes to protection orders?

In my opinion there are 3 main problems concerning protection orders :

i - the fact that they cannot be issued immediately and offer protection to the victim when such protection is mostly needed

ii – the fact that there is no risk assessment procedure which would point to the need for immediate protection when required, leaving the police and the courts without any guidance and therefore having to act on their own discretion

iii – the fact that, without any electronic tagging devices, monitoring is difficult and therefore, even when protection order are issued, they are not sufficiently effective.

2.2.6. PROMISING/ GOOD PRACTICES

35) Which factors facilitate the:

a. imposition

The imposition of protection orders is facilitated when all the relevant stakeholders work together and are effectively allowed to contribute to the proceedings , for instance, when the Police, the Courts and social welfare agency work together and offer the victim a holistic, multi-sectorial service.

b. monitoring, and

There are no promising practices to report in this regard.

c. enforcement of protection orders?

There are no promising practices to report in this regard.

36) Which factors increase the effectiveness of protection orders? In your opinion, which factor(s) contribute most to the success of protection orders?

- a structured risk assessment process which provides guidance as to when a protection order should be issued
- a swift, certain and proportionate reaction to PO violations;
- and a more extensive use of technical devices to monitor compliance.

37) What would you consider promising practices in your country when it comes to protection orders? Why?

Malta is currently in the process of ratifying the Istanbul Convention, through which it will be, inter alia, changing legislation in order to enable the imposition of emergency barring orders. This will enable the imposition of such orders in an immediate manner and therefore provide the victim with protection at a stage where she would be mostly at risk.

38) Do you have any recommendations to improve protection order legislation, imposition, supervision, enforcement and effectiveness?

Factors which may improve the situation are:

- implementing a structured risk assessment process which guide service provides as to the need of issuing a protection order in cases where the victim is at risk
- enabling the imposition of interim barring orders
- developing more detailed protection orders, possibly by developing templates which can be used by our Courts
- developing a system of protection order registration
- using technical devices to assist monitoring and enforcement
- impose hefty fines and other detrimental sanctions in case of breach of protection orders Use standard formulations to delineate POs such as 'no contact' orders
- assist the victim to play a more active role in criminal proceedings, including by providing free legal aid in criminal cases
- Make victim protection (e.g., through POs) a standard consideration in all prosecutorial decisions.
- Pay more attention to informing victims of the PO and its conditions
- regularly compile and publish data concerning protection orders

### 2.2.7. FUTURE DEVELOPMENTS

39) Do protection orders feature at the moment in current discussions (in politics) on the protection of victims?

Currently Malta is working on the ratification of the Istanbul Convention and also on the transposition of the 2012 Directive on Victims' Rights. Therefore protection orders are being discussed within the context of these legal developments. However, there needs to be more focus and emphasis on the need for victim protection, since victims' rights in general do not seem to be very high on the political agenda.

40) a. Will the legislation/practice on protection orders change in the nearby future? Are there, for instance, any bills proposing changes to the current practice?

Refer to above.

b. If so, what will change?

The details of the proposed laws have not yet been finalised and therefore this question cannot be answered.

c. Are there at the moment any pilots in your country with a new approach to victim protection orders.

No.

41) Which (if any) developments in protection order legislation or enforcement do you foresee in the nearby future?

Vide above.

42) You have probably heard about the introduction of the European Protection Order (EPO). From now on, criminal protection orders issued in one Member State have to be recognized in another Member State. What is your opinion on the EPO? Which problems/possibilities (if any) do you foresee in the implementation of the EPO in your Member State?

A system of registration of EPO's needs to be set up in order to allow for the effective monitoring of such orders. This will have a positive effect on protection orders issued locally, since hopefully this system of registration would also include local protection orders.

Additionally, protection orders issued in another Member State may be referred to as a model of good practice, and therefore the local system concerning protection orders can benefit.