

European Scrutiny Committee

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From: Sir William Cash MP

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**European Commission reports on the implementation of EU Directives on
Victims' Rights and on the European Protection Order
(Commission documents COM(20)188 and COM(20)187)
(ESC numbers 41248 and 41249)**

Thank you for your [letter of 3 July 2020](#) responding to the questions raised in the European Scrutiny Committee's [Eleventh Report of Session 2019-21](#) and [my letter of 11 June 2020](#) concerning the implementation of two EU criminal law Directives, one on victims' rights,¹ the other on the European Protection Order.²

Although both Directives will cease to apply to the UK at the end of the post-exit transition period, on 31 December 2020, you have confirmed that the common minimum standards set out in the victims' rights Directive will "remain in domestic law" as they form part of the retained EU law which is preserved by the European Union (Withdrawal) Act 2018. UK citizens or residents involved in criminal proceedings elsewhere in the EU will also be able to depend on these common minimum standards.

This is not the case for the European Protection Order. From 1 January 2021, it will no longer be possible for orders made by UK courts to safeguard an individual against a criminal act that may endanger their life, physical, psychological or sexual integrity, dignity or personal liberty to be recognised and enforced in a foreign jurisdiction if that individual moves (even temporarily) to an EU Member State.

¹ [Directive 2012/29/EU](#) establishing minimum standards on the rights, support and protection of victims of crime and replacing Framework Decision 2001/220/JHA.

² [Directive 2011/99/EU](#) on the European protection order.

We welcome your intention to introduce a Statutory Instrument later this year to ensure that European Protection Orders received by 31 December 2020 continue to operate in the UK under the “winding up” provisions contained in the EU/UK Withdrawal Agreement. It is nonetheless disappointing that neither the EU nor the UK has expressed interest in continuing cooperation in this area after transition, as part of their future relationship. Although the take-up of European Protection Orders in the EU so far is low, and the impact of losing this form of protection for those at risk of harm may therefore be limited, we note that there is “no comparable fallback option”. As a result, there will no longer be a relatively simple mechanism for ensuring, for example, that the domestic abuse protection orders envisaged in the [Domestic Abuse Bill](#) will be recognised and enforced within the EU.

We have no further questions to raise on these Commission reports and do not expect a response.

I am copying this letter to the Chair (Sir Robert Neill MP) and Clerk (David Weir) of the Justice Committee; the Chair (Rt Hon Yvette Cooper MP) and Clerk (Elizabeth Hunt) of the Home Affairs Committee; the Chair (Rt Hon Caroline Nokes MP) and Clerk (Margaret McKinnon) of the Women and Equalities Committee; the Chair (R Hon Harriet Harman MP) and Clerk (Lucinda Maer) of the Joint Committee on Human Rights; the Chair (the Earl of Kinnoull) and Clerk (Christopher Johnson) of the EU Select Committee in the House of Lords; Maxine Cristiano and Tessa Gilder-Smith, your Departmental Scrutiny Coordinators; and Les Saunders and Donald Harris in the Cabinet Office.

CHAIR