



OPEN SOCIETY INSTITUTE  
NETWORK WOMEN'S PROGRAM  
VAW MONITORING PROGRAM

V I O L E N C E  
A G A I N S T  
W O M E N

DOES THE GOVERNMENT CARE  
IN  
P O L A N D ?

Country Monitoring Reports  
and Fact Sheets

from  
Central and Eastern Europe,  
the Commonwealth of  
Independent States,  
and Mongolia

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Október 6. u. 12.  
H-1051 Budapest  
Hungary

*Website*

<[www.soros.org/women](http://www.soros.org/women)>

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## Preface

*“...states have an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or private persons, and provide protection to victims...”*

(Recommendation No. R (2002) 5 of the Committee of Ministers of the Council of Europe to member states on the protection of women against violence)

Violence against women is a global epidemic, constituting the serious violation of women’s human rights and fundamental freedoms. Combating this phenomenon has been one of the main priority areas of the Network Women’s Program (NWP) of the Open Society Institute since its establishment in 1998.

NWP’s main activities in this field included initiating, managing and supporting several international projects,<sup>1</sup> by acquiring and transferring knowledge throughout the regions where OSI has traditionally worked.<sup>2</sup> The activities of NWP in the field of violence against women were transformed into a separate program, the Violence against Women (VAW) Monitoring Program, which operated until the end of 2006.

A main focus of the Program was introducing and managing the Stop Violence Against Women (STOPVAW) website,<sup>3</sup> and establishing the National Violence against Women (VAW) Monitor Network. The website was developed by Minnesota Advocates for Human Rights in 2003, with the support of NWP and UNIFEM. Subsequently, in May 2004 NWP initiated the National VAW Monitor Program by

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<sup>1</sup> Such as the “16 Days” Campaigns against Gender Violence, and the Coordinated Community Response to Violence against Women (Duluth Program). The “16 Days” Campaigns Against Gender Violence program supported NGOs in 19 countries of the Soros foundations network to organize national public awareness campaigns on violence against women. NWP and the OSI Network Media Program provided grants, along with training workshops, in order to build the capacity of women’s NGOs and media experts, and to improve the quality of the media campaigns. Grants were offered exclusively for cross-country cooperation in 2003.

In introducing the Duluth Model, an innovative community-coordinated strategy, NWP organized several training workshops for national teams from 16 countries as well as special training for police officers and other law enforcement professionals, and supported the adaptation of the model for several years.

<sup>2</sup> These are the countries of Central and Eastern Europe and the former Soviet Union.

<sup>3</sup> See: [www.stopvaw.org](http://www.stopvaw.org).

establishing a network of NGOs from 24 countries. Non-governmental organizations in the fields of violence against women and gender equality take on the role of National VAW Monitors and facilitate the continued development and maintenance of the English and national-language Country Pages of the STOPVAW website.

The responsibilities of the National Monitors include the monitoring of government compliance with international obligations and the distribution of information to the international community about the successes and failures of their governments in combating violence against women. The website and the Network are active forums for information sharing, knowledge transfer, and advocacy work.

At the end of 2005 a new, comprehensive Survey to Monitor Violence against Women was initiated by NWP, inviting the National VAW Monitors and other experts to map the situation on violence against women in their respective countries, with special regard to state responses. The survey methodology prepared for the Monitors and experts to follow built upon the Council of Europe Committee of Ministers' Recommendation No. R (2002) 5 on the protection of women against violence. The goal was to collect concise and comparative information from those who are in the field, as a basis for further analysis and update. Another aim was to contribute to the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence.

By following the words and spirit of the Recommendation of the Council of Europe, the examined fields include, among others:

- responsible government bodies and their mandates regarding violence against women;
- action plans and their implementation;
- state budgets to combat violence against women, including support for NGOs;
- laws, regulations, and codes of conduct;
- services and assistance to victims (shelters, hotlines, crisis centers, legal aid, etc.);
- training and education at all levels;
- role of the media;
- awareness-raising activities; and
- research and statistics.

As a result of the monitoring survey, Country Fact Sheets and Country Monitoring Reports were prepared. These Fact Sheets and Country Reports issue a non-

governmental assessment of the countries' situation in the above fields, and formulate clear recommendations to the governments.<sup>4</sup>

Data collection for the monitoring survey was closed on December 1, 2006. Updated information on further developments in the efforts to combat violence against women in the countries concerned is available on the STOPVAW website.

We hope that both the Fact Sheets and Country Reports will be useful advocacy tools at the national and international levels, and that, by generating legal and policy changes, they will urge the states to fully meet their international commitments to combat violence against women.

Éva Földvári  
*Program Director*  
*Open Society Institute*  
*Violence against Women Monitoring Program*

Enikő Pap  
*Program Officer and Project Coordinator*  
*Open Society Institute*  
*Violence against Women Monitoring Program*

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<sup>4</sup> The reports are available online at [www.soros.org/women](http://www.soros.org/women) and [www.stopvaw.org/Country\\_Pages](http://www.stopvaw.org/Country_Pages).



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#### THE EDITORIAL TEAM

Enikő Pap  
Judit Herman  
Judit Wirth  
Miklós Vörös  
Minnesota Advocates for Human Rights (English editing only)  
Q.E.D. Publishing

# 1. STATE MECHANISMS OF COMBATING VIOLENCE AGAINST WOMEN

## 1.1 National institutions or government bodies responsible for policy coordination and implementation

Significant changes have been made in Poland recently concerning the body responsible for a gender equality policy. Since 2002, these tasks have been accomplished by the governmental Plenipotentiary for the Equal Status of Women and Men (established by the Regulation of the Council of Ministers of June 25, 2002.) This special body functioned until November 2005 when the institution was dissolved and its tasks were moved to the Ministry of Social Policy and Labor.

According to the Regulation of the Council of Ministers of November 3, 2005, the Department for Women, Family and Anti-Discrimination, run by Ms. Kluzik-Rostkowska, Undersecretary of State Ministry of Labor and Social Policy, is responsible for the coordination of activities counteracting discrimination in political, social and economic life (excluding ethnic discrimination) and defining priorities for the Department for Women, Family and Anti-Discrimination and Family Social Benefits. In particular, the role of the Department for Women, Family and Anti-Discrimination are as follows:

- analyzing and mapping the legal and social situation of women, the family and discriminated persons, as well as to initiate and coordinate all activities leading to the equal treatment of people who are discriminated against in any field of social, economic and political life;
- working on the policy and law relating to the social status of women and family, as well as anti-discrimination;
- giving its opinion on the government regulations concerning the social situation of women and the family, as well as anti-discrimination;
- cooperating with proper authorities of public administration and non-governmental organizations and institutions within the scope of their responsibility for carrying out the tasks and programs for women, the family, as well as on anti-discrimination;
- initiating, carrying out, coordinating and monitoring the government programs for women and the family, as well as anti-discrimination and equal opportunities;
- cooperating with international organizations in order to deal with anti-discrimination, including the reports on implementation of international conventions;

- promoting and popularizing the issues of anti-discrimination and equal opportunities and carrying out information and educational tasks for raising the consciousness of existing discrimination and its manifestations, as well as methods and strategies leading to counteracting discrimination; and
- working on and carrying out the projects financed from the sources of the European Social Fund, as part of Priority 1.6, “Vocational Integration and Reintegration of Women” of the Sectoral Operational Program for Human Resources Development.

The issue of violence against women is not mentioned in the department’s mandate.

Countering violence is not treated in a complex way, and neither the Ministry of Labor and Social Policy nor any other governmental body is responsible for its coordination. Countering violence against women is a part of other activities connected with countering violence in families, countering alcoholism, social support, and human trafficking. The state budget does not supply separate funds for this goal.

The Act on Counteracting Violence in the Family came into force on November 20, 2005. The bill imposed new obligations on the Council of Ministers, Ministry of Labor and Social Policy, voivodeships (counties), the second level of local government administration in Poland. The Council of Ministers is obliged to create a *National Program on Counteracting Violence in the Family* and to report on the results of the program to Parliament every year before June 30. However, the program still has not been published. The Ministry of Labor and Social Policy is obliged to define standards of basic services supplied by professional centers of support for victims of violence in the family and also detailed directives on the reparative-educational impact, including the adjustment of the range of assistance based on situations and needs of victims of violence; to order and finance research, analysis, and expertise concerning violence in the family; to organize actions promoting raising consciousness of the reasons and results of violence in the family; and to monitor the realization of the *National Program on Counteracting Violence in the Family*.

