

**RECONNAISSANCE ET EXÉCUTION DES ORDONNANCES DE PROTECTION RENDUES PAR  
DES JURIDICTIONS CIVILES ÉTRANGÈRES :  
QUESTIONNAIRE DE DÉCEMBRE 2012 À L'ATTENTION DES ORGANISATIONS NON  
GOUVERNEMENTALES**

*établi par le Bureau Permanent*

\* \* \*

**RECOGNITION AND ENFORCEMENT OF FOREIGN CIVIL PROTECTION ORDERS:  
QUESTIONNAIRE OF DECEMBER 2012 FOR NON-GOVERNMENTAL ORGANISATIONS**

*drawn up by the Permanent Bureau*

*Document d'information No 6 de mars 2013  
à l'attention du Conseil d'avril 2013  
sur les affaires générales et la politique de la Conférence*

*Information Document No 6 of March 2013  
for the attention of the Council of April 2013  
on General Affairs and Policy of the Conference*

## INTRODUCTION TO THE QUESTIONNAIRE

In 2011 the topic of “the recognition of foreign civil protection orders made, for example, in the context of domestic violence cases”<sup>1</sup> was added as a new item to the work programme of the Hague Conference on Private International law (< [www.hcch.net](http://www.hcch.net) >). The Permanent Bureau of the Hague Conference has conducted preliminary background research on this topic<sup>2</sup> with a view to begin an assessment as to whether a new international treaty (*i.e.*, a new Hague Convention) or other instrument should be developed in order to ensure the recognition and enforcement of civil protection orders across international borders. Civil protection orders may include, for example, “no contact” and housing exclusion orders in cases of domestic violence, “stay-away” orders in cases of stalking, and other injunctions to protect victims or potential victims from crime or other harmful interpersonal behaviour.<sup>3</sup>

The Permanent Bureau has circulated a [Questionnaire](#) to Members of the Organisation in order to obtain further information on legislation and to assess the need for and feasibility of an international instrument in this area. The input of non-governmental organisations which might have experience in this field would also be very beneficial. Your responses to this Questionnaire, sharing any information you may have based on expertise you or your organisation may have, would be a valuable contribution to the current assessment.

The Permanent Bureau kindly requests that your answers be submitted (in either English or French) as soon as possible, but in any case by **1 February 2013**, in order to allow the Permanent Bureau sufficient time to analyse information received for the attention of the governing Council of the Hague Conference that will meet in early April 2013. Responses should be sent by e-mail to < [secretariat@hcch.net](mailto:secretariat@hcch.net) > with the following heading and indication in the subject field: “NGO Questionnaire concerning the recognition and enforcement of foreign civil protection orders — [name of non-governmental organisation].”

Should you have any questions about this Questionnaire, please do not hesitate to contact Philippe Lortie, First Secretary, or Maja Groff, Senior Legal Officer, at < [secretariat@hcch.net](mailto:secretariat@hcch.net) >. We are grateful for your time and assistance on this important project.

Hague Conference on Private International Law  
6, Scheveningseweg  
2517 KT The Hague • The Netherlands  
tel.: +31 (70) 363 3303 • fax: +31 (70) 360 4867  
<http://www.hcch.net>

### **Identification**

#### **Name of your organisation:**

Country / Countries where based:

Website of organisation, if applicable:

#### **For follow-up purposes:**

Name and title of contact person:

Telephone number:

E-mail address:

---

<sup>1</sup> Conclusion and Recommendation No 23 of the 5-7 April 2011 Meeting of the Council on General Affairs and Policy of the Conference (available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under “Work in Progress” then “General Affairs”).

<sup>2</sup> “Recognition and Enforcement of Foreign Civil Protection Orders: A Preliminary Note,” Prel. Doc. No 7 of March 2012 for the attention of the Council of April 2012 on General Affairs and Policy of the Conference (available on the Hague Conference website at < [www.hcch.net](http://www.hcch.net) > under “Work in Progress,” then “General Affairs”).

