

ALTERNATIVE REPORT

1st round of GREVIO thematic evaluation:

“Building Trust by Providing Support, Protection and Justice”

Prepared by: MOKOSZ FOUNDATION in cooperation with the "MAMY PRAWO"
FEDERATION



Poland, June 2026

1. Introduction and System Context

This Shadow Report was prepared by the Mokosz Foundation and the Mamy Prawo Federation – independent civil society organizations from Poland that focus their activities on strategic protection against violence, women's rights, education, and counteracting gender-based violence, as well as monitoring the functioning of the justice system, with particular emphasis on family and care justice. The document is a direct response to the questionnaire of the Expert Group on Action Against Violence against Women and Domestic Violence (GREVIO), adopted as part of the first round of thematic evaluation. The Mokosz Foundation wholeheartedly welcomes GREVIO's decision to focus the current evaluation process on the overarching theme: "Building Trust by Providing Support, Protection, and Justice." In our organization's view, victims' unconditional trust in state institutions – the police, prosecutors, and, above all, the courts – is the foundation for the effectiveness of the entire system established by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

By submitting this document, we would like to draw GREVIO's attention to a blatant procedural negligence on the part of the Polish government. The official deadline for submitting the government report as part of the First Round of the Thematic Evaluation expired in January 2026. As of the date of this document's publication, the government authorities have failed to meet this obligation, failing to provide an official position or the required data. The failure to meet this crucial deadline is not merely an administrative failure; it clearly signals a lack of priority for systemic protection of victims of violence in Poland. This delay paralyzes the official monitoring schedule, but from the perspective of civil society, it makes this report a shadow document of fundamental importance.

Given the silence of government structures, the voice of non-governmental organizations (NGOs) is currently the only reliable source of information for the Council of Europe about the actual, dramatic situation of women and children in Poland. The main goal of this report is to provide GREVIO experts with a reliable qualitative analysis (a so-called reality check), serving as a counterweight to official government reports, which too often focus on the purely declarative and formal-legislative level. As an organization working on the front lines of victim assistance, we point to the profound polarization and dissonance between the letter of the law and the everyday judicial practice of Polish common courts.

The report focuses in particular on the implementation of Article 31 of the Convention

(Parental Responsibility, Right of Contact, and Safety) and Article 15 (Training of Specialists). From the perspective of judicial monitoring conducted by the "Mamy Prawo" Federation, Polish judicial practice in guardianship and curatorship cases still demonstrates profound, structural flaws. A key problem remains the infiltration of pseudoscientific concepts (such as "parental alienation") into family courts at the expense of a reliable assessment of the risk of violence and mechanisms of coercive control.

Institutional Backlash and the Threat to Women Human Rights Defenders (WHRD)

The "Mamy Prawo" Federation and the Mokosz Foundation point out with deep concern the direct involvement of executive authorities and prominent figures in the justice system – including the Minister – in publicly supporting the demands of the so-called "fathers' rights movements" and legitimizing the unscientific theory of "parental alienation." This political acquiescence has sparked a drastic increase in organized hate speech, cyberbullying, and criminal threats online. Mothers fighting for the safety of their children are publicly stigmatized and dehumanized. Most shockingly, these groups directly unite and provide a platform for men with final convictions for domestic violence, psychological abuse, and even sexual offenses against minors (pedophilia), who use the "alienation" narrative to whitewash their actions.

This aggression directly targets NGOs and their leaders—activists and politicians. They become targets of coordinated smear campaigns, doxing (publicizing private data online), and harassing SLAPP lawsuits (strategic lawsuits against public participation), aimed at exhausting the organizations financially and psychologically. The lack of response from the police and prosecutors, who routinely dismiss these proceedings, constitutes a direct violation of Articles 4 and 5 of the Istanbul Convention.

Additional information:

Substantive law and criminalisation gaps (reference to Articles 3 and 45 of the Convention)

Lack of separation and typification of the crime of "domestic violence" as an independent prohibited act.

Contrary to the obligations arising from the Istanbul Convention, Polish criminal law still lacks an autonomous, specific codification of "domestic violence" in the Penal Code (hereinafter referred to as the Penal Code). Instead, law enforcement agencies and the judiciary rely on **art. 207 kk** which penalizes the crime "**bullying**". This structural dependence creates serious gaps in the protection of victims due to the dogmatic nature of this provision as applied by national courts:

- **Requirement of repeatability (extension in time):** In the judicial interpretation of the concept *bullying* As a rule, it requires proof of a systematic, repeated, and intentional pattern of behavior by the perpetrator. As a result, individual, even extremely brutal, acts of physical or psychological aggression in domestic relationships do not meet the criteria of Article 207 of the Penal Code and are relegated to other categories of crimes, which often relieves the authorities of the obligation to prosecute ex officio.
- **Evidentiary difficulties in demonstrating a "relationship of dependence":** Article 207 of the Penal Code historically assumes a relationship of subordination between the victim and the perpetrator. In the realities of contemporary partnerships and marriages, proving formal (e.g., economic or social) dependence can be extremely difficult for the prosecution, allowing perpetrators to avoid responsibility by redefining systemic violence as a "mutual marital conflict."

Many myths have arisen around the protection of victims of domestic violence in Poland. Official communications and procedures, such as the "Blue Card," create the illusion of a smoothly functioning system. In reality, however, due to legal loopholes, government inaction, prosecutorial inefficiencies, and the devastating findings of the Supreme Audit Office (NIK), the system is deeply dysfunctional.

Here is the full picture of the crisis – from flawed legislation, through write-off statistics, to government concealment of data.

1. Legal Loophole: There is no "domestic violence" in the Polish Penal Code

In Polish criminal law **does not exist** a standalone crime defined as "domestic violence." This is a fundamental systemic gap. Prosecutors and courts are forced to use the construction **Article 207 of the Penal Code (PC)** which penalises **bullying**.

The difference between these concepts is not merely semantic – it has dramatic consequences for victims:

- **Requirement of repeatability and time extension:**The construction of “abuse” generally requires proof that the perpetrator’s actions were continuous, repeated and intentional.
- **The problem with one-time acts:**A single, even extremely brutal, act of domestic violence (e.g., severe battery) does not meet the definition of abuse. It must then be prosecuted under other provisions (e.g., violation of personal integrity or bodily harm), which often relieves the services of the obligation to act ex officio or completely ignores the context of domestic relations.
- **Asymmetry of relationships:**Abuse presupposes a relationship of dependence (between the victim and the perpetrator). Meanwhile, contemporary domestic violence affects partners in various relationships, where formal or economic "dependence" is not always easy to prove in court.

2. Massive dismissals in prosecutors' offices: A dead end for victims

Although the police are enforcing Blue Penalties en masse, the encounter with the criminal justice system proves to be an impenetrable wall for victims. Prosecutor's office and court statistics show that justice slips through the cracks at the criminal stage.

- **Prosecutor's Sieve:**Police and prosecutors' statistics show a shocking trend -**more than half, and in some regions even up to 60-70% of reports**concerning abuse (Article 207 of the Penal Code) is discontinued by the prosecutor's office at the preparatory stage, or is met with a refusal to initiate an investigation/investigation. Prosecutors most often cite "lack of elements of a prohibited act" or "lack of sufficient evidence."
- **Conditional dismissals in courts:**Even if a case makes it through the prosecutor's office and into the courtroom, perpetrators often avoid real punishment.**10% of criminal proceedings in cases under Article 207 § 1 of the Penal Code end with a conditional dismissal judgment.**This means that the court finds the perpetrator guilty but suspends the case for a trial period, treating the months-long domestic horror as an act of "low social harm."

Why does the prosecutor's office dismiss these cases so en masse?

1. **The drama of "words against words":**Domestic violence occurs behind closed doors. Because Article 207 of the Penal Code requires proof of intentional torment, without hard evidence (e.g., forensic examinations, recordings, non-family witnesses), prosecutors take the path of least resistance and close cases.

