

29th Council of Europe Conference of Ministers of justice
“Breaking the silence – united against domestic violence”
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SPEECH

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It is becoming increasingly accepted that violence in the family is no longer a purely „domestic” issue. It is a problem which belongs to the society as a whole. It is also a problem, that - taking into account increasing freedom of movement - goes far beyond national frontiers. Therefore, I would like to congratulate our host – Norwegian Minister of Justice and Police, Mr. Knut STORBERGER and the Council of Europe for this initiative. We, the European Ministers of Justice are encouraged to come together and talk about counter-strategies against domestic violence.

I feel privileged to congratulate our Norwegian colleague for an excellent opening report “Breaking the silence - united against domestic violence”. I am glad to say that this document presents a very comprehensive concept of our conference’s subject and I am sure it will significantly contribute to the work within the Council of Europe.

Domestic violence is a problem with complex causes. While we should continue to investigate and punish the crime, we must also look to its causes if we are to move forward. Our approach should be holistic, and if we are to succeed, we must think as broadly as possible, and work together across disciplines.

Such understanding of the possible solutions to domestic violence characterizes efforts taken in Poland in order to deal with this phenomenon. In 2005 we adopted the National Program on Counteracting Domestic Violence. This Program links together actions in the fields of justice, police, social services, health and education with great support from NGOs. The Program became operational in 2007.

In March this year, I had a pleasure to convene a conference in our Ministry with all actors involved in the Program. Its’ aim was to review the efficiency of our efforts and to identify new measures to adopt. The outcome of the conference was as well encouraging as discouraging. Discouraging, because the number of crimes related to domestic violence has been rising; and encouraging, because the general tendency of the rate of crime was decreasing. It is evident that we have to intensify our efforts and develop constantly all kinds of instruments that can deal with this type of crime.

Ladies and Gentlemen, what are the possible solutions?

First is the battle to increase public awareness. Over the last years in Poland there have been increasingly successful attempts to rise the profile of domestic violence. The message that the public should receive is clear – there will be no tolerance for violence behind closed doors. There is no violation of privacy when caring for vulnerable victims! At the exhibition accompanying our conference there are some posters from such an awareness raising campaigns in Poland. I encourage you to have a look at them, as they illustrate my words.

The second thing is prevention. We understand it as a real priority. Newly prepared draft amendment to the law on Counteracting Domestic Violence of 2005 focuses on developing

preventive measures. The new law will set up interdisciplinary teams that will deal with domestic violence at the level of local governments. Their task will be to identify domestic violence in their territory, prepare plans of intervention, provide assistance for subjects of domestic violence, provide professional treatment for violators, and monitor families at risk of violence.

The teams will use the so called “Blue Chart” procedure, which is already operational. This procedure allows to identify cases of domestic violence or threats of such violence. It obliges all public service representatives to observe if a threat of domestic violence exists or may exist and report it to the Team for further monitoring and possible action.

Third thing is protection and justice. The legal systems could undoubtedly be doing better especially in the way they treat the victims or protect them against victimization. Recently, Ministry of Justice has offered an adoption of three new bills that amend our bidding law to this purpose. We proposed to change the penal code in order to increase the efficiency of fight against sexual crimes committed against members of the families, children’s and other dependent persons by rising penalties and offering to the perpetrators special medical therapy if they are diagnosed with sexual dysfunctions. The proposed changes incorporate to the penal code provisions concerning police supervision as a form of protective measures during criminal proceedings. Due to this amendments police supervision may be imposed on suspects together with protection order prohibiting contact with certain persons and stay in certain places. Moreover, the bill incorporates to the penal code the so called conditional supervision that allows a substitute pre-trial detention in cases when the suspect lives in the premises together with the victim and indicate a separate place of residence.

The fourth thing is the support for the victim. In February this year I had a pleasure to sign and communicate to the public prosecutors in Poland the “Guidelines for Treating Victims of Crimes”. This document recommends what kind of information and assistance the victim should receive from prosecutor during the pre-trial proceeding. The purpose of this recommendation was clear – every victim must obtain exhaustive advice on procedural rights and guaranties during proceeding as well as on possible financial, psychological, medical, social or any other available kind of support providing protection and personal safety. Of course this document is only one element of the victim support system which should include assistance at every stage of dealing with victim from pre-criminal proceeding to the post-penitentiary of the offender. We are now building such system in Poland, but the task is not yet accomplished.

When talking about the rights of the victims of domestic violence we have to remember how vulnerable a group they are and how easily they could be victimized again during the sometime rough track of legal proceeding. Our task is to limit that risk and make criminal proceedings friendly to the victims. It is in particular true when children are concerned. Child victim or child witness requires special arrangements for providing evidence in criminal proceedings. Therefore we continue the certification of “Blue Rooms” designed for hearing of children, where child victims or witnesses can be heard in friendly conditions, by a competent and well trained personnel and far from stressful courtrooms and police precincts.

What I just have mentioned are only examples of possible actions that can be taken.

What do these experiences tell us? What should be a just response to domestic violence? I hope that you will share the opinion that our approach should be as holistic as possible. Similar to the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse of 2007, the future instrument on domestic violence should cover all measures capable to deal with the problem, which are not only limited to investigation and punishment of the crime. The legal system should respect the complex nature of domestic relations and realize that besides bringing perpetrators to justice, it should be able to protect and support victims efficiently but also help families in restoring

their proper functioning. Therefore the system of justice should react flexibly, balancing the need of victim's safety with their expectations, where appropriate, to maintain proper functioning of domestic relations.

Poland will be glad to support the conclusion of this Conference that goes in this direction.

Ladies and Gentlemen,

At the end let me say that we, the European Ministers of Justice are especially responsible to leave to the present and future generations the best legacy that it can possibly be. In this context I am delighted that this conference has recalled the character and legacy of Janusz Korczak. Let me quote his sentence, that could be addressed to our work:

"I am not here to be loved and admired, but to act and love. It is not the duty of people to help me, but it is my duty to look after the world and the people in it".

Thank you for your attention.