

**RECOGNITION AND ENFORCEMENT OF FOREIGN CIVIL PROTECTION ORDERS:
ADDITIONAL STATISTICAL AND COMPARATIVE INFORMATION ON NATIONAL LAW**

drawn up by the Permanent Bureau

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**RECONNAISSANCE ET EXÉCUTION DES ORDONNANCES DE PROTECTION
RENDUES PAR DES JURIDICTIONS CIVILES ÉTRANGÈRES :
INFORMATIONS STATISTIQUES ET COMPARATIVES SUPPLÉMENTAIRES
SUR LE DROIT NATIONAL**

établies par le Bureau Permanent

*Preliminary Document No 4 of February 2015 for the attention
of the Council of March 2015 on General Affairs and Policy of the Conference*

*Document préliminaire No 4 de février 2015 à l'attention
du Conseil de mars 2015 sur les affaires générales et la politique de la Conférence*

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INTRODUCTION

1. This document summarises information collected by the Permanent Bureau under the mandate given by the April 2014 Council on General Affairs and Policy of the Hague Conference ("the Council") in relation to the topic of the "Recognition and enforcement of foreign civil protection orders."¹ Part I presents a summary of statistical information collected by way of a global non-governmental organisation (NGO) / expert survey,² and Part II presents summary comments on additional comparative information on the national law of Members collected by way of a Draft Country Profile.³

PART I: STATISTICAL INFORMATION

Background

2. The 2014 Experts' Group noted that "non-governmental organisations with victim support services are reporting serious international cases where mechanisms are needed in relation to protection orders in cross-border circumstances."⁴ The experts "agreed that it was clear that the national data on the incidence of domestic violence and access to protection orders, as well as the increase in mobility of persons across jurisdictions internationally and within regions, is such that there is obviously a need for international mechanisms in this area."⁵

3. In order to fulfil the 2014 Council's mandate to collect further relevant statistical information and because there are no known global, regional or national statistics in this area,⁶ the Permanent Bureau developed the document "Recognition and Enforcement of Foreign Civil Protection Orders: Questionnaire of June 2014 for Non-Governmental Organisations and Other Experts" (hereinafter "the Questionnaire")⁷ which was circulated to international NGOs and

¹ Conclusion and Recommendation No 4 of the Council on General Affairs and Policy of the Conference (8-10 April 2014). All Hague Conference / Permanent Bureau documents are available on the Hague Conference website at < www.hcch.net > under "Work in Progress" then "General Affairs", unless otherwise noted.

² The 2014 Council welcomed "the useful progress made" at the meeting of the Experts' Group on the Recognition and Enforcement of Foreign Civil Protection Orders of February 2014 ("the 2014 Experts' Group") and "invited the Permanent Bureau to continue exploratory work, including the collection of additional statistical information[...]" (*ibid.*).

³ "Draft Country Profile (Revised) — National and foreign protection orders: legislation, recognition and enforcement and other resources", Prel. Doc. No 4 B of June 2014 for the attention of the Council of April 2014 on General Affairs and Policy of the Conference.

⁴ "Report of the Meeting of the Experts' Group on the Recognition and Enforcement of Foreign Civil Protection Orders (12-13 February 2014)", Prel. Doc. No 4 A of March 2014 for the attention of the Council of April 2014 on General Affairs and Policy of the Conference, p. 14. See also case studies shared in "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, Section 2, and in "Questionnaire on the Recognition and Enforcement of Foreign Civil Protection Orders: Summary of Member Responses and Possible Ways Forward," Prel. Doc. No 4 B of March 2013 for the attention of the Council of April 2013 on General Affairs and Policy of the Conference, Annex II.

⁵ Prel. Doc. No 4 A of March 2014, *ibid.*, p. 13.

⁶ The 2014 Experts' Group noted that although statistics on relevant cross-border cases were not readily available, "States and Regional Economic Integration Organisations (REIOs) which have legislated in this area have done so on the basis of inferences drawn from increasing cross-border mobility rates and national, regional and international statistics showing high levels of domestic violence and other harmful behaviours that are addressed by protection orders" (Conclusion and Recommendation No 6), *ibid.*, p. 5 (see also discussion at pp. 13-14).

⁷ See Appendix V.

other experts in relevant fields.⁸ The aim of the Questionnaire was to reach organisations or experts throughout the world specialising in the policy areas identified as relevant to this topic (e.g., domestic and family violence, human trafficking, general violence against women and children, etc.) and also those delivering services to victims of the various behaviours addressed by protection orders. The Questionnaire sought in particular to query the nature and volume of cross-border cases observed by the organisations and experts.

4. The organisations and experts responding to the Questionnaire consistently reported international cases involving the range of harmful behaviours which have been identified as addressed by protection orders by Members of the Hague Conference, the 2014 Experts' Group, and in other sources.⁹ Appendices to this document provide a summary of the main, relevant cross-border scenarios reported by those completing the Questionnaire.¹⁰

5. Part I of this document presents a condensed narrative synthesis of the data received in response to the Questionnaire. It should be underlined that the Questionnaire is an informal survey developed and distributed within the limited resources possessed by the Permanent Bureau and completed through voluntary efforts / self-reporting of the experts and organisations involved.

Summary of Questionnaire results

a) Information about the responding organisations / experts (Questions 1-5)

6. A total of 85 organisations or experts from 27 countries in various regions of the world completed the Questionnaire.¹¹

7. The types of issues addressed by the organisations or experts included the range of harmful behaviours commonly addressed by protection orders,¹² with 86% reporting that they handle issues of domestic and family violence, 69% sexual assault, 69% general violence against women, 65% dating violence, 59% stalking, 44% human trafficking, 42% general violence against children, 31% forced marriage, 18% so-called "honour crimes," 18% female genital mutilation (FGM), 31% other general criminal or harmful behaviours, and 26% other behaviours / situations.¹³

⁸ The Questionnaire, made available for completion online, was distributed by e-mail to civil society organisations and networks working in relevant fields known directly to the Permanent Bureau, including through the Latin American and Asia Pacific Regional Offices of the Hague Conference, and also with the assistance of United Nations bodies and agencies such as UN Women, UNDP, and other regional or international organisations. Members of the Hague Conference were also invited to distribute the Questionnaire nationally.

⁹ See Prel. Doc. No 4 A of March 2014, para. 5, Conclusion and Recommendation No 2, Prel. Doc. No 4 B of March 2013, at p. 13 and Annex I, at para. 3, and Prel. Doc. No 7 of March 2012, Section 2 (*supra*, note 4). The 2011 *Council of Europe Convention on preventing and combating violence against women and domestic violence* (the "Istanbul Convention"), Art. 53, requires that States Parties must make protection orders available for *all* types of violence covered by the Convention.

¹⁰ See Appendices I and IV.

¹¹ See Appendix III. Questionnaires were submitted from organisations / experts based in Australia, Austria, Belgium, Brazil (2), Burkina Faso, Cambodia, Canada, Colombia, Croatia, Democratic Republic of Congo (3), Estonia, Germany (3), Guatemala (6), India, Ireland (2), Luxembourg, Mexico, New Zealand (3), Netherlands, Nigeria, Norway, Papua New Guinea, Romania, Serbia, Slovenia, South Africa, United States of America (including Navajo Nation and Puerto Rico) (45), and / or "global / international" (3). The majority of respondents to the Questionnaire were civil society organisations, with, however, at least five individual legal practitioners / academics and at least 11 governmental agencies / bodies which provide victim services or work in the justice sector with exposure to victims providing responses.

¹² As listed in the Questionnaire, Question 3 (see Appendix V).

¹³ A number of organisations / experts specified that they additionally addressed issues of forced labour / abuse of migrant workers, violence against women in the workplace, torture perpetrated by non-State actors, harmful traditional practices (e.g., widowhood rights and disinheritance), cyberstalking, a range of types of sexual violence as defined by law, general teen / youth abuse, elder abuse or child abuse, general trauma, general community violence and economic abuse or exploitation.

8. In relation to their target clientele, most organisations / experts specified that they provide services to women, women and children, women and their children and / or their families and friends, child and youth witnesses to domestic violence, persons of all genders victimised by human trafficking, male and female victims of rape, non-parent protective custodians of abused children, families in cross-border circumstances, all those involved in forced marriage and so-called "honour crimes," female domestic workers and low-wage female factory workers, and / or are also engaged in community education or outreach.¹⁴

9. The geographic areas addressed by the organisations / experts varied from local (e.g., a city or university),¹⁵ to a territorial subunit within a State or regions within a territorial subunit, to national mandates, to, less commonly, regional and global mandates.¹⁶

10. The majority (88%) of organisations / experts¹⁷ submitting data reported that they were offering direct victim services¹⁸ as their core mandate or as one aspect of their activities. Such direct victim services included 24-hour crisis intervention services / hotlines, emergency shelters, legal services, court, health care and social work advocacy, social guidance and counselling, post-traumatic therapy, psychological care for the children of victims of violence, nursery facilities for children of women living in domestic violence shelters, and other related services. Organisations which did not report working directly with victims were in general engaged in broader policy development in the area of violence against women and children, education and awareness-raising, capacity-building, and other advocacy for the rights of women and children.

b) Information on the existence of cross-border cases / problems and types of scenarios reported (Question 6)

11. Of those responding to this question,¹⁹ 86% reported encountering relevant cases which have an international, cross-border dimension,²⁰ while 14% reported that they had not.²¹

¹⁴ Several organisations / experts also more specifically reported targeting low income / "underserved" populations, multicultural communities and / or immigrant populations generally (or segments of this population, e.g., South Asian or Arab), refugee populations, those with HIV, foreign-born persons trafficked in labour, or all citizens of the home country located abroad, including victims of sexual assault in the military or aboard cruise ships.

¹⁵ A minority of those completing the Questionnaire. See Appendix III.

¹⁶ However, some organisations with a national mandate reported supporting organisations abroad, such as an organisation in northern Europe which supported organisations in Afghanistan, Colombia, Ethiopia, Guatemala, Kenya, Palestine, South Africa, South Sudan, Sri Lanka, Tanzania and Uganda.

¹⁷ 75 of 85 of those responding.

¹⁸ I.e., in relation to the types of issues noted in Question 3 of the Questionnaire (see *supra*, para. 7).

¹⁹ Eight answered that they were "not in a position to know."

²⁰ Question 6 of the Questionnaire asked: "In the experience of your organisation / in your professional experience, have you encountered victims of the harmful or criminal behaviours listed in Question 3 whose cases have an international / cross-border dimension? (In particular, situations where an individual needs protection from behaviour(s) listed in Question 3 in more than one State. For example, a victim of domestic violence in one State moves to a foreign State and is concerned that the perpetrator may continue to be a threat in the foreign State; a potential victim of forced marriage or FGM is transported to a foreign country and is at risk of harm by family members or others; a victim of human trafficking may be repatriated to a State of origin, but is at risk of being re-trafficked in the State of origin; etc.)."

²¹ Those reporting that they had not encountered international, cross-border cases in general had a very localised or narrow mandate (e.g., within a given city or university) and / or did not provide direct victim services.