2. **Withdrawal of testimony under duress:** Due to a lack of real support, paralysis by fear, or economic dependence, victims often withdraw previous accusations. For the prosecutor's office, this is the easiest excuse to close the case – instead of attempting to gather other evidence (e.g., statements from neighbors or Blue Card documentation).
3. **Confusing violence with "marital conflict":** Many law enforcement agencies still believe that domestic violence is a mutual conflict, not an asymmetrical victim-victim relationship. Prosecutors, seeing the conflicting parties, may dismiss the case, claiming that "the conduct was mutual."

3. Supreme Audit Office report: The state is failing across the board

The official report of the Supreme Audit Office exposes the profound inefficiency of public institutions and confirms that protection against violence in Poland is mainly a facade.

- **Fiction of procedures in 90% of units:** NIK indicated that as many as **90% of audited entities** (including the police, social welfare centers, and interdisciplinary teams) failed to fully fulfill their statutory obligations. Procedures were implemented sluggishly or only on paper.
- **Lack of a central, integrated database:** Information about the "Blue Cards" was scattered across multiple, disparate systems that didn't work together. Services lacked access to a single, nationwide registry, which drastically delayed response and prevented the rapid exchange of information about life-threatening situations.
- **Helplessness towards perpetrators:** The system utterly fails at the isolation and rehabilitation stages. Only a negligible percentage of perpetrators enter correctional and educational programs, and of those who begin them, over half do not complete them. Furthermore, only a handful of individuals benefited from psychotherapeutic programs in the inspected facilities (e.g., 48 perpetrators across the entire audit). Perpetrators remain unpunished and untreated, fueling a spiral of further crimes.

4. Lack of transparency: The government hides reports

Victim protection is also paralyzed by information chaos and a deliberate lack of transparency at the central level. By law, the Council of Ministers is obligated to monitor the effects of its actions and hold citizens accountable for them.

The government is systematically behind in publishing and reliably preparing annual reports on the implementation of the Government Programme for Counteracting Domestic Violence.

The lack of publicly available, up-to-date, and reliable reports at the national level prevents non-governmental organizations (NGOs) and the public from having real control over how public funds are spent and whether aid programs are even delivering results. Hiding this data obscures the system's inefficiencies.

Summary

The perception of the fight against domestic violence in Poland differs dramatically from the reality. The lack of a precise definition of this crime in the Penal Code forces prosecutors to rely on the ill-fitting Article 207 of the Penal Code, which, combined with the inaction of investigators, results in mass case dismissals. Add to this the devastating findings of the Supreme Audit Office (NIK) regarding procedural chaos and the government's concealment of reports on assistance programs, and we get a picture of a country that leaves victims of domestic violence completely to their own devices at a critical juncture.

Based on the document presented by the Supreme Audit Office (NIK) from November 2024, the following are key data and conclusions that are important for the monitoring of the implementation of the Istanbul Convention by the GREVIO Committee:

1. The scale of the phenomenon and gaps in statistical data

- **Official statistics:** According to Police data, in the years 2021–2023, domestic violence affected 75,761 people (including 11,129 minors) in 2021, 71,631 people (including 10,982 minors) in 2022 and 77,832 people (including 17,039 minors) in 2023.
- **Underestimation of scale:** Official data differs significantly from reality. Research by the Empowering Children Foundation shows that nearly one-third of minors have experienced violence from loved ones during their lifetime, and one-fifth in the year preceding the survey.
- **No mortality data:** In Poland, no data is collected to determine how many people die each year as a result of domestic violence. Such data is not available to the police, prosecutors, courts, medical records systems, or the Central Statistical Office.
- **No central registry:** There is no integrated, central register of families affected by violence. Data on "Blue Cards" (NK) is scattered across separate databases run by various institutions, making it impossible to reliably assess the scale of the problem.

2. Functioning of the "Blue Cards" (NK) procedure

- **Police dominance in initiating procedures:**Over 70% of NK procedures are initiated by the police. The second most active group are social workers.
- **Passive attitudes of health care and education:**The involvement of medical and educational institutions in identifying violence is negligible. Between 2021 and 2023, the Police Department received only 60 NK cards initiated by education institutions and only 20 by healthcare workers (compared to nearly 4,500 initiated by the police).
- **Delays and procedural errors:**In 67% of the Social Welfare Centers (OPS) and all District Police Headquarters (KPP) audited, NK procedures were implemented incorrectly or unreliably. There were cases of delays in submitting NK-A forms and in establishing diagnostic and assistance groups with delays of up to 42 days, while scheduling group meetings took from 11 to 55 days.
- **Failure to initiate procedures:**In every third inspected Police unit (KPP), cases of unjustified refusal to initiate the NK procedure were found, even though the descriptions of the interventions in the police officers' notebooks indicated the risk of domestic violence.

3. The influence of alcohol and the isolation of perpetrators

- **Alcohol as a major factor:**In all the inspected KPPs, it was confirmed that the main perpetrators of violence were people under the influence of alcohol – this concerned from 45% to 82% of the issued Blue Cards.
- **Low effectiveness of isolating perpetrators:**The percentage of perpetrators effectively separated from their victims varied significantly by police station (ranging from 0% to 97.44%). In the four police stations audited, this rate did not exceed 20%, indicating that most perpetrators remained in close proximity to the victims, posing a direct threat to them.

4. Support infrastructure for victims (shelter and specialist assistance)

- **Shortage of safe havens:**In almost half of the audited counties (4 of 9), there was no Specialist Support Center (SOW), Crisis Intervention Center (CIC), or other support center for victims of domestic violence. Victims were forced to seek help in distant counties. Only one of the nine audited municipalities had a local support center.
- **Limited specialist assistance:**The only form of specialist counseling generally available in every social welfare center was social counseling. Access to psychological, legal, and family support was highly variable and often limited.
- **Child Protection:**A blatant failure to protect minors was identified. One social welfare center failed to prepare individual assistance plans for children who were victims of violence for a year and two months. Police officers did not always

provide the required information about the children's situation to the juvenile detention units.

5. Actions taken against perpetrators of violence

- **Low availability and effectiveness of programs:**The range of programs available for perpetrators was minimal. Only 30% of the surveyed counties organized one edition of the correctional and educational program annually, while psychological and therapeutic programs were organized in only every other county (1-2 editions) throughout the entire period under review.
- **Low program completion rate:**Very few offenders participated in and completed these activities. 167 individuals entered correctional and educational programs, but only 77 (46%) completed them. Forty-eight individuals participated in psychological and therapeutic programs, and 35 (73%) completed them.

6. Financing and systemic barriers

- **Underfunding and chaos in expense records:**In all units, the method of recording expenses made it impossible or significantly more difficult to determine the total amount allocated to counteracting domestic violence (expenditures were dispersed among chapters on counteracting alcoholism, drug addiction, or general maintenance of the centers, among others). The targeted subsidy from the state budget to provincial governments for training projects consistently amounted to PLN 100,000 annually, which the directors of the Regional Social Welfare Centers considered abnormally low and inadequate to actual needs. In three of the 23 units, no funds were secured for these projects at all.
- **Institutional barriers:**The heads of the units reported critical systemic problems: a lack of places in foster care and care and educational facilities (which prevents immediate intervention in securing children), a lack of procedures for transporting children, the exclusion of victims and perpetrators from smaller towns from transport, and a lack of feedback from family courts on the decisions issued concerning the families under supervision.

The case of Kamil from Częstochowa as systemic evidence of institutional failure

The tragic and most glaring symbol of the collapse of the Polish system for protecting children from domestic violence was the death of 8-year-old Kamil from Częstochowa in May 2023. The boy died from extensive burns and multiple injuries inflicted by his stepfather, who had been abusing him for many months. An analysis of this case reveals profound, structural negligence at every level of the state apparatus, with particular emphasis on the blatant errors and lack of response from family courts.

