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Do you practice what (E)U preach? The EU system of cross-border protection for victims of recurrent crimes

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Abstract

Victims of recurrent crimes, particularly Intimate Partner Violence (IPV) victims, encounter unique challenges with the criminal justice system. The risk of repeat violence and retaliation deters them from engaging with legal processes, emphasising the critical need for effective protection measures in domestic and cross-border contexts. Protection orders, pivotal in preventing further victimisation, primarily operate within the issuing State, which has prompted the European Union to establish legal instruments based on the principle of mutual recognition to extend their applicability beyond national borders. Despite this, these measures are strikingly underused. This article delves into the root causes of this underutilisation and questions the overall usability of these measures by its beneficiaries. It also explores potential legal and non-legal solutions to transform them into a tangible resource for victims of recurring crimes across the EU.

Key words

Victim's rights; intimate partner violence; protection orders; access to justice; judicial cooperation

Resumen

Las víctimas de delitos recurrentes, en particular las víctimas de violencia de pareja, se enfrentan a retos únicos con el sistema de justicia penal. El riesgo de repetición de la violencia y de represalias las disuade de participar en procesos judiciales, lo que pone de relieve la necesidad crítica de medidas de protección eficaces en contextos

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nacionales y transfronterizos. Las órdenes de protección, fundamentales para evitar nuevas victimizaciones, funcionan principalmente dentro del Estado de emisión, lo que ha llevado a la Unión Europea a establecer instrumentos jurídicos basados en el principio de reconocimiento mutuo para ampliar su aplicabilidad más allá de las fronteras nacionales. A pesar de ello, estas medidas están sorprendentemente infrautilizadas. Este artículo ahonda en las causas profundas de esta infrautilización y cuestiona la utilidad general de estas medidas por parte de sus beneficiarios. También explora posibles soluciones jurídicas y no jurídicas para transformarlas en un recurso tangible para las víctimas de delitos recurrentes en toda la UE.

Palabras clave

Derechos de las víctimas; violencia de pareja; órdenes de protección; acceso a la justicia; cooperación judicial

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1. Introduction

The challenges resulting from having suffered a crime are mostly the same for all victims, regardless of the specific offence they have endured (Janoff-Bulman 1985, Bard and Sangrey 1986). When interacting with the criminal justice system, they all need to be recognised, treated with respect and dignity, and informed about their rights and how to enforce them. They also need to be protected from secondary victimisation, reassured about their safety, and have access to assistance before, during and even after the end of the trial (Artinopoulou *et al.* 2018).

Additional layers of complexity, though, come into play when dealing with victims who are particularly susceptible to repeat victimisation, intimidation, and retaliation. One paradigmatic case is victims of Gender-Based Violence (GBV), especially Intimate Partner Violence (IPV). In such instances, the harm endured does not stem from a singular, isolated incident or a series of disconnected and context-independent events. Instead, it arises from a continuous and interconnected pattern of abusive behaviour perpetrated by the same individual, often within the victim's circle of trust. This pattern comprises repeated attacks over time, demonstrating a consistent underlying intent and involving the exertion of coercive and controlling power through various means.

Accessing justice for those affected by such abuses is a matter that requires special attention. While most victims typically seek justice and are eager to cooperate with authorities, victims of recurrent crimes are often hesitant to engage in the criminal justice process. Many factors deter them from reporting, among which fear of retaliation, further abuse, or escalation of violence usually plays a role (Amato and Carnevali 2022). Research on IPV, for example, shows that taking legal action against the perpetrator may increase the risk of further abuse. Even death in extreme cases. (Klein 2008, Long *et al.* 2010). For this reason, they often perceive "justice" as a last resort.

It is not surprising, then, that the primary concern of these victims in seeking legal intervention (Stubbs 2008, Johnson *et al.* 2008) is simply "being left alone", securing protection for themselves and their children (if any), and regaining control of their lives. What matters to them, in essence, is not only the final outcome of the proceeding but also the experience they go through during it. Addressing this need with effective protection measures is, therefore, paramount. This is necessary to safeguard victims from immediate danger and further violence during the proceedings and post-trial phase. Moreover, it is crucial to restore confidence in the justice system, thereby encouraging their legitimate pursuit of justice (Amato and Carnevali 2022).

Since the 1970s, many countries have enacted legal remedies to safeguard victims from repeat violence (Römkens 2010, Cerrato *et al.* 2017, p. 7). These legal instruments, commonly referred to as "protection orders" (POs), are designed to impede contact between the victim and the offender by prohibiting, restraining, or prescribing specific behaviours, either temporarily or permanently (van der Aa 2014). While in principle applicable in any situation with a high risk of recurring victimisation, in practice, they are mainly used to protect victims of GBV, particularly victims of stalking, domestic violence or IPV, who are particularly prone to post-separation abuse, harassment, threats, and potentially lethal violence (EPRS 2017b). In civil proceedings, restraining orders can be issued with a preventive purpose, aiming to halt wrongful actions, whereas, in the context of criminal proceedings, POs can serve as an alternative to pre-

trial detention or as part of a sentence. Also, emergency barring orders (EBO) can be swiftly implemented to shield victims from immediate danger (Sellier and Weyembergh 2018). Overall, POs serve as a quick fix to reduce the likelihood of prolonged victimisation and to restore victims' well-being. Even when issued on a temporary basis, they have proven effective in deterring abusive behaviour over the long term (Keilitz 1997).

About two decades ago, the idea of expanding the geographical reach of POs, typically valid only in the State of issuance, began to surface in the EU. The existing practice mandated that if victims relocated to another country, they would have to initiate new court proceedings, resubmit evidence, and confront the uncertainty of a second trial with no guaranteed favourable outcome. The evolving perception of this situation highlighted its divergence from the fundamental principle of freedom of movement within the Union. There was a growing realisation that individuals facing persistent threats might need to temporarily reside in another Member State (MS) or even consider a permanent relocation to begin anew, and — in these scenarios — the legitimate exercise of the right to move freely should not result in a loss of security (TEU, art. 3(2) and TFEU, art. 21) (Freixes and Román 2015).

The first EU provisions allowing to "extend" the applicability of national measures requiring the avoidance of contact between the victim and the offender were established in 2008. However, they focused on the convicted or accused individuals and their prospects for reintegration into society (2008/947/JHA, 2009/829/JHA), overlooking the need or desire of victims to relocate while maintaining the obligations imposed on the offender (Questionnaire to delegations, 2009). This gap was filled a few years later with the adoption of targeted measures, allowing mutual recognition of national POs (Directive 2011/99/EU, Regulation (EU) No 606/2013). This regulatory development, though, did not live up to expectations. These measures remain underutilised (COM/2020/187 final), despite the potential number of victims who could benefit from protection in a cross-border setting.

In this context, this article attempts to understand the root causes of this failure, with the ultimate goal of identifying potential avenues for improvement. With this intent in mind, it will delve into an analysis of these measures within the broader supranational legal framework on victims' rights (paragraph 2). The purpose is to elucidate the underlying causes contributing to their under-utilisation and, more broadly, to raise questions about their overall usefulness, use[1] and usability[2] (paragraph 3). Then, it will explore whether there exist opportunities to transform these measures into a tangible resource for victims of recurring crimes across the EU. This exploration will encompass possible legal and non-legal solutions that are deemed to have the capacity to advance this objective (paragraph 4).

[1] *Use* here refers to the total volume of EPOs requested and executed based on available official data.

[2] *Usability* here refers to the capacity of a system of norms to provide its users (beneficiaries) with the essential conditions to perform the intended functions and realise the stated objectives safely, effectively, and efficiently while improving the overall user experience.

1.1. Methodological note

To address the research questions, an analysis primarily based on documentary sources was conducted. This included a regulatory analysis and an extensive review of pertinent academic literature and reports from international organisations. The objectives of this comprehensive review were not only to depict the national legal and institutional context and to chart its recent evolution but also to identify critical issues emerging at the international level, which both directly and indirectly influence the application of cooperation instruments. This focus was deemed necessary given the instruments' underutilisation and the impracticality of analysing cases in practice.

In Section 4.2.1, which explores non-legal solutions that potentially enhance the use and usability of the instruments under review, the analysis was enriched by an extensive study of organisational documentation produced by relevant local institutions. This section further integrated the results from the documentary analysis with findings from an empirical study aimed at assessing the broader judicial handling of domestic violence cases within the local jurisdiction. This empirical study employed a qualitative method, utilising in-depth interviews, which encouraged dialogue between researchers and participants and helped the collection of data on the evolution of known issues and the identification of hidden challenges. The outcomes of these interviews proved invaluable, offering deep insights into the phenomenon and everyday practices in the field, and were pivotal in forming the foundational reflections presented in this article.

2. The cross-border victim protection system in the EU

As cross-border victimisation poses unique challenges, the EU established measures to handle the various difficulties in dealing with foreign jurisdictions and obtain protection, regardless of the State in which one resides or travels (van der Aa 2014, Luparìa 2014; Directive 2012/29/EU, arts 5 (3), 7, 17 (1) b), and Recital 9, 21, 34, 35 and 36; Council Directive 2004/80/EC).[3] To this end, specific instruments were also adopted to enhance the protection of victims at greater risk of repeat victimisation when crossing borders, ensuring they can continue to benefit from the PO already guaranteed without protracted and uncertain procedures (Directive 2011/99/EU, Recital 10; Regulation 2013/606/EU, Recital 12). The European Protection Order (EPO) Directive enables the mutual recognition of POs in criminal matters, while the European Protection Certificate (EPC) Regulation operates according to the same aims and methods in the civil field. The rationale underlying both these legal tools is not harmonising national laws. They do not create minimum requirements or standards, nor do they interfere with the national systems by eliminating significant differences. They solely establish mechanisms for cross-border cooperation, recognising the distinct MSs' legal traditions (Directive 2011/99/EU, Recital 6; Regulation 2013/606/EU, Recital 3).

As far as the criminal domain is concerned, mutual recognition of domestic remedies hinges on the issuance of an EPO (van der Aa and Ouwerkerk 2011, Oubiña Barbolla 2011, van der Aa 2012, Lamont 2013, Freixes and Román 2015, Belluta and Ceresa Gastaldo 2016, Klimek 2016, 2017, Rusu 2016, van der Aa *et al.* 2016, Lonati 2018, Borges Blázquez 2020, pp. 95 and 97). The EPO is a document generated based on an existing

[3] See also *Presidenza del Consiglio dei Ministri v BV* C-129/2019, ECLI:EU:C:2020:566.

PO already in effect in the issuing State in accordance with its legislation. The procedure for having it recognised abroad relies on direct collaboration between national judicial authorities with territorial jurisdiction, designated by each MS, to serve as issuing or executing authorities. The Issuing Authority (IA), operating in the State where the original PO is put into effect, assumes responsibility for issuing and transmitting an EPO. The Executing Authority (EA), which holds jurisdiction in the receiving State, is tasked with the recognition and execution of the said order (Directive 2011/99/EU art. 4 (2)).

The EU regime provides a streamlined recognition process. Individuals under protection, whether they are choosing to reside or stay in another MS or are already doing so, can apply for the recognition of a PO in the host country's territory. The application is submitted to the IA, which assesses whether the requirements for an EPO are met and other factors, such as the intended duration of the stay abroad and the level of protection required (Directive 2011/99/EU, Recitals 14, 17, 22, and Art. 6 (4)). If these conditions are met, the EPO is issued using a standard form that is directly transmitted to the EA.

Once the EPO has been received, the recognition process should follow a quasi-automatic pattern. The EA must promptly acknowledge the existence and validity of the original PO, validate the factual situation presented in the form, and concur that protection should be sustained through a new domestic order issued under national law (Directive 2011/99/EU, Recital 18). The EA should strive to re-implement the PO initially provided in the issuing MS. Should this prove unfeasible, the EA must adopt an alternative measure that closely corresponds to the original, ensuring comparable protection for the individuals involved. Similar to other EU mutual recognition legal instruments, the request for recognition can only be denied if one or more of the specified grounds for refusal are applicable. In such instances, the EA is obligated to inform the IA and the protected person about the possibility of applying for a PO under the national law of the executing State while also providing the option to appeal the refusal decision.

In civil matters, the procedure is even simpler than in the criminal domain (Bogdan 2015, Dutta 2016, Etxebarria Estankona 2019) since — akin to other cooperation instruments in this area — *exequatur* procedures do not apply. Procedural steps are kept to a minimum and place a significant degree of self-reliance on the protected person seeking the execution of a PO in another MS. The process is straightforward. The protected persons request the IA to issue a standardised EU Certificate and then present it to the EA. The only requirement the IA must verify before issuing it is that the protective measure has been notified to the person posing the risk. Once this Certificate is submitted, recognition and execution are expected to occur automatically. There is no scrutiny of the measure's substance, nature, or essential elements imposed in the MS of origin. If necessary, the only allowable modifications pertain to the factual elements included in the form to ensure the recognised protection measure's effectiveness in the requested MS (Regulation 2013/606, Recital n. 20). Refusal is acceptable only if the person causing the risk applies for it and demonstrates that the recognition is either (a) manifestly contrary to the public policy of the MS being addressed or (b) irreconcilable with a judgment issued or recognised in the MS being addressed.

3. Fact-checking victims' rights when crossing borders

Despite promising developments, the overall EU legal framework on victims' rights is still unsatisfactory (EPRS 2017a, 2017b, Sellier and Weyembergh 2018, Fundamental Rights Agency – FRA – 2019, Milquet 2019, Ivanković *et al.* 2019),[4] and this issue goes beyond transposition problems.[5] A case in point is the EPO Directive, which, despite having mostly suitable implementing provisions in MSs, sees limited application (Wahl 2020).[6] According to the 2020 Commission Report, only 37 EPOs were issued, and of these, only 40% were executed. On the civil side, the situation appears even more problematic — to be analysed at the very least — with no evidence of Certificates issued under the Regulation in any national register (Victim Support Europe 2017).

The sub-optimal use of these tools — particularly when juxtaposed with the growth of other judicial cooperation instruments based on the principle of mutual recognition (Report from the Commission (COM/2020/270 final); Commission Staff Working Document (SWD(2023)262 final)) —prompts questions about their usefulness, use and usability. If these instruments are scarcely employed, are they worth having? Why are they not in use? Are they suitable to address the need for protection from repeat victimisation for individuals who wish or need to cross borders?

Addressing the first of these concerns, this article assumes the essential nature of victims' right to be protected from recurring acts of violence. In a unified area of justice, it posits that this entitlement should be guaranteed whenever individuals choose or need to exercise their right to free movement. Consequently, it contends that the utility of this system should be gauged based on its intrinsic value rather than solely on the presence of a critical mass of "users," whether potential (Fundamental Rights Agency – FRA – 2014, EPRS 2017b) or actual. Given this perspective, the article seeks to explore why these tools have not gained significant traction. The scarcity of data presents challenges in identifying key determinants, but insights can be derived from the broader field of judicial cooperation and evaluations of the implementation of the VRD, the proper enforcement of which is a precondition for these mechanisms to work. Subsequently, an evaluation will be conducted to assess whether the current design of this system can effectively achieve its intended objectives.

3.1. Exploring the (under)use of EPO and Certificates

When scrutinising factors underlying the underuse of EPOs and Certificates, the primary issue that warrants attention is the state of implementation of the information rights granted to victims under the VRD. Unlike similar cooperative procedures, the mutual recognition of a PO can only be initiated by the protected person (Directive 2011/99/EU, art. 6 (2); Regulation 606/2013/EU, art 5 (1)). As a result, the deployment of these tools is

[4] See also: European Parliament, Report 14.5.2018 - (2016/2328(INI); Report from the Commission (COM/2020/187 final); Report from the Commission (COM/2020/188 final); Commission Staff Working Document Evaluation of Directive 2012/29/EU (SWD(2022)0179 final).

[5] Report from the Commission, (COM/2020/188 final). It should be noted in this regard that the Commission's infringement database lists 24 proceedings for breach of Directive 2012/29/EU obligations. Only one of these is still open and has been referred to the Court of Justice of the EU [accessed November 30, 2023].

[6] See also: Report from the Commission (COM/2020/187 final).

intricately tied to the victims' awareness of their rights and how to exercise them (Directive 2012/29/UE, arts. 3 and 4). But does the public know about them and how to ask for their application? And, more importantly, does the public can access this information?

The answers to these questions are far from "yes" (Del Pozo-Triviño and Toledano-Buendía 2016, Sellier and Weyembergh 2018, Pavlou and Shakos 2020, Soleto Muñoz and Oubiña Barbolla 2022). Recent assessments reveal that the efforts to implement the victims' right to be informed have been insufficient thus far, both in terms of the State's obligation to communicate relevant information and the responsibility of justice professionals to ensure that victims truly comprehend the information provided. On the one hand, accessible and comprehensive information channels for the public (e.g. official websites) are not yet in place in some MSs. Moreover, gaps persist when victims approach the authorities (Ivankovic *et al.* 2019), as the "duty to inform" is often interpreted as a mere bureaucratic requirement to fulfil. Information is too often only provided following a complaint, sometimes incompletely. Besides, the language employed to convey it is mostly standardised and technical, as an adaptation to the specific victims' needs tends to be incidental, based on the skills of the individual practitioner (Amato *et al.* 2020).

Regarding knowledge of EPOs and Certificates specifically, there is also a further issue to consider. Neither the Regulation nor the Directive, let alone the VRD, despite its focus on victim awareness, explicitly outlines the right to receive information about the option of requesting the cross-border application of a national PO (Laxminarayan 2012, Diamante 2016; Directive 2012/29/UE, art. 4, 8 (2) and Recital 34).[7] This void is addressed solely by the *Guidance Document* issued by the Commission to assist MSs in implementing the VRD. However, this is a non-binding document that, so far, has had limited dissemination —mainly among experts in the field — and is unlikely to reach the general public (DG Justice *Guidance Document*, p. 15).

Barriers to access information are, therefore, crucial and direct factors affecting the limited use of EPOs and Certificates, but they are not solely responsible for this outcome. Flaws in national systems of protection from secondary victimisation affect the use of these tools, albeit indirectly, and warrant exploration. After all, for an EPO or Certificate to be issued, a PO must be in effect in the MS of origin, and this demands an institutional machinery capable of identifying victims' needs and delivering an appropriate response. The VRD establishes the legal basis for this. It stipulates victims' right to be protected from repeated victimisation and requires MSs to conduct individual assessments to determine whether special protection measures are needed. Yet, experience shows that fulfilling this mandate effectively is far from guaranteed.

In this respect, the primary concern to address is whether protection orders are genuinely accessible for their recipients. Although POs are provided in all MSs, with very few exceptions, benefiting from them is actually not a given. For instance, EBO in some national contexts entail lengthy and convoluted procedures or imposes unreasonably high evidentiary thresholds (Group of Experts on Action against Violence

[7] See also: DG Justice *Guidance Document* (2013, pp. 9 and 15). See also: Commission Staff Working Paper {COM(2011) 274 final} {SEC(2011) 581 final}(SEC(2011) 580 final), para 2.2.4. Issue 4 and 3.1.

against Women and Domestic Violence – GREVIO – 2022). Restraining and protective orders, on the other hand, often can be only issued in IPV and domestic violence cases, so their application is precluded for other types of crimes (such as stalking), for which they could play a key role (GREVIO 2022). Moreover, the adoption of these orders is frequently contingent on the initiation of court proceedings, further limiting their use, as those who qualify for such protection are often reluctant to take legal action, whether it involves pressing charges or filing for divorce (GREVIO 2022). The VRD provides no guidance in this regard. Its wording is vague and silent on the characteristics POs should possess, potential minimum requirements, or penalties for violation (Directive 2012/29/EU art 18). Not surprisingly, the European landscape remains uneven and largely unsatisfactory in terms of access to and effectiveness of these tools, with detrimental implications in terms of the capacity to request and obtain mutual recognition of these measures where appropriate.

Beyond this, there is another, even more fundamental, issue that warrants consideration: the (in)ability to recognise and address the individual victims' risks and needs. A system capable of serving this purpose requires two essential components: the expertise of individual judicial personnel — which is crucial in preventing recidivism, particularly in cases rooted in power imbalances within interpersonal relationships — and the coordination of these judicial actors with other professionals to obtain the necessary information for a comprehensive understanding of the individual's situation. However, finding these components in practice proves to be challenging as practitioners seldom master the skills and procedures required to conduct individual assessments (COM/2020/187 final, p. 12; SWD(2022)180 final, p. 71 ss; Regulation (EU) 2021/693, arts. 4 and 3 (2) letter c) and Recitals 10, 14, 19). This, though, is not necessarily the result of individual flaws, such as lack of empathy, sensitivity or attention to such issues. Acknowledging and dealing with victims' vulnerabilities is a matter of systemic responsibility.

Specific initial and in-service training, for instance, is rarely systematic and mandatory, and even when compulsory, it does not always cover fundamental topics, like the concepts of power and control, the distinction between violence and conflict, as well as post-separation violence. As a result, a tendency to take a gender-neutral approach persists, which remains one of the factors that most (and most profoundly) prevent the effective protection of victims and ultimately deter them from accessing judicial remedies. Indeed, this approach undermines risk assessment by obscuring the power imbalance between victim and perpetrator, who thus risk being considered on an equal footing in a purely "conflictual" situation. It also prevents justice professionals from recognising the significance of POs in breaking the cycle of violence (Pecorella and Farina 2018).

Furthermore, practitioners are often unfamiliar with the individual victim assessment procedure (Directive 2012/29/EU, arts. 22 and 23; DG Justice *Guidance document*, pp. 44 and 45) due to the absence of unambiguous guidance at the European and domestic levels (SWD(2022)180 final, pp. 20 ss and 70). They typically lack direction on who should lead it, how to conduct it, and with whom to liaise. Formalised procedures for conducting such evaluations are not always in place, and when provided, they are rarely integrated into a comprehensive, multi-agency collaborative framework. Instead, they

heavily rely on partial sources, neglecting crucial information providers, including the judiciary. Consequently, risk assessment protocols are not adequately integrated with other protective measures, such as POs (GREVIO 2022). The evaluation of individual victims, hence, not only lacks consistency among MSs but is also applied unsystematically within the same country (SWD(2022)62 final, Annex 5, p. 168). As a result, the effectiveness of this process remains contingent on the local context and the willingness of local actors to engage in dialogue and coordinate efforts to devise and execute an effective safety plan (Amato and Carnevali 2022 and SWD(2022)62 final, Annex 5, p. 168).

3.2. Exploring the Usability of the EPO and Certificates

The preceding analysis highlighted a deficiency in awareness and information, along with authorities' limited capacity to identify the protection needs of victims, as the primary reasons for the underutilisation of these tools. The subsequent paragraph aims to discern their usability, that is, their capacity to provide users with the essential conditions to perform the intended functions and realise the stated objectives safely, effectively, and efficiently.

With respect to this, the lack of harmonisation in the realm of victim protection should be recognised as a primary concern. Unlike the rights of accused and convicted persons in criminal proceedings (Directive 2012/13/EU; Directive 2010/64/EU; Directive 2013/48/EU; Directive 2016/343/EU; Directive 2016/800/EU; Directive 2016/1919/EU, Commission Recommendation 2013), there is a significant disconnect between harmonisation and mutual recognition in the domain of victims' rights and limited coordination between instruments based on these two principles. The VRD fulfils this function but lacks crucial specifications. While it emphasises the accessibility of POs, it does not delineate the types of such measures or the circumstances for their application (Spurek 2016, p. 40). It also fails to clarify the imperative for timeliness in addressing threats, irrespective of the legal process's stage, and does not emphasise the necessity to minimise financial or administrative burdens for victims. Not least, the VRD overlooks the requirement for effective, fair, and dissuasive sanctions against offenders who violate protection measures.

Yet, the good functioning of EPOs and Certificates heavily depends on domestic regulations. The basic requirement for obtaining cross-border protection is a pre-existing order up and running in the issuing MS according to its legal framework. Similarly, its enforcement can only take place according to the requested MS legislation. The problem is that this pattern is embedded in a heterogeneous landscape of national protection regimes. While some States provide for civil and criminal protection measures, depending on the type of proceedings underway and their stage, in other countries, only one or the other type of protection order is available. There are also countries where POs do not neatly fit into either the civil or criminal category (van de Aa *et al.* 2015, Sellier and Weyembergh 2018). Despite the adoption of two complementary instruments to address this diversity, compatibility problems may arise, hampering the deployment of these instruments. Relying on this dual-track mechanism may even be confusing for users because of the frictions resulting from proceedings that can be governed partly by criminal and partly by civil law. Consider problems that may occur during enforcement when the EA can only rely on criminal or civil measures to extend the protection initially

granted or whenever it has to execute an order issued by non-criminal or non-judicial authorities (Sellier and Weyembergh 2018). The adequate conduct of such a process cannot be taken for granted. Even when a request is successful, there may still be problems during the supervision and monitoring phases. Monitoring mechanisms for PO compliance also vary from State to State, with countries relying on multiple means, including GPS tracking (GREVIO 2020, p. 266), to countries with no surveillance system. This may result in uneven and potentially reduced levels of protection, although the requested State adheres to EU law (Freixes and Román 2014, p. 126, Sellier and Weyembergh 2018).

Essentially, while flexible, the current system fails to meet the challenges stemming from the lack of prior harmonisation and the inherent complexity of mutual recognition instruments. For these mechanisms to be practically effective, optimal coordination between all parties involved and mutual trust in each other's legal systems become vital. Goals that, however, seem far from being achieved so far, as a lack of coordination and communication has been found to affect the effectiveness of EPOs and certificates negatively (COM/2020/187 final).

4. Legal and non-legal solutions to improve mutual recognition of protection orders across the EU

In the previous paragraph, this paper has shed light on some of the reasons behind the lack of momentum for the EPO Directive and the EPC Regulation. It has also asserted that even when these instruments are put into action, they lack the necessary conditions for effective operation, portraying a scenario where the most straightforward option for obtaining protection abroad still appears to be the "classic" one—initiating a new proceeding in the Member State of destination.

Considering this, the question arises whether there are viable ways to transform these tools from theoretical entitlements into practical realities, thus improving their use and usability. To address this concern and with the overarching aim of exploring practical strategies to make this protection system a valuable asset for victims of recurrent crimes in the EU, the following paragraphs will examine scenarios for potential advancements. First, regulatory developments currently underway at the EU level will be considered to speculate on how these may contribute to improving EPOs and Certificates deployment (the *legal layer*). Then, non-legal solutions will be explored, which may contribute to this result, even independently of future regulatory adjustments (the *organisational, IT and networking layers)*.

4.1. The legal layer. The potential and limits of current reform scenarios

As seen above, many of the challenges affecting the use and usability of the EPO Directive and the Regulation are legal in nature and require intervention at both the EU and MS levels to address. Major differences in national legislation, notably, are an obstacle to the practicality of these instruments, making their operation rather cumbersome and deterring their use.

While the prospect of regulatory improvements seemed remote, recent developments provide more optimism, suggesting that some of these gaps will be bridged in the future thanks to the revision of the victims' rights *acquis*. In 2023, a legislative proposal was

adopted to improve victims' access to justice and strengthen their physical protection (Proposal COM(2023)424 final). Also, in line with the EU Strategies 2020-2025 on Victims' Rights (COM/2020/258 final) and Gender Equality (COM/2020/152 final), substantial improvements for GBV victims have already been achieved or are in the pipeline. Particularly, the EU's accession procedure to the Istanbul Convention (IC) has reached a favourable outcome (De Vido 2017, Jones 2018),[8] and a *Proposal for a Directive* (hereinafter GBV *Proposal)* was also published in 2022 to set binding rules for addressing the specific needs of victims of violence against women and domestic violence, who - in the vast majority of cases - are the beneficiaries of POs (Proposal COM(2022)105 final).

Of particular relevance to this analysis is the GBV *Proposal,* which emphasises protection from repeat victimisation and includes changes that, if approved, could improve EPOs and Certificates' deployment directly and indirectly. Regarding usability, for instance, advancements may be expected on two distinct fronts. The first pertains to cross-border cooperation at the Union level (COM(2022)105 final art 43). The *Proposal* seeks to enhance communication among authorities in handling individual cases, a positive development considering that the success of similar mechanisms hinges on mutual knowledge and the eradication of information asymmetries, and the EPO legislation is no exception. Consequently, this amendment has the potential to enhance the system directly. However, a challenge persists in the absence of uniform, clear, and consistent guidelines for operators on how this exchange should occur and through which channels. Without such guidance, adherence to the proposed improvements risks being limited and intermittent.

The second area involves harmonising national laws on EBO, restraining and protection orders. (COM(2022)105 final art 21). Under the proposed rules, MSs would be bound to integrate these measures into their national legislation, with minimum standards for their issuance and enforcement in situations of imminent danger (COM(2022)105 final art 21(1)). This would help remove some existing hurdles to their implementation (GREVIO 2022). For one thing, EBOs would become accessible in countries where they are not yet provided for while restraining and POs would apply to any act of violence criminalised by the *Proposal (*Proposal COM(2022) 105 final 2022/0066 (COD), art. 21 (2)). Again, however, factors that may mitigate the effectiveness of this measure must be considered. The *Proposal*, for instance, does not address some of the challenges typically associated with seeking access POs (e.g. lengthy procedures that delay their use or shortcomings in their enforcement, including monitoring), but more importantly, it does not criminalise certain forms of abuse for which POs are crucial for preventing escalation (Treaty of Functioning of the European Union – TFEU –, art. 83). The most prominent example is stalking. Although recognised as a crime in almost all MSs (De Vido and Sosa 2021), in many countries, POs cannot be issued for this conduct. Also, the constituent elements and additional requirements for stalking are not uniformly regulated across the EU (GREVIO 2022), and this inconsistency can create complications at the recognition stage, particularly in criminal matters, as the behaviour for which an EPO is issued must be an offence in both the executing and issuing country (Directive 2011/99/EU, art. 10 (1) letter c)).

[8] On 1 October 2023, the EU ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011).

By redirecting attention to "use issues," the potential for a positive impact lies in the provisions intended to strengthen information rights and awareness. While we posit that the challenges related to improving information rights enforcement can be addressed through procedures, agreements, and practices better aligned with existing regulations rather than introducing additional regulatory changes (as detailed in the subsequent section), we also acknowledge that the measures outlined in the GBV *Proposal* can contribute value.

Notable, for instance, is the provision stipulating that authorities must inform victims about the possibility of applying for POs and their possible cross-border recognition. This not only complements the VRD but also clarifies it in a binding legal act, something that has so far been addressed only in a subsidiary legal tool. But there is more to consider. The *Proposal* would include awareness-raising campaigns on available remedies as part of the preventive actions to be taken for groups at high risk of recurring victimisation, which is supposed to yield positive results. Evidence suggests that well-targeted and widely disseminated information campaigns can empower victims and shift societal attitudes, leading to improved implementation of relevant measures, particularly in MS, where existing shortcomings have not been adequately addressed in terms of scope or scale (SWD(2022) 62 final), Annex 5, pp. 137-139).

Lastly, on this front, provisions for the training of operators and individual assessment of victims' protection are worth considering (Proposal COM(2022) 105 final, art. 37). Should they be approved without substantial changes, they would mandate MSs to provide operators with targeted information and ensure that they attend regular and mandatory training, both general and specialised (Proposal COM(2022) 105 final, art. 37). Besides, under such provisions, national authorities would be required to conduct the assessment referred to in Art. 22 VRD, taking into account crucial conditions and factors, which would greatly aid in determining whether protection measures are needed to curb situations of violence at an early stage, in particular those at risk of escalation (Proposal COM(2022)105 final, art. 18).

4.2. Beyond the reach of the law: Bridging Gaps through organisational and IT layers

The legal amendments examined portend future improvements, provided, of course, that these are passed and their "spirit" is not eroded in the course of the legislative process or greatly weakened.[9] Nevertheless, the analysis suggests that relying solely on legal remedies may not suffice to address the identified gaps. On the one hand, some issues persist outside the EU's current competencies, limiting its ability to resolve or mitigate them. On the other hand, timely, clear, and comprehensive rules may not be enough to ensure the effectiveness of certain safeguards. Supplementing non-legal tools can be of help in enabling their widespread and efficient execution. With this in mind, the upcoming sections will delve into organisational and technological remedies that could mitigate some flaws typically hindering mutual recognition procedures, which have proven to be hardly solvable by regulatory measures alone.

[9] As of December 2023, three rounds of inter-institutional negotiations have taken place, but no compromise has so far emerged.

4.2.1. Non-legal solutions for improving EPOs and Certificates use …

One primary area for improvement is the right to be informed, whether it pertains to public access to information or the authorities' obligation to inform victims. The developments introduced in the *Proposal* are welcome, as they clarify and fortify the VRD groundwork, potentially boosting awareness. Still, experience shows that the effectiveness of such guarantees hinges heavily on the "how".

Consider, for instance, the implementation of information campaigns. Legislation cannot address gaps in their design and execution. Their success is contingent on political commitment, the availability of funds, the deployment of expertise, and the coordination of stakeholders. The same applies to the authorities' duty to provide information. Merely having regulations that require authorities to inform about the possibility of applying for a PO (and its cross-border recognition, where relevant) does not ensure that the victim is empowered to understand how to obtain it. To achieve this, it is imperative for the authorities to receive proper training on the subject, depart from the typical bureaucratic approach that prioritises certainty over clarity, and overcome the tendency to operate in silos. Implementing the victims' right to understand and act in their best interest requires a systemic effort. This involves establishing working routines and protocols between the police and the judiciary, offering uniform guidelines on how to approach victims and involving relevant professionals or support services.

Noteworthy local initiatives in Europe demonstrate the success of collaborative frameworks in sharing information and narrowing the divide between individuals and institutions. This is evident in awareness-raising campaigns that entail collaboration across various sectors and government agencies, as well as mobile information desks jointly organised by Victim Support Organizations (VSOs) and law enforcement authorities operating within the same territory (Amato *et al.* 2020, GREVIO 2022). Even seemingly straightforward actions, such as creating and distributing targeted informational materials, can yield promising outcomes when integrated into comprehensive strategies tailored to safeguard victims' needs and legal interests.

An illustrative example of these practices can be observed in the jurisdiction of the Public Prosecutor's Office (PPO) in Tivoli (Italy, Greater Rome Metropolitan Area). The commitment of the local PPO to the right to information finds expression in two initiatives: the creation of a specialised information booklet and the establishment of an information desk catering to vulnerable victims, particularly GBV ones. At first glance, these two information channels might seem ordinary, resembling many initiatives implemented locally in the MSs. However, what sets them apart is their incorporation into a broader prosecutorial strategy that prioritises the recognition of the victim's right to understand and be understood, considering it integral to protection and individual empowerment. Upon examining the first of these instruments, the information booklet (Procura della Repubblica presso il Tribunale di Tivoli 2023b), it becomes evident that its design surpasses the mere conveyance of information. Instead, it is crafted to guide victims on "what they can do," "what they can ask for and receive," and "what they should expect from the process in which they will be involved." The content is comprehensive, covering all pertinent services and contact details, presented in a user-friendly language and style. What distinguishes it is the collaborative effort to create something distinct from the typical institutional brochure. While the latter is often

precise but tends to be sector-specific and lacks clarity, this booklet represents the outcome of a joint endeavour involving a network of institutions and organisations in its development and deployment within the local community. Significantly, this is routinely employed by professionals operating at the grassroots level within the support network for victims of crime. Its explicit inclusion in the investigation protocols for GBV offences, jointly shared by the judicial police and the PPO, emphasises that its role extends beyond fulfilling a mere "duty to inform." Instead, this tool is an integral part of a well-defined strategy aiming to promote standardisation and specialisation, foster uniform modes of operation, guarantee equal treatment, and ensure consistent public action and more efficient law enforcement (Procura della Repubblica presso il Tribunale di Tivoli 2023c).

Similar considerations extend to the second information tool under discussion. The Vulnerable Victims Counselling and Information Service, operational since 2017, surpasses the conventional notion of an information desk (Procura della Repubblica presso il Tribunale di Tivoli 2016). It operates as a comprehensive one-stop facility with the overarching goal of ensuring that victims are not only informed but also heard, protected, and empowered through information. This service goes beyond providing reliable and comprehensive information on available safeguards; it extends to offering legal, psychological, and institutional guidance to make these safeguards practical in real-life situations. Importantly, its design is not geared towards persuading victims to report incidents but rather facilitating the recognition of the phenomenon, enabling the effective adoption of necessary protective measures, and supporting coordinated and secure action should the victim decide to take legal steps. Also, the shared spaces among lawyers, psychologists, and judicial police encourage cross-fertilisation and mutual collaboration in the development of medium- to long-term safety projects grounded in multi-agency teamwork (Procura della Repubblica presso il Tribunale di Tivoli 2021).

Basically, what elevates this experience to "good practice" status is the overall framework within which single actions are embedded. Its added value comes from a collaborative environment built on shared objectives, a collective commitment to addressing urgent social challenges, the expertise of all involved parties, standardised operational approaches, and seamless communication. Instances like the one detailed above illustrate how an organisational structure based on the principles of specialisation and standardisation, coupled with a victim-centred approach, can actualise the effective implementation of European legislation on victims' rights. This extends beyond the right to be informed, encompassing rights such as protection, access to justice, and active participation.

Individuals often do not seek (and get) help not solely due to their lack of awareness about available protective measures but also because, even when aware of them, they are wary of their timeliness and overall effectiveness. In particular, individuals who have experienced crimes with gender bias or power imbalances between perpetrator and victim tend to distrust the justice system and its ability to address their needs, and such a mistrust, after all, cannot be said to be entirely unjustified. Even in national systems with well-established regulatory and institutional frameworks, the swift implementation and effective operation of POs cannot be taken for granted (GREVIO 2022; SWD(2022)62 final, Annex 3, point 1.2.2 p. 156 ss; Proposal COM(2022)105 final).

Transforming entitlements into timely and targeted actions necessitates dedicated work processes, a specialised case management system within the judicial domain, seamless coordination among judicial offices, and collaborative networking between judicial offices and local stakeholders. Moreover, a shared foundation of specialised knowledge among all involved actors is essential.

The experience in Tivoli serves as a clear illustration of the benefits of such a framework. This structured environment allows cases to be managed more efficiently and attentively at every stage of the legal process and beyond. Precise guidelines on evidence collection, particularly in the immediate aftermath of a crime, enable the creation of a police report containing pertinent information for prosecution while minimising the number of times the victim has to be heard. It also facilitates the prompt determination of whether POs are warranted. Additionally, the monitoring of these orders is more effective. This is not only due to the utilisation of electronic surveillance tools when suitable. The judicial police regularly assess the victim's situation, and each case is collaboratively managed in coordination with all key stakeholders. Just as important is that PPO and court share the same priority criteria for handling GBV cases. This results in shorter scheduling intervals for hearings, thus ensuring that pre-trial protective measures remain in place until the trial phase commences (Procura della Repubblica presso il Tribunale di Tivoli 2023a).

The outcomes of the comprehensive approach implemented to prevent and combat GBV since 2017 are highly promising. Thanks to these efforts, there has been a remarkable increase in prosecutions for these offences. During the period from July 1, 2016, to June 30, 2020, proceedings against known perpetrators of domestic violence (Article 572 of the Italian Criminal Code) surged approximately by 115%, rising from 247 cases to 531. For cases related to stalking (Article 612-bis of the Italian Criminal Code), there was almost a 70% increase, going from 206 cases to 350. Prosecutions for sexual violence (Article 609-bis ss. of the Italian Criminal Code) also witnessed a substantial increase (47%), growing from 49 cases to 72. In total, for these key GBV offences, the overall percentage increase is almost 90% (Procura della Repubblica presso il Tribunale di Tivoli 2023c).

Contrary to prevailing narratives, this data does not indicate a rise in these types of crime. Instead, it suggests that in this district, the social tolerance for these crimes has significantly diminished. It reflects an increase in the number of individuals who view the justice system as a solution to their problems rather than an additional burden to contend with. This data signifies victims' empowerment, a boost in confidence in the justice system, and improved access to justice (Procura della Repubblica presso il Tribunale di Tivoli 2023a).

4.2.2. … and usability

Addressing usability-related concerns, one area that could benefit from supplementing non-legal tools is cross-border cooperation at the EU level. Timely communication is paramount in ensuring the smooth progression of recognition procedures and the enforcement of protective measures (Directive 2011/99/EU, art. 9 (4)). Also, this extends to various scenarios that may arise following the execution of the EPO, such as renewals, reviews, modifications, revocations, or withdrawals of the original measure. In these

situations, immediate notification to the EA is essential to facilitate adjustments or discontinuation of the recognised PO, all the more so because, in light of these changes, the EA can reject executing the amended protection order if it no longer aligns with the types of measures specified in the Directive. Prompt communication between the IA and the EA is equally crucial in the event of violations of the measure recognised in the executing State (Directive 2011/99/EU, Form II). If such violations occur, the IA must be promptly informed, especially when national measures are unavailable in the executing State.

However, two decades of experience with mutual recognition have revealed how burdensome this dialogue can be, and POs are no exception. This is particularly true since they stand as the sole EU judicial cooperation tools that neither replace nor rely on traditional forms of mutual legal assistance (Conclusions from 51st EJN Plenary meeting, p. 9). Forthcoming regulatory developments may give further impetus to cross-border cooperation, but addressing the challenges often impeding its practical implementation necessitates additional tools, both technological and human. These tools can assist in bridging gaps between national jurisdictions, fostering mutual understanding, and facilitating the transmission of pertinent documents and information to both practitioners and end recipients.

Cutting-edge IT solutions, for instance, can enhance cooperation procedures, considering that many exchanges are still paper-based, leading to slower, less efficient, and less reliable processes compared to electronic methods. Leveraging digital technologies can streamline administrative processes, improve access to justice, and provide greater speed, security, reliability, and reduced susceptibility to disruptions. With this in mind, MSs have explored approaches to digitise cross-border judicial cooperation, frequently collaborating with legal practitioner associations and the European Commission. Among these initiatives, the e-CODEX (e-Justice Communication via Online Data Exchange) project stands out as the most promising. e-CODEX is a digital infrastructure designed to simplify secure communication in civil and criminal proceedings by connecting national systems with different legal, technological, and organisational structures, thereby facilitating cross-border information exchange (Carboni and Velicogna 2011, p. 104, Velicogna 2014, Velicogna and Lupo 2017). Combined with the e-EDES components developed by the EU Commission (Ben Miloud and Nicolau 2023), it has already demonstrated practical utility and is poised to become the primary digital solution for secure electronic data transmission in cross-border civil and criminal proceedings, not only in combating crime but also in involving victims in these processes (Regulation 2022/850/EU). In the coming years, it is also expected to be integrated into the EU e-Justice Portal, allowing citizens to electronically sign and submit applications to the relevant national judicial offices, thereby enabling the digital management of specific cross-border civil proceedings. Broadening the application of e-CODEX to facilitate the exchange of EPOs and Certificates may hold promise for enhancing usability. Compared to traditional communication channels, it offers superior standards in terms of speed, secure transmission, data protection, and confidentiality, particularly in safeguarding the protected individual's location.

Undoubtedly, the challenges stemming from the interaction of diverse national systems extend beyond mere technical considerations. Mutual knowledge, trust, and acceptance among national actors remain fundamental to mutual recognition mechanisms, including those instituted by the EPO Directive and EPC Regulation. Consequently, the success of these initiatives hinges on establishing a level playing field within the cross-border working environment.

In this regard, human-based organisational solutions, such as judicial networks, could prove beneficial. Since the late 1990s, they have demonstrated potential in improving the application of mutual recognition procedures due to their flexible structure and operational models, well-suited for cooperative patterns emphasising "automaticity, speed, and a minimum of formality" (Mitsilegas 2016, p. 154). Judicial networks are designed to foster dialogue among practitioners and facilitate the exchange of requests and information for law enforcement, prosecution, and court activities (Canivet 2004, Canepa 2006, 2008, Claes and De Visser 2012, 2013, Dallara and Piana 2015, Amato and Dallara 2018, Amato and Velicogna 2020). They also provide a secure environment for addressing legal and practical challenges arising from specific cases, particularly benefiting those with limited experience in transnational proceedings. Most importantly, over the past two decades, these networks have nurtured a sense of community among practitioners, serving as platforms for constructive dialogue among experts and enhancing trust among their members. Drawing inspiration from the success of tools like the EAW (EJN Catalogue of best practices 2021), a strategic approach to leveraging the capabilities of judicial networks could substantially contribute to the functionality of EPOs and Certificates and benefit all stakeholders involved (EJN Conclusions from 51st plenary 2018). This can address issues related to document transmission, assisting practitioners unfamiliar with the various aspects of receiving and executing a PO and managing the complexity of its dual civil/criminal competence in some MS.

5. Conclusions

Victims of recurring crimes, particularly those facing IPV, encounter unique challenges that strongly deter them from engaging with the justice system. They may harbour concerns that pursuing legal action could intensify the peril they face, potentially resulting in further abuse or even life-threatening consequences at the hands of the perpetrator. Consequently, until faced with extreme consequences, many opt to endure a hazardous situation, choosing to "let sleeping dogs lie" rather than navigating the perceived painful, unpredictable, and distant outcomes associated with seeking justice through legal channels.

Addressing these fears comprehensively is, thus, crucial for providing a justice service that not only strives for fair and timely legal outcomes but also responds to the most profound victims' justice needs and legal interests. In instances of recurring crimes, the primary concern for victims is to attain safety. Hence, the availability of POs in national law and their effective utilisation becomes vital. These measures are key to encouraging victims to access justice, but there is more to consider. In a common area of justice, POs can serve as a tool to actualise citizens' right to free movement. The EPO Directive and the EPC Regulation are in place specifically to achieve this goal, enabling the mutual recognition of these orders across national borders.

The problem is that more than a decade after their introduction, these remedies are still markedly underused. This poor track record first spurred an examination of the core reasons behind the limited traction of EPOs and civil Certificates and then the question of whether they can effectively achieve their intended objectives within the context in which these tools are deployed. Finally, they prompted the exploration of potential avenues for improvement and opportunities to increase their effectiveness.

In delving into the first of these endeavours, i.e. understanding why both these tools have so far been so glaringly underused, this article has identified two leading causes. The first and most notable issue stems from the inadequate enforcement of the victim's right to be informed, as enshrined in the VRD. As highlighted earlier, individuals often remain oblivious to the existence of these measures, not to mention the option of seeking their recognition across borders. This is due to the shortcomings of public information channels, which, even when available, turn out to be incomplete, unclear or inadequately promoted — but also to the inability of the authorities to properly fulfil their information duties. Exchanges between victims and the authorities too often lack any reference to these protection tools, leaving victims to navigate a difficult landscape without the necessary guidance. In addition to this primary and fundamental cause, this article also uncovers underlying issues rooted in the overall (in)capacity of national systems to effectively detect and address the protection needs of victims experiencing recurring crimes. On the one hand, risk and needs assessment remain unfamiliar to practitioners and are applied sporadically, unsystematically, and with a sectoral approach. On the other hand, obtaining a domestic order is far from assured, even when the need for protection is identified. Legal, technical and practical barriers can make this process complex, time-consuming and unpredictable, including in the case where national regulations provide for a solid legal framework.

Once speculating why these tools have been so rarely used, this article explored whether individuals can easily obtain mutual recognition and enforcement of POs they have already secured, should they request it. In essence, can recipients actually benefit from these instruments? The analysis suggests that the answer to this question is hardly positive. Both the Directive and the Regulation are called upon to work in a legal landscape marked by major differences, lacking a sufficient level of harmonisation. Not even the recourse to two different instruments of cooperation is likely to bridge this gap; on the contrary, it appears to be a harbinger of further confusion. Given this background, prompt and effective cross-border dialogue between IA and EA could mitigate such structural issues. Unfortunately, a deficit in communication and coordination has been observed, aligning with the experiences of other analogous cooperation instruments.

Considering the fundamental nature of the victim's right to be protected from repeated victimisation and the imperative to safeguard the effective enjoyment of the right to free movement within the EU, an effort has been made to explore viable scenarios - both legal and non-legal - to turn these safeguards into reality. With regard to the former, the *GBV Proposal* received special attention due to its specialist focus and the emphasis it places on the need to protect against repeat victimisation. The analysis showed that should it be successful, this legal approach could lead to improvements in terms of both use and usability. In particular, the measures concerning training for practitioners, coupled with the advances being introduced with respect to the authority's duty to inform as set out

in Art. 4 VRD, could have a positive and direct impact in terms of utilisation. Also, efforts to harmonise national laws could prove beneficial in terms of usability. On the one hand, harmonising domestic rules covering POs would make it easier to overcome a variety of application-related practical problems; on the other hand, attempts to approximate substantive criminal legislation could broaden POs' applicability across borders.

Developments anticipated with the *GBV Proposal* are poised to contribute significant value. However, this article underscores that certain challenges extend beyond the purview of legislation alone, no matter how meticulously crafted. While some limitations are inherent in the constraints set by primary EU law, dictating the achievable scope through the *Proposal* (the exclusion of stalking from the offences to be harmonised is a glaring example), many shortcomings do not necessarily require legislative amendments for resolution. This certainly does not imply simplicity. On the contrary, it emphasises that the effectiveness of safeguards often hinges on how rules are implemented, encompassing aspects such as work organisation, process standardisation, internal and external coordination mechanisms, and the specialisation level of operators, which is far from simple.

The examination of the right to be informed highlights this. It underscores that the challenges impacting the effectiveness of regulations safeguarding victims of repeated victimisation, especially those of IPV, are inherently systemic and require a systemic remedy. Positive instances drawn from on-the-ground experiences examined (the Tivoli PPO approach) illustrate how justice service can serve as an engine for transformation. These examples demonstrate the potential for justice to impart effectiveness to norms in alignment with their genuine intent, transcending mere adherence to their literal wording. The cited examples further exemplify how embracing a systemic, specialised, and standardised approach to judicial management of repeat victimisation tends to strengthen citizens' inclination to seek solutions to their problems through the justice system.

This approach is crucial at the domestic level to promptly identify and address the protection needs of victims, as well as in the cross-border realm. For national authorities responsible for issuing and enforcing EPOs and Certificates, establishing a systematic collaboration with their counterparts in other MS could enable them to mitigate the challenges arising from regulatory and judicial diversity, smoothing out potential complexities. This could be achieved by leveraging established channels of human-based cooperation, which have demonstrated effectiveness in implementing tools based on the principle of mutual recognition, as well as exploring the potential use of emerging IT platforms in the field of European e-justice to provide quicker, safer, and cost-effective avenues for cross-border dialogue.

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