Voivodeships are obliged to prepare training materials, recommendations and crisis intervention procedures connected with violence in the family for people responsible for its realization, and to monitor the violence in the family.

Local administration, or the community (*gmina*) council, is required to create a community based system for counteracting violence in the family, to secure counseling and intervention, to work on and carry out programs for the protection of victims of violence, and to manage community based centers of support.

The second level of local government administration in Poland, the district (*powiat*), is required to create and run support centers for victims of violence in the family, to run crisis intervention centers (responsibility of the district government), and to create and

run reparative-educational programs for perpetrators of domestic violence (commissioned by governmental administration).

District government tasks are financed by the local government; tasks commissioned by governmental administration are financed by the national budget.

There is no special governmental coordinating institution or body in charge of the implementation of measures to combat violence against women.

The Ministry of Labor and Social Policy is responsible for monitoring the results of the *National Program on Preventing and Counteracting Violence in the Family*. However, since the Program has not been developed, there is no data on these results.

Regarding the issue of human trafficking, a special Group for Combating and Preventing Human Trafficking is responsible for assessing the *National Program on Combating and Preventing Trafficking in Human Beings*, and preparing recommendations and opinions on actions aimed at successfully combating and counteracting human trafficking. The Group members are representatives from the Ministry of Education, the Ministry of Social Security, the Ministry of Justice, the National Public Prosecutor, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Interior and Public Administration, the Office of the Committee of European Integration, the President of Repatriation and Foreigners Office, the General Commandant of Police, the General Commandant of Border Guard, and non-governmental organizations. The Group is a part of the Ministry of Interior and Public Administration, and is financed by the Ministry.

## 1.2 National action plans and other policy documents

There is no national plan of action dedicated exclusively to the problem of violence against women.

There is no gender equality program either and it is unknown if one is going to be prepared and adopted by the new government. From 1997 until 2005, there was a *National Action Program for Women*.<sup>5</sup> The program's purpose was the implementation of recommendations included in the final documents of the Fourth World Conference on Women, that is the *Beijing Declaration and Platform for Action*. The first implementation stage of the program was adopted by SLD-PSL (government coalition of the Alliance of Democratic Left – SLD and Polish People's Party – PSL) in 1997. However, after the elections in 1997, the new government AWS-UW practically suspended its realization.

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<sup>5</sup> See the 2000 report of the Polish Government to the UN Division for the Advancement of Women on the *National Action Plan* at [www.un.org/esa/gopher-data/conf/fwcw/natrep/NatActPlans/poland.txt](http://www.un.org/esa/gopher-data/conf/fwcw/natrep/NatActPlans/poland.txt).

Major tasks of the program were not realized. The realization of tasks aimed at improvement of women's situation was not monitored. Stage two of the program for 2003–2005 was a government document, approved by the Council of Ministers on August 2003. It was comprised of nine chapters dealing with separate problems concerning different aspects of women's lives: women's rights as human rights, economic activity of women, women's health, education, participation of women in public authorities and decision making, women and mass media, cooperation between government administration and NGOs, research strategies and data collecting systems, and violence against women.

Tasks regarding counteracting violence against women include creation and implementation of new a law on violence against women, social education on issues concerning violence against women, institutional support system for victims, educational actions for perpetrators, creation of a new reporting system and data collection concerning violence against women. The main responsible actors are the Ministry of Justice, the Ministry of Education, the Ministry of Interior and Public Administration, the Ministry of Social Policy, the Police Headquarters, and NGOs. Most deadlines were set for 2003 and 2004. Budgets were allocated from the above ministries' funds.

The most important planned and completed tasks concerning violence against women were: passing the bill on counteracting violence in the family, and passing a bill on compensation for victims of intentional crimes.

Some information about the implementation of the *National Action Plan for Women* and on violence against women was contained in the Government Reports for the UN Division for the Advancement of Women<sup>6</sup> and for the forty-second session of the UN Commission on the Status of Women (March 2–13, 1998).<sup>7</sup>

Feminist NGOs prepared an alternative report concerning the implementation of the program: *The Alternative Report Beijing+10* was published by NEWW-Polska and is available at [www.neww.org.pl/download/Raport\\_alternatywny\\_GB.pdf](http://www.neww.org.pl/download/Raport_alternatywny_GB.pdf).

The main conclusions of the alternative report on the subject of violence against women were:

- Violence against women is still not considered a serious problem. The government lacks a comprehensive approach to this issue; there is no consistent policy and not enough action.

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<sup>6</sup> *Ibid.*

<sup>7</sup> The synthesized report is entitled *Follow-up to the Fourth World Conference on Women: Implementation of Strategic Objectives and Action in the Critical Areas of Concern*. See at [www.un.org/documents/ecosoc/cn6/1998/ecn61998-6.htm](http://www.un.org/documents/ecosoc/cn6/1998/ecn61998-6.htm).

- According to many feminist NGOs, the fact that the State Agency for Prevention of Alcohol-Related Problems (PARPA) was involved in financing and organizing help for women only strengthened stereotypes. In the opinion of many, domestic violence is connected with alcoholism and family violence is seen as gender-neutral.
- The government does not take any action to fight stereotypical connections between violence in the family and alcoholism. Programs to help women victimized by violence are financed by funds allocated to fight alcoholism. Independent NGO programs with new approaches to the problem face serious barriers because funding is refused.
- Many police officers expect victims to initiate investigation, although current law states that domestic violence should be prosecuted even without complaint from the victim.
- In spite of great efforts by NGOs, the Card of Victim's Rights (which explains rights of victims and what kind of help a victim may expect from specific institutions) does not reflect the specific situation of women harmed by domestic and sexual violence.
- The government did not conduct any informational campaign on violence against women.
- The government did not carry out its obligations concerning social education on issues of violence against women (such as publishing booklets, organizing workshops, and educating women on how they can protect themselves).
- A new action plan has not been prepared.

According to the Act on Counteracting Violence in the Family of 2005, the government should develop a national program for combating domestic violence, describing actions taken to provide help to victims of violence, to influence perpetrators of violence and to raise the consciousness of reasons and results of violence in the family. However, such a program has not been adopted by the government.

On September 16, 2003 the Council of Ministers approved a *National Program on Combating and Preventing Trafficking in Human Beings* prepared by the Minister of the Interior and Public Administration. The deadline for its realization was the end of 2004. On April 26, 2005 the Council of Ministers approved its continuation, the *National Program on Combating and Preventing Trafficking in Human Beings* proposed by the Minister of Interior and Public Administration. The program was applicable for 2005–2006. It aimed at strengthening cooperation between the Group for Combating and Preventing Human Trafficking and similar institutions operating in countries where victims of human trafficking in Poland come from, as well as countries which are the destinations of victims of human trafficking in Poland. Moreover, a complex

report on human trafficking is to be made. The program also covers organizational and financial support for research on human trafficking; the introduction of the subject of human trafficking to the public media; the preparation of legal rules on conditions for assigning visas and permits for temporary stay for victims of human trafficking; cooperating with respective institutions; dealing with citizens of foreign countries; as well as the preparation and implementation of training on the prevention of human trafficking for police, boarder guards, public prosecutors and judges.

The Group for Combating and Preventing Human Trafficking prepared a report on the realization of the *National Program on Combating and Preventing Trafficking in Human Beings* in 2003–2004. The report states that most tasks were not accomplished, because the Program was adopted by the government too long after it was prepared. Some tasks were not accomplished due to lack of funds.

### **1.3 State monitoring of existing legislation and policies**

There are no formalized mechanisms of reviewing law and policy regarding violence against women. The only review which contains information about violence against women was done by the government for the Fourth World Conference on Women. The alternative report, *Beijing+10*, was created by NGOs. Both were mentioned above.

### **1.4 State budget earmarked for combating violence against women**

There are no budget line-items in the state, municipality, or other institutions' budgets specifically for the fight against violence against women. Data on funds for fighting violence against women are fragmentary and incomplete.