<sup>3</sup> Please see Prel. Doc. No 7, *ibid.*, for examples of common protection order legal regimes and variations of these regimes in a variety of jurisdictions.

## **Part I. National protection order legislation**

1. Please briefly describe any civil protection order regime(s) in your jurisdiction, and describe, in your view / the view of your organisation, its / their main positive and negative features, as applicable. (Please attach another sheet, if necessary.)
2. Please briefly list any other protection order regimes (e.g., under criminal law, under police laws, etc.) in your jurisdiction which are important in your view / the view of your organisation.
3. Have law reforms in this field been recently conducted or are they planned for the future in your jurisdiction? If so, please briefly describe.
4. In the experience of your organisation / in your professional experience, what are the main issues which arise in your jurisdiction with respect to the enforcement of civil protection orders? (e.g., what is being done well in your jurisdiction and what could be improved?)
5. Please briefly list the main national or regional support facilities for victims of domestic violence (and / or any crimes or behaviours described in Question 9, below).

## **Part II. Recognition and enforcement of foreign civil protection orders**

6. In the experience of your organisation / in your professional experience, have you encountered problems of persons who are protected by a civil protection order in one State having this foreign protection order recognised and / or enforced in another State?  
 YES  
 NO  
 Not in a position to know  
If YES, please describe:

## **Part III. Views on a potential international convention in this area**

7. Are there other situations of which you are aware where a new international Convention, which may include an international co-operation system, may be helpful to victims or potential victims of behaviours commonly covered by civil protection orders (e.g., domestic violence, stalking, etc.), for instance, in order to share information among national authorities across international boundaries, to provide information to at-risk persons regarding international travel, to help ensure a civil protection order will be recognised and enforced abroad, etc.?  
 YES  
 NO  
 Not in a position to know  
Comments:
8. If the Hague Conference were to develop a new international Convention in this area, in your view what would be the most desirable features of this new instrument? (Please check all which apply.)
  - a.  Immediate, *prima facie*, enforceability of foreign civil protection orders by enforcement officials
  - b.  An international civil protection order multilingual certificate which must be applied for in the State of origin in order to be internationally enforceable

- c.  Co-operative mechanisms including an international database registering enforceable civil protection orders
- d.  A Convention which covers civil protection orders issued by courts and by administrative and other authorities
- e.  A Convention that provides that enforcement officers have liability protection for good faith actions
- f.  A Convention which addresses a broad scope of types of civil protection orders (e.g., including those addressing the types of behaviours listed in Question 10, below)
- g.  Other features. Please specify:  
Further comments:

**9.** If the Hague Conference were to develop a new international Convention in this area, in your view which behaviours / situations should be covered or targeted by such a Convention? (Please check all which apply.)

- a.  Domestic violence
- b.  Sexual assault
- c.  Dating violence
- d.  Stalking
- e.  Forced marriage
- f.  So-called "honour crimes"
- g.  Human trafficking
- h.  All of the above
- i.  Other behaviours / situations. Please specify:  
Please provide any comments on your above choices:

**10.** Are you / is your organisation of the view that the Hague Conference should develop a new international Convention (or other mechanisms) for the recognition and enforcement of foreign civil protection orders (*i.e.*, so that a person protected by a protection order in one State can quickly have that order recognised and enforced in a foreign State)?

- YES
  - NO
  - Not in a position to know
- Comments:

**11.** If desired, please give any comments the models described in [Preliminary Document No 7](#) (Section 4)<sup>4</sup> or on any other existing model for a possible future Convention in this field (e.g., based on current national or regional instruments or otherwise):

**12.** Please attach any other information or resource documents to this Questionnaire which you consider may be useful for the current assessment.

---

<sup>4</sup> See Permanent Bureau, Prel. Doc. No 7, *supra*, note 2.