

**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

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**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 –
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**DRAFT COUNTRY PROFILE –
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**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

Country Profiles have been developed under a number of Hague Conventions.² 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 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.

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 at < www.hcch.net > under "Work in Progress" then "General Affairs").

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 < www.hcch.net > under "Conventions").

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").

**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?	<input type="checkbox"/> Yes <input type="checkbox"/> Into official language of your State / jurisdiction. Please specify: <input type="checkbox"/> Into another language. Please specify: <input type="checkbox"/> No

⁴ The areas marked in dark grey highlight could be utilised under a possible future Convention on protection orders.

<p>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.</p>	
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4. CENTRAL AUTHORITY OPERATION	
Please provide answers for each Central Authority if there is more than one designated in your State (attach additional pages)	
<p>a. What are the working days and hours of the Central Authority?</p>	<p>Days of the week open: Opening time: Closing time: Shutdown periods (e.g., public holidays, court closures):</p>
<p>b. Can the authority be accessed outside of working hours in case of emergency?</p>	<p><input type="checkbox"/> Yes Please specify contact details, if different from above: <input type="checkbox"/> No</p>

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
<p><input type="checkbox"/> Police officers <input type="checkbox"/> Bailiffs <input type="checkbox"/> Administrative Authority <input type="checkbox"/> 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):</p>

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):

1.3. COMPETENT ENFORCEMENT AUTHORITIES OPERATION

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

- | | |
|--|--|
| <p>a. What are the working days and hours of the Competent Enforcement Authority?</p> | <p>Days of the week open:
Opening time:
Closing time:
Shutdown periods (e.g., public holidays, court closures):</p> |
| <p>b. Can the authority be accessed outside of working hours in case of emergency?</p> | <p><input type="checkbox"/> Yes
Please specify contact details, if different from above:
<input type="checkbox"/> No</p> |

1.4. ORGANISATIONS / BODIES PROVIDING ASSISTANCE TO APPLICANT

- | | |
|--|---|
| <p>Are there other organisations / bodies that will help the intended protected person with enforcement of a protection order?
(Please also see Annex I)</p> | <p><input type="checkbox"/> Yes. Please specify, with full contact details:
<input type="checkbox"/> No</p> |
|--|---|

2. DOMESTIC PROTECTION ORDER CONDITIONS OF ENFORCEMENT

- | | |
|---|---|
| <p>2.1. Can domestic protection orders be enforced on the simple presentation of the protection order to the enforcement officer?</p> | <p><input type="checkbox"/> Yes, the protection order itself (<i>i.e.</i>, the decision establishing the protection order)
<input type="checkbox"/> No. Please specify how enforcement takes place:</p> |
|---|---|

2.2. What kinds of penalties are applicable for breach of protection orders in your State / jurisdiction? (Please check all which apply)	<input type="checkbox"/> Arrest (and detention / imprisonment). Please specify: <input type="checkbox"/> Pecuniary measures. Please specify: <input type="checkbox"/> 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?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> 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?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> 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
<input type="checkbox"/> Police officers <input type="checkbox"/> Bailiffs <input type="checkbox"/> Administrative Authority <input type="checkbox"/> 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):
1.2. 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 <input type="checkbox"/> Police officers <input type="checkbox"/> Bailiffs

<input type="checkbox"/> Administrative Authority <input type="checkbox"/> 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):
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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?	<input type="checkbox"/> Yes Please specify contact details, if different from above: <input type="checkbox"/> No

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)	<input type="checkbox"/> Yes. Please specify, with full contact details: <input type="checkbox"/> No
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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?	<input type="checkbox"/> Yes, the standard Enforcement Certificate published by the Hague Conference <input type="checkbox"/> Yes, the foreign protection order itself (i.e., the decision establishing the protection order) <input type="checkbox"/> No. Please specify how enforcement takes place:
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2.2. What kinds of penalties are applicable for breach of foreign protection orders in your State / jurisdiction? (Please check all which apply)	<input type="checkbox"/> Arrest (and detention / imprisonment). Please specify: <input type="checkbox"/> Pecuniary measures. Please specify: <input type="checkbox"/> 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?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> 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?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> 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
<input type="checkbox"/> Judicial Authority <input type="checkbox"/> Administrative Authority <input type="checkbox"/> 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 <input type="checkbox"/> Judicial Authority <input type="checkbox"/> Administrative Authority <input type="checkbox"/> 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?
	<input type="checkbox"/> Yes <input type="checkbox"/> Into official language of your State / jurisdiction. Please specify: <input type="checkbox"/> Into another language. Please specify: <input type="checkbox"/> 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?
	<input type="checkbox"/> Yes Please specify contact details, if different from above: <input type="checkbox"/> 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)	<input type="checkbox"/> Yes. Please specify, with full contact details: <input type="checkbox"/> 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?	<input type="checkbox"/> 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: <input type="checkbox"/> 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 foreign protection order? (Please check all which apply)	<p><u>About the protected person (applicant):</u></p> <input type="checkbox"/> Full name <input type="checkbox"/> Date and / or place of birth <input type="checkbox"/> Personal identification number (such as social security or passport number) <input type="checkbox"/> Mailing address <input type="checkbox"/> Telephone, e-mail and other contact details <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Other. Please specify: <p><u>About the person causing the risk (respondent):</u></p> <input type="checkbox"/> Full name <input type="checkbox"/> Date and / or place of birth <input type="checkbox"/> Personal identification number (such as social security or passport number) <input type="checkbox"/> Mailing address <input type="checkbox"/> Telephone, e-mail and other contact details <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Other. Please specify: <p><u>About the issuing Authority:</u></p> <input type="checkbox"/> Name <input type="checkbox"/> Mailing address

	<input type="checkbox"/> Telephone, e-mail and other contact details <input type="checkbox"/> Internal reference number of the case <input type="checkbox"/> Other. Please specify: <u>About the protection order:</u> <input type="checkbox"/> Information on the types of the measures included in the protection order <input type="checkbox"/> Date of effect of the protection order <input type="checkbox"/> Duration of the protection order <input type="checkbox"/> Names of the parties to the protection order <input type="checkbox"/> Renewability of the protection order <input type="checkbox"/> Other. Please specify: <u>Other information:</u> 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)	<input type="checkbox"/> A complete text of the order <input type="checkbox"/> A complete copy of the order certified by the competent authority in the State of origin <input type="checkbox"/> 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 <input type="checkbox"/> A document stating that the decision is enforceable in the State of origin <input type="checkbox"/> 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 <input type="checkbox"/> 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?	<input type="checkbox"/> Yes, the standard form published by the Hague Conference <input type="checkbox"/> Yes. Please attach a copy of the form or provide a website link or both: <input type="checkbox"/> No

3.4. Can your State / jurisdiction accept an application and related documents transmitted by electronic means?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> 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?	<input type="checkbox"/> Up to 6 weeks <input type="checkbox"/> 6 to 12 weeks <input type="checkbox"/> 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?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> 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?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> 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)	<input type="checkbox"/> The intended protected person <input type="checkbox"/> A representative or advocate of the intended protected person. Please specify any criteria: <input type="checkbox"/> Any interested party <input type="checkbox"/> 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)	<input type="checkbox"/> Contacting or communicating with the protected person <ul style="list-style-type: none"> <input type="checkbox"/> in person <input type="checkbox"/> by way of a third party <input type="checkbox"/> by mail <input type="checkbox"/> by e-mail <input type="checkbox"/> by phone <input type="checkbox"/> by other means. Please specify: <input type="checkbox"/> Approaching or being in physical proximity to the protected person Distance requirement? <input type="checkbox"/> General harassment of the protected person <input type="checkbox"/> Molestation / annoyance of the protected person <input type="checkbox"/> Staying away from a certain place Please describe: <input type="checkbox"/> Forwarding or disseminating personal data or photos of the protected person

	<input type="checkbox"/> Possession of weapons <input type="checkbox"/> Behaviours at the discretion of the judge or other competent authority in an individual case <input type="checkbox"/> 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 <input type="checkbox"/> Other specific behaviours. Please specify:
<p>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)</p>	<input type="checkbox"/> Married persons <input type="checkbox"/> Formerly married persons <input type="checkbox"/> Divorcing persons <input type="checkbox"/> Women only <input type="checkbox"/> Unmarried couples <input type="checkbox"/> Family members <input type="checkbox"/> Roommates / housemates <input type="checkbox"/> Children of the intended protected person <input type="checkbox"/> Other relatives of the intended protected person <input type="checkbox"/> Persons who are not in any kind of intimate or cohabitation relationship <input type="checkbox"/> Other individuals. Please specify:
<p>5.3. Against whom can protection orders be recognised and enforced in your State / jurisdiction? (please check all which apply)</p>	<input type="checkbox"/> An individual perpetrator or potential perpetrator only <input type="checkbox"/> Family members of the principal perpetrator or potential perpetrator <input type="checkbox"/> Other individuals. Please specify:
<p>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?</p>	<input type="checkbox"/> Yes: <ul style="list-style-type: none"> <input type="checkbox"/> Temporary maintenance orders <input type="checkbox"/> Temporary child custody orders <input type="checkbox"/> Protection of property <input type="checkbox"/> Mandatory counselling <input type="checkbox"/> Monetary reimbursement of damages to the protected person <input type="checkbox"/> Seizure of property of the respondent <input type="checkbox"/> Other. Please specify: <input type="checkbox"/> No

<p>5.5. Protection orders of what duration can be recognised and enforced in your State / jurisdiction? (please check all which apply)</p>	<p><input type="checkbox"/> Orders which have a minimum duration. Please specify:</p> <p><input type="checkbox"/> Orders which have a maximum duration. Please specify:</p> <p><input type="checkbox"/> Orders which are of a fixed duration. Please specify:</p> <p><input type="checkbox"/> Orders which are of a duration according to judicial / other instituting authority's discretion</p> <p><input type="checkbox"/> Orders which are renewable. Please describe:</p> <p><input type="checkbox"/> Orders which are not renewable. Please describe:</p> <p><input type="checkbox"/> Lifetime or indefinite orders</p>
<p>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)?</p>	<p><input type="checkbox"/> Yes Please describe any specific treatment of these types of orders:</p> <p><input type="checkbox"/> No</p>

6. GROUNDS FOR REFUSAL OF RECOGNITION AND DECLARATION OF ENFORCEABILITY OR REGISTRATION FOR ENFORCEMENT OF A FOREIGN PROTECTION ORDER

<p>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)</p>	<p><input type="checkbox"/> Review of jurisdictional grounds of issuing competent authority. Please specify:</p> <p><input type="checkbox"/> The recognition and / or enforcement is manifestly incompatible with the public policy ("<i>ordre public</i>") of your State / jurisdiction</p> <p><input type="checkbox"/> The protection order was obtained by fraud in connection with a matter of procedure</p> <p><input type="checkbox"/> 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</p> <p><input type="checkbox"/> 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</p> <p><input type="checkbox"/> 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</p>
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	<input type="checkbox"/> Other. Please specify:
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7. PROTECTION ORDERS IN THE CONTEXT OF THE 1980 CHILD ABDUCTION CONVENTION AND THE 1996 CHILD PROTECTION CONVENTION
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7.1. Is your State is a Party to the 1980 Child Abduction Convention? <i>(Convention of 25 October 1980 on the Civil Aspects of International Child Abduction)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> 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).	<input type="checkbox"/> Mirror orders <input type="checkbox"/> Voluntary undertakings <input type="checkbox"/> Recognition and enforcement of foreign protection orders under another international instrument. Please specify: <input type="checkbox"/> Recognition and enforcement of foreign protection orders under domestic law (including rules of private international law). Please specify: <input type="checkbox"/> Other. Please specify:
7.3. If your State is <u>also</u> a Party to the 1996 Child Protection Convention (<i>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</i>), 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?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No <input type="checkbox"/> 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:	
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<p>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:</p>	
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PART V: PROTECTION ORDER REGIMES / TYPES OF ORDERS AVAILABLE IN YOUR STATE / JURISDICTION AND APPLICATIONS FOR ESTABLISHMENT OF NATIONAL PROTECTION ORDERS

<p>1. RELEVANT LEGISLATION ON NATIONAL PROTECTION ORDERS</p>	
<p>1.1. Does your State / jurisdiction currently have protection order regime(s) in force?</p> <p>(Please attach additional pages if there is more than one type of protection order available in your State / jurisdiction)</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <p>Please provide a reference to the protection order regime, with the date and title of legislation(s) or a reference to relevant case law:</p> <p>Please list any Internet weblink(s) to the legislation or case law, if available:</p> <p>The protection order regime, from the perspective of your State / jurisdiction, is considered to be of the following character:</p> <p><input type="checkbox"/> Civil</p> <p><input type="checkbox"/> Administrative</p> <p><input type="checkbox"/> Criminal</p> <p><input type="checkbox"/> Other. Please specify:</p>
<p>1.2. If protection order regime(s) exist in your State / jurisdiction, are modifications of the existing regime(s) contemplated?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No</p>
<p>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?</p>	<p><input type="checkbox"/> Yes. Please specify:</p> <p><input type="checkbox"/> No</p>

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)	<input type="checkbox"/> Family courts <input type="checkbox"/> Courts of general jurisdiction <input type="checkbox"/> Specialised domestic violence courts <input type="checkbox"/> Civil courts <input type="checkbox"/> Criminal courts <input type="checkbox"/> Administrative authorities. Please specify: <input type="checkbox"/> Police authorities <input type="checkbox"/> 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):

2.3. 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):

2.4. 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)	<input type="checkbox"/> Yes. Please specify, with full contact details: <input type="checkbox"/> No
2.5. LANGUAGE REQUIREMENTS FOR APPLICATIONS TO COMPETENT AUTHORITIES (ESTABLISHMENT APPLICATIONS)	
<input type="checkbox"/> 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?	<input type="checkbox"/> Official language of your State / jurisdiction. Please Specify: <input type="checkbox"/> 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	
<input type="checkbox"/> 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?	<input type="checkbox"/> Yes Please specify contact details, if different from above: <input type="checkbox"/> No

3. TYPES AND FEATURES OF PROTECTION ORDERS	
<p>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)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Contacting or communicating with the protected person <ul style="list-style-type: none"> <input type="checkbox"/> in person <input type="checkbox"/> by way of a third party <input type="checkbox"/> by mail <input type="checkbox"/> by e-mail <input type="checkbox"/> by phone <input type="checkbox"/> by other means. Please specify: <input type="checkbox"/> Approaching or being in physical proximity to the protected person <p style="margin-left: 20px;">Distance requirement?</p> <input type="checkbox"/> General harassment of the protected person <input type="checkbox"/> Molestation / annoyance of the protected person <input type="checkbox"/> Staying away from a certain place <p style="margin-left: 20px;">Please describe:</p> <input type="checkbox"/> Forwarding or disseminating personal data or photos of the protected person <input type="checkbox"/> Possession of weapons <input type="checkbox"/> Behaviours at the discretion of the judge or other competent authority in an individual case <input type="checkbox"/> 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 <input type="checkbox"/> Other specific behaviours. Please specify:
<p>3.2. For whom are protection orders available (<i>i.e.</i>, who are the intended protected persons)? (please check all which apply)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Married persons <input type="checkbox"/> Formerly married persons <input type="checkbox"/> Divorcing persons <input type="checkbox"/> Women only <input type="checkbox"/> Unmarried couples <input type="checkbox"/> Family members <input type="checkbox"/> Roommates / housemates <input type="checkbox"/> Children of the intended protected person <input type="checkbox"/> Other relatives of the intended protected person <input type="checkbox"/> Persons who are not in any kind of intimate or cohabitation relationship <input type="checkbox"/> Other individuals. Please specify:

<p>3.3. Against whom are the protection orders available? (please check all which apply)</p>	<input type="checkbox"/> An individual perpetrator or potential perpetrator only <input type="checkbox"/> Family members of the principal perpetrator or potential perpetrator <input type="checkbox"/> Other individuals. Please specify:
<p>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).</p>	<input type="checkbox"/> The intended protected person only (<i>i.e.</i> the victim or potential victim who will be protected by the order) <input type="checkbox"/> Family member(s) of the protected person. Please specify: <input type="checkbox"/> Public prosecutor <input type="checkbox"/> Police officials <input type="checkbox"/> A judge <i>ex officio</i> <input type="checkbox"/> Other public authority or official. Please specify: <input type="checkbox"/> Other advocate for the protected person. Please specify: <input type="checkbox"/> Other. Please specify:
<p>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).</p>	<input type="checkbox"/> Domestic and family violence <input type="checkbox"/> Sexual assault <input type="checkbox"/> Dating violence <input type="checkbox"/> Stalking <input type="checkbox"/> Forced marriage <input type="checkbox"/> So-called "honour crimes" <input type="checkbox"/> Human trafficking <input type="checkbox"/> Other general criminal or harmful behaviour <input type="checkbox"/> Other behaviours / situations. Please specify :
<p>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?</p>	<input type="checkbox"/> Yes; <input type="checkbox"/> Temporary maintenance orders <input type="checkbox"/> Temporary child custody orders <input type="checkbox"/> Protection of property <input type="checkbox"/> Mandatory counselling <input type="checkbox"/> Monetary reimbursement of damages to the protected person <input type="checkbox"/> Seizure of property of the respondent <input type="checkbox"/> Other. Please specify: <input type="checkbox"/> No

<p>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).</p>	<input type="checkbox"/> Have a minimum duration. Please specify: <input type="checkbox"/> Have a maximum duration. Please specify: <input type="checkbox"/> Are of a fixed duration. Please specify: <input type="checkbox"/> Are of a duration according to judicial / other instituting authority's discretion <input type="checkbox"/> Are renewable. Please describe: <input type="checkbox"/> Are not renewable. Please describe: <input type="checkbox"/> Lifetime or indefinite orders
<p>3.8. Generally, what is the expected time from the submission of an application to a final order (excluding appeals)?</p>	<input type="checkbox"/> Within 24 hours <input type="checkbox"/> Within 2 to 3 days <input type="checkbox"/> Up to 1 week <input type="checkbox"/> 1 to 4 weeks <input type="checkbox"/> More than 4 weeks <input type="checkbox"/> Other. Please specify:
<p>3.9. Does your State / jurisdiction offer protection orders considered to be of an interim or emergency nature (in contrast to more permanent orders)?</p>	<input type="checkbox"/> 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: <input type="checkbox"/> No

4. AVAILABILITY OF PROTECTION ORDERS FOR VISITORS TO YOUR STATE / JURISDICTION	
<p>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?</p>	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No Comments:

5. JURISDICTIONAL GROUNDS AND LAW APPLICABLE TO PROTECTION ORDERS IN YOUR STATE / JURISDICTION	
<p>5.1. Please specify the grounds upon which national competent authorities may assume jurisdiction for the establishment of protection orders (check all which apply).</p>	<input type="checkbox"/> Physical presence in the State / jurisdiction of the person seeking protection <input type="checkbox"/> Future physical presence in the State / jurisdiction of the person seeking protection <input type="checkbox"/> Physical presence of the defendant in the State / jurisdiction <input type="checkbox"/> Other: Comments:

5.2. Please specify what law will be applicable to the establishment of a protection order.	<input type="checkbox"/> Law of the forum <input type="checkbox"/> Other law. Please specify, indicating relevant conflict of law rules:
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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?	<input type="checkbox"/> Yes, standard form for establishment published by the Hague Conference <input type="checkbox"/> Yes. Please attach a copy of the form or provide a website link or both: <input type="checkbox"/> No
6.2. What information is required to be included in an application to establish a protection order?	<p><u>About the applicant:</u></p> <input type="checkbox"/> Full name <input type="checkbox"/> Date and / or place of birth <input type="checkbox"/> Personal identification number (such as social security or passport number) <input type="checkbox"/> Mailing address <input type="checkbox"/> Telephone, e-mail and other contact details <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Other. Please specify: <p><u>About the respondent:</u></p> <input type="checkbox"/> Full name <input type="checkbox"/> Date and / or place of birth <input type="checkbox"/> Personal identification number (such as social security or passport number) <input type="checkbox"/> Mailing address <input type="checkbox"/> Telephone, e-mail and other contact details <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Other. Please specify: <p><u>Other information:</u></p> 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?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> 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?	<p><u>About the applicant:</u> Please specify:</p> <p><u>About the respondent:</u> Please specify:</p>
7.2. What documents are required for an application to modify a protection order made in your State / jurisdiction?	<input type="checkbox"/> Complete text of the existing protection order <input type="checkbox"/> Other. Please specify:
7.3. On what grounds can an application be filed for modification of a protection order made in your State / jurisdiction?	<input type="checkbox"/> Changed circumstances of the protected person so as to justify the modification <input type="checkbox"/> Changed circumstances of the person causing the risk so as to justify the modification <input type="checkbox"/> 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?	<input type="checkbox"/> Yes, standard form for modification published by the Hague Conference <input type="checkbox"/> Yes. Please attach a copy of the form or provide a website link or both: <input type="checkbox"/> No
7.5. Can your State / jurisdiction accept an application and related documents transmitted by electronic means?	<input type="checkbox"/> Yes <input type="checkbox"/> No

8. RESPONDENT'S RIGHTS	
Please answer questions in this section for the protection order regimes in your State / jurisdiction which are <u>not</u> 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?	<input type="checkbox"/> Yes, always. <input type="checkbox"/> It depends upon the particular case and is at the discretion of the judge / authority hearing the case. Please specify: <input type="checkbox"/> Other. Please specify:
8.2 Is the respondent given notice when a protection order is rendered or modified?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes, always. <input type="checkbox"/> It depends upon the particular case and is at the discretion of the judge / authority hearing the case. Please specify: <input type="checkbox"/> Other. Please specify:
9.2. Is the protected person or his / her representative given notice when a protection order is rendered or modified?	<input type="checkbox"/> Yes <input type="checkbox"/> 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?)	<input type="checkbox"/> Yes. Please complete Annex I describing services and providing contact details. <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> 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:	
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?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No, but recommended.
1.2. If legal representation is required in proceedings, can those other than lawyers represent the parties?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> 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?	<input type="checkbox"/> Yes, free legal assistance. <input type="checkbox"/> Yes, reduced rate legal assistance. <input type="checkbox"/> 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?	<input type="checkbox"/> There is a system of costs ordering the respondent to pay <input type="checkbox"/> Pro bono legal assistance <input type="checkbox"/> Other. Please specify: <input type="checkbox"/> Not at all
1.5. Is free or reduced rate legal assistance available to the respondent?	<input type="checkbox"/> Yes, free legal assistance <input type="checkbox"/> Yes, reduced rate legal assistance <input type="checkbox"/> No
1.6. Please indicate on what basis free or reduced rate legal assistance may be available.	<input type="checkbox"/> Income of the applicant. Please specify: <input type="checkbox"/> Assets of the applicant. Please specify: <input type="checkbox"/> Age of the applicant. Please specify: <input type="checkbox"/> Country of residence of the applicant <input type="checkbox"/> Likelihood of success of the proceedings <input type="checkbox"/> Other. Please specify:
1.7. Which costs are covered by free or reduced rate legal assistance?	<input type="checkbox"/> Translation <input type="checkbox"/> Interpretation <input type="checkbox"/> Service of documents <input type="checkbox"/> Court fees <input type="checkbox"/> Lawyer fees <input type="checkbox"/> 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?	<input type="checkbox"/> Yes. Please attach a copy of the form or provide a website link or both: <input type="checkbox"/> No
1.9. Can your State / jurisdiction accept an application and related documents transmitted by electronic means?	<input type="checkbox"/> Yes. Please specify: <input type="checkbox"/> No

2. CHALLENGES / APPEALS	
2.1. Can a protection order or its recognition and / or enforcement be challenged?	<input type="checkbox"/> Yes; Please specify how many levels of appeal exist and to which court(s) / authority(ies) an appeal may be made: <input type="checkbox"/> No
2.2. Who can initiate the appeal process?	<input type="checkbox"/> Either applicant or respondent <input type="checkbox"/> Other. Please specify:
2.3. On what grounds can an appeal be initiated? Please specify.	
2.4. Is leave to appeal required?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In certain circumstances. Please specify:
2.5. Can a protection order or its recognition and / or enforcement be suspended (<i>i.e.</i> , 'stayed') pending an appeal?	<input type="checkbox"/> Yes, a protection order or its recognition and enforcement is <i>automatically</i> suspended pending an appeal <input type="checkbox"/> Yes, a protection order or its recognition and enforcement can be suspended pending an appeal at the request of either party <input type="checkbox"/> 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 : <input type="checkbox"/> No
2.6. Is there a time limit by which an appeal must be filed?	<input type="checkbox"/> Yes The time limit: From when the time limit starts to run (<i>e.g.</i> , from the date of the order, from the date the order was notified to the parties etc.): <input type="checkbox"/> No

2.7. Generally, what is the expected time within which appeals are filed and decided?	<input type="checkbox"/> Less than 1 month <input type="checkbox"/> 1 to 3 months <input type="checkbox"/> Longer than 3 months
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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):