List of key institutional and procedural omissions:

- **Lack of reaction from family courts and routine approach:**Family courts (in Częstochowa and Olkusz), which repeatedly addressed this family's care situation, demonstrated extreme formalism and a lack of insight. Despite signals of a serious crisis within the family, the child's runaways, and previous interventions, the courts did not immediately decide to secure Kamil by placing him in foster care. Instead, they relied on routine, superficial reports, failing to take any real action to investigate the immediate threat to the child's life and health. The decision-making process was protracted, and judges failed to properly interpret the symptoms of drastic violence.
- **Lack of coordination and flow of information between courts and services:**The family's relocations between cities resulted in chaos in court documentation. The courts conducting the proceedings did not efficiently exchange information with local social welfare centers (MOPS/OPS) or the police, allowing the perpetrators to effectively conceal evidence of the child's torture and evade scrutiny.
- **Passivity of social workers and family assistants:**Despite disturbing signals, employees of the Municipal Social Welfare Center and the family assistant did not identify a real threat to the child's life, relying on superficial and manipulative explanations from the mother and stepfather.
- **Failure of probation supervision:**The family was under the constant supervision of a probation officer. However, the probation officer's visits did not reveal the escalation of the drastic physical violence or lead to any immediate intervention or alerting the court.
- **Lack of response from educational institutions:**The boy's school did not respond adequately to the visible signs of injury or the child's repeated absences, which prevented earlier initiation of crisis procedures.

The illusory nature of the legislative reform ("Kamilek's Act")

In direct response to the social outrage caused by this tragedy, the legislator amended the Act on Counteracting Violence (the so-called *Kamil's Act*), introducing, among others, the procedure *Serious Case Review* (analysis of the most serious cases of violence) and the obligation to implement standards for the protection of minors in all institutions working with children.

Despite the entry into force of these regulations, the real protection of children in Poland remains dysfunctional. The changes are mainly superficial and bureaucratic in nature. Institutions, including courts, focus on technical formalities and creating documentation, while in practice there is a lack of reliable tools for risk assessment and improving the

competence of judges in recognizing the mechanisms of domestic violence and authoritative control (*coercive control*).

Lack of accountability of officials and judges

A key element that maintains the systemic impunity and passivity is the fact that in connection with the death of Kamil **none of the public officials – including judges who issued previous guardianship decisions, probation officers or social workers – faced actual criminal or disciplinary liability** for the omissions that led to the tragedy. Judges are protected by immunity and procedures that, in practice, prevent them from being held accountable for erroneous or delayed judicial decisions. This state of affairs perpetuates a culture of procedural opportunism and a lack of courage in making immediate decisions to protect children.

Structural gap in protection – lack of availability of services after working hours

According to official statements and analyses by the Commissioner for Human Rights (RPO), the child protection system in Poland is drastically breaking down in terms of hours. **After 3:30 p.m. and on days off, systemic support and protection of minors against violence practically cease to function.**

Family courts, social welfare centers, and specialized support institutions operate under official procedures. During the afternoon, evening, and night hours—when the risk of escalating domestic violence is statistically highest—the only available institutions are the police, who lack the appropriate pedagogical training or competence to provide long-term crisis assistance, and the public health service, which operates at the consequences stage rather than prevention. This structural "time gap" means that children at risk of losing their health and life are deprived of the state's institutional defense shield for most of the day.

2. Part I: Changes in Comprehensive Policy, Funding, and Data Collection

Article 7: Comprehensive and Coordinated Policies

Polish legislation systematically avoids implementing a gender-sensitive approach to public policies. Government coordination efforts are merely a facade, confirming the fragmentation of responsibility for victim protection among individual ministries without a real mechanism for enforcing the standards of the Istanbul Convention.

Elimination of public consultations and institutional partners under the pretext of “urgency” (Art. 7 points 1-3):

The Mokosz Foundation wishes to submit to GREVIO evidence of the systemic

marginalization of civil society and oversight bodies in the process of shaping family policy in Poland. As evidenced by Resolution No. 758/2024 of the National Council of the Judiciary of 13 September 2024, the government created a key body responsible for preparing the guidelines for changes to family and guardianship law – the Family Law Codification Commission under the Minister of Justice – completely bypassing democratic procedures. By decision of the Secretary of the Council of Ministers of 21 February 2024, the draft regulation in question (no. RD45) was arbitrarily exempted from the stages of consultation, public consultation, and mandatory review by constitutional bodies. The authoritative justification for this step was the "urgent processing of the act related to the implementation of the process of restoring the rule of law." In practice, these declarations proved to be a sham. Six months after the entry into force of the regulation, the real effect of the work of this structure was zero, which clearly proves that the slogan of "restoring the rule of law" was used as a pretext to prevent women's and expert organizations from submitting comments on the assumptions of the family law reform, which constitutes a clear violation of Article 7 of the Convention.

Article 8: Financing

Regression in the financing of specialist support services for victims of gender-based violence (Art. 8, point 5 of the GREVIO Questionnaire):

The Mokosz Foundation would like to draw GREVIO's attention to structural discrimination and the lack of dedicated financial support for organizations defending women's rights and providing specialized services to victims of gender-based violence (GBV). The main state financial instrument for assisting victims of crime – the Justice Fund, managed by the Ministry of Justice – pursues a policy of complete gender neutrality (gender-blind policy), which is in direct contradiction with the spirit and requirements of Article 8 and Article 18, paragraph 3, of the Istanbul Convention. In an official statement addressed to the Mokosz Foundation in 2026 (letter reference K-VII.0820.285.2026), the Department of Funds and Free Legal Aid of the Ministry of Justice explicitly stated: *"The Justice Fund does not finance or co-finance activities that provide assistance solely to victims of gender-based violence. The reporting system does not provide for the separation of expenditures based solely on gender-based violence (GBV)."*

This attitude of the body managing public funds has disastrous consequences:

- **Lack of stability of specialized organizations:** organizations with many years of

experience in working with trauma specific to women and girls (victims of sexual violence, domestic violence, stalking) are cut off from stable systemic funding in favor of general entities, often linked to religious denominations, which have no competences in counteracting gender-based violence;

- **Pushing the responsibility by the Ministry:** When asked about dedicated grants for NGOs combating violence against women, the Ministry of Justice evaded institutional responsibility in the aforementioned letter, referring the organization to the Office of the Commissioner for Human Rights and the Government Plenipotentiary for Equality, which do not have operating budgets to run specialized shelters or support centers. This demonstrates the government's lack of a coordinated financial policy.

Article 11: Data Collection and Research

Systemic gender blindness in financial and administrative reporting (Art. 11, point 6 of the GREVIO Questionnaire):

In its questionnaire, GREVIO asks about new developments related to the introduction of data collection categories such as type of violence and gender. The Mokosz Foundation notes with concern that the Polish state has regressed in its analytical development in the area of allocating public funds to assist victims. In an official letter to our organization (reference number K-VII.0820.285.2026), the Ministry of Justice admitted that: *“However, the current reporting system does not include a component that allows for the identification and separation of financial data relating solely to cases of gender-based violence (GBV).”* This admission exposes a profound systemic flaw. The Polish state, while spending millions of public zlotys on post-crime assistance, is unable to answer the question of what percentage of these funds reaches victims of the most serious, structural forms of violence, such as domestic violence against women and sexual violence. Collecting data solely by "women and men," without correlating it with the context of gender-based violence, prevents a reliable assessment of the effectiveness and purpose of public spending, monitoring whether funds reach groups most vulnerable to intersectional discrimination, and designing budgets that take into account a gender perspective (gender budgeting), which is a key recommendation of Council of Europe bodies.

Systemic statistical blindness to the situation of child witnesses (Art. 11 point 7 letter b and Art. 32 letter b):

Statutory changes in Poland have formally introduced the definition of a child witness as a victim of domestic violence. However, as explicitly acknowledged in a letter from the Ministry of Justice (Department of Family and Minors Affairs) dated May 27, 2026 (ref. DSRIN-II.0820.7.2026), this body *"does not possess and does not collect data in the above area"* Regarding the number of cases in which family courts explicitly took into account the child's witnessing of violence in their contact decisions, the state has introduced a dead-end provision and completely fails to monitor whether judges protect minors from abusive parents.

Fiction of government coordination and monitoring of file examinations (Art. 11, point 6):

The Mokosz Foundation is exposing the profound superficiality of the government's reporting to GREVIO. In Poland's official response to the report on the implementation of the Committee of the Parties' Recommendations of 20 October 2025 (IC-CP/Inf(2025)08), the government cited a commission from the Institute of Justice (IWS) to conduct a case-file study on the correlation between allegations of "parental alienation" and the avoidance of responsibility for domestic violence. This was supposed to be evidence of the state's systemic commitment to combating secondary victimization. Meanwhile, in response to a public information request, the Deputy Director of the Department of Family and Minors Affairs at the Ministry of Justice officially stated in a letter dated 15 May 2026 (ref. DSRIN-VII.0820.5.2026): *"We do not have information on the stage of the file analysis commissioned to the Institute of Justice regarding the correlation between allegations of 'parental alienation' and avoidance of responsibility for domestic violence (...) We also do not have partial results or a final report."* Moreover, an official letter from the Secretariat of the Institute of Justice (IWS) sent to the Mokosz Foundation in May 2026 reveals that a dedicated study with such a defined title and purpose does not function as a standalone, priority research project at all. The IWS indicated that these topics were simply lumped in and dispersed within other, general topics.

3. Barriers in family courts and the verification of violence

An analysis of parental authority and contact proceedings reveals a disturbing tendency to marginalize reports of domestic violence. Polish family courts routinely prioritize the pursuit of "maintaining a bond with both parents" over the safety of the child and the mother experiencing violence.

Research into court statistics reveals a striking pattern: in the vast majority of contact cases involving allegations of violence, victim protection procedures are not properly implemented. The introduction of probation oversight over the exercise of parental authority by mothers reporting violence becomes a tool of systemic pressure, rather than real support.

Regulatory failure, critical procedural gap and toleration of the pseudoscientific theory of "parental alienation" (Art. 31, point 33, letter c, of the GREVIO Questionnaire)

In its evaluation questionnaire, GREVIO specifically asks about measures taken to inform judges and experts about the invalidity of the concept of "parental alienation" or similar concepts, which perpetrators of violence use to distract attention from their actions and further control their victims. Official documents obtained by the Mokosz Foundation demonstrate the complete passivity and lack of political will of the Ministry of Justice in this area.

The most disturbing finding from the analysis of the Polish justice system is that in approximately 61% of cases in which allegations of domestic violence were formally raised, courts failed to thoroughly investigate and verify the fact. This phenomenon generates a serious systemic risk and constitutes a direct violation of Article 31(1) and (2) of the Istanbul Convention. Polish common courts routinely apply a flawed and dangerous legal doctrine that separates the perpetrator's violence against his partner from his "capacity to be a good father." Psychological, physical, or economic violence perpetrated against a mother in the presence of a child is rarely considered direct violence against the child. This results in the marginalization of violence as a "procedural tactic," forced cooperation with the perpetrator (adjudicating shared custody or extensive contact despite active post-relational violence), and a powerful chilling effect.

In a letter dated May 27, 2026 (ref. DSRIN-II.0820.7.2026), the Department of Family and Minor Affairs of the Ministry of Justice officially admitted that in the years 2022-2025 to the heads of the Consultative Teams of Court Specialists (OZSS):

"no letters were sent in this regard [explicitly prohibiting the use of the term 'parental alienation' or analogous concepts]."

The ministry's only action was to thoughtlessly share the Polish version of the GREVIO baseline report with all OZSS managers. The ministry issued no binding guidelines, instructions, or prohibitions. Consequently, court experts at the OZSS continue to routinely employ the concepts of "parental alienation" (PAS) and "loyalty conflict,"

penalizing mothers for attempting to protect children from abusive fathers. The system massively utilizes the institution of severe financial penalties for non-compliance with contact (Article 598[15] of the Code of Civil Procedure), imposing them on mothers who thoughtlessly protect their children, leading to state-sanctioned economic violence.

Structural legislative lawlessness in the functioning of the OZSS

A devastating analysis of the legal status and practice of the OZSS proves that systemco is a source of permanent threat to victims of gender-based violence:

1. **Absolute civil immunity:**In an official letter dated June 28, 2021 (ref. DSRIN-II-0510.118.2021), the Deputy Minister of Justice confirmed that OZSS employees are subject to protection under their employment contracts, which "almost excludes civil liability towards participants in the proceedings." In the institution's history, no employee has been held accountable for issuing an extremely erroneous opinion. This creates a dysfunctional system in which experts enjoy de facto immunity without even having to submit asset declarations, drastically increasing the risk of corruption.
2. **Public funding of pseudoscience:**Despite official government assurances, official, state-funded training on the use of "parental alienation" continues to be conducted. This results in a widespread use of a "copy-and-paste" approach in expert opinions, which marginalizes fathers' criminal convictions for abuse and forcibly refers mothers for psychotherapy to private centers, often staffed by OZSS experts themselves (a drastic conflict of interest).
3. **Evidential anachronism and cost trap:**The regulations do not define the validity of the OZSS opinions. Family courts routinely issue guardianship judgments based on tests from many years ago, which violates Article 72 of the Constitution of the Republic of Poland. Price lists for tests are kept confidential; participants are forced to participate under Article 233 § 2 of the Code of Civil Procedure under threat of losing their rights to the child, and they learn of the cost (PLN 1,000–1,500) only after the final judgment. Subsection 9.3 of the Order of the Minister of Justice of 1 February 2016 unlawfully denies participants access to their own test sheets (which violates Article 51 § 3 of the Constitution of the Republic of Poland).

This absolute lack of substantive control results in the mass use of methodologies in OZSS facilities that are blatantly contrary to diagnostic standards (e.g. the Rorschach inkblot test) and the patriarchal theory of "parental alienation" (PAS/PA).

Institutional "Silos" and Decision-Making Paralysis (Analysis of the Child Welfare Opposition)

Scientific evidence in the field of family justice research reveals a complete lack of coherence and knowledge exchange between state bodies. Semantic field studies demonstrate extreme polarization within professional circles: family judges focus primarily on "legal procedure" (76% of responses) and "lack of contact with a parent" (48% of responses). Only 16% of family judges' responses indicate violence as contrary to the child's best interests. Meanwhile, social workers and family assistants identify hard, structural pathologies – they account for 41% of responses regarding parental addiction and 45% regarding the flagrant failure to meet children's basic needs. Judges almost exclusively identify violence when it takes the drastic form of sexual offenses or serious bodily harm, ignoring systemic, non-physical violence (coercive control). This results in a deep crisis of trust: research shows a dissent rate of as much as 71%, meaning that 71% of all critical voices and those questioning family court judgments come directly from social workers (a further 18% from probation officers), who accuse judges of gross errors and superficiality.

Corruption-generating mechanism of the executive power's influence on family court judges and destabilization of the right to an impartial trial (Article 31, paragraph 1)

Building trust in the justice system among victims of violence in Poland is being systematically undermined by establishing the subordination of family court judges to the executive branch. Resolution No. 758/2024 of the National Council of the Judiciary unequivocally exposes the dangerous personnel and financial structure of the newly established Family Law Codification Commission. Contrary to the constitutional principle of separation and balance of powers (Article 10 of the Constitution of the Republic of Poland) and the prohibition against combining adjudicative duties with government service (Article 77 § 2b of the Family Law Codification Commission), professionally active judges from common courts adjudicating in family cases (from Wrocław, Warsaw, and Gdańsk, among others) were appointed to the Commission.

These judges, as members of an internal body of the Council of Ministers hierarchically subordinate to the Prime Minister, find themselves in a drastic conflict of interest: the Prime Minister can dismiss a judge from the Commission at any time, with complete discretion and without specifying any substantive criteria (§ 3 of the regulation), while Commission members are entitled to high, fixed monthly salaries (ranging from PLN 3,500 to PLN 10,000). The combination of a fixed salary and the possibility of immediate, arbitrary dismissal by the Prime Minister creates a direct threat to judicial independence and has a profound "chilling effect" on the family court system.

Public involvement of judges in the promotion of shared custody as a destruction of the right to an impartial court (Art. 31 points 1-2 and Art. 15 point 11)

In June 2026, family judges participated in a meeting organized by the Dobre Koparcielstwo Foundation entitled "Shared Custody in Poland – Between Social Expectations and Practice." The Mokosz Foundation and the "Mamy Prawo" Federation have raised allegations before GREVIO of a deep institutional crisis, manifested by the open, public involvement of professionally active family court judges in debates promoting the ideology of "shared custody" (alternating custody). This phenomenon directly undermines victims' right to have their cases heard by an impartial court. Family judges – including those appointed by the executive branch to the Codification Commission – are becoming the face of meetings pushing for the mechanical application of shared custody as the "only fair standard." This activity clearly violates the constitutional core of the judiciary's powers (Resolution No. 758/2024 of the National Council of the Judiciary explicitly states that these judges perform "paid activities in the interests of the executive branch"). Since judicial training programs include only two hours of lectures on forensic psychology, judges participating in such meetings do not have the tools to critically and scientifically assess the risks of shared custody in families affected by violence.

Article 48: Prohibition of mandatory alternative dispute resolution or adjudication methods

1. Description and analysis of the new legal regulation (KPC 2026)

The Mokosz Foundation would like to draw GREVIO's attention to the disturbing regression in the area of protection of victims of domestic violence from forced mediation, which has occurred as a result of the amendment to the Code of Civil Procedure (CPC) coming into force on 1 March 2026.

Under the newly introduced Article 103 § 3 item 11 of the Code of Civil Procedure, the court has gained the authority to charge a party with the higher portion, or even the entirety, of the costs of the proceedings, regardless of the outcome of the case, if the party "refused to submit to mediation without justification." Additionally, under Article 103 § 4 of the Code of Civil Procedure, the court has a statutory obligation to advise the parties of this severe financial sanction when referring the case to mediation.

Although formally Polish legislation still defines mediation as a voluntary institution, the introduction of such a drastic economic sanction for refusing to participate in it creates a legal mechanism of economic coercion (*in fact mandatory mediation*). For victims of domestic and gender-based violence, the risk of losing thousands of zlotys in legal fees

deprives them of real freedom of choice and forces them to negotiate with their abusers. This directly violates the prohibition set forth in Article 48(1) of the Convention.

2. Systemic Criticism: The “Just Cause” Trap

In theory, the new regulation includes a failsafe in the form of the phrase "without just cause." In the practice of Polish family courts, this failsafe is completely illusory for the following reasons:

- **Lack of statutory definition of violence as a ground for refusal:**The amendment to the Code of Civil Procedure of 1 March 2026 does not include any exemption for cases involving a suspicion or history of domestic violence. The legislator did not explicitly indicate that experiencing violence by the other spouse/parent constitutes an automatic and absolute "justified reason" for refusing mediation;
- **Systemic blindness of courts to the dynamics of violence:**Polish family court judges routinely confuse the asymmetry of power resulting from systemic violence with "intense divorce conflict." As a result, judges lacking specialized trauma training (Article 15 of the Convention) dismiss victims' arguments about fear of the perpetrator as "subjective" or treat refusal to mediate as an expression of "procedural malice" or "parental alienation";
- **The phenomenon of secondary victimization (Article 103 § 4 of the Code of Civil Procedure):**The mandatory warning from the judge about the possibility of being charged with the full costs in the event of refusal to mediate has a paralyzing effect on victims of violence. The judge, acting as a state authority, sends a signal to the victim:*If you do not agree to mediation with the perpetrator, the state will punish you financially*This is a clear breach of the standard of victim-focused protection and support (Article 18, paragraph 3, of the Convention).

3. Consequences in judicial practice

Economically forced mediation in cases involving intimate partner violence has dramatic consequences:

- **Forced settlements:**victims, under pressure from the judge and fear of costs, agree during mediation to solutions that are unfavorable for them and extremely dangerous for the children, including extensive, unsupervised contacts between the perpetrator and the children (which violates the guarantees of Article 31 of the Convention);
- **Petrification of power asymmetry:**Mediation is based on the principle of equality of the parties. In couples with a history of violence, the perpetrator uses

manipulation and intimidation techniques that mediators (often untrained in the dynamics of violence) are unable to detect.

Institutionalized criminal retaliation: Parliamentary bill on penalization of obstructing contacts with a minor (Parliamentary Print No. 2212, February 2026)

The Mokosz Foundation and the "Mamy Prawo" Federation alert GREVIO about an extremely dangerous and aggressive legislative initiative, which was officially submitted to the Speaker of the Sejm of the Republic of Poland at the beginning of 2026 as a parliamentary project of the Konfederacja coalition (represented by MP Przemysław Wipler), and finally registered as **Parliamentary Print No. 2212 in February 2026**. This bill, titled "Act amending the Penal Code and the Petty Offences Code," seeks to fully penalize defensive behaviors undertaken by mothers protecting their children from abusive fathers, under the guise of combating so-called "parental alienation."

The bill introduces two new types of prohibited acts:

- **Article 209a § 1 of the Penal Code (Misdemeanor):** It introduces a fine, restriction of liberty or imprisonment of up to one year for "persistent evasion" of the obligation to maintain contact or care for a minor, imposed or established in an agreement.
- **Article 106a § 1 of the Code of Petty Offences:** It penalises "every" (including one-off, incidental) failure to comply with the established method of contact or care, punishable by a fine or reprimand.

A legal and criminological analysis of the project's threats in light of the Istanbul Convention standards reveals a drastic mechanism of secondary victimization (the absence of any clauses excluding liability for the protection of a child's life and health) and the coercion of settlements under threat of imprisonment. In a particularly perfidious manner, criminal liability is extended to settlements reached before a mediator, "even those not approved by the court." In a reality of power asymmetry, a frightened victim who signs a flawed settlement under the pressure of psychological and economic violence becomes a criminal after leaving the mediator's office, facing a year in prison if they refuse to return their child to their abuser.

A key element revealing the systemic threat and lack of substantive integrity in the implementation of the proposed regulations (form no. 2212) is the fact that the General Prosecutor's Office itself uses the term "parental alienation" in its official narrative. This

demonstrates the deep institutionalization of a concept rejected by international expert bodies. During the analysis and consultations supervised by the Office of Expertise and Regulatory Impact Assessment of the Chancellery of the Sejm of the Republic of Poland, the General Prosecutor's Office – when asked directly for hard data sources and empirical analyses justifying the use of this term – officially admitted that it does not have any of its own data or research in this area. This fact is glaring evidence that criminal policy in Poland is shaped by the lobbying of specific interest groups, rather than based on reliable scientific research (*evidence-based policy*), which opens the door to enormous abuses and extremely subjective prosecutorial assessments.

The bill also proposes amending Article 93c of the Penal Code by introducing a new protective measure in the form of compulsory therapy with a child psychologist for individuals convicted of hindering contact, which completes the totalitarian system of forced institutionalization of pseudoscience.

Official admission of the state to the instrumentalization of children by perpetrators of violence: Inter-ministerial "Model of a safe procedure for the forced removal of a child" from 2025 (Art. 31, paragraphs 1-2)

The Mokosz Foundation is submitting to GREVIO key institutional evidence confirming that the central authorities of the Republic of Poland possess comprehensive, documented knowledge of the pathology and psychological violence used against children during divorce proceedings. This evidence is the "Model for a Safe Procedure for the Forced Removal of a Child Subject to Parental Authority or Guardianship," published on April 16, 2025, and signed by four key ministries (Justice, National Education, Family, Labor and Social Policy, and Interior and Administration).

This document exposes and directly names the destructive mechanisms used by parents:

- **The child as a “living shield” in the process:**The state officially admits that parents obliged to return their child treat the minor instrumentally, "taking actions aimed directly at intensifying the child's negative emotional reactions with the hope that his crying and resistance will constitute grounds for withholding the action."
- **Institutional rejection of the pretense of “child welfare”:**The psychological guidelines clearly state:*Strong emotions revealed by a child during activities do not mean that his or her previous care and upbringing environment functioned properly.* The state thus admits that the child’s hysteria is the result of fear being induced in him by his former caregiver-perpetrator.
- **Educational institutions as places of execution:**Four ministries categorically opposed the exclusion of schools and kindergartens from places of curatorial

executions, pointing out that they would otherwise become "a potentially attractive place for caregivers with children to hide."

The analysis of this document in conjunction with the previously described draft criminal law act (Print 2212) reveals complete paralysis and structural contradiction within the Polish state authorities.

Institutional violence, retraumatization and secondary victimization in the consultative practice of the Judicial Specialist Teams (OZSS) in Poland

The analysis of the functioning of the Judicial Expert Teams (OZSS) in the years 2016–2024 reveals systemic and structural irregularities that directly lead to the phenomenon **secondary victimization, retraumatization and institutional violence** towards victims of domestic violence, with particular emphasis on women and minor children.

The current legal and methodological framework does not provide protection against violence and in many cases sanctions and deepens the trauma of those affected.

1. The use of pseudoscientific theories as a tool of institutional violence

One of the most blatant manifestations of secondary victimization in Polish OZSS is the widespread use of the unscientific, harmful and discriminatory theory of the so-called **parental alienation** (and its synonyms). This theory, condemned by international institutions, including the Council of Europe Group of Experts on Combating Violence against Women and Domestic Violence (GREVIO), is used in policymaking to mask the reality of domestic violence.

- **Covering up violence and role reversal:** During the diagnostic process, OZSS specialists routinely ignore objective evidence, such as final criminal convictions for domestic abuse, indictments, medical examinations, and reports of child sexual abuse. Instead, victims of violence (usually mothers) are falsely accused of "emotional abuse," which involves isolating the child from the perpetrator.
- **Retraumatization of minors:** The use of templated advisory matrices (operating on a "copy-and-paste" basis) results in drastic and cruel conclusions. OZSS specialists recommend that courts abruptly and forcibly change children's living environments, place them in foster care to "rebuild bonds," or place them under the sole care of parents who are perpetrators of violence, including those addicted to alcohol and drugs. These actions directly violate the constitutional

requirement to protect children's rights from violence and cruelty (Article 72, Section 1 of the Constitution of the Republic of Poland).

2. Structural lack of accountability and substantive oversight

The Polish legal system has created a situation in which OZSS specialists remain completely unpunished and exempt from any civil, criminal or disciplinary liability for the content of the expert opinions they prepare.

- **Specific professional immunity:**According to the Ministry of Justice's position of June 28, 2021, OZSS employees are "independent" regarding the substantive content of opinions (Article 2, Section 2 of the Act on OZSS), and the existence of an employment relationship de facto excludes their civil liability towards participants in the proceedings. Furthermore, opinions are issued as the opinion of an impersonal "team," and the widespread failure to adhere to the standard of individualizing conclusions (point 4.6 of the Methodology Standards) makes it impossible to identify which specialist is responsible for a given formulation. As a result, a victim of violence who has suffered from a grossly erroneous or biased opinion has no legal recourse to file a complaint or hold those responsible accountable.
- **Practicing a profession without a license:**The situation is compounded by the fact that the Act of 8 June 2001 on the Psychology Profession and the Psychologists' Professional Self-Government remains a dead letter. Individuals signing their opinions as "OZSS psychologists" formally lack the statutory right to practice their profession, are not subject to a mandatory code of ethics, and are not subject to the disciplinary jurisdiction of a professional self-government, which has not been established.

3. Violation of personal rights, privacy and consumer rights (Secondary Victimization)

The examination procedure at the OZSS in the years 2016–2024 shows signs of a systemic violation of fundamental human rights and consumer rights of the parties forced to participate in the examination under pain of procedural sanctions (Article 233 § 2 of the Code of Civil Procedure).

- **Prohibition of registration and concealment of documentation (Lack of transparency):**Pursuant to internal regulations of the Ministry of Justice (points 5.3 and 9.3 of the Order of the Ministry of Justice of 1 February 2016), subjects are unlawfully deprived of the right to audio and video recordings of the examination, and are also denied access to their own source materials (e.g.,

completed psychological tests and interview transcripts). This constitutes a direct violation of the constitutional right of access to official documents (Article 51, paragraph 3 of the Constitution of the Republic of Poland) and the right to protection of private and family life (Article 8 of the Convention for the Protection of Human Rights).

- **Use of unscientific methods:** Due to the lack of a unified and controlled diagnostic methodology, many OZSS facilities still use completely arbitrary and unscientific methods (e.g. the Rorschach inkblot test), the interpretations of which are used to formulate drastic and arbitrary conclusions on the termination of parental rights.
- **Opinion validity:** The law does not define the validity period of OZSS opinions, which results in courts deciding the fate of minors based on tests conducted six or more years earlier. Ignoring a child's dynamic development and changes in the family system over such a long period is a glaring manifestation of institutional negligence and generates further trauma.

Final conclusions

The functioning of OZSS in the current legal status is a manifestation **legislative lawlessness** and is blatantly contrary to the principles of the Istanbul Convention. Instead of protecting victims and isolating perpetrators, the system redefines domestic violence as "divorce conflict" or "alienation," revictimizing vulnerable individuals. These opinions, which serve as uncritically accepted "oracles" for family courts, have become a tool of systemic state violence against children and their protective parents. This situation requires immediate, profound statutory reform, the introduction of real substantive oversight, an absolute ban on the use of the pseudoscientific doctrine of parental alienation, and the restoration of the full constitutional and procedural rights of the respondents.

Systemic increase in forced removals of children (Article 598⁶ of the Code of Civil Procedure)

Available statistical data (including analyses by the Institute of Justice and reports from the Ministry of Justice) show a shocking and dramatic trend. While a dozen or so years ago, the annual number of actual, drastic forced removals of children by probation officers with police assistance was around 100, currently **this number has stabilized at**

over 1,200 cases per year This is a more than tenfold (1000%) increase in the scale of use of this most traumatic procedure.

Contrary to the common institutional narrative, this exponential growth **it does not result from the increase in pathology in families** or a sudden deterioration in parents' caring skills. This is a direct result of dysfunctional court procedures and the systematic disregard for violence.

Anatomy of Systemic Blindness: From Violence to Child Removal

The mechanism that leads to the forced removal of children from their mothers is based on a repetitive and flawed pattern:

[Mother reports violence/abuse to perpetrator]



[The court ignores the reports (lack of tools, prejudice)]



[The court orders extensive contact between the child and the perpetrator of violence]



[Child resists / Mother protects child from trauma]



[The perpetrator files a motion for compulsory removal (Article 598° of the Code of Civil Procedure)]



[FINALE: Forceful removal of the child by the probation officer and the police]

Key points of system dysfunction:

- **Disregarding reports of violence:** When a mother reports abuse, psychological, economic, or physical violence, from her partner, family courts routinely dismiss this evidence. Instead of implementing EU protection standards (such as the directive on combating violence against women and domestic violence), these reports are treated as "litigation tactics" or "divorce conflict."

- **Forcing contact with the perpetrator:** Ignoring the real threat, the court orders forced contact between the child and the perpetrator of violence. In this way, the system completely reverses the concept – protecting the child from trauma and secondary victimization is interpreted by experts and judges as "malicious obstruction of contact" or the unscientific concept of "parental alienation."
- **Handing over the child to the perpetrator or to care:** When the child—naturally reacting with fear to the perpetrator—resists, and the mother refuses to hand him over to the perpetrator, the execution machinery is set in motion. The court orders the guardian to forcibly remove him. The children are brutally ripped from their safe environment and **entrusted directly to perpetrators of violence** or placed in **institutional foster care**, which is the ultimate developmental and emotional disaster for them.

Systemic paradox: The provision, which was intended to serve the enforcement of final judgments in extreme situations, has become the most powerful tool in the hands of perpetrators of domestic violence to further harass and control mothers, with the full, legally sanctioned participation of the state apparatus.

The Ministry of Justice has submitted for legislative work a draft act amending the Family and Guardianship Code and certain other acts (**list number: UD349**). This project aims to normatively regulate and introduce the concept of **"shared custody"** (previously functioning in case law as alternating care).

An analysis of the bill's text and its justification indicates that the drafters intend to establish this form as the preferred, default standard for adjudication in divorce and custody cases. Introducing such a defined institution without first securing a more secure system for verifying domestic violence poses a serious threat to the safety of children and the leading partner (usually the mother), which is in direct contradiction with the obligations arising from Article 31 of the Istanbul Convention.

2. Downplaying the phenomenon of violence in the judicial practice of family courts

Although the justification for the UD349 project declares that a breach of the obligation to ensure the child's safety (including the use of domestic violence) should exclude the establishment of shared custody, the reality of case law drastically verifies these assumptions.

Official data, research by the Institute of Justice (IWS) and alarming statistics cited by social organizations (including coalitions of women's organizations and experts) show a deep cognitive gap in the justice system:

- **Low awareness of judges:** It is estimated that **only about 16% of judges' responses** Surveys clearly indicate domestic violence as a real and key threat to a child's well-being during childcare proceedings. Violence (especially psychological, economic, and the child's role as a "silent witness" to violence) is largely marginalized by adjudicating panels and classified as a "divorce conflict." https://kulturaiwychowanie.ahe.lodz.pl/wp-content/uploads/2019/06/KiW15_ARC_ZEWSKA.pdf
- **Ignoring a history of violence:** According to data from monitoring proceedings, in over 60% of divorce cases, family courts completely disregard their obligation to investigate and consider a history of domestic violence before making decisions about custody and contact. <https://iws.gov.pl/wp-content/uploads/2026/03/MANIKO1.pdf>

In such a dysfunctional judicial environment, establishing shared custody as a systemic goal and standard will lead to a situation in which courts will force victims of violence to constantly communicate and co-decide with their abusers, which is a direct tool for further control, harassment and secondary victimization.

3. The institution of securing shared custody for the duration of the proceedings

A particularly dangerous and critical element of the UD349 project are the proposed changes to the Civil Procedure Code (KPC) concerning **institution of securing claims** The project assumes that when granting security in matters concerning child custody, the court should *as a rule* base the temporary regulation of the minor's situation on the shared custody model for the duration of further, often multi-year proceedings.

This solution has tragic consequences in cases where the parents' separation is caused by domestic violence:

1. **Automatism at the initial stage:** At the beginning of the trial, the court does not yet have access to the full evidence or the opinion of the Advisory Team of Court Specialists (OZSS). The order to "as a rule" grant shared custody would force the victim to immediately return the child to the perpetrator.
2. **Burden of proof shifted to the victim:** To block this temporary protection, the victim of violence must immediately prove a "threat to the welfare of the child"

before a judge who, statistically, does not identify violence correctly in most cases.

3. **Principle of fait accompli:** A child functioning in a shared custody model at the stage of long-term protection gets used to the new situation (often under pressure and fear), which in the later final judgment is treated by the courts as "stabilization of the child's situation", making it impossible to change this model, even after proving violence.

Recommendations and proposals to the GREVIO Committee regarding the UD349 project:

1. **Introduction of absolute immunity from violence in the UD349 project:** The GREVIO Committee should call on the Polish authorities to introduce into the text of the draft UD349 an absolute, mandatory exclusion (so-called red line), prohibiting the award of shared custody and its securing in any form if one of the parents is or has been the subject of criminal proceedings for violence, the "Blue Card" procedure has been implemented or civil/police protective orders and prohibitions have been issued, or there is any evidence of any form of violence.
2. **Elimination of the presumption of shared custody in security:** Removing the provision from the draft requiring courts to base temporary protection on the shared custody model as the default solution. This protection should be
3. used only in the event of full, voluntary and conflict-free agreement of the parents, free from any signs of asymmetry of power and violence.
4. **Urgent verification of the research database:** Pointing out that the project is pushing for a systemic revolution in family law based on the ideological lobbying of fatherhood groups, completely ignoring the fact that Polish judicial staff (as confirmed by the 16% indicator) do not have the systemic preparation and tools to diagnose violence, which, if the UD349 project is implemented in its current form, will lead to an escalation of the tragedy of children and women in Poland.

4. Systemic lack of transparency and superficiality of judges' training (KSSiP)

A serious violation **Article 15 of the Istanbul Convention** The way training for judicial personnel is conducted and supervised is a challenge. Key state institutions responsible for judicial education demonstrate a lack of transparency and openly cut off independent experts from women's groups and organizations specializing in protecting victims' rights from educational processes. This is evidenced by the official position of the National School of Judiciary and Public Prosecution (KSSiP) contained in a letter dated October

23, 2025 (ref. BD-1.0132.31.2025), in response to a request for access to public information from the "Mamy Prawo" Federation. This document reveals the mechanisms by which social control over the education of family and criminal judges is systematically blocked.

A. Exclusion of independent organizations and experts

In the process of developing training programs on domestic violence and child protection, entities with years of experience in providing direct assistance to victims were completely overlooked. The National Children's Rights and Child Support Center explicitly stated during the access to information process that:

"The external entities mentioned by the applicant [women's and human rights organizations, specialists in domestic violence, children's rights, psychotraumatology] did not participate in the process of creating the training programs."

The concept and substantive framework of the multi-million project entitled *"Implementing the idea of a juvenile-friendly justice system and strengthening the rights of victims"* They resulted directly from the Work Plan defined by UNICEF, and the detailed thematic scope was determined solely in a closed, tripartite agreement between the Ministry of Justice, the National School of Social Policy and Public Safety, and UNICEF. The final decision on content approval rested with the international entity, completely bypassing national public consultations.

B. Refusal to disclose teaching programs and materials

The National School of Judiciary and Public Prosecution is using legal evasions to prevent verification of what Polish judges are taught in the area of violence against women and domestic violence (Measures 2.2 and 2.5 of the project). The institution refused to immediately provide agendas, full program content, and teaching materials (presentations, scripts, textbooks), citing the structure of the **processed public information** The National Judicial and Social Policy Court has made access to these key documents conditional upon the public party demonstrating a "particularly significant public interest," or the decision will be rejected. This means that the content that informs judges' approach to victims of violence remains confidential from the public and independent researchers.

C. Lack of real evaluation and confidentiality of internal documentation

According to the official response of the Director of KSSiP, Prof. Piotr Girdwoyń, the system for assessing the effectiveness of training is purely superficial:

- **No schedule:**KSSiP openly admitted that "*there is no evaluation schedule*" for the mentioned project.
- **Hiding judges' opinions:**Evaluation surveys completed by training participants were kept confidential. The school claims they are not public information because they are "*documents of an internal nature, the content of which is subjective*".
- **Confidentiality of the consultation process:**All documentation from internal substantive arrangements (notes, e-mails, meeting minutes, expert opinions) was also deemed not to be public information, which makes it impossible to reconstruct the decision-making process when selecting teaching content.

D. Financial scale of the project and lack of transparency

The practices of secrecy regarding procedures and content described above concern a project of a very large financial scale, financed by public and international funds. The total project budget is **2,973,495 PLN**, and its implementation was extended until **December 31, 2025**

The structure of expenditure and quantitative indicators for 2024 alone is as follows:

Data category	Value / Description
Total project budget	2,973,495.00 PLN
Total wages paid in 2024	1,079,097.10 PLN
— including: lecturers' salaries	394,900.00 PLN
— including: project staff salaries	684,197.10 PLN
Number of trained judges (family departments)	418 people (declarative data)

Source: Own study based on the official letter of KSSiP of 23/10/2025 (BD-1.0132.31.2025).

Despite training 418 family judges, the KSSiP refused to provide precise data on the court structures (specific departments and district/regional courts) from which the participants came, which makes it impossible to verify whether the training reached the regions most burdened with domestic violence cases.

5. Lack of systemic monitoring of secondary victimization and institutional violence

Implementation **Article 11 (Data collection and research)** and **Article 31 (Parental**

responsibility, access rights and safety) of the Istanbul Convention In Poland, it is heavily criticized due to the complete lack of structures monitoring the secondary victimization of victims during family proceedings. Despite clear international guidelines and EU regulations (including the EU Directive on combating violence against women and domestic violence), central state authorities remain passive and evade oversight responsibility.

The proof of this systemic gap is the official correspondence between the "Mamy Prawo" Federation and the Chancellery of the Prime Minister (KPRM) conducted at the turn of 2025 and 2026. Of key importance here is the official response of CIR/KPRM dated **16 mark 2026** r. about the signature **BIP-CIR-2026** (Social Communication Department of the Government Information Centre). This document reveals the mechanisms behind the systemic blurring of responsibility.

A. Procedural evasions of the Chancellery of the Prime Minister and dispersion of responsibility

In response to the detailed request of the Federation of 20 October 2025 regarding the scale of secondary victimization caused by the rulings of family courts and the practice of the Advisory Teams of Court Specialists (OZSS), the Chancellery of the Prime Minister in a letter **BIP-CIR-2026** she used formal evasions:

- **Evading an answer:** The Chancellery of the Prime Minister refused to provide substantive information on questions regarding the implementation of research indicators, complaint registers, collection of case data or supervision of expenditure on the Family Law Codification Commission, claiming that the only competent authority in this respect is the Ministry of Justice.
- **Refusal to forward the application in accordance with the jurisdiction:** Citing the case law of the Supreme Administrative Court (judgment of 16 December 2009, file reference I OSK 1116/09), the Chancellery of the Prime Minister indicated that Article 65 of the Code of Administrative Procedure does not apply to matters concerning access to public information and refused to formally forward the documents to the Ministry of Justice. In practice, such action forces the public to reinitiate procedures and delays access to key data, which constitutes a direct barrier to transparency.

B. Delays in implementing the National Monitoring System

From the official position of the government (**BIP-CIR-2026**) shows that Poland does not have and will not implement in the near future systemic tools for protection against

secondary victimization in courts, as required by the Istanbul Convention: the Chancellery of the Prime Minister explicitly admitted that the deadline for launching the national monitoring system in accordance with Articles 11 and 31 of the Istanbul Convention will be directly linked to the deadline for transposing the EU directive, which expires only in June 2027.

This means that for years to come, victims of domestic violence and their children, participating in custody, contact, or enforcement proceedings, will be deprived of institutional monitoring of their safety by the state. The phenomenon of institutional violence remains entirely outside the realm of official government statistics and analyses.

C. Facade-based public consultations and selective selection of partners

In relation to the implementation **Articles 9 and 11 of the Istanbul Convention** (cooperation with non-governmental organizations), Chancellery of the Prime Minister in the news **BIP-CIR-2026** indicated that the dialogue is based on publicly available public consultations and incidental events, such as the conference on the occasion of the 20th anniversary of the Act on Counteracting Domestic Violence (16 December 2025).

Although the government declares the continued presence of selected organizations (including the Empowering Children Foundation, the Women's Congress Association, the Autonomia Foundation, and Feminoteka) in the Monitoring Team, the real voice of smaller, specialized expert organizations that directly represent victims in family courts and address the errors of the OZSS is marginalized. The legislative process does not ensure the systematic and equal participation of organizations monitoring case law in terms of children's rights and protection from secondary traumatization.

6. Economic violence: Systemic state inaction in the face of the plague of non-payment of alimony and the ineffectiveness of enforcement

In the light **Art. 3 (Definitions – economic violence as a form of domestic violence)** and **Article 4 (State Obligations) of the Istanbul Convention** The Republic of Poland is drastically failing to meet its international obligations to combat economic violence against women and children. Persistent failure to pay child support (non-payment of child support) is a widespread phenomenon in Poland, which, due to its structure, constitutes gender-based violence. The Polish state demonstrates a profound, structural impotence in enforcing child support obligations, which in practice translates into

institutional sanctioning of poverty for single mothers and their children.

A. The scale of the phenomenon and the profile of the debtor: Violence has a male gender

Debtor register statistics and data from the Ministry of Justice paint a striking picture of the system's inefficiency:

- **Debt amount:**The total child support debt in Poland has grown to a staggering amount, currently approaching 17 billion złoty. These obligations affect hundreds of thousands of children whose basic needs are met daily solely by the extraordinary economic efforts of their mothers.
- **Debtor profile:**Statistical data clearly indicates the gender of the perpetrators of this form of violence. Nearly 94–95% of all alimony debtors in Poland are men (fathers). Shifting the full financial responsibility for children's development and support onto women is a common form of repression after a breakup, aimed at further financially degrading the mother.

B. Fiction of execution and passivity of state authorities

For years, Poland has ranked among the last in Europe in terms of the effectiveness of bailiff enforcement of maintenance claims. The average bailiff effectiveness in maintenance cases continues to be drastically low, rarely exceeding 20–25%. The state is failing to take real, systemic action to effectively curb widespread payment avoidance practices:

- **Allowing for the grey zone:**Law enforcement agencies and labor inspectorates are completely inactive when it comes to the practice of employing alimony debtors illegally or paying them the official minimum wage under the table.
- **Transfer of property:**Courts and prosecutors' offices rarely use criminal instruments to prosecute debtors for deliberately disposing of their assets to third parties (e.g. new partners or family members).
- **Front Maintenance Fund:**The criteria for accessing the state Maintenance Fund (including the rigid, abnormally low income threshold per family member) mean that thousands of women earning at the minimum wage are cut off from any support, becoming victims of the so-called "income guillotine."

C. Legal Loophole: Non-Maintenance as an Isolated Act, Not Domestic Violence

The current wording of Article 209 of the Penal Code (evading alimony) treats this offense technically – as an offense against family and care. The law completely ignores

the intentional, violent, and permanent nature of this act. Failure to pay alimony is not treated in Polish criminal proceedings as a form of violent control (in accordance with the terminology of the new VAW directive) or as a component of domestic abuse (Article 207 of the Penal Code), which prevents the application of immediate isolation orders or preventive measures appropriate to perpetrators of domestic violence against debtors who abuse them.

7. Conclusions and recommendations for the Republic of Poland

In light of the evidence collected, the “Mamy Prawo” Federation and the “Mokosz” Foundation recommend that the GREVIO Committee submit the following urgent recommendations to the Polish government:

1. **Implementation of full transparency of referee training:**The KSSiP's commitment to unconditionally make training programmes, agendas and teaching materials available to the public on matters relating to domestic violence and children's rights.
2. **Mandatory participation of the social side:**Introducing a statutory requirement to consult judges' and prosecutors' training programmes with independent non-governmental organisations specialising in protecting the rights of women and children against violence.
3. **Moving away from the concept of parental alienation:**Official withdrawal of training materials promoting unscientific theories of "parental alienation"
4. **Reform of the KSSiP evaluation system:**Introducing external, independent audits of training effectiveness and making training participant evaluation surveys public.
5. **Immediate launch of the monitoring system (without waiting for June 2027):**Demand that the Polish government immediately begin work on a national system for monitoring secondary victimisation, in accordance with Articles 11 and 31 of the Istanbul Convention, without further delay and without using the long deadline for transposition of the EU directive as an excuse.
6. **Introduction of a central register of complaints against institutions:**Creating a transparent, inter-ministerial system for collecting data and complaints regarding secondary victimization and judicial errors in family cases involving violence, in order to prevent the Chancellery of the Prime Minister and the Ministry of Justice from diluting their responsibility.
7. **Criminalization of non-maintenance as domestic and gender-based**

violence:Amending the Penal Code by clearly qualifying persistent evasion of alimony obligations as a form of economic violence within the definition of domestic violence (linked to Article 207 of the Penal Code) and recognizing it as a tool of violent control of a systemic nature based on gender.

8. **Elimination of the income threshold for the Alimony Fund:**Unconditional abolition of the income criterion for the payment of benefits from the Alimony Fund, so that the state would take over the burden of immediate economic protection of children, regardless of the mother's earnings.

Attachments:

14 files: