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11 May 2010

## European norms concerning the enforcement and supervision of restraining orders in case of gender-based violence

### **Motion for a recommendation**

tabled by Ms Krista KIURU and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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In cases of gender-based or domestic violence and harassment, judicial or other authorities may issue a restraining order as a last resort to protect the victims who are mainly women.

At present the legal practices regarding restraining orders vary in Council of Europe member countries. The penalty may be a fine or imprisonment. In many countries the violation of a restraining order is a punishable offence subject to public prosecution. The procedures for submitting petitions for a restraining order, the consequent processing of petitions and the issuing of the final decisions vary in Council of Europe member states.

At European level, these major differences may however seriously undermine the ultimate aim to protect the victims.

At present there are no common European standards concerning restraining orders, their enforcement and the supervision of their implementation at national and European level.

The Parliamentary Assembly should examine more closely this issue from the viewpoint of the protection of human rights with the aim of elaborating common European guidelines and norms.

Furthermore, the Committee of Ministers should invite member states to review the national legislation and practice in the member states in this field, and ultimately include such standards in the future convention to prevent and combat violence against women and domestic violence while ensuring their enforcement and supervision.

*Signed (see overleaf)*



*Signed*<sup>1</sup>:

KIURU Krista, Finland, SOC  
AUSTIN John, United Kingdom  
BARNETT Doris, Germany, SOC  
BONDARENKO Olena, Ukraine, EPP/CD  
BOSWELL Tim, United Kingdom, EDG  
ČURDOVÁ Anna, Czech Republic  
DIMITROV Kirtcho, Bulgaria, EPP/CD  
DUNDEE Alexander, [The Earl of], United Kingdom  
ERR Lydie, Luxembourg, SOC  
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1. ALDE: Alliance of Liberals and Democrats for Europe  
EDG: European Democrat Group  
EPP/CD: Group of the European People's Party  
SOC: Socialist Group