12. At least 64 experts or organisations responding to the Questionnaire submitted examples of common scenarios of relevant international cases they have handled or are handling on a regular basis. Appendix I to this document summarises the most common types of scenarios reported.²²

c) Number and proportion of international cases (Question 7 a)-c))

13. The total number of international, cross-border cases reported by those organisations and experts handling such cases varied from 1 to 2000 cases per year, depending on, among others things, the geographic area covered, size of the organisation, organisational practices or mandate, and available resources. The average number of international cases reported was 130 cases per year per organisation or expert.

14. The percentage of international cases out of total cases handled by organisations / experts ranged from less than 1% to 100%, with an average of 19%. Organisations with a purely or primarily international mandate naturally reported very high percentages of cross-border cases, for example, up to 99 or 100%, while those with a more localised mandate reported fewer.

d) Anticipated increases in international cases (Question 7 d))

15. 76% of organisations / experts noted that they have seen or anticipate an increase in international cases. Many cited increased demand for services in relation to cross-border cases, for example for shelter space in international domestic violence cases and services related to cross-border sexual assault, stalking, dating violence, sex trafficking and parental child abduction involving elements of domestic violence. A number of organisations noted the development of specialised programmes, training and awareness-raising and / or the hiring of additional staff to deal with the increased demand.

16. Many respondents cited general trends of globalisation, mobility of persons, increased border permeability²³ and greater ease of international travel as reasons why they foresaw an increase. Respondents also cited labour migration and the presence of foreign workers, and refugee and general immigration trends, including from regions where there seem to be a "higher percentage of abuse of this type."

17. The rise in cross-border human trafficking, including in relation to forced prostitution and other forms of forced labour, was frequently cited as a reason why respondents believed that international cases were on the increase. A number of organisations also noted a rise in cross-border cases of children and unaccompanied minors who, for example, "are experiencing domestic violence, sexual assault and persecution for not being a part of a gang or other group in their home country."

18. One respondent noted that "[g]lobalization is such that nowhere is secure for victims of violence because their perpetrators can find them very easily" and suggested that "an awareness campaign at the international level" was needed. A number of organisations / experts shared the view that the Internet has made it "much easier for stalkers to track victims across international borders" and that cyberstalking now gives stalkers an effective tool to track victims. It was also noted that the forces of globalisation and the lack of international legal mechanisms may assist perpetrators in perpetuating types of abuse, creating situations of particular risk for individuals who find themselves in cross-border circumstances.

²² Appendix I includes a narrative summary of the main types of cases reported, and the full set of relevant international cases / scenarios reported is found in Appendix IV.

²³ Two respondents gave counter-examples of trends, in their view, of increased restriction of international borders between Iran and European nations and between Mexico and the United States of America.

19. One organisation noted that “we think that there is a big, dark field and that the more the problem of cross-border violence is addressed publicly, the more cases will come out into the open [...]. If victims have no place to turn to they will stay hidden.” Another shared the view that if “people are well informed [...] they will be able to report situations and cases.”

20. Another organisation noted that while it was anticipated that their international caseload would remain stable at 30% of total cases handled (due to reduced migration because of economic trends), cases involving foreign women were “over-represented in proportion to the population in our one-to-one services as their situations can be more complex, [...] their options limited and they can require a higher level of support and advocacy.”

e) Most common foreign countries (Question 8)

21. Appendix II presents a chart linking the countries in which organisations / experts are operating with the foreign countries or regions with which they most commonly report to encounter relevant cross-border cases. As seen in the chart, there are regional connections at play, but also very often international linkages which transcend regional boundaries.

f) Organisations / experts based in the EU (Question 9)

22. For organisations / experts based in the European Union (EU), eight organisations offering direct services to victims provided yearly numbers of cross-border cases with non-EU countries, with all but one organisation²⁴ reporting such cases. The number of non-EU cross-border cases reported ranged from two cases to 88 cases per year, with an average of 16 non-EU cross-border cases handled per year.²⁵ One organisation noted that it has worked with individuals of 127 different nationalities.

g) Additional information (Question 10)

23. In addition to offers of further assistance, collaboration, and provision of materials on good practices, many organisations / experts also emphasised their perspective that setting up an international system for the cross-border recognition and enforcement of protection orders was an important project. One former police officer who had worked internationally supported “additional protection to victims of such violence, power and control,” noting “the significant problems regarding the enforcement of court / civil protection orders and the instances of where their application or non-implementation have put the victim at significant risk” from a comparative worldwide perspective, and highlighting that “perpetrators of abuse will go to great lengths and distances to victimize.” Another respondent noted that “an international [s]talking / protective order would be a fabulous tool which would allow victims of every nation to escape abuse [...] across borders.” One respondent observed that in his / her country: “there are very high rates of violence against women, including femicide. Therefore, it is important to count on international instruments and mechanisms to help us protect the lives and safety of women, promptly and without much bureaucracy, either by locating a country of refuge where she can move or repatriating women wishing to return to their home countries after having faced situations of violence in our country, including all forms of violence such as trafficking.”

²⁴ This organisation reported handling only one or two cases in total per year.

²⁵ The foreign, non-EU countries or regions reported as the most common were Afghanistan, Albania, Algeria, Belarus, Bosnia and Herzegovina, Cape Verde, Georgia, Ghana, India, Iran, Iraq, Lebanon, Libya, Morocco, Nigeria, Pakistan, Russia, Serbia, Sudan, Syria, Tunisia, Turkey, Ukraine, Viet Nam, (East) African countries, former Soviet States, and other countries of the former Yugoslavia. See Appendix II.

24. One respondent noted that there is the “AMBER Alert” system²⁶ in place for cases of parental child abduction between Mexico and the United States of America, but that the importance placed on “the request for protection orders against violent men by women who suffer domestic violence is minimal [...] [a]lthough the rates of domestic violence in the region are very high.”

25. A number of respondents noted particular issues which they deemed required specific attention in the context of any further international work in this area, including attention to the special circumstances of girls (versus adults) as victims of violence and also of victims of online violence.²⁷ Another noted the importance of counselling, education and psychological support for victims of violence in addition to protection orders, in order that they understand the non-physical coercive control tactics employed by abusers.

26. A number of organisations / experts also emphasised the significant need for education, in particular of judges, about the international, cross-border realities which impact their clients. One respondent welcomed “progressive steps being taken to help clients that have cases filed locally / regionally” who are issued protection orders that “might need enforcement globally,” transcending a “narrow, regional perspective.” Another respondent noted that his / her organisation needs “to do more outreach in immigrant communities to properly address the issue of cross-border violence.”²⁸

CONCLUSIONS: STATISTICAL SURVEY

27. While the results of this short, informal Questionnaire cannot be considered as a formal, representative statistical sample, the data submitted by organisations and experts (most of which provide direct victim services) does show that the great majority are reporting a significant number of international cases relevant to the current study, and the large majority also anticipate a future increase in such cases. This data would seem to imply that the inferences made by policy-makers who have legislated in this area at the national and regional levels²⁹—as noted by the 2014 Experts’ Group—are sound.³⁰ The types of international cases reported by organisations and experts span an array of harmful or criminal behaviours for which protection orders are commonly used,³¹ and show the vulnerability of individuals caught in these cross-border scenarios. Moreover, the seriousness and non-trivial nature of the cases reported is significant, *e.g.*, including risk to life, bodily integrity, fundamental autonomy, well-being of a primary caregiver and child, etc. Also of concern is the suggestion that the current lack of international mechanisms / co-operation may be used by perpetrators to intensify or further the abuse of victims and to frustrate their safety needs. Finally, as evidenced in Appendix II, the individual cases dealt with by organisations and experts are not a merely regional phenomenon or issues which arise solely between neighbouring countries, but are global in their reach.

²⁶ AMBER Alert is a child abduction alert system which uses various forms of public media and other public notification methods. It originated in the United States of America, and is now used in a range of nations.

²⁷ In relation to online violence, a respondent noted that it is important to recognise such violence “whether or not [it] is part of an intimate or formerly intimate relationship. There is a desperate need, as most victims currently have no options yet face serious harm and trauma, such as constant fear, stress, related physical problems, damage to reputation, loss of job, loss of child custody (especially in cases of ‘revenge porn’), financial damage, honour killings and other violence as a result of ‘revenge porn’ and similar, and much more.”

²⁸ Also noting that they “need increased funding to hire and train attorneys to fully meet the needs of all the victims who seek our help.”

²⁹ For example in Canada, the European Union and the United States of America. See Prel. Doc. No 7 of March 2012, Section 4 (*supra*, note 4).

³⁰ *Supra*, para. 2 and note 6.

³¹ *Supra*, para. 7 and Appendix I.

PART II: ADDITIONAL COMPARATIVE INFORMATION ON NATIONAL LAW USING THE DRAFT COUNTRY PROFILE

28. In the context of continuing exploratory work on this topic, in addition to collecting statistical information, the 2014 Council invited the Permanent Bureau to gather supplementary “comparative information on national law using the draft Country Profile (Prel. Doc. No 4 B³²)”, noting that the Permanent Bureau “may reconvene the Experts’ Group, if necessary.”³³

29. The Draft Country Profile was circulated to Members in June of 2014, subsequent to discussion of the document at the 2014 Experts’ Group. Completed Draft Country Profiles were received from 28 Members as of the date of drafting of this document.³⁴ The information collected in the Draft Country Profile built upon the information collected in a previous 2012 Questionnaire to Members.³⁵ Together with the responses to the 2012 Questionnaire, the Permanent Bureau now possesses significant comparative information on national law from 41 Members.³⁶ Additionally, the Permanent Bureau has gathered general information on protection order legislation in at least 122 States worldwide.³⁷

30. Below is a condensed summary and analysis of the additional comparative information collected on national law using the Draft Country Profile, setting forth information deemed most pertinent to the current feasibility study.³⁸ Readers are also referred to Preliminary Document No 4 B of March 2013;³⁹ the Draft Country Profile submissions, while collecting some additional and novel information, affirm the patterns seen in the information collected by way of the 2012 Questionnaire.⁴⁰ The full completed Draft Country Profiles of Members are available on the website of the Hague Conference.⁴¹

³² *Supra*, note 3. As mentioned in the Foreword to the Draft Country Profile, Country Profiles on national law are usually elaborated after a Hague Convention has been adopted. However, the Council of 2013 suggested the preparation of a Country Profile in the context of continuing comparative research / exploratory work on the recognition and enforcement of foreign protection orders (see Conclusion and Recommendation No 9 of the Council on General Affairs and Policy of the Conference (9-11 April 2013)).

³³ *Supra*, note 1.

³⁴ Argentina, Austria, Brazil, Bulgaria, Canada (Alberta (AB), British Columbia (BC), Prince Edward Island (PEI), Quebec (QC), Saskatchewan (SK)), China (Hong Kong SAR and Macao SAR), Denmark, Ecuador, Estonia, European Union, France, Greece, Hungary, Italy, Korea (Republic of), Latvia, Lithuania, Mexico, Monaco, New Zealand, Paraguay, Poland, Serbia, Slovakia, Spain, Sweden, Switzerland and Ukraine. (National information from Ukraine could not be included in the current analysis due to late receipt of response.)

³⁵ “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 (hereinafter “the 2012 Questionnaire”).

³⁶ Argentina, Australia (Australian Capital Territory (ACT), federal government (Fed.), New South Wales (NSW), the Northern Territory (NT), Queensland (Qld.), South Australia (SA), Tasmania (Tas.), Victoria (Vic.), Western Australia (WA)), Austria, Belarus, Brazil, Bulgaria, Canada (Alberta (AB), British Columbia (BC), Manitoba (MB), Newfoundland and Labrador (NL), Northwest Territories (NWT), Nova Scotia (NS), Ontario (ON), Prince Edward Island (PEI), Quebec (QC), Saskatchewan (SK), Yukon Territory (YT)), China (Hong Kong SAR and Macao SAR), Croatia, Czech Republic, Denmark, Ecuador, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Israel, Italy, Japan, Korea (Republic of), Latvia, Lithuania, Mexico, Monaco, Netherlands, New Zealand, Paraguay, Poland, Portugal, Romania, Serbia, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine and United States of America.

³⁷ See the table in Annex I of Prel. Doc. No 7 of March 2012 (*supra*, note 4) which found, at that time, existing protection order legislation in at least 86 States (and two States with draft laws), by way of research primarily using the United Nations Secretary General’s Database on Violence Against Women. The Permanent Bureau would like to thank Yoonjong Kim, Judge on Secondment from the Republic of Korea, and Ana Emilia Poienaru, former Intern, for their assistance in compiling additional comparative information in 2014-2015.

³⁸ This abbreviated summary and analysis is offered with the understanding that a more in-depth analysis of the set of comparative data should be undertaken in relation to the further work of the Experts’ Group, in order to make full use of the information collected.

³⁹ Prel. Doc. No 4 B of March 2013, *supra*, note 4.

⁴⁰ And indeed, many of the key Conclusions and Recommendation of the 2014 Experts’ Group (*supra*, note 4).

⁴¹ See: < http://www.hcch.net/upload/wop/fcpo_resp2014.html > (or on the Hague Conference website under “Specialised sections” then “Protection orders project.”)

Summary analysis of new information collected by way of the Draft Country Profile

a) Enforcement of national / foreign protection orders and penalties for breach⁴²

31. As found in responses to the 2012 Questionnaire,⁴³ Members reported most often that police officers, but also bailiffs and other court or administrative authorities are responsible for the enforcement of a national protection order (e.g., in the event of breach), often in coordination with judicial authorities or overseen by the relevant court (e.g., in the context of a contempt of court proceeding).⁴⁴

32. The majority of Members completing the Draft Country Profile noted that foreign protection orders, if recognised and declared enforceable / registered for enforcement⁴⁵ (commonly by way of a judicial procedure) or otherwise deemed enforceable,⁴⁶ would be enforced by the same authorities in the same manner as national protection orders. However, five jurisdictions specified that an applicant would have to apply for a new domestic protection order rather than rely on the recognition and enforcement of a foreign order and that currently foreign protection orders could not be recognised or enforced.⁴⁷

33. Most Members (22) completing the Draft Country Profile reported that the penalty applied to breach of protection orders (both national and foreign orders which had been recognised and declared or otherwise deemed enforceable) was arrest and detention / imprisonment. In the majority of cases this sanction was reported as a criminal measure rather than a civil one. Pecuniary fines were also mentioned, often in connection with or as an alternative to imprisonment (with it sometimes specified that a fine would also be considered a criminal sanction). Other Members reported additional / alternative penalties such as community service, and one Member reported that there is no penalty for breach of a civil protection order unless the conduct itself constitutes a crime.

⁴² See Parts II and III of the Draft Country Profile.

⁴³ See Prel. Doc. No 4 B of March 2013, *supra*, note 4, at p. 15.

⁴⁴ Members also frequently reported that the public prosecution service would play a role in enforcement. Other public officials, such as social workers or educators, were sometimes cited as playing a role.

⁴⁵ E.g., according to national private international rules, under international agreements, or under specific regional instruments.

⁴⁶ Canada (SK) reported that foreign protection orders are immediately enforceable upon presentation of the order to enforcement officers, with no registration or procedure for recognition required. See discussion of this "Canadian model" in Prel. Doc. No 7 of March 2012, pp. 18-20 and in Prel. Doc. No 4 A of March 2014, pp. 18-19 (*supra*, note 4). Lithuania noted that "[r]ecognition is not required for *res judicata* foreign judgments concerning non-property disputes among / between persons which are not citizens."

⁴⁷ One Member suggested that, because of the delay involved in recognition procedures of a foreign order, it would be advisable for the protected person to apply for a new national order.

34. Most Members completing the Draft Country Profile reported that there is liability protection for officials who enforce protection orders (14 Members), with, however, 10 Members reporting that no such liability protection exists.⁴⁸ The majority of responding Members (15) also reported the use of national, regional or local registers or electronic databases which register enforceable protection orders for the benefit of law enforcement officials or other authorities. Six Members completing the Draft Country Profile reported that security bracelets, GPS tracking devices or other technology are used to assist with the enforcement of protection orders.

35. It is clear from Member information that a range of authorities are involved in national enforcement procedures for protection orders (with, however, police officers featuring prominently). Penalties for breach of protection orders reported by Members often, but not always, include criminal sanctions (e.g., including for breach of *civil* protection orders). Criminal penalties, indeed, would seem to be in line with internationally-established best practices to apply appropriately dissuasive sanctions to violations of protection orders.⁴⁹ Despite this diversity, however, many Members report that foreign protection orders, when they are able to be recognised and enforced, are already enforced in the same manner as a national order. Within existing regional or federal regimes for the cross-border recognition and enforcement of protection orders, enforcement of the foreign order is left to the law and procedures of the enforcing jurisdiction (including in relation to penalties applied to breach), despite the sometimes significant diversity in enforcement law and procedures.⁵⁰ Moreover, a number of other aspects related to the enforcement of protection orders which have been suggested as potentially useful in the context of an international instrument in this field (for example, liability protection of enforcement officers and facilitative databases to register enforceable orders⁵¹) have been reported as already relatively common at the national level.

b) Recognition and enforcement of foreign protection orders⁵²

36. Twenty-one Members reported in the Draft Country Profile that they currently possess laws by which protection orders from foreign States are recognised and declared enforceable or registered for enforcement in their jurisdictions, and six Members reported that they did not. Where existent, most responding Members reported that such procedures under their general private international law rules contained no special features (e.g., for expedition of

⁴⁸ Responses to the 2012 Questionnaire showed a higher proportion of Members reporting liability protection for the good faith enforcement of protection orders by enforcement officers (see Prel. Doc. No 4 B of March 2013, *supra*, note 4, at p. 16).

⁴⁹ It has been recommended by United Nations international expert groups / guides to good practice that the violation of protection orders in relation to violence against women should be criminalised, with commentary that "[i]n countries where legislation does not criminalize the violation of a civil protection order, prosecutors and police have expressed frustration about their inability to arrest the perpetrator." *Handbook for Legislation on Violence Against Women*, Division for the Advancement of Women, Department of Economic and Social Affairs, United Nations, New York, 2010, at p. 50. The Istanbul Convention (*supra*, note 9), Art. 53 (3), requires that States Parties "shall take the necessary legislative or other measures to ensure that breaches of restraining or protection orders [...] shall be subject to effective, proportionate and dissuasive criminal or other legal sanctions."

⁵⁰ I.e., under the United States of America "full faith and credit" provision of 18 U.S.C. Section 2265 of the *Violence Against Women Act of 1994* (reauthorized 2000, 2005 and 2013; hereinafter "VAWA"), *Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters* (the "2013 EU Regulation") (Art. 4(5)), and of course, commonly under Hague instruments in various fields of law such as the *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* (Art. 28), *Convention of 13 January 2000 on the International Protection of Adults* (Art. 27), *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (Chapter VI).

⁵¹ Prel. Doc. No 4 B of March 2013, at pp. 16-17 and Prel. Doc. No 4 A of March 2014, at pp. 17 and 23 (*supra*, note 4).

⁵² See Part IV of the Draft Country Profile.

applications), as was reported in 2012 Questionnaire, except where new regional instruments⁵³ or exceptional national schemes⁵⁴ have recently been put in place.

37. In terms of the average time frames reported from the submission of an application to the finalisation of the recognition and declaration of enforceability or registration for enforcement (excluding appeals) of a foreign protection order, no Members reported that this would be on average within 24 hours or within two to three days: two Members reported an average time frame of one week, three Members one to four weeks, three Members four to six weeks, and five Members reported more than six weeks (with the longest average time frame being six months). Exceptionally, one jurisdiction⁵⁵ reported that enforcement of foreign protection orders is immediate upon presentation of the foreign order to police. Two other Members noted that regional instruments could shorten or determine the average time frame⁵⁶ (for example, one Member within the European Union noted that the average time frame would be “quickly” among European Union Members, but one to four weeks for orders from non-European Union States).

38. In sum, with respect to current reported national mechanisms for the recognition and enforcement of foreign protection orders, where available, with the exception of new, tailored regimes at the national and regional level recently put in place,⁵⁷ recognition and enforcement mechanisms for foreign orders are often reported as involving procedural complexity and significant delay, echoing the concerns raised by the 2014 Experts’ Group.⁵⁸

c) Character of protection orders / competent authorities responsible for establishing national protection orders⁵⁹

39. Twenty-three Members completing the Draft Country Profile indicated that they possessed protection orders of a civil law nature, while nineteen and five, respectively, indicated that they possessed protection orders – additionally or alternatively – that were of a criminal or administrative law nature. Members most often reported that they possessed protection orders which were of a criminal *or* civil law nature (*i.e.*, different types of orders available by way of different types of proceedings), or, occasionally, that their protection orders could be considered to have what could be called a “hybrid” nature (*e.g.*, contempt of court orders which are penal in nature even though issued by a tribunal with civil jurisdiction). Two Members indicated that they only possessed protection orders considered to be of a criminal law nature and two Members indicated that they considered that their protection orders were of a character “beyond civil and criminal law,” for example touching on labour and employment law, and addressing issues of social security and health.

40. Members reported a diversity of types of national courts or authorities which are charged with issuing protection orders, including family courts (12 Members), courts of general jurisdiction (11 Members), specialised domestic violence courts (4 Members), civil courts (18 Members), criminal courts (13 Members), administrative authorities (4 Members), police authorities (3 Members) and other authorities (6 Members), including, for example, justices of the peace, an examining judge or the public prosecution service.

⁵³ *E.g.*, among participating European Union States, the recent 2013 EU Regulation (*supra*, note 50) and the Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order (the “2011 EU Directive”), the features of which are described in the response of the European Union to the Draft Country Profile, available on the Hague Conference website (*supra*, note 41).

⁵⁴ *E.g.*, the regime in Canada (SK) (*supra*, note 46). Also, notably, Serbia reported the preparation of a new national private international law Act which would include provisions taking into account the special features of protection orders / needs of intended protected persons (*e.g.*, expedited procedure for recognition and enforcement, recognition and enforcement of foreign *ex parte* orders, adjustment of foreign orders to fit the national legal system, etc.).

⁵⁵ Canada (SK), *supra*, note 46.

⁵⁶ *Supra*, note 53.

⁵⁷ *Supra*, notes 53 and 54.

⁵⁸ See Prel. Doc. No 4 A of March 2014 (*supra*, note 4), Conclusion and Recommendation No 7 (at pp. 5-6).

⁵⁹ See Part V, Sections 1 and 2 of the Draft Country Profile.

41. It is a question to be considered to what extent any possible future international work in this area might accommodate this diversity of legal characterisation of protection orders, including diversity of various types of issuing tribunals / authorities, and if deemed feasible, what a workable international scheme might look like in this respect. There are, however, a range of strong precedents in Hague instruments in accommodating diverse measures issued by varied national “competent authorities” in other fields of law.⁶⁰ The United States of America federal model in this field covers orders issued by both civil and criminal courts and represents a successful model with over 20 years of practical operational experience.⁶¹ Recent European Union instruments in this area also manifest the policy intention to “cover the field” (e.g., covering protection orders from civil, criminal, and appropriate administrative authorities) in order to ensure effective and practical protection of vulnerable persons who are the beneficiaries of protection orders.⁶²

d) Grounds of jurisdiction and applicable law⁶³

42. The majority of Members (16) reported that they require the physical presence of the person seeking protection to take jurisdiction to establish a protection order and / or require the physical presence of the defendant to take jurisdiction (12 Members). Four Members reported that they could assume jurisdiction based on the future physical presence of the person seeking protection in their State / jurisdiction, and six Members reported “other” grounds for taking jurisdiction, including residence or domicile of the defendant, place of performance of act or occurrence which caused damage / place where damage was caused, nationality, or according to the circumstances of an individual case as a matter for the court to decide.⁶⁴

43. Information collected by way of the Draft Country Profile supports the suggestion of the 2014 Experts’ Group⁶⁵ that requirements for physical presence or otherwise varied jurisdictional grounds may present barriers for the effective and accessible protection of victims in cross-border circumstances (for example, those relocating to or on a temporary visit / stay in a foreign State).

44. The great majority of Members submitting a Draft Country Profile reported that the law applicable to the establishment of a protection order in international circumstances would be the law of the forum, with, however, several Members reporting relevant conflict of law rules found in national codes or regional instruments which would be applicable in certain cases.

e) Respondent and applicant rights⁶⁶

45. The majority of Members (18) reported a respondent’s right to always be heard in proceedings for protection orders, with other Members (7) describing exceptional mechanisms to protect at-risk persons in cases of imminent danger or other situations of risk to the petitioner. For example, an initial *ex parte* issuance of an order which nevertheless protects respondent rights to challenge the order and appear at a later date.⁶⁷ Similarly, the great majority of Members noted that the intended protected person always had the opportunity to

⁶⁰ E.g., the Conventions listed at *supra*, note 50.

⁶¹ VAWA, *supra*, note 50.

⁶² *Supra*, note 53. See the response of the European Union to the Draft Country Profile (at p. 1), available on the Hague Conference website (*supra*, note 41), noting that the European instruments will together “ensure the free circulation of the most common types of protection measures within the EU.”

⁶³ See Part V, Section 5 of the Draft Country Profile.

⁶⁴ Exceptionally, several jurisdictions reported very generous approaches to taking jurisdiction in cases involving protection orders. Canada (BC) reported that under their Family Law Act the taking of jurisdiction to establish an order is not dependent on physical presence of either party. Canada (SK) noted that under their Victims of Domestic Violence Act or the Victims of Domestic Violence Regulations there are no jurisdictional limits so long as the respondent is capable of being served with the order.

⁶⁵ Prel. Doc. No 4 A of March 2014 (*supra*, note 4), Conclusion and Recommendation No 7 (at p. 6).

⁶⁶ See Part V, Sections 8 and 9 of the Draft Country Profile.

⁶⁷ Canada (SK) also noted that exceptions would be made if the defendant was evading service.

be heard save in exceptional circumstances of risk or, for example, in applications made on behalf of a child.

46. The information collected by way of the Draft Country Profile indicates that most or all jurisdictions currently possess strong safeguards of defendant rights for the establishment / appeal of protection orders (including for temporary / *ex parte* orders). Ensuring the safeguarding of the “due process” rights of the defendant has been noted as one important element in cross-border systems for the recognition and enforcement of foreign protection orders⁶⁸ and was cited by the 2014 Experts’ Group as an important consideration.⁶⁹

f) Features of protection orders⁷⁰

47. As reported by Members in response to the 2012 Questionnaire, the most common provisions included in national protection orders include prohibitions from contacting and communicating with the protected person (22 Members), approaching or being in physical proximity to the protected person (23 Members), and staying away from a certain place associated with the protected person (22 Members). Prohibitions on general harassment or molestation / annoyance of the protected person was also commonly reported (19 and 18 Members, respectively), as was the case in the 2012 Questionnaire.⁷¹ In terms of what provisions of foreign protection orders could be recognised and enforced nationally, Members largely reported the same provisions which were enforced under national law.⁷²

48. The three most common provisions found in protection orders (*i.e.*, prohibitions on contact / communication, “staying away” from the intended protected person, and not coming within a distance of a certain place associated with the protected person) are found in recent Canadian legislative work on the recognition and enforcement of foreign protection orders, as well as in recent instruments within the European Union.⁷³ This set of prohibitions could form the core provisions to be recognised and enforced as part of an international scheme. The potential inclusion of general prohibitions of harassment / molestation of the intended protected person could additionally be explored, as these prohibitions are also very commonly reported.⁷⁴

g) Behaviours addressed by protection orders⁷⁵

49. As found in the 2012 Questionnaire, Members reported a range of harmful or criminal behaviours in response to which protection orders are put in place, including domestic and family violence (23 Members), sexual assault (22 Members), dating violence (18 Members), stalking (18 Members), forced marriage (12 Members), so-called “honour crimes” (14 Members), human trafficking (13 Members), other general or criminal behaviour (14 Members), and / or other behaviours / situations (14 Members). In relation to “other behaviours / situations,” Members specified that protection orders could be established, for example, for “any dangerous situation for the victim,” in relation to “molestation” which may not include violence or threats of violence, for acts which “seriously and directly endanger the

⁶⁸ See the response of the European Union to the Draft Country Profile (at p. 4), available on the Hague Conference website (*supra*, note 41) and under VAWA in the United States of America (*supra*, note 50).

⁶⁹ Conclusion and Recommendation No 14 of the 2014 Experts’ Group (*supra*, note 4, at p. 7; see also at p. 17).

⁷⁰ See Part V, Section 3 of the Draft Country Profile.

⁷¹ Members also reported prohibitions on disseminating data / photos of the protected person, possession of weapons, behaviours at the discretion of the judge, encouraging others to engage in certain behaviours toward the protected person and also supplementary matters not directly related to the immediate safety of the protected person, such as temporary child custody or maintenance orders, etc. For a summary of the range of provisions which may be included in a protection order, see Prel. Doc. No 4 B of March 2013 (*supra*, note 4), at pp. 8-9.

⁷² See Part IV, Section 5 of the Draft Country Profile.

⁷³ The *Uniform Enforcement of Canadian Judgments and Decrees Amendment Act, 2011* (the “Uniform Act”), Section 9.1, and the 2013 EU Regulation, Art. 3 (*supra*, note 50).

⁷⁴ The Canadian Uniform Act, *ibid.*, includes prohibitions on “engaging in molesting, harassing or threatening conduct directed at a specified person” (Section 9.1 (d)).

⁷⁵ See Part V, Section 3.5 of the Draft Country Profile.

dignity, life, right of sexual self-determination, physical and psychological health of a victim,” and in relation to “any action related [to] physical, economic, emotional [or] sexual violence.”

50. As evident in the information presented in Part I of this document (see also Appendices I and IV) the issues addressed by protection orders are seen as requiring significantly more attention in cross-border circumstances, due to the reality of global mobility of persons and / or the strong international dimensions that can form part of various issues such as human trafficking, forced marriage and FGM.⁷⁶ Nevertheless, protection orders addressing general threats to life, liberty and dignity need not be excluded from the purview of any future international work, as underlined by the scope of recent European Union instruments.⁷⁷ Further international work in this area could establish effective international collaboration and a set of common international minimum standards of victim protection,⁷⁸ supporting a range of already established, significant international commitments and declarations which have been given the very highest priority.⁷⁹

h) Support services for victims⁸⁰

51. Many Members (20) responded affirmatively⁸¹ as to the availability of support services for victims of domestic violence or other crimes / behaviours in their State, via various governmental and non-governmental agencies or institutions, with some services available to non-nationals / non-residents, depending on the criteria of specific services or programs.

52. As evidenced by the data submitted in the Draft Country Profile and from NGO actors (see Part I of this document) a range of robust support services for victims already exist in many countries. International work in this area could assist in ensuring that this network of victim services be made more accessible to relevant persons in cross-border circumstances, for example, through a national contact point or Central Authority assisting with rapid referrals and other effective co-operation.⁸²

⁷⁶ See also comments of the 2014 Experts' Group regarding the “Policy rationale for potential future works,” Prel. Doc. No 4 A of March 2014 (*supra*, note 4), at pp. 11-15.

⁷⁷ See recitals (para. 6) of the EU 2013 Regulation (*supra*, note 50).

⁷⁸ See the comments of the 2014 Experts' Group in this respect; Conclusion and Recommendation Nos 4 and 16 (*supra*, note 4, at pp. 5 and 7).

⁷⁹ *E.g.*, see provisions on ensuring the physical safety and the safe repatriation of victims of trafficking (Arts 6 and 8) in the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, 15 November 2000. See also, *e.g.*, UN General Assembly, *Report of the Independent Expert of the United Nations Study on Violence against Children* (A/61/299; 29 August 2006), UN General Assembly, *In-Depth Study on All Forms of Violence against Women: Report of the Secretary General* (A/61/122/Add.1; 6 July 2006), Art. 4 (c and d) of the UN General Assembly *Declaration on Elimination of Violence against Women* (A/RES/48/104; 20 December 1993), and also *Report of the Special Rapporteur on violence against women, its causes and consequences*, Commission on Human Rights (Integration of the Human Rights of Women and the Gender Perspective: Violence against Women), “The Due Diligence Standard as a tool for the Elimination of Violence against Women” (E/CN.4/2006/61; 20 January 2006), mentioning restraining and protection orders at pp. 11-12, the UN General Assembly *Resolution on Intensifying global efforts for the elimination of female genital mutilations* (A/RES/67/146) (20 December 2012), etc. See also the obligations incumbent upon States Parties to the Council of Europe Istanbul Convention (*supra*, note 9).

⁸⁰ See Part V, Section 9.3 and Annex I of the Draft Country Profile.

⁸¹ No Members reported that such services currently did not exist.

⁸² Prel. Doc. No 4 A of March 2014 (*supra*, note 4), Conclusion and Recommendation No 24 (at p. 8).

CONCLUSION: RECOMMENDED NEXT STEPS

53. In accordance with the 2014 Council mandate,⁸³ the Permanent Bureau suggests a reconvening of the Experts' Group, in expanded form⁸⁴ in the course of 2015, now with the benefit of statistical information / NGO / expert input and additional information on comparative law. Further topics of discussion for another meeting of the Experts' Group include, *inter alia*, those issues delineated above and could include the elaboration of more concrete recommendations to the 2016 Council as to the form and substance of a possible new international instrument in this area.

⁸³ *Supra*, para. 28.

⁸⁴ Adding additional geographic diversity and additional independent experts to the Group. See Annex I of the Report of the Experts' Group for a list of attendees at the 2014 Experts' Group (*supra*, note 4).

APPENDICES / ANNEXES

**Appendix I:
Narrative summary of types of international cases reported
(Question 6 of the NGO / expert Questionnaire)¹**

Domestic and family violence

1. Cross-border issues of domestic and family violence were very frequently cited in the examples given. For example, “[f]oreign women who have suffered domestic violence want to return to their country, for holidays or definitely, often with their children,” was cited as one common scenario, and also that “victims flee both to and from this jurisdiction when they are seeking safety.” One respondent noted a pattern where a perpetrator may move the family to another State where the services or protection provided in the new State will have an impact on the family, or a pattern of “[v]ictims who are migrant[s] marrying perpetrators from another country” (resulting in cross-cultural marriages tied to two or more countries). In such cross-border scenarios, “[s]ome clients fear retaliation in their home country, or the children are still in the home country.”

2. Respondents noted that women victims of domestic violence moving to and from their country in cases such as those described above are not able to have their protection orders valid or enforceable in foreign jurisdictions (e.g., “[w]omen moving to and from [State A] and orders not being valid in other jurisdictions,” “[p]rotection order issued in this country not enforceable in country of origin; foreign [S]tate does not recognize / acknowledge jurisdiction of issuing [S]tate”). Several respondents noted that in border regions this issue could arise with particular frequency and gave rise to intensified vulnerability.²

3. Immigration status issues were also mentioned as giving rise to increased vulnerabilities for victims of domestic violence, for example, if a victim’s status is “dependent [on a] spousal visa [...] with no right to remain in [her] own right - and no right to social welfare payments and any other state help - including emergency refuge.” Also mentioned were situations of abused “mail-order brides” from abroad or “South American woman and Eastern European woman who were brought to the [United] States by an American husband who then abused her and threatened divorce and deportation.”

4. Respondents to the Questionnaire also frequently noted international child custody issues at play in cross-border scenarios of domestic or family violence. For example:

“One typical scenario is a DV [domestic violence] survivor who tries to flee the abusive spouse and takes the children to the home country. Spouse then sues / files criminal complaint for child abduction. Or the abusive spouse takes the children and goes back to the home country thereby depriving the DV survivor of access to the children. Another scenario is where the abusive spouse will threaten the DV survivor with harm should the DV victim attempt to leave him and go back to her country of origin.”

“A survivor of violence either removes or relocates with her child from country A and is pursued by the perpetrator of violence in country B.”

¹ It should be noted that the categories of harmful behaviours described in this summary often overlap in the examples of international cases given. Readers are invited also to read the range of original submissions from those completing the Questionnaire which give more detail and additional examples, found in Appendix IV. The Questionnaire itself is reproduced in Appendix V.

² Examples of border areas noted by particular respondents included those between the United States of America and Mexico and Canada, and between Bangladesh and India. For example: “Arizona is a border state, we often assist victims of domestic violence who move to Mexico and continue to fear the perpetrator.”

5. Other respondents similarly noted issues of children / child custody being used as an instrument of abuse or a bargaining chip in cross-border circumstances, through threatened and actual international abduction of children, or, on the other hand, abused “[w]omen not being allowed to move and having to remain in [a country] because of children.” One organisation noted: “We are receiving an increasing number of desperate calls / e-mails from mothers who are seeking safety for themselves and their children away from the father who is abusive, and who have crossed [S]tate lines to do so. Most of these involve Hague Convention³ litigation but not all.”

Harassment, stalking and intimidation

6. Organisations / experts reported scenarios of cross-border harassment and stalking and noted deficits in the current legal order to address such scenarios. For example, in the domestic and family violence context: “we also see threats against the victim's family members abroad by the abuser to get the victim to drop criminal or civil charges against the abuser. In those situations, the victims feel powerless because the U.S. courts do not have jurisdiction to extend protection to their family members abroad. We have also seen abusive partners be deported to their home countries and then return to the U.S. to continue to assault / intimidate the victim [...]” Another organisation likewise noted examples of a “perpetrator’s family harassing victim’s family in [the] country of origin.”

7. Other organisations noted scenarios of stalking across international boundaries, for example, “[a] husband stalked [his wife] back to her home country in one case. She had to go to yet another country. In another case, a woman left the USA but knew he'd follow.” Another organisation noted:

“We have clients who have been attacked and even disfigured by abusers in one country and they have fled to another country. The abuser stalks them, cyber stalks them and threatens to come into the country to which the victim has fled. We have sought help in trying to get protection orders in one country which would be effective no matter which country the abuser is in and it would be more helpful if the stalking order would bar entry into the country in which the victim has sought asylum.”

Human trafficking

8. A large number of organisations gave details about the cross-border trafficking cases they handle. An organisation in Cambodia noted that they have dealt with cross-border cases of “human trafficking and labour exploitation” in relation to Thailand and Singapore, while an organisation based in West Bengal, India, noted many cases with Bangladesh, in particular in relation to forced prostitution and forced labour. An organisation based in Guatemala noted scenarios of trafficking victims who have been repatriated to Central American countries and are afraid of being tracked down by traffickers.

9. General scenarios that organisations / experts noted in the context of human trafficking amongst a range of countries included trafficking in women and girls in particular, for example, “where girl[s] and women are trafficked for the purpose of sexual exploitation” or where women are “brought [into a given State] by their 'husbands' to work in [the] sex industry, and with no rights of their own, [and are in that State] illegally.”⁴ Another scenario reported was a victim being

³ The *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.

⁴ One organisation also noted: “Trafficking in human [THB] beings has various forms and young adults are the vulnerable group in Estonia. THB patterns have changed; there is more manipulation for getting free choice by adult (young) persons (mostly women). For example, young adults are ready to marry with [a] non-EU citizen. Jobs like

“smuggled into the country but the smuggling situation turned into a trafficking situation” and the “traffickers were from [the] victim’s home town” and therefore there was a “risk in returning” to the country of origin.

Forced marriage

10. A range of organisations noted cross-border situations involving forced marriages, for example, girls being taken on “vacation” to get married or “a parent [...] remov[ing] a child to country B for the purpose of expediting a forced marriage,” relying on the influence of the extended family in the foreign country of origin. Another organisation reported that “[t]he main scenario is the abduction of girls / young women: if families think a girl / young woman endangers their reputation / family honour (by arguing, by having a boyfriend, by running away) they bring her to the country of origin and leave her with relatives there or force her to marry; [o]ften these girls vanish without a trace [and] [s]ome of them might even be murdered.” One respondent noted that some women and girls are being trafficked across borders for the purpose of forced marriage.

Female genital mutilation (FGM)

11. A number of organisations / experts reported scenarios where women or girls (or women and girls, e.g., a “mother and two daughters”) are taken across borders to carry out FGM, for example to a country / family of origin. One expert noted a scenario where “[p]arents brought at least one of their [daughters] to neighbouring Mali shortly after the ban of FGM in Burkina Faso.”

So-called “honour” crimes

12. Several organisations reported common scenarios of “honour-related crimes” or “honour-based violence” as a relevant type of cross-border case they were dealing with, with perpetrators relying, for example, on the influence of a family abroad (e.g., in a country of origin for recent immigrant populations).

Sexual assault and general violence against women

13. In addition to domestic and family violence, a number of organisations reported cross-border scenarios of general sexual assault and violence against women. One noted that they deal with cases of “women from Latin America who are victims of sexual assault and [the organisation] ha[s] no way of issuing a protection order that will be recognized in their country.”

14. Another organisation noted that: “Increasingly, women we support are foreign survivors of violence. Some ask for support to return to their countries and others to move to different countries. [...] [Common scenarios include] [w]omen who have survived violence and have been taken to other countries because their lives were at risk and are afraid of being tracked down by the aggressor or his family [as well as] foreign women who face violence and seek support to return to their country of origin.”

hostess, strip dancer, etc., are often connected with forced prostitution. Estonia has several programs for awareness raising and informing young people.”

**Appendix II:
Most common countries and regions reported**

Country / jurisdiction where organisation or expert based	Most common foreign countries or regions with which cross-border cases have a connection
Australia	New Zealand, other English-speaking countries such as Canada, the United Kingdom, the United States and countries in Europe, and increasingly India, Japan, and countries in the Asia-Pacific region
Belgium	Bulgaria, Morocco, Poland, Romania, Turkey, former USSR States; and, increasingly (East-) African countries, etc. (about 127 nationalities total)
Brazil	Italy
Cambodia	Southeast Asia
Canada	Australia, Israel, New Zealand, United Kingdom, United States of America, Western Europe
Colombia	Italy, Spain, some countries in Asia
Croatia	Albania, Bosnia and Herzegovina, Serbia
Democratic Republic of Congo	Angola, Burundi, Congo-Brazzaville, Egypt, Israel, Libya, Rwanda, South Sudan, Syria, Uganda
Estonia	Afghanistan, Belarus, Georgia, Russian Federation, Ukraine, Viet Nam
Germany	Most common: Albania, France, Iraq, Lebanon, Pakistan, Serbia, Turkey; less common: Algeria, Ghana, Libya, Sudan, Syria, Tunisia
Guatemala	Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Spain, the United States of America; Central America and South America
India	Bangladesh
Ireland	India, Nigeria, Poland, Russian Federation, United Kingdom
Luxembourg	Belgium, Cabo Verde, France, Germany, Portugal
Mexico	United States of America
Netherlands	Afghanistan, Iran, Iraq
New Zealand	Burma, Colombia, Fiji (ethnic Indian), India, Kiribati, Pakistan, Samoa, Tonga, Tuvalu, Southeast Asia
Nigeria	United States of America and Canada
Norway	Guatemala, India, Italy, Mexico, Nepal, Nigeria, the United States of America
Puerto Rico (USA)	Colombia, Dominican Republic, Mexico, Nicaragua
Romania	Iran, Iraq
Serbia	Mostly European countries
Slovenia	Russian Federation, countries of the former Yugoslavia
South Africa	Brazil, India, Indonesia, Ivory Coast, the United States of America, the United Kingdom and much of Europe
United States of America	<p>Countries: Bangladesh, Canada, Central African Republic, Chile, China, Colombia, El Salvador, Ethiopia, Fiji, Ghana, Guatemala, Honduras, India, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Mauritania, Mexico (most common), Mongolia, Nicaragua, Pakistan, the Philippines, Russian Federation, Rwanda, Senegal, Sweden, Uganda, United Kingdom, Ukraine</p> <p>Regions: Africa, Asia, Caribbean, Central and South America, Eastern Europe, Europe, Middle East and North Africa</p>

**Appendix III:
Organisations / experts submitting data**

	Name of organisation / expert	Country / countries where based	Website of organisation, if applicable
1	10th Judicial District State of Colorado	United States of America (USA)	www.courts.state.co.us
2	Americans Overseas Domestic Violence Crisis Center / Sexual Assault Support and Help for Americans Abroad Program (SASHAA)	USA / International	www.866uswomen.org
3	Anais Association	Romania	www.asociatia-anais.ro
4	Anglo-Congolese Alliance (ACA)	Democratic Republic of Congo	–
5	Antwerp (Province of)	Belgium	www.provant.be
6	Arab-American Family Support	USA	www.aafscny.org
7	Arizona Department of Corrections, Victim Services	USA	www.azcorrections.gov
8	Asociación de Mujeres Gente Nueva (AMUGEN)	Guatemala	–
9	Asociación de Trabajadoras del Hogar a Domicilio y de Maquila (ATRAHDOM)	Guatemala	www.atraahdom.org
10	Association for Nonviolent Communication	Slovenia	www.drustvo-dnk.si/
11	Association for Progressive Communications	South Africa	www.apc.org
12	Autonomous Women's Centre (AWC)	Serbia	www.womenngo.org.rs
13	Ayuda	USA	www.ayuda.com
14	Bay Area Legal Aid	USA	www.baylegal.org
15	Berlin Initiative Against Violence Towards Women	Germany	www.big-berlin.info
16	Católicas pelo Direito a Decidir	Brazil	www.catolicas.org.br
17	Center for Family Services	USA	www.centerffs.org
18	Chari Congo	Democratic Republic of Congo	–
19	Circle of Hope	USA	www.qacircleofhope.org
20	City of Apache Junction, City Attorney's Office	USA	–
21	City Bar Justice Center	USA	www.citybarjusticecenter.org
22	City of Phoenix Family Advocacy Center	USA	www.phoenix.gov
23	Convergencia Ciudadana de Mujeres	Guatemala	www.convergemujeeres.org.gt
24	DNA-People's Legal Services, Inc.	Navajo Nation (USA)	www.dnalegalservices.org
25	Domestic Violence and Women's Rights Clinic at the State University of New York at Buffalo Law School	USA	www.law.buffalo.edu
26	Domestic Violence Legal Empowerment and Appeals Project (DV LEAP)	USA	www.dvleap.org
27	Echoes of Women in Africa Initiative	Nigeria	www.ecowaworld.org
28	End Domestic Abuse WI	USA	www.endabusewi.org
29	Family & Community Resources	USA	www.fcr-ma.org
30	Family Crisis Services (Respondent 1)	USA	www.familycrisis.org
31	Family Crisis Services (Respondent 2)	USA	www.familycrisis.org
32	Family Crisis Services (Respondent 3)	USA	www.familycrisis.org
33	Family Crisis Services (Respondent 4)	USA	www.familycrisis.org
34	Family Violence Prevention Services (Respondent 1)	USA	www.fvps.org
35	Family Violence Prevention Services (Respondent 2)	USA	www.fvps.org
36	Federation of American Women's Clubs Overseas (FAWCO)	International	www.fawco.org

37	Femmes en détresse A.S.B.L.	Luxembourg	www.fed.lu
38	FOKUS - Forum for Women and Development	Norway	www.fokuskvinner.no
39	Freiburger Interventionsprojekt gegen Häusliche Gewalt	Germany	www.frig-freiburg.de
40	Grupo Guatemalteco de Mujeres, GGM	Guatemala	www.ggm.org.gt
41	Hope and Justice Project	USA	www.hopeandjusticeproject.org
42	Independent expert (academic)	Mexico	–
43	Independent expert (academic & lawyer)	Netherlands	–
44	International Social Service (ISS), Australia	Australia	www.iss.org.au
45	Jewish Family and Children's Services	USA	www.jfcstucson.org
46	John Jay Legal Services, Inc.	USA	–
47	Kansas Coalition Against Sexual and Domestic Violence (KCSDV)	USA	www.kcsdv.org
48	La Posada Home TLC	USA	www.posadahome.org
49	Lake Havasu City Attorney's Office Victim Assistance Program	USA	www.lhcaz.gov/attorney/victimAdvocate.html
50	Lakin Correction Center and WV Parole Services	USA	–
51	Legal Aid of NC (Respondent 1)	USA	www.legalaidnc.org
52	Legal Aid of NC (Respondent 2)	USA	www.legalaidnc.org
53	Legal Support for Children and Women	Cambodia	www.lscw.org
54	Leitana Nehan Women's Development Agency	Papua New Guinea	www.leitananehan.com
55	Les anges du ciel	Democratic Republic of Congo	www.societecivile.cd
56	Manavi	USA	www.manavi.org
57	Micaela Deming, Esq. LLC	USA	www.demingesq.com
58	Ministry of Justice	New Zealand	–
59	Minnesota Coalition for Battered Women	USA	www.mcbw
60	My Sisters' Place	USA	www.mspny.org
61	New Mexico Legal Aid, Inc.	USA	www.nmlegalaid.org
62	Núcleo de Enfrentamento à Violência Doméstica e Familiar contra a Mulher (Public Ministry)	Brazil	www.mppa.mp.br
63	Oficina de la Mujer Municipal	Guatemala	–
64	Oficina de la Procuradora de las Mujeres	Puerto Rico (USA)	www.mujer.pr.gov
65	ONU Mujeres	Colombia	www.unwomen.org
66	OÜ Laas & Laas	Estonia	–
67	Pacific Health & Wellbeing Collective	New Zealand	–
68	Papatya / Turkish-German Women's Association	Germany	www.papatya.org
69	Personal Advocate	USA	–
70	Persons Against Non-State Torture	Canada	www.nonstatetorture.org
71	Scott County Women's Shelter	USA	www.scottcountywomensshelter.org
72	Sociedad Civil	Guatemala	www.usac.edu.gt
73	South Kolkata Sannidhya	India	www.southkolkatasannidhya.blogspot.nl

74	Stepping Stones Agencies	USA	www.SteppingStonesAZ.org
75	The Legal Aid Society	USA	www.legal-aid.org
76	The Salvation Army	USA	–
77	Time Out, Inc.	USA	www.timeoutshelter.org
78	University of New Orleans Police Department	USA	www.uno.edu
79	University of Vienna	Austria / Burkina Faso	www.univie.ac.at/ksa
80	Verde Valley Sanctuary	USA	www.verdevalleysanctuary.org
81	Violence Against Women 365 International Poster Exhibition	Ireland	www.dvposters365.et
82	Women's Aid	Ireland	www.womensaid.ie
83	Women's Refuge	New Zealand	www.womensrefuge.org.nz
84	Women's Room	Croatia	www.zenskasoba.hr
85	Working Group on Girls	United Nations	–

Appendix IV:
Types of international cases /scenarios reported

	Name of Organisation / Expert	Description of the types of cases and scenarios encountered
1	10th Judicial District State of Colorado (USA)	"Restraining orders, child custody and divorce cases involving foreign nationals [...]"
2	Americans overseas Domestic Violence Crisis Center / Sexual Assault Support and Help for Americans Abroad Program (SASHAA) (USA / International)	<p>"We have clients who have been attacked and even disfigured by abusers in one country and they have fled to another country. The abuser stalks them, cyber stalks them and threatens to come into the country to which the victim has fled. We have sought help in trying to get protection orders in one country which would be effective no matter which country the abuser is in and it would be more helpful if the stalking order would bar entry [of the perpetrator] into the country in which the victim has sought asylum."</p> <p>"We often help victims of abuse who flee across borders to escape violence, stalking etc. We have victims who have been disfigured by a batterer and the abuser stalks them to the country where they threaten to kill them. We have clients who are cyberstalked."</p> <p>"We [have] several current clients who are seeking help for protection orders both from American abusers and from international abusers who have stalked them across borders and they are seeking options to either prevent the abusers from entering the country in which they have sought asylum, or they want enforcement across borders. There is a problem with some agencies not feeling as though they have jurisdiction to issue international stalking orders. We will need either local agencies to honor orders issued by the country of asylum and to help provide service, or the stalking order will need to be a deterrent to passing through customs in the country in which the victim has sought asylum."</p>
5	Antwerp, Province of (Belgium)	<p>"1. In partner violence and family violence, the families move to another country where the services have an impact on the family (perpetrator moves the family). 2. Victims have no papers and stay illegally and dependent on the perpetrator. 3. Forced marriages: with lot of influence of family in the country of origin, and girls going on "vacation" to get married. 4. Honour-related crimes: influence of family abroad. 5. Victims who are migrants marrying perpetrators from another country (cross-cultural). 6. FGM: country / family of origin."</p>
6	Arab-American Family Support (USA)	"One typical scenario is a DV [domestic violence] survivor who tries to flee the abusive spouse and takes the children to the home country. Spouse then sues / files criminal complaint for child abduction. OR the abusive spouse takes the children and goes back to the home country thereby depriving the DV survivor of access to the children. Another scenario is where the abusive spouse will threaten the DV survivor with harm should the DV victim attempt to leave him and go back to her country of origin."
7	Arizona Department of Corrections, Victim Services (USA)	"We have had several stalking and DV [domestic violence] victims who either were moving out of state or out of country and were concerned about their safety and were concerned about the safety of an OOP [order of protection] out of the country."
10	Association for Nonviolent Communication (Slovenia)	"We [have] had few cases of victims, who were experiencing violence in their country of origin and ran away because of domestic violence- and were then seeking international protection in Slovenia." [Noting that victims in cross-border cases are usually referred to other organisations in Slovenia.]

11	Association for Progressive Communications (South Africa)	"Many of our cases have an international dimension due to the nature of the internet. Women are frequently stalked, harassed and blackmailed online by people in other countries, and law enforcement has no solutions for them. People write us all the time about law enforcement not taking their case seriously because the authorities find it unlikely that an abuser living in another state or country would travel to do physical harm. They neglect to see that the victim is already experiencing real harm."
12	Autonomous Women's Centre (AWC) (Serbia)	"1. Roma woman, former forced child bride, that was victim of DV [domestic violence] in Sweden was, in accordance with re-admission, returned to Serbia while she was still in a safe house in Sweden, and perpetrator, Swedish national, that was born in Serbia was often coming to Serbia, and continued to threaten her by telephone and Skype calls from Sweden that he would [kidnap] mutual minor daughter and sell her to marriage. 2. Foreign women that reside in Serbia on account of marriage or extramarital partnership cannot gain their residential status on account that they are / were victims of DV."
13	Ayuda (USA)	"Virtually all of Ayuda's cases have a cross-border / international dimension. For example: Individuals who come to the U.S. seeking asylum or relief due to domestic violence, sexual assault, trafficking, FGM [Female Genital Mutilation], forced marriage, persecution, etc., in their home countries and in the United States. In the domestic violence / family context, we see a lot of threats of international kidnapping of children to countries that the other parent does not have access to. We also see threats against the victim's family members abroad by the abuser to get the victim to drop criminal or civil charges against the abuser. In those situations, the victims feel powerless because the U.S. courts do not have jurisdiction to extend protection to their family members abroad. We have also seen abusive partners be deported to their home countries and then return to the U.S. to continue to assault / intimidate the victim whose report made the abuser removable to his / her home country."
14	Bay Area Legal Aid (USA)	"Victim moves to another State and needs the order to protect him / her in the other State as well. Victim has custody orders which are used as garb to continue harassment and abusive behavior." "The issue is that a lot of our immigrant clients wish to travel, have travelled and / or were living elsewhere before coming to [Northern California]. The economic downturn makes it impossible for low income clients to make ends meet in the bay area so they intend to move or they receive favorable job offers elsewhere and are afraid to move due to uncertainty about their safety or pending court orders that give visitation to the abuser."
19	Circle of Hope (USA)	"Protection order issued in this country not enforceable in country of origin; foreign State does not recognize / acknowledge jurisdiction of issuing State; parental kidnapping."
21	City Bar Justice Center (USA)	"We do asylum, human trafficking, family reunification and other legal services in this area where there are often cross-border issues."
23	Convergencia Ciudadana de Mujeres (Guatemala)	"Because of awareness of these types of situations [<i>i.e.</i> , cross-border cases] a law for the urgent search for disappeared women was proposed. We know cases of women who have been found dead. They were presumably foreign and they have not been identified. In Mexico, for example, it is believed that the women were from Central America. In Guatemala, there are cases of women from neighbouring States who have been murdered here, women who were victims of violence in Honduras and who resorted to health services in Guatemala, or women from Guatemala who were victims of violence here at the hands their partners and who go to El Salvador to receive medical attention. We know officials are frustrated because borders limit the reach of their actions. They say crime knows no borders, but justice does." (Courtesy translation) Spanish original: " <i>Derivado de este conocimiento se propuso la aprobación de la Ley de Búsqueda Inmediata de Mujeres Desaparecidas. Hemos conocido de cuerpos de mujeres fallecidas que no han sido identificadas y</i> "

		<i>que se presume son de otro país, por ejemplo, en México se cree que los cuerpos son de centroamericanas, en Guatemala se sabe de casos de mujeres de los estados vecinos que han sido asesinadas aquí, de mujeres agredidas en Honduras y que han pedido servicio de atención en salud en Guatemala, o mujeres de Guatemala agredidas aquí por la pareja que se van a El Salvador para ser atendidas. Conocemos la frustración de los funcionarios porque la frontera es el muro que limita sus acciones, dicen que la delincuencia no tiene fronteras pero la justicia sí."</i>
24	DNA-People's Legal Services, Inc. (Navajo Nation, USA)	"We've had clients transported to another country to be forced into a marriage then returned to the United States. We've also had clients who were victims of domestic violence in another country who have come to the United States to escape their abuser. We've had cases where the abuser is removed from the country and the victim fears the abuser may return."
25	Domestic Violence and Women's Rights Clinic at the State University of New York at Buffalo Law School (USA)	"This is most likely to happen in some of the trafficking cases, but Buffalo is close to the Canadian border so it's possible there could be some spill over in the domestic violence context as well."
26	Domestic Violence Legal Empowerment and Appeals Project (DV LEAP) (USA)	"We are receiving an increasing number of desperate calls / emails from mothers who are seeking safety for themselves and their children away from the father who is abusive, and who have crossed State lines to do so. Most of these involve Hague [1980] Convention litigation but not all."
28	End Domestic Abuse WI (USA)	"Our agencies work with a lot of immigrant victims of violence and trafficking."
29	Family & Community Resources (USA)	"South American woman and Eastern European woman who were brought to the States by an American husband who then abused her and threatened divorce and deportation."
30	Family Crisis Services (Respondent 1) (USA)	"[A] husband stalked [his wife] back to her home country in one case. She had to go to yet another country. In another case, a woman left the USA but knew he'd follow her (both non-trafficking cases). Stalking across state lines and then international borders."
32	Family Crisis Services (Respondent 3) (USA)	"Women from Africa who come to the U.S. [...]"
33	Family Crisis Services (Respondent 4) (USA)	"We frequently work with women that are in this country from foreign lands, who have escaped their abusers and are looking for Protection Orders through the court system. The number of women looking for this protection from other countries is increasing. We also work with victims of human trafficking and forced marriage."
34	Family Violence Prevention Services (Respondent 1) (USA)	"We have several clients per year who access our service for assistance with VAWA [the Violence Against Women Act] and self-petitioning for citizenship. Most of the foreign nationals we work with are from Mexico; however, some are from Russia, Kenya, and China."
35	Family Violence Prevention Services (Respondent 2) (USA)	<p>"I have seen cases where the abuser controls the other person by threatening to take the children so that she never sees them again if she leaves or files a claim against him. [A case of one] person act[ing] on the threat: he took the children, crossed the border and hid them. After some years and with the help of an international agency, the children were found, the abuser taken to court, but in vain: the laws of the other country did not favor the victim and she was left without her children, had no resources to try to get them back and he threatened her by saying that if she went to get them her life was in danger." (Courtesy translation)</p> <p>Spanish original: "He visto casos donde la persona abusiva tiene controla a otra bajo amenaza de que si lo deja o lo denuncia , le quitara a sus hijos y no los vera mas. Esta persona le cumplio la amenaza, secuestro a sus hijos cruzo la frontera y los escondio, despues de algunos anos y con ayuda de una agencia internacional los encotro, lo llevaron a corte, pero fue en vano, las leyes del otro pais no favorecieron a la victima y ella se quedo sin sus hijos, no tenia recursos para ir por ellos, y la amenazaba que si hiba por ellos su vida estaba en riesgo."</p>

36	Federation of American Women's Clubs Overseas (FAWCO) (Global)	"One of our members heads a FAWCO effort through the organization she founded AODVC [Americans Overseas Domestic Violence Crisis Center] in the US. She [...] personally experienced this. Her organization offers legal and logistical help to women around the world trapped in similar situations."
37	Femmes en Détresse A.S.B.L. (Luxembourg)	"Foreign women who have suffered domestic violence want to return to their country, for holidays or definitely, often with their children."
38	FOKUS - Forum for Women and Development (Norway)	"Trafficking in women: most of the cases of trafficking we work with are cross-border, where girls and women are trafficked for the purpose of sexual exploitation. FGM [female genital mutilation]: e.g., women being taken across borders to carry out FGM."
39	Freiburger Interventionsprojekt gegen Häusliche Gewalt (Germany)	"In cases of domestic violence when a woman wants to move to France or from France to Germany and wants to be protected against the perpetrator."
40	Grupo Guatemalteco de Mujeres (GGM) (Guatemala)	<p>"Increasingly, women we support are foreign survivors of violence. Some ask for support to return to their countries and others to move to different countries. [...] [Common scenarios include] [w]omen who have survived violence and have been taken to other countries because their lives were at risk and are afraid of being tracked down by the aggressor or his family. Trafficking victims who have been repatriated to Central American countries and are afraid of being tracked down by traffickers. Foreign women who face violence and seek support to return to their country of origin." (Courtesy translation.)</p> <p>Spanish original: "Cada vez son más, las mujeres que apoyamos, extranjeras, que son sobrevivientes de violencia. Algunas solicitan apoyo para regresar a sus países y otras para moverse a países diferentes. [...] Mujeres sobrevivientes de violencia que han sido trasladadas a otros países porque su vida corre riesgo y temen ser localizadas por el victimario o sus familiares. Víctimas de trata repatriadas a países centroamericanos que temen ser localizadas por sus tratantes. Mujeres extranjeras que enfrentan violencia y piden apoyo para regresar a sus países de origen."</p>
41	Hope and Justice Project (USA)	"Victims have family, work, shop and bring kids to Canada for recreation. While in Canada victims with USA protection orders are not getting assistance from Canadian Police when orders are violated. USA victims must have U.S. border patrol serve Canadian abusers with court documents when abuser tries to enter the USA: Victims are often told they are not allowed to cross the border with their children if they do not have the other parent's permission. Victims are threatened by abusers with dual citizenship, that they will take their children to Canada and never come back. One victim had her abuser use USA border patrol to further victimize her. The abuser lived in the USA, the victim lived in Canada. The abuser filed all court documents relating to custody in the USA. Whenever they had a court [date] scheduled, he would call the USA border patrol, lie to them on the reasons she was entering the USA Which led to the USA border patrol stopping and detaining her, making her not show up for court matters."
42	Independent expert (academic) (Mexico)	<p>"Mexican women who lived in the USA and now live close to the Mexican border, in Sonora state counties, whose ex-husbands have dual nationality and can go to Mexico to take the children. These women have difficulties in obtaining legal assistance, to file for protection orders in Sonora state, Mexico." (Courtesy translation)</p> <p>Spanish original: "Mujeres mexicanas que vivían en Estados Unidos de Norteamérica y que ahora residen en la zona de la frontera con México, en municipios del Estado de Sonora. Cuyos ex-maridos poseen la doble nacionalidad y pueden ingresar a México, para llevarse a los hijos. Estas mujeres tienen dificultades para acceder a asesoría legal, para tramitar órdenes de protección en el Estado de Sonora, México."</p>

43	Independent expert (academic & lawyer) (Netherlands)	<p>"1) A young Dutch / Iranian lady was a victim of domestic violence in Iran, she moved to NL [The Netherlands] and applied for partner's residence. Here she was even more harmed and threatened, police was involved but young lady was not fully protected. The danger remained till man had to leave NL. [...]</p> <p>4) A Dutch-Iranian lady was threatened by a young Iranian (refugee) man and his (Iranian) father when she asked for return of her loan.</p> <p>5) A number of Dutch-Iranian young ladies being scammed by young Dutch-Iranian / refugee men. The asked sum as loan were considerable. The later denied, or said that they do not have money, but frightened ladies. [I]n all scenarios cultural moralities were misused against ladies."</p>
44	International Social Service (ISS) Australia (Australia)	"A survivor of violence either removes or relocates with her child from country A and is pursued by the perpetrator of violence in country B; or a parent may remove a child to country B for the purpose of expediting a forced marriage."
45	Jewish Family and Children's Services (USA)	"Children who were abused in Mexico or in another state. Families who have moved to Arizona to get away from an abuser in a different state or in Mexico."
46	John Jay Legal Services, Inc. (USA)	"FGM [female genital mutilation] risk to mother and two daughters; DV [domestic violence] perpetrators in a different country; Trafficking victims when witnesses are outside the USA."
47	Kansas Coalition Against Sexual and Domestic Violence (KCSDV) (USA)	"Victims flee both to and from this jurisdiction when they are seeking safety. KCSDV programs assist them with protection orders, emergency shelter and immigration remedies such as crime victim visas, self-petitioning, human trafficking visa, and much more. KCSDV's immigration project has provided legal representation on all of these issues."
49	Lake Havasu City Attorney's Office Victim Assistance Program (USA)	"Arizona is a border State, we often assist victims of domestic violence who move to Mexico and continue to fear the perpetrator."
51	Legal Aid of NC (USA)	"The typical scenario is where the batterer takes the children to a foreign country, to further the abuse. [...] [A] client wanted a divorce and parties were separated. The abuser had the children for a weekend trip to the beach. Instead of returning the children, he took them to Saudi Arabia. Client could not get the children back, so she returned to the abuser (which is what he wanted in the first place)."
53	Legal Support for Children and Women (Cambodia)	"We used to work with Thailand and Singapore [on] human trafficking cases and labour exploitation."
56	Manavi (USA)	"Some of the scenarios encountered are: 1. Transnational abandonment; 2. False and malicious child kidnapping complaints; 3. Perpetrators evading arrest by fleeing to foreign countries; 4. Inadequate or no protection from perpetrator and his family in country of origin; 5. Perpetrator's family harassing victim's family in country of origin; 6. Loss of visa status by dependent victims when malicious divorce in foreign country; 7. No adequate alimony / compensation for abuse provided to victim by Court due to perpetrator sending / investing all money to country of origin."
58	Ministry of Justice (New Zealand)	"People coming from other countries in the Pacific region, committing crimes and then returning to their own countries. Most Pacific Island countries, India, and Islamic countries do not have the same stringent domestic violence laws that we have in New Zealand."
59	Minnesota Coalition for Battered Women (USA)	"We see continual cross-jurisdictional issues – state to state, tribe to state, as well as international issues."
60	My Sisters' Place (USA)	"We encounter abusers who threaten or take children to other countries or states without court permission or permission by our client."
61	New Mexico Legal Aid, Inc. (USA)	"Threatened and actual international abduction of children, other international custody disputes, domestic violence and stalking – both actual and threatened – across international borders."

62	Núcleo de Enfrentamento à Violência Doméstica e Familiar contra a Mulher (Public Ministry) (Brazil)	"Until today, we just have had one case [with an] international dimension. In this case, the Brazilian victim feels obliged to remain at Italy, suffering abuse from her partner."
63	Oficina de la Procuradora de las Mujeres (Puerto Rico)	<p>"Women from the Dominican Republic who are victims of domestic violence go to their country or to the U.S. and they need to have the order recognized. Or, women from Latin America who are victims of sexual assault and we have no way of issuing a protection order that will be recognized in their country." (Courtesy translation)</p> <p>Spanish original: <i>"Mujeres víctimas de violencia doméstica de la República Dominicana que se trasladan a su país o a los EU y necesitan validar su orden. O mujeres víctima de agresión sexual de Latinoamérica y no tenemos forma de que se le emita una orden de protección y su País la valide."</i></p>
66	OÜ Laas & Laas (Estonia)	"Trafficking in human beings [THB] has various forms and young adults are the vulnerable group in Estonia. THB patterns have changed; there is more manipulation for getting free choice by adult (young) persons (mostly women). For example, young adults are ready to marry non-EU citizen. Jobs like hostess, strip dancer, etc., are often connected with forced prostitution. Estonia has several programs for awareness-raising and informing young people."
67	Pacific Health & Wellbeing Collective (New Zealand)	"We have encountered a few scenarios in which the offending and harmful violent behaviours were presented in a foreign country and have only perpetuated with the move to New Zealand. Since there was no New Zealand record of offending, the harmful behaviours were not recognised by the New Zealand justice system and Child Protection Services until serious incidence had occurred."
68	Papatya / Turkish-German Women's Association (Germany)	"The main scenario is the abduction of girls / young women: if families think a girl / young woman endangers their reputation / family honour (by arguing, by having a boyfriend, by running away) they bring her to the country of origin and leave her with relatives there or force her to marry. Often these girls vanish without a trace. Some of them might even be murdered."
69	Personal Advocate (USA)	"Victim was smuggled into the country but the smuggling situation turned into a trafficking situation. Traffickers were from victim's home town. Risk in returning."
70	Persons Against Non-State Torture (Canada)	"Women have told us they fled their country, changed their names, and broke all contact with family and others they knew because of ongoing assaults, rapes, harassments, and stalking, etc. Several years ago we were contacted by a lawyer who was defending a young woman who fled her country and the lawyer wanted to understand her behaviours as well as understanding captivity that occurs in such non-State torture victimization environments where a child has been psychologically conditioned —'trained'— never to flee or tell. The lawyer won her case under trafficking. Perpetrators are from all walks of life, many are powerful so their reach is extensive."
72	Sociedad Civil (Guatemala)	<p>"Human trafficking, especially of women." (Courtesy translation)</p> <p>Spanish original: <i>Trata de personas, especialmente mujeres.</i></p>
73	South Kolkata Sannidhya (India)	"[In the context of a non-governmental organisation] I had to help [trafficked women and children] with counselling, repatriation / deportation of Bangladeshi Nationals [...] inside different jails in West Bengal. [...] Young girls of both the countries get married cross-border (often minor), and get caught while crossing the border. Many girls cross [the] border in search of [a] job, and get trafficked into the red-light areas of different states. They are trafficked into other fields like forced marriage, bonded labour, etc."

74	Stepping Stones Agencies (USA)	"Forced to stay with offender because she would have to leave children. Then when they get here, she and children come into shelter and we have attorneys who work to help them stay safe and legal."
75	The Legal Aid Society (USA)	"Some clients fear retaliation in their home country, or the children are still in the home country."
79	University of Vienna (Austria)	"Parents who brought at least one of their daughters to neighbouring Mali shortly after the ban of FGM [female genital mutilation] in Burkina Faso."
80	Verde Valley Sanctuary (USA)	"We have clients who relocate to another state (or come from another state) to get away from the abuser and are followed or required to return to the original state because of something that was filed in court in the original state (usually having to do with minor children). We also have helped mail-order brides from other countries, such as Russia, who become victims of abuse by their spouses. We also help undocumented aliens who are in fear of returning to their abuser in Mexico or are in fear of reporting abuse to law enforcement for fear of deportation."
82	Women's Aid (Republic of Ireland)	"Women moving to and from Ireland and orders not being valid in other jurisdictions - most commonly for us across Southern and Northern Irish Border. Women not being allowed to move and having to remain in Ireland because of children. Women's children being abducted and use of the Hague [1980] Convention where country has adopted. Women living in Ireland on dependent spousal visa with no right to remain in own right - and no right to social welfare payments and any other state help - including emergency refuge. Women being brought in by their 'husbands' to work in sex industry, and with no rights of their own, here illegally."
83	Women's Refuge (New Zealand)	"Forced marriages; honour-based violence; immigration issues."
84	Women's Room (Croatia)	"Cases regarding custody and / or domestic violence."

**Appendix V:
Questionnaire of June 2014
for non-governmental organisations and other experts**

INTRODUCTION TO THE JUNE 2014 QUESTIONNAIRE

In 2011 the topic of “the recognition of foreign civil protection orders made, for example, in the context of domestic violence cases” [1] was added as a new item to the work programme of the Hague Conference on Private International law (< www.hcch.net >). The Permanent Bureau (the Secretariat) of the Hague Conference has conducted preliminary research on this topic, [2] in order to assess whether a new international treaty (*i.e.*, a new Hague Convention) or other instrument should be developed to ensure the recognition and enforcement of protection orders across international borders. 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 of harmful or criminal behaviours (*e.g.*, human trafficking, forced marriage, female genital mutilation (FGM), harassment, sexual assault, etc.). [3] Such a new Convention or other international co-operation in this area would seek to ensure victims of violence and of other harmful interpersonal behaviour would be protected when they move or travel to another country (*i.e.*, victims would not have to apply for a new protection order in a foreign country, among other benefits).

The Permanent Bureau is contacting you now under a mandate to collect additional statistical information in order to continue the assessment of the need for and feasibility of an international instrument in this area. The input of non-governmental organisations and other experts who have experience in this field is invaluable. Your responses to this Questionnaire, sharing any information you may possess based on expertise you or your organisation may have, is an extremely valuable contribution to the on-going assessment.

The Permanent Bureau kindly requests that you complete the Questionnaire (in either English or French or Spanish) as soon as possible, but in any case by 30 September 2014, 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 March or April of 2015.

Should you have any questions about this Questionnaire, please do not hesitate to contact Ms Maja Groff, Senior Legal Officer, at < secretariat@hcch.net >. We are grateful for your time and assistance on this important project.

Pour accéder à la version française du Questionnaire, sélectionnez « Français » dans le menu déroulant en haut de page.

Para acceder a la versión en español del cuestionario, seleccione la opción 'Español' en el menú desplegable al principio de la página.

[1] 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 > under “Work in Progress” then “General Affairs”).

[2] Background information on this topic can be found in the “[Protection Orders Project](#)” section of the Hague Conference website, including previous [Member responses to the 2012 Questionnaire](#), [responses to a previous informal non-governmental organisation questionnaire](#), and preliminary analysis documents drafted by the Permanent Bureau in [2012](#), [2013](#) and [2014](#) (available on the Hague Conference website at < www.hcch.net > under “Specialised sections,” then “Protection Orders Project”).

[3] Please see 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 at *ibid.*) for examples of common protection order legal regimes and variations of these regimes in a variety of jurisdictions.

Part I. Information about you / your organisation

*1. Please enter relevant identification and contact information:

Name of your organisation:

Country / countries where based:

Website of organisation, if applicable:

*2. For follow-up purposes:

Name and title of contact person:

Telephone number:

E-mail address:

3. Please select the types of issues that you or your organisation address(es):

Check any that apply

- ☐ Domestic and family violence
- ☐ Sexual assault
- ☐ Dating violence
- ☐ Stalking
- ☐ Forced marriage
- ☐ So-called "honour crimes"
- ☐ Human trafficking
- ☐ Female genital mutilation (FGM)
- ☐ General violence against women
- ☐ General violence against children
- ☐ Other general criminal or harmful behaviour
- ☐ Other behaviours / situations

Comments

Answer

4. Please briefly describe the clientele served by your organisation, target segments of the population, and the geographic area that you or your organisation serve(s) (or the population / geographic area studied if you are an academic / institution which conducts research):

Answer

5. Please briefly describe the types of services provided (and / or research conducted) and whether you or your organisation work(s) directly with victims of the behaviours listed in Question 3:

Answer

Part II. Information on numbers of cross-border cases / problems

6. In the experience of your organisation / in your professional experience, have you encountered victims of the harmful or criminal behaviours listed in Question 3 whose cases have an international / cross-border dimension? (In particular, situations where an individual needs protection from behaviour(s) listed in Question 3 in more than one State. For example, a victim of domestic violence in one State moves to a foreign State and is concerned that the perpetrator may continue to be a threat in the foreign State; a potential victim of forced marriage or FGM is transported to a foreign country and is at risk of harm by family members or others; a victim of human trafficking may be repatriated to a State of origin, but is at risk of being re-trafficked in the State of origin; etc.)

Choose one of the following answers

- YES
- NO
- Not in position to know

7. Please describe the volume of international / cross-border cases per year encountered by you / your organisation (as described in Question 6; please include rough estimates, if necessary):

a. Total number of international / cross-border cases encountered or handled per year:

Answer

b. Total number of all cases encountered or handled by you / your organisation per year (e.g., including domestic cases):

Answer

c. Percentage of total cases encountered or handled per year which are international / cross-border (e.g., if you handle 100 cases total per year and 25 have a cross-border element, the percentage would be 25%):

Answer

d. Have you observed or do you anticipate an increase in international / cross-border cases (e.g., due to globalisation, ease of international travel, etc.)?

Choose one of the following answers

- YES
- NO
- Not in position to know

Comments:

Answer

8. Please describe the most common foreign countries or regions with which international / cross-border cases have a connection:

Answer

9. For organisations and individuals based in a member country of the European Union, please describe:

a. The total number of international / cross-border cases encountered or handled per year which concern foreign States outside of the European Union:

Answer

b. The most common foreign countries or regions outside of the European Union with which international / cross-border cases have a connection:

Answer

Part III. Additional Information

10. Please enter any other comments below and / or send additional information or resource documents which you consider may be useful for the current assessment by e-mail to < secretariat@hcch.net > with the following indication in the subject field: "2014 NGO Questionnaire on protection orders – [name of organisation or expert]."

Answer