For example, in 2003, the Ministry of Social Policy budget was 4,615,000 PLN (1,189,971 euros), and 571,300 PLN (146,700 euros) was allocated to issues associated with violence in the family, including centers of crisis intervention. Professional family counseling was funded by 675,400 PLN (173,400 euros). Data is not available on any detailed descriptions of issues to be financed, nor on how much money goes to the support of NGOs.

In 2004, out of 4,615,000 PLN (1,185,200 euros), the Ministry allocated 352,000 PLN (90,500 euros) for the tasks of fighting violence against women, and for the tasks of professional family counseling 896,400 PLN (230,400 euros) was allocated.

In 2003, the state allocated 1,016,661.28 PLN (255,400 euros) to the State Agency for Prevention of Alcohol Related Problems (PARPA) for issues associated with violence in the family. In 2004, the allocation was 998,000 PLN (256,500 euros). The above-mentioned resources were 0.04% of the general budget for health security. A part of



these funds was allocated as donations for NGOs, others for tasks carried out by PARPA itself. In 2003 and 2004, the Plenipotentiary for Equal Status of Women and Men allocated one-third of their budget to support programs conducted by NGOs. One of the 2003–2004 goals was fighting violence. Forty-two projects were funded. The total allocations were 228,250 PLN (58,600 euros).<sup>8</sup>

There is no data on the exact sum of money provided to NGOs working in the field of violence against women nor on support of NGOs generally.

### 1.5 State financing system to compensate victims

As of September 21, 2005, victims may apply for financial compensation based on the Act of July 7, 2005 on State Compensation for Victims of Certain Intentional Offences.

Compensation may be assigned to victims (and their close relatives) of crimes committed by violence which result in death, injury of body organ or a health disorder described in Articles 156(1) on “Injury resulting in loss of ability to see, hear, talk or procreate” and 157(1) on “Other injuries or health disorders not mentioned in Article 156(1)” of Act of 6 June, 1997 on the Penal Code. The compensation is granted if the crime is committed on Polish territory and the victim is a citizen of Poland or any other European Union country. The amount of compensation covers only lost salaries or other resources, costs of medical treatment and costs for the funeral. The compensation does not cover any other material or non-material losses. The compensation may not be higher than 12,000 PLN (3,100 euros).

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<sup>8</sup> In 2005, the Plenipotentiary of Government donated, among others, to the following organizations fighting against violence: Caritas Association of Gniezno Archdiocese – project “Family crisis,” 12,000 PLN; Social Activity Center “Pryzmat” in Suwalki – project “Support center for female victims of violence,” 4,160 PLN; Praestero Foundation in Łódź – project “Psychological Counseling Center-Asylum,” 12,000 PLN; Association ASLAN in Warsaw – project “Hostel for young victims of violence in the family,” 12,000 PLN; Association Family Support Center in Chelm – project “Crisis intervention center,” 7,825 PLN; Penitentiary Association “Patronat” in Zielona Góra – project “Support program and prevention of violence among imprisoned women and their children,” 10,000 PLN; Association for Family in Danger of Social Pathologies POSTIS in Lublin – project “Crisis intervention for victims of violence,” 12,000 PLN; Association for Mutual Help “Being Together” in Cieszyn – project “Violence in the Family” – program for victims, perpetrators and witnesses of violence, 12,000 PLN; Citizen Counseling Office in Radlin – project “Prevention of VAW,” 5,310 PLN; Association for Self-help “Circle” in Gdańsk – project “Prevention of violence against elderly people, women and children,” 12,000 PLN; Local Committee for Child Rights in Czeszochowa – project “Prevention of violence,” 10,000 PLN.

Resources for compensation come from the state budget. The law took effect recently, therefore, there is no data about persons who applied for compensation and the amount of money granted.

## 1.6 Recommendations of the UN CEDAW Committee to the state and their implementation

The Concluding Comments of the CEDAW Committee for Poland were prepared in 1991 at the 10<sup>th</sup> session. Reports were not commented on (including report No. 6 discussed on December 13, 2004). Recommendations and suggestions are out of date because of the significant changes in the political and social situation in Poland.

Ms. Radhika Coomaraswamy, UN Special Rapporteur on Violence Against Women, Its Causes and Consequences submitted her report in 2003, in accordance with the Commission on Human Rights resolution 2002/52.<sup>9</sup>

The report contains the following issues and concerns regarding Poland:

- Deportation practices in Poland make incrimination of traffickers difficult. Illegal immigrants must be repatriated within 48 hours from the time of arrest, during which time they are kept at prison-like detention centers. Most police do not suspect that an illegal immigrant prostitute may be a victim of trafficking. The hectic deportation process, language barriers and the prevalent negative attitude on prostitution prevent attempts to understand her situation. Victims have no legal status, and there are almost no public resources available to assist them. If a woman is recognized as a victim of trafficking, she will be given a temporary visa for the duration of the court proceedings but no safe shelter, allowance for living expenses, work permit or protection from traffickers. She may decide to provide written testimony and return home. Written testimony is much less effective in court than oral testimony.
- Domestic violence and violence against women are still not adequately recognized as grave social problems in Poland. As a consequence of the strong emphasis on family values, Poland tends to overlook the high instance of domestic violence within its borders. Rape and sexual abuse in Poland is also

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<sup>9</sup> Coomaraswamy, Radhika (2003) *Integration of the Human Rights of Women and the Gender Perspective of Violence Against Women* (Report E/CN.4/2003/75/Add1 of the Special Rapporteur on violence against women, its causes and consequences, submitted in accordance with Commission on Human Rights resolution 2002/52, Addendum 1 International, regional and national developments in the area of violence against women 1994–2003) Poland: paragraphs 2035–2050. See at <http://hri.ca/fortherecord2003/documentation/commission/e-cn4-2003-75-add1.htm>.

widespread. The unresponsiveness and ineffectiveness of the criminal justice system in domestic violence cases (for example the fact that there is no immediate isolation of the perpetrator from his victim) prevents many women from reporting violence.

- The Government neglects to implement a comprehensive policy on its prevention and the Governmental Plenipotentiary for Family Affairs has not fully implemented the program against violence against women from the *National Action Plan for Women*.
- Victims of rape have difficulty finding specialized psychological assistance and counseling. Practically no rape crisis centers exist in Poland, and very few professional psychologists can adequately address the specific problems of the victims of rape. The lack of a well-organized victim service program is probably one of the main reasons why rape victims so rarely press charges against the perpetrators.

## **2. LAWS FOR THE PROTECTION OF WOMEN FROM ALL FORMS OF VIOLENCE**

### **2.1 Laws addressing violence against women or its different forms. Restraining or protection orders**

At the end of 2004 (December 28, 2004), a draft Act on Counteracting Violence in the Family was introduced into Parliament by the Government. This law came into force on November 20, 2005. Domestic violence is defined in Article 2(2) of the Act of July 29, 2005 on Counteracting Violence in the Family. It defines violence in the family as “incidental or recurrent intentional action or omission infringing rights or personal interests of the family members, in particular which exposes a threat of loss of life, health, to these persons, infringing their dignity, physical inviolability, freedom, including sexual one, causing damages to physical or mental health and also leading to suffering and moral injury to persons suffering violence.” Family members should be understood as the next of kin and any other cohabiting person. The Act determines tasks in the scope of counteracting violence in the family, rules of conduct towards victims of violence in the family, and rules of conduct towards perpetrators of violence. The Act states the types of assistance which are to be provided to the victims, particularly medical, psychological, legal counseling, crisis intervention and support, prevention from continued harm by the eviction of perpetrator, a ban on contacts with the victim, and providing the victim with shelter in a professional support center for victims of violence in the family.

The act also describes methods to prevent perpetrators from getting in touch with the victims. These methods may include a ban on getting close to, or specific methods of contact between victim and a convicted perpetrator.

The Act on the Police grants police officers the right to detain a perpetrator for 48 hours if his/her conduct is considered threatening to the life, health or property of other persons. The police may also notify the prosecutors' office to apply to a court for preliminary arrest. If an offender is under the influence of alcohol the police have a right to detain him/her until the effects of alcohol disappear.

During criminal proceedings, the perpetrator may be subjected to certain restrictions, which are supposed to secure the proceedings (for example to stop him from influencing the victim to change testimony) and preventing another serious crime. The measures are ordered by the prosecutor or the court depending on the phase of the proceeding. During investigation or inquiry, the measures are ordered by the prosecutor. During judicial proceeding, the measures are ordered by the court. Measures appropriate for violence against women perpetrators are temporary arrest, police supervision to control whether the perpetrator fulfills the requirements ordered, or a court decision.

The court decision may ban the perpetrator from leaving his residence. The perpetrator may be also required to report to the supervisory body at defined time intervals, to provide information about planned trips, and the date of his return. The decision may also limit his freedom in other ways essential to a secure proceeding (Articles 249, 250; and 275). In the case of any disobedience of these requirements, the police must report them to the prosecutor or the court (depending on the stage of the proceeding) and the perpetrator may be temporarily arrested.

The July 27, 2005 amendment introduced additional punitive measures to the Penal Code which may be ordered in a guilty verdict. With this amendment, Article 39(2)(b) was added. It consists of the following punitive measures: bans on staying in particular environments or places; bans on contact with particular persons; and bans on leaving a particular place without the prior consent of the jury. Disobedience of the above prohibitions is a separate crime (Article 244 of the Penal Code) and may result in a 3-year prison sentence. These provisions are the same as in the Act on Counteracting Violence in the Family.

## **2.2 Applicable provisions in criminal law**

### **2.2.1 Criminal offenses**

Criminal offenses marked by different aspects of violence are defined in a general way (ignoring sex and gender of the victim) in the Penal Code of 1997.

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Section 19 on “Offenses against Life and Health:”

- a) According to Article 153(1), abortion without consent of the pregnant woman caused by physical violence that leads to miscarriage is punishable by imprisonment of six months to eight years.
- b) According to Article 153(2), abortion without consent of the pregnant women caused by physical violence if a baby reached viability is punishable by ten years imprisonment.
- c) According to Article 154(2), abortion without consent of the pregnant women caused by physical violence that leads to miscarriage and causes the death of the pregnant woman is punishable by imprisonment of two to twelve years.
- d) According to Article 156(1), causing grave health disorder is punishable by imprisonment of one year to ten years.
- e) According to Article 156(2), grave physical damage if an offender acts involuntarily is punishable by imprisonment of up to three years.
- f) According to Article 156(3), grave physical injury which causes death is punishable by imprisonment of two to twelve years.
- g) Physical injury to body organ functions or health disorder other than those referred to in the Article 156, which lasts longer than seven days is punishable by imprisonment of three months to five years. If the crime was a result of involuntary action, the punishment is pecuniary penalty, restriction of liberty, or imprisonment of up to one year. According to Article 157(1) in relation to Article 157(4), if an act was against the closest person the prosecution is on the injured person’s motion.
- h) According to Article 157(2), physical damage to body organ functions or health disorder lasting for no longer than seven days is punishable by pecuniary penalty, restriction on liberty, or imprisonment for up to two years. If involuntary, the punishment is pecuniary penalty, restriction of liberty, or imprisonment of up to one year.
- i) According to Article 158(1), taking part in assault or battery, in which a person was exposed to direct danger of death or with the effect of grave physical damage which was referred to in the Article 156(1) or physical damage to a body organ functions or health disorder which lasts for longer than seven days which was referred to in the Article 157(1) is punishable by imprisonment for up to three years.
- j) According to Article 158(2), taking part in assault or battery with an effect of grave health disorder is punishable by imprisonment for six months to eight years.

- k) According to Article 158(3), assault or battery resulting in death is punishable by imprisonment for one year to ten years.
- l) According to Article 159, the use of a knife, or a gun, or any other dangerous tool in an assault or battery is punishable by imprisonment for six months to eight years.

Section 25 on “Offenses against Sexual Freedom and Decency:”

- a) Involuntary sexual intercourse by violence or deceit, is punishable by imprisonment for two to twelve years according to Article 197(1).
- b) Allowing involuntary sexual activity, or undertaking such an activity by violence or deceit, is punishable by imprisonment for six months to eight years according to Article 197(2).
- c) Collective rape is punishable by imprisonment for no less than three years according to Article 197(3).
- d) Peculiar cruelty in acts referred to in Paragraphs 1-3 is an aggravating factor punishable by imprisonment for no less than five years according to Article 197(4).
- e) Taking advantage of the helplessness of another person, or their lack of ability for recognition of the meaning of the act, or their lack of ability to influence behavior that aims at sexual intercourse is punishable by imprisonment for six months to eight years according to Article 198.
- f) Involuntary sexual intercourse by the abuse of dependency, or use of critical situation is punishable by imprisonment for up to three years according to Article 199(1).
- g) Involuntary sexual intercourse with a minor by the abuse of dependency, or use of critical situation, or use of the minor’s trust, or by offering a material or personal profit is punishable by imprisonment for three months to five years according to Articles 199(2) and 199(3).
- h) Sexual intercourse with a minor under 15 is punishable by imprisonment for two to twelve years according to Article 200(1).
- i) Sexual intercourse with a relative, a descendant, a step-parent or a step-child, a brother or a sister is punishable by imprisonment for three months to five years according to Article 201.
- j) Subjecting another person to practice prostitution, by force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation is punishable by imprisonment for one to ten years according to Article 203.

- k) Inducing another person to practice prostitution or facilitating it in order to derive a material benefit is punishable by imprisonment for up to three years according to Article 204.

Section 26 on “Offenses against Family and Guardianship:”

- a) Persistent physical or mental mistreatment of another person in constant or intimate relationship with the perpetrator, or of a minor, or a helpless person is punishable by imprisonment of three months to five years according to Article 207(1).
- b) Peculiar cruelty in persistent physical or mental mistreatment of another person is punishable by imprisonment of one year to 10 years according to Article 207(2).
- c) Persistent physical or mental mistreatment of another person which affected encroaches on the victim’s life is punishable by pecuniary penalty, restriction of liberty, or imprisonment up to a year according to Article 207(3).

Section 27 on “Offenses against Dignity and Physical Inviolability:”

- a) Insult to a person is punishable by pecuniary penalty, restriction on liberty, exemplary damages to the victim and/or the Red Cross, or any other social purpose according to Article 216(1). Prosecution starts upon private motion.
- b) Beating of a person or other physical assault is punishable by imprisonment of two to twelve years according to Article 217(1). Prosecution starts upon private motion.

Section 32 on “Offenses against Public Order:”

- Conducting slavery (trade in humans) even with their consent is punishable by imprisonment for a minimum of three years.

The Criminal Code (Articles 204 and 253) prohibits trafficking in human beings and sexual exploitation and imposes sentences of up to 10 years on those convicted. It also bans recruiting or luring persons into prostitution; penalties for this offense are also up to 10 years. The most severe sentences are reserved for individuals trafficking in children and those luring women into prostitution abroad.

The Polish Penal Code does not contain a definition of sexual harassment. Sexual harassment is classified as sex-based discrimination and as such is explicitly prohibited by an amendment to the Labor Code which came into force in 2003. Regulations to tackle sexual harassment in the workplace have long been demanded in Poland, notably by women’s groups.

### 2.2.2 Criminal procedures and prosecution

There are no specific procedures for speedy remedies for violence against women or domestic violence. Only general provisions are applicable.

If an offense could be an issue of domestic violence, however, the police should undertake a particular procedure to make note of the act and to inspect the family that suffered from domestic violence.<sup>10</sup>

According to Polish law, criminal acts are prosecuted *ex officio*. Private motion or a victim's request is necessary only in cases which are clearly stated. For crimes contained in Section 2.2.1, prosecution takes place after victim's request in cases of damage considered to be minor to a body organ;<sup>11</sup> all forms of rape<sup>12</sup> and sexual intercourse taking advantage of helplessness of another person unless the victim is mentally handicapped.<sup>13</sup> In case of the victim's permanent mental disability, the prosecution is started *ex officio*. Moreover, *ex officio* prosecution applies in cases of involuntary sexual intercourse by the abuse of dependency or use of a critical situation.<sup>14</sup> The term "helpless person" is not clearly defined by law. The criminal law doctrine assumes that the term refers to a person unable to assert himself or herself in the scope of sexual freedom, particularly unable to object to sexual intercourse or other sexual activity. Helplessness does not result from mental disability. It may be caused by physical handicap, paralysis, physical immobilization, or serious physical weakness.<sup>15</sup> In cases of insult and physical assault, prosecution is started based on private motion, that is, the victim must bring an indictment to court. The prosecutor may start the investigation or join in the private accusation proceedings to secure the public interest. A public interest is not automatically determined. The victim may withdraw the request to prosecute the perpetrator by prosecutor or court agreement until the beginning of the lawsuit. However, in cases of rape, the request may not be withdrawn.

Violence against women and children is not a factor for deciding to prosecute based on public interest.

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<sup>10</sup> For further information on this procedure, please see Section 3.1.

<sup>11</sup> Article 157(1) in relation to 157(4).

<sup>12</sup> Article 197(1–4) in relation to Article 205.

<sup>13</sup> Article 198 in relation to Article 205.

<sup>14</sup> Article 199(1) in relation to Article 205.

<sup>15</sup> Article 205.



### 2.2.3 Special provisions in the defense of children

A legal representative (parent, legal guardian) performs all activities on behalf of a child during criminal proceedings. If the victim is a juvenile, and the proceedings must be initiated upon the victim's request, the request is made by the victim's parent or legal representative.

### 2.3 Applicable provisions in civil and family law for cases of violence against women

There are no special provisions in civil and family law for violence against women cases. The issues relating to divorce and child custody are regulated in the Family and Guardianship Code. There is nothing in that code regarding domestic violence.

Female victims of violence may demand reparation for wrongs based upon general rules. Article 451 of the Act of April 23, 1964 on the Civil Code states that the perpetrator is obliged to repair wrongs done. This could be applicable in addition to state compensation for victims. In cases of bodily injury or a general health disorder, the reparation should cover all costs incurred. Victims can demand that the perpetrator cover all costs of medical treatment in the following cases: if the victim became disabled, the perpetrator should cover all costs of preparation for another profession; and if the victim loses the partial or total ability to work or the victim's standard of living changes he or she may demand compensation or pension paid by the perpetrator. Statistics regarding violence against women victim beneficiaries are not available.

### 2.4 Victim protection and protection of witnesses

There is no special law on victim protection and protection of witnesses. Victims of violence, like every aggrieved party, have the right to be informed about revocation, discontinuation or change from temporary arrest to any other prevention measures ordered for the perpetrator. The court informs the victim *ex officio*, unless the victim waives this right. After a legally valid verdict, on the victim's request, the director of the prison or penitentiary court is obliged to inform the victim of the perpetrator's release from prison, escape, pass, temporary release or release on parole. The court is required to inform the victim of the right to this information.

There are no special procedures for hearings for adult women victims of violence. There are no limitations for repeated hearings. Some units of law enforcement bodies or units of the judiciary establish internal rules concerning their procedures for work with victims of rape considering the specific situations and needs of the victim. For

example, the victim is questioned by trained officers in a separate room in a psychologist's presence. During criminal proceedings, the victim is usually questioned twice; once by a policeman or a prosecutor during an introductory proceeding, and the second time by the court. The judge may order the defendant to leave the room during the victim's or witness' hearing. "Blue rooms" (about 200 in the whole country) are special places to question children.<sup>16</sup>

There are no special provisions for data protection in cases of violence against women. General rules of data protection are contained in the Code of Criminal Procedure. Article 184 states that the court (or in introductory proceedings, the prosecutor) may decide to keep a victim's or witness' identity secret. Such decision may be made to secure the witness' life, health and possessions. In such situations, the witness' identity is known only to the court, the prosecutor, and sometimes to the police officer. The hearing takes place in special conditions which make it impossible for the perpetrator to recognize the witness.

There are special provisions for the defense of children. During criminal proceedings, children under the age of 15 should be accompanied by a legal representative or caretaker unless it jeopardizes the investigation.

In some cases, for example if a parent or caretaker cannot accompany the child, the presence of a teacher or court guardian is guaranteed. Moreover, children under the age of 15, who are victims of crimes against sexual freedom and morality, as well as their family and caretakers, may be interrogated as witnesses only once unless some new circumstances are revealed or repeated hearings are demanded by a perpetrator who did not have legal assistance. Children's hearings are conducted by the court in the presence of a psychologist, and prosecutors, attorneys, the victim's plenipotentiary, and the child's caretaker may participate. During the trial, the protocol of the hearing is read in advance.

There are no legal provisions of professional confidentiality in cases of sexual violence against children. There are certain rules concerning the professional confidentiality of particular professions: for example, a psychologist is obliged to keep all information received about their client confidential. This obligation is not temporary. The confidential information may only be disclosed in cases of serious risk of bodily injury or death to the client or another person, or if other legal acts require the disclosure. However, cases of sexual violence against children are clearly dangerous to their well-being. In these cases, psychologists are required to testify on confidential information.

There are no special provisions in the law for the defense of professionals or service providers dealing with violence against women cases.

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<sup>16</sup> See in Polish at [http://pl.wikipedia.org/wiki/Niebieski\\_pok%C3%B3j](http://pl.wikipedia.org/wiki/Niebieski_pok%C3%B3j).

## **2.5 Legal assistance and representation for the victims of violence against women**

Free legal aid for victims of violence against women before proceedings is offered only by NGOs, centers of social care and centers of family support. The source of funding is from local governments and private foundations. Once a year, an action called “A Week for Victim’s Support” is organized in courts, prosecutors’ offices and police stations, providing free legal counseling by judges, prosecutors, and lawyers, funded by the budgets of the above institutions.

During the procedures, victims who are in difficult financial situations may make a request to appoint a plenipotentiary. Attorney costs are covered by the court; however, the perpetrator may also be charged with these costs. Only an attorney can act as a victim’s plenipotentiary.

NGOs counseling victims of violence may take part in court procedures as “social representatives”. Representatives of NGOs may speak at court, make statements but may not present evidence, ask questions or appeal.

## **2.6 Providing information for victims about their rights, obligations, and the services available**

There is a legal requirement to provide information for victims in the provision about their rights and obligations during the first hearing.

## **2.7 Mainstreaming women’s safety in laws and regulations of the national, regional, and urban planning**

Unfortunately, the issue of violence against women and women’s safety is not present in the laws, regulations and guidelines of national, regional and urban planning. The issues of appropriate lighting in public places, monitoring of dangerous areas and safety on public transport is present in urban plans on strengthening safety, “Safe communities” (*“Bezpieczna Gmina”*), as concerning all citizens; however, it is not present as an issue for women’s safety.

“Safe taxi” (*“Bezpieczna taksówka”*) was initiated in 2004 by NGOs from all over the country and was focused on women. It was held under the patronage of mayors of cities, voivodeships and the Governmental Plenipotentiary for the Equal Status of Women and Men. Taxi companies offered women a discount for night rides, and taxi drivers waited until women went into the building. The action worked from April to December 2004, and was supported by taxi companies and the media.

### **3. PROFESSIONAL GUIDELINES, PROTOCOLS, AND INTER-AGENCY COOPERATION**

#### **3.1 Professional guidelines and operational protocols for dealing with cases of violence against women**

Regulation No. 22 of the National Chief of Police, describes the duties of the police in domestic violence interventions in the so-called “Blue cards.” The regulation states that police conduct an investigation following a request, a call, or their own suspicions. During the investigation, a police officer is obliged to reconstruct the course of events, their causes and consequences, give the victim first aid, secure the victim’s life, health and possessions, take coercive measures if appropriate, inform the victim about his/her rights, and secure evidence of the crime.

The National Police Authorities sanctioned the introduction of the “Blue cards” (forms for domestic incident reports) for Poland in the fall of 1998. The cards were designed to be used by police officers during interventions in the cases of domestic violence. They were meant to unify and simplify the documentation of the reported cases of violence. One of the “Blue cards”, “Information for victims of violence” (Card B), provides a victim with information on domestic violence and his or her rights, and includes telephone numbers of institutions involved in assisting victims.

Another card, “Formal Note on Violence in Family” (Card A) contains guidelines for gathering and documenting the evidence at the crime scene. Card A should contain the perpetrator’s sex, age, level of relationship between the perpetrator and the victim, kind of violence, injuries, presence of children, and the victim’s agreement or disagreement to pass their data to NGOs and institutions working in the field of prevention of violence.

However, there are some reservations about the manner in which the system was introduced and about the content of the “Blue cards.” Despite the order issued by the National Police Authorities, the new system is being introduced inefficiently. In most cases, the police do not use the cards unless a woman demands that they are used to document an incident. Additionally, even when the cards are properly filled out, the absence of a coordinated information system and the generally bad organization of the police work give rise to serious problems with processing and making use of the gathered information. One of the cards, “Request for Help,” which should be filled out by a female victim of violence, was first rejected by the police as unlawful, but finally was sanctioned by police authorities. The card suggests that domestic violence is prosecuted upon the request of a victim, which seems to be in contradiction to existing law. Moreover, it may strengthen the false but widespread belief held by many police personnel that they are not required to proceed without a victim’s request. In Poland,

however, domestic violence is publicly prosecuted and legal proceedings can proceed without the victim's request. The police are obligated to take legal action in each and every case when a well-justified suspicion arises that a crime has been committed. Implementation of the "Blue cards" system shifts the responsibility for initiating prosecution to the victim, thus giving the police a pretext to abandon legally required proceedings. As a result, many police who use the "Blue cards," instead of initiating an inquiry on the basis of documented evidence, require a victim to make a statement that he or she requests the police to take action within their powers. A woman is given the card informing her of a victim's rights but there is practically no information on the local organizations which provide assistance to victims of violence, except the telephone number of the "Blue card" hotline. This limited information seriously diminishes women's access to available assistance centers.

### **3.2 Legal regulations of inter-agency cooperation**

No such legal regulations exist. Generally, issues of social service also cover the issue of violence in the family. The Council of Social Service is a consultative–advisory body on the scope of domestic violence. However, dealing with the problem of domestic violence is not mentioned in its mandate. According to the Act on Social Service passed in May 2004, the Council consists of no more than 20 member-representatives of institutions of social service, units of local governments, voivodeships, NGOs, trade unions, churches, religious unions and scientists. Members of the Council are appointed by the minister responsible for social security. Their term lasts three years.

### **3.3 Medium- and long-term coordinated action plans for the different professions**

Medium- and long-term coordinated action plans for the different professions do not exist in Poland.

### **3.4 Involvement of NGOs and other agencies in drafting laws and shaping policies**

There is no forum for the active cooperation between NGOs working in the field of violence against women and state authorities. There is no systematic mechanism to involve the NGOs working in the field of drafting, designing, implementing and evaluating laws and policies, either.

### 3.5 Leading NGOs working in the field of violence against women in the country

Forty-nine Polish NGOs are engaged in the issue of violence against women, and include:

- The *Women's Rights Center* (headquarters in Warsaw, a few branches in other Polish cities) offers a legal and psychological counseling service for female victims of violence, hotline and shelter for women, offers publications raising the legal awareness of women, trainings for professionals, political lobbying. The president of Women's Rights Center is Urszula Nowakowska.
- *Association for Prevention of Violence in Family "Blue Line"* provides crisis intervention and psychological assistance for victims as well as perpetrators of violence, educational campaigns, training for teachers and educators, training for probation officers.
- *Nationwide Emergency for Victims of Violence in Family "Blue Line"* offers hotline, legal, social and psychological assistance, crisis intervention, coordination of "Organizations and Individuals Nationwide Alliance to Prevent of Domestic Violence", editor of the monthly *Blue Line*.
- *Crisis Intervention Society* operates a crisis intervention center, provides legal and psychological assistance to victims of crimes and discrimination.
- *Network of East-West Women Polska* coordinates international and regional projects, organizes meetings and conferences supporting women's participation in social and political life, organizes training sessions for women, provides free legal and psychological counselling, publishes information on women's health, women in business, and violence against women.
- *Caritas Polska*, a charity institution of the Polish Episcopate, offers shelter for victims of violence, and has a program on the prevention of forced prostitution.
- *MONAR-MARKOT Association* offers shelters and therapy centers for alcoholics, drug addicts, young criminals, and mothers with children.
- *Polish Women's League* offers legal and psychological assistance, active in lobbying, and social education.

The main sources of funding for these organizations are charity collections, donations from individuals, state and local budgets, and the EU.

## **4. SPECIAL UNITS IN THE LAW ENFORCEMENT OFFICES**

Generally, there are no units (or responsible persons) in law enforcement agencies to deal with cases of violence against women. However, the National Police Headquarters initiated the creation of Groups for Violence in the Family and Harmed Children. These groups provide free legal and psychological assistance. Moreover, this idea is being implemented in pilot programs as well, of which there is no data available.

## **5. AVAILABLE SERVICES**

### **5.1 Shelters**

In the scope of public social assistance, there are no special shelters for female victims of violence. Such women usually find refuge in shelters for women with young children or pregnant women.

The general rules of conduct for such places are contained in the Regulations of the Ministry of Social Policy, and in the regulations of each particular center. Local governments are required to run such institutions. There is no obligation to run these shelters for violence victims only. In 2004, there were 61 shelters with 2,403 dwellers. (In 2000, there were only 33 with 518 people.) In 2004, shelters consisted of 2,710 places (in 2000 the number was 710). The number of places per 10,000 citizens was 25.2 in 2004 and 20.7 in 2000. These institutions separate victims from offenders and provide medical help. A person may stay in such a shelter for a maximum of one year except in some special cases. To get a place in a shelter the woman must get a request from a Social Assistance Center. However, in cases of risk to life or health, the request is not required.

Women who do not have children may stay in shelters for homeless people. Immigrants may receive social help and shelter only if they have permission to settle, temporarily stay or have refugee status in Poland. Such permission may be granted to a victim of human trafficking who cooperates with law enforcement services and ceases contact with the perpetrators of human trafficking.

A child victim of violence without a legal parent or guardian may find a place in a foster family following the decision of the court. In cases where the child's life is at risk, the police may place the child in a foster family without a court's decision.

There are also shelters and hostels for female victims of violence run by NGOs and the Catholic Church. In such places, women may find legal and psychological counseling.

In 2004, there were about 148 shelters for victims of domestic violence, in 2003 there were 177. In Silesia, there were 29 shelters, in Swietokrzyskie there were five, and in Warminsko-Mazurskie there were six.

La Strada Foundation runs a free shelter for female victims of any citizenship. The maximum number of residents is ten women, who are provided with legal, psychological and medical assistance.

## **5.2 Hotlines**

There is no data or statistics on hotlines for female victims of violence. For NGOs providing telephone assistance, see Section 3.5.

## **5.3 Crisis intervention centers**

Women may find legal and psychological counseling in the shelters and hostels for female victims of violence run by NGOs and the Catholic Church.

The Prevention of Forced Prostitution Program is conducted by Caritas-Poland. Within the program, five Consultation Centers were created. They provide legal counseling to victims of forced prostitution. The location of the Centers and the identity of its staff are highly confidential, to secure the health and life of people engaged in the project.

## **5.4 Intervention programs for the perpetrators**

There are no intervention programs for the perpetrators. The Probation and Mediation Service was assigned the task of preparing the accreditation of therapeutic programs for adult perpetrators of domestic violence with a deadline of December 31, 2005. However, this task has not yet been executed.

## **5.4 Other victims support services**

N/A



## **6. EDUCATION AND TRAINING**

### **6.1 The prevalence of violence against women, prejudices, and stereotyped sex roles in school curricula and the availability of sex education programs**

Elementary and secondary school curricula do not include violence against women among their topics. There is no information about prejudices and stereotyped roles for the sexes (as well as gender discrimination generally). Polish educational programs still support traditional family/sex roles.

There are no separate courses on sex education in the schools. These issues are discussed in the scope of classes in the framework of the courses “Preparation for living in the family” or “Knowledge about society”. Participation in these classes is not obligatory and must be accepted by parents. Course books licensed by Ministry of Education promote a traditional model of the family and woman’s role in society.

### **6.2 Mandatory and other training programs for future professionals**

Issues concerning violence against women are discussed marginally in criminal and family law during legal trainees’ and prosecutors’ trainings. Gender discrimination is discussed only in the Labor Code. Courses do not cover practical aspects of these issues. There is no training concerning stereotypes and prejudice.

Issues of violence against women exist in the scope of trainings for social workers. The trainings cover theoretical aspects – legal issues (degree 1), as well as theoretical aspects of crisis intervention and basic methods of assistance (10 hours), and professional preparation to work with victims of violence (degree 2).

Medical students are familiarized with issues of domestic violence in the scope of the family medicine course. Medical schools that educate nurses also provide their students with basic information on violence in a course on practical psychology.

Border guard officers are trained in issues of human trafficking.

Students of pedagogy learn about aggression, stereotypes and prejudices.

### **6.3 Mandatory and other training programs for practicing professionals**

Issues of violence in the family are present at every stage of police trainings. Police are trained in intervention procedures in cases of domestic violence based on the “Blue card”. There are also courses on the legal aspects of violence against women.

There are no obligatory training programs for prosecutors or judges.

In 2004, the Women's Rights Center and University of Warsaw conducted training seminar for legal trainees, prosecutors and attorneys on violence in the family. Two hundred eighty-eight people took part in the training; nine participants continued cooperation with the Women's Rights Center as volunteers.

In June 2004, the Ministry of Justice, in cooperation with the Nobody's Children Foundation<sup>17</sup> organized a training program for 80 judges on the "Psychological, medical, and legal aspects of hearings of child-victims of violence."

The Plenipotentiary for the Equal Status of Women and Men, in the scope of PHARE 2002, organized training seminars for NGOs, police officers and judges concerning issues of human trafficking.

In March 2004, the Ministry of Justice organized a training program for 90 judges on "Preventing discrimination in employment."

#### **6.4 Gender equality issues in higher education curricula and human rights programs**

Higher education programs include classes such as "Complementary character of the sexes." The names of the classes reflect a lack of gender perspective. The issue of violence against women is not included.

## **7. THE ROLE OF MEDIA**

### **7.1 Media law provisions concerning violence against women and the portrayal of women**

There are no media law provisions concerning violence against women and the stereotypical portrayal of women. The Act of 1992 on Radio and Television bans publishing any kind of advertisements discriminating against women or men. Moreover, programs and other publications cannot propagate ideas against morality and public welfare; particularly, their content cannot discriminate against anyone on the grounds of sex, age or ethnicity. The act also bans propagating programs which threaten the physical, psychological or moral growth of juveniles, particularly those with pornographic content or unnecessary violence.

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<sup>17</sup> See: [www.fdn.pl/nawosci/?lang\\_id=2](http://www.fdn.pl/nawosci/?lang_id=2).

## 7.2 Guidelines, codes of conduct for media professionals

A Journalist's Code of Ethics published by Polish Journalists Association defines as unacceptable the showing of death scenes on the front page of published material. Broadcasts showing blood, the results of wars or disasters, cruelty, and violence must respect the sensitivity of viewers, and especially the sensitivity of the victims and their relatives.

## 7.3 Media watch organizations monitoring violence against women, sexism, and stereotyped portrayal of women

The National Council of Radio Broadcasting and Television (*Krajowa Rada Radiofonii i Telewizji*) is a constitutional institution which safeguards the freedom of speech, the right to information, and the independence of the media, as well as safeguards the public interest regarding radio broadcasting and television. The Council may recognize programs as contrary to law, state and public interest, or against morality. In such cases, the Council may withdraw a contract or fine a publisher. The level of the fine may equal 50 percent of annual costs. The council consists of five members: two nominated by the parliament (*Sejm*), one by the senate and two by the president.

Nothing is mentioned regarding violence against women or the stereotypical portrayal of women in the mandate of the Council.

## 7.4 Training programs for media professionals on violence against women

The issue of violence against women is discussed in media schools. Lectures focus on the impact of violent scenes on young people, reactions to erotic scenes, shaping attitudes towards social, state and church institutions, and definitions of deviation in social life.

For the most part, training programs for media professionals on violence against women are organized based on voluntary participation. For example, in 2001, the University of Warsaw, under the patronage of the National Council of Radio Broadcasting and Television, provided training on "Violence in Society and Violence in the Mass Media" at the Warsaw International Summer Education Program. This workshop lasted for two days and took 15 hours.

In October 2004, the Partners Poland Foundation organized a seminar entitled "Gender Equality – A goal for the media?" Information on violence against women was not included, however. Thirty-two journalists from the local media (16 men and 16 women) took part in the seminar.

## **7.5 Media activity in raising the awareness of the general public of violence against women**

The issue of violence against women is usually present in the media (the press, radio and television, and internet) during the “16 Day Campaign against Violence against Women” and during the inauguration of other actions concerning female victims of violence. The media contributes to the campaigns by informing people of actions taken by organizations during the campaign, and the organization’s everyday work with victims of violence against women.

During such campaigns, articles, interviews and information on support for and rights of the victims are present. There are spots on the television and the radio, internet banners on websites and posters on the streets. However, the issue is not often visible unless some drastic case of violence comes to light.

## **7.6 Analysis about violence against women in the media**

Unfortunately, there is no analysis about the presence and presentation of violence against women or its different forms in the media.

# **8. AWARENESS RAISING**

## **8.1 Campaigns on violence against women**

There have been various actions and campaigns against violence against women.

The “16 Days against Violence against Women” is an annual action which takes place in larger cities in Poland. It includes conferences, lectures, exhibitions, workshops, and self-defense training. In 2005, the campaign was titled “Family Ties” and was supposed to raise society’s awareness that the first and most basic step to fight violence is breaking silence. The 2003 campaign was called “Home is not a boxing ring.” The action included a television campaign with the participation of the Polish Prime Minister.

The educational campaign “Stop Violence in Family” took place in 2005, organized by the Warsaw City Hall. The action was continued for one month and its beneficiaries were mainly victims of violence in the family. Detailed information about violence (what it is, how to react to it, and how to use legal methods to cope with it) were published on the website [www.warszawianka.waw.pl](http://www.warszawianka.waw.pl) on three consecutive Tuesdays. The website also informed readers about the legal consequences of using violence, and published information about support centers for violence victims. The campaign

followed a detailed research plan on violence. In 2004, the Health Psychology Institute tested about 1,000 adult citizens in the capital. This research was ordered by Warsaw City Hall.

The action “Break through Violence” was organized by the Plenipotentiary for the Equal Status of Women and Men in 2005. The action included a hotline for victims of violence and a website with information on violence and support centers. Moreover, in some cities, public places exhibited cardboard figures of women with their stories and data on violence.

The campaign called “Children in the Web – 2004–2006” was organized by Nobody’s Children Foundation. It was a national campaign initiated in 2004. In 2004, the first stage called “Nobody knows who’s on the other side,” was conducted. Teachers and volunteers took classes based on lesson programs prepared by organizers. About 30,000 pupils and students participated in the classes. Since January 2005, the second stage of the campaign has been implemented by the European Commission program “Safer Internet Action Plan.” This stage is realized by Nobody’s Children Foundation and Academic Computer Network. It includes a press campaign and educational activities. In addition, conferences on “Safe Internet” and events for children and their parents are organized in all voivodeship cities. The aim of the activities is to inform the public about safety procedures and the risks of using the internet.

The campaign titled “To Save Childhood”, the first regional project preventing child sexual abuse, was realized in Mazowsze in 2002. The organizers were the Voivodeship Headquarters of Police, the Child Rights’ Committee, and the Polish Television Program “Criminal Chronicles”. The program’s aim is to prevent child sexual abuse in all its aspects. It includes training for teachers, social workers, police and prosecutors. Participants in the training learn how to recognize whether a child is a victim of child sexual abuse.

The “Childhood without Violence” campaign in 2001 was jointly organized by the State Agency for Prevention of Alcohol Related Problems, Nobody’s Children Foundation, and Nationwide Emergency Service for Victims of Violence in Family “Blue Line.” The campaign was directed to representatives of public services and institutions working with child victims of violence, (teachers, social workers, psychologists, policemen, medical services workers, priests and others) representatives of local governments, parents, and public opinion. The goals of the campaign were to increase social engagement in the issue of preventing violence against children; to increase social education promoting knowledge about the issue of violence against children; to promote good practices; to motivate local societies and institutions to start actions against violence; and to strengthen assistance for families. Methods used in the campaign were local debates, media campaigns, publications, posters, flyers, brochures, etc.

## **8.2 Conferences and other awareness raising, information, and prevention programs**

Since 1995, the Women's Rights Center Foundation has been organizing a "Tribunal Against Violence against Women" as part of "16 Days against Violence against Women." The Tribunals enable the society to hear the stories of women who experienced violence from individuals as well as institutions. The last Tribunal took place on December 10, 2005, in a women's prison in Lubliniec and focused on examples of women who experienced torment for many years and finally killed their torturers. The project was financed by the Citizen's Initiatives Fund.

Since 1994, the State Agency for Prevention of Alcohol Related Problems has organized ten conferences on violence in the family. Co-organizers included the Higher School of Social Science and the Nationwide Emergency Service for Victims of Violence in Family "Blue Line". In 1995, participants of the conference signed the Polish Declaration on Preventing Violence in the Family.

In 1996, the Nationwide Coalition of Individuals, Organizations and Institutions Assisting Victims of Violence in Family was started to operate. The Coalition consists of one and a-half million individual members and 450 institution members.

The Prevention of Forced Prostitution Program, conducted by Caritas-Poland includes a database of institutions, centers and organizations assisting victims of prostitution and provides medical, psychological, social, and legal counseling, as well as accommodation and anti-addiction therapy.

In 2005, Nobody's Children Foundation started the first Polish project focused on child trafficking "Children are not for sale". The program was financed by the British Embassy. The project was addressed to the staff of intervention centers, police and border guards. The project included working meetings in different cities as well as publications on human trafficking of juveniles.

## **8.3 Information materials for the victims about their rights and the services they can seek help**

Victims of violence have access to leaflets and brochures concerning their rights, police and legal interventions, and organizations providing assistance to victims. They are usually published by NGOs. There is no data on their overall number, edition, and source of donations. Usually, 500 to 1000 copies of these publications are financed by the EU and local governments. They cover information on all kinds of violence and are available in NGO offices, social support centers and police stations.

The different law enforcement offices actively take part in the distribution of these informational materials: the leaflets and brochures are available in law enforcement offices.

The Women's Rights Center publishes free guides financed by the EU. The series is entitled "Know your rights", and include titles: "If you are a victim of violence" and "If you are a victim of rape". They are available in the organization's headquarters and its branches as well as on the website [www.cpk.org.pl](http://www.cpk.org.pl). They are also available to police, social support centers and other NGOs. The Women's Rights Center has also published leaflets entitled "Rape and sexual violence", "Sexual harassment of children", "Violence in the Family", "Rape: you are not guilty" (donated by OSI Budapest), "Discrimination: you don't have to accept it", and "Harassment at work" (donated by PHARE ACCESS).

NEWW-Polska published 500 copies of "Women facing violence – a guide for victims of violence in the family" (donated by Gdansk City Hall). NEWW-Polska also published leaflets about its projects "Human Rights Center" and "Social Integration Club," which provide basic information on violence. These leaflets were donated by the Gdansk City Hall and the Ministry of Social Policy.

"La Strada" Foundation published leaflets for foreign victims of human trafficking in Bulgarian and Russian.

## **9. RESEARCH AND SURVEYS ON VIOLENCE AGAINST WOMEN**

### **9.1 Research programs and surveys**

In the past few years, there were a few surveys on violence against women organized by Public Opinion Research Center.<sup>18</sup> According to a survey from 2005,<sup>19</sup> 95 percent of domestic violence victim are women and children. Only six percent of people taking part in the research admitted being victims of domestic violence, but 12 percent were beaten at least once by a partner.

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<sup>18</sup> See the website at [www.cbos.pl/EN/Reports/r2007.shtml#LABEL\\_news](http://www.cbos.pl/EN/Reports/r2007.shtml#LABEL_news).

<sup>19</sup> See the website at [www.cbos.pl/SPISKOM.POL/2005/K\\_027\\_05.PDF](http://www.cbos.pl/SPISKOM.POL/2005/K_027_05.PDF) (in Polish).

## **9.2 Violence against women on the agenda of research centers dealing with equality issues**

There are no research centers dealing with equality issues in Poland.

# **10. STATISTICS AND DATA COLLECTION ON VIOLENCE AGAINST WOMEN**

## **10.1 Official statistics, data collection, and specific indicators on violence against women**

The state didn't develop any common indicators to evaluate the scale of violence against women. Statistics concerning all crimes, including violence against women, are collected by the police, the Ministry of Justice and the General Statistics Office. However, violence against women is not a separate category. Statistics of the "Blue cards" completed by police concern domestic violence. According to this data, the number of victims' claims increases every year. It was 137,299 people including 80,180 women in 2003, 150,266 including 88,388 women in 2004, and 156,788 including 91,374 women in 2005.

Data gathered by the police includes the number of interventions, number of victims of domestic violence (men, women, children under 13 and above 13 are numbered separately), number of perpetrators (gender-disaggregated).

In 2005 there were 96,773 police interventions connected with domestic violence. In 2004 there were 92,495. The number of rapes was 1,987 in 2005 and 2,399 in 2000.

There is no genetic data bank to be used in cases of sexual violence.

## **10.2 NGO statistics on violence against women**

NGO statistics are not accessible. They are done only for internal purposes and are not published.



## **11. CASE LAW ON VIOLENCE AGAINST WOMEN**

### **11.1 Cases on violence against women before the national and international bodies dealing with human rights issues**

The Constitutional Court did not consider any complaint concerning violence against women. The Ombudsman's Office does not publish any data on this topic. There are no violence against women cases from Poland before international bodies.

### **11.2 Published court decisions, case studies, and analyses of case law**

There are no published decisions, or analyses thereof, on violence against women cases.

## **12. RECOMMENDATIONS TO THE GOVERNMENT**

- Initiate amendments to the Family Act, the Penal Code, the Code of Criminal Procedure, and the Civil Code in order to prevent and protect from violence against women;
- Include domestic violence issues in the routine training of police officers, prosecutors, and judges to provide them with education on the grounds, results and methods for combating domestic violence;
- Ensure victims have easy access to assistance in terms of legal counselling and medical help;
- Guarantee NGOs easy access to the procedure of intervention if the victim so wishes;
- Create a compensation fund for the victims of violence;
- Prosecute perpetrators of domestic violence without a formal complaint from the victim;
- Enable the victims' participation in the parole procedure; and
- Conduct obligatory data collection on all forms of violence against women.

## ANNEXES

### Annex A. List of laws and regulations screened

Act of April 23, 1964 on the Civil Code

Act of July 29, 2005 on Counteracting Violence in the Family

Act of 6 June, 1997 on Code of Criminal Procedure

Act of 6 June, 1997 on the Penal Code

Act of December 29, 1992 on Radio and Television (Broadcasting Act)

Act of July 7, 2005 on State Compensation for Victims of Certain Intentional Offences

Act of March 12, 2004 on Social Assistance

Act on the Police

National Chief of Police Regulation 22. 1998

Polish Journalists' Association (September 1991) *Journalist's Code of Ethics*  
([www.uta.fi/ethicnet/poland.html](http://www.uta.fi/ethicnet/poland.html))

*Regulation of the Council of Ministers*. November 3, 2005.

### Annex B. List of documents and books consulted

*National Program on Combating and Preventing Trafficking in Human Beings*. September 6, 2003. Council of Ministers

*National Program on Combating and Preventing Trafficking in Human Beings proposed by the Minister of Interior and Administration*. April 26, 2005. Council of Ministers

Council of Ministers *National Action Program for Women 1997–2005*

NEWW-Polska (2005) *Alternative Report Beijing+10*  
[www.neww.org.pl/download/Raport\\_alternatywny\\_GB.pdf](http://www.neww.org.pl/download/Raport_alternatywny_GB.pdf)

Coomaraswamy, Radhika (2003) *The Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences*