

**Group of Experts on Action against Violence  
against Women and Domestic Violence  
(GREVIO)**



**Report submitted by Poland  
pursuant to Article 68, paragraph 1  
of the Council of Europe Convention  
on preventing and combating violence  
against women and domestic violence  
(Baseline Report)**

**Received by GREVIO on 26 March 2020**  
GREVIO/Inf(2020)8  
*Non official translation*

Published on 12 May 2020



**Republic of Poland**

**Report**

**on measures taken for the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, submitted by the Government of the Republic of Poland pursuant to article 68 of the Convention.**

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## **I. Introduction**

The prevention of and fight against violence in Poland is based on criminal law and, in a subsidiary way, on other branches of law. As far as family violence is concerned, they are based both on these regulations and on regulations specific to family violence.

Existing legal solutions, programmes and actions in the field of combating violence fulfil the fundamental obligation of the Constitution of the Republic of Poland (Art. 30) for public authorities to respect and protect human dignity and to guarantee the rights and freedoms resulting from such human dignity.

The form of the solutions presented in this report corresponds to the actual nature and extent of violence and family violence in Poland. These solutions take into account the fact that violence is a multidimensional phenomenon with complex and interacting sources, in connection with the perpetrator of such violence, family and social relations.

In accordance with the Declaration of the Republic of Poland made on the date of signature by Poland of the Convention on Preventing and Combating Violence against Women and Domestic Violence, i.e. on 18 December 2012, and confirmed at the time of deposit of the instrument of ratification of the Convention on 27 April 2015, Poland implements the Convention in accordance with the principles and provisions of the Constitution of the Republic of Poland.

Polish legal and policy provisions address, without distinction, all victims of violence, which is in line with constitutional principles: equality before the law and the right to equal treatment by public authorities (Article 32, paragraph 1), prohibition of discrimination in family, political, social and economic life (Article 32, paragraph 2), as well as the principle of equality between women and men in family, political, social and economic life (Article 33, paragraph 1). The Convention is also implemented by respecting the principle of the protection of marriage as a union between a man and a woman, the protection of the family, maternity and parenthood (article 18), the protection of private and family life (article 46), and by respecting the guarantee of the right of parents to raise their children in accordance with their own convictions (article 48).

Criminal policy gives priority to combating violence, including violence against women and family violence. This is reflected in the amendments to the Penal Code and the Code of Criminal Procedure, introduced from 2015, which are detailed below in the report. The changes consist of:

- the introduction of new legal measures,
- increased penalties for offences committed against minors and vulnerable persons, for offences involving the use of violence and for offences of a sexual nature,
- amendment of the provisions on the probationary period, of the Directives as regards the type and level of criminal sanctions, of the provisions on the obligation to make good damage or award damages,

are intended to better protect victims of violence, especially minors and vulnerable persons.

Until the adoption of systemic solutions in the field of preventing and combating family violence, actions were implemented in the framework of criminal and family law and in the field of social assistance. The establishment of a coherent and effective system for combating family violence began in 2005 with the adoption of the Law on Combating Family Violence. The Act defines the objectives, as well as the rules of conduct towards victims of family violence and towards persons resorting to violence. In order to increase the effectiveness of the fight against family violence, the Act focuses on activities aimed at raising public awareness of

the causes and effects of violence. The responsibility for the implementation of the policy against violence lies with the Government and local government entities.

In 2010, an important amendment to the Law on Combating Family Violence was adopted in order to increase the effectiveness of the protection of persons suffering from family violence and the effectiveness of actions against perpetrators of violence. Solutions have been developed to systematize and increase the effectiveness of the work of the services entrusted with tasks in the field of combating family violence. It has been introduced, among others:

- the prohibition of contact between the perpetrator and the victim and the order to leave a dwelling occupied with the injured party, whether or not it belongs to him,
- the prohibition of corporal punishment of children,
- the obligation to inform the competent services about cases of family violence,
- the principles of cooperation in interdisciplinary teams and working groups dealing with victims and perpetrators,
- the detailed arrangements for implementing the "Blue Card" procedure.

The National Programme to Combat Family Violence for 2006-2016 was adopted in 2006. The programme continues with the programme for 2014-2020, which takes into account the new legal tasks and institutions introduced in 2010 through an amendment to the Law on Combating Family violence.

The objective of the programme for 2014-2020 is to increase the effectiveness of the fight against family violence and to reduce its scale. This will be achieved by intensifying prevention activities and improving the quality and availability of the services provided: increasing the accessibility and effectiveness of protection and support to persons affected by family violence, increasing the effectiveness of the impact on persons using violence, improving the qualifications of representatives of institutions and entities implementing tasks in the field of combating family violence.

One of the most important achievements at the central and local government levels is the system of cooperation between ministries and their subordinate units and the various departments working in local communities. This ensures multifaceted, coherent and effective actions and the creation of optimal solutions to combat family violence.

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Upon ratification of the Convention, Poland made the following reservations in accordance with article 78 of the Convention:

- the reservation concerning Article 30, paragraph 2: "In accordance with Article 78, paragraph 2, the Republic of Poland reserves the right to apply Article 30, paragraph 2, of the Convention only to victims who are citizens of the Republic of Poland or of the European Union and in accordance with a procedure provided for in national legislation. »,
- the reservation to article 44, paragraph 1, letter e: "In accordance with article 78, paragraph 2, the Republic of Poland reserves the right not to apply the Convention when the offence is committed by a person habitually resident in its territory. »,
- the reservation to Article 55: "In accordance with Article 78, paragraph 2, the Republic of Poland declares that Article 55, paragraph 1, of the Convention shall not apply to Article 35 in respect of minor offences. »,
- Reservation concerning Article 58: "In accordance with Article 78, paragraph 2, the Republic of Poland declares that Article 58 of the Convention shall not apply to Articles 37, 38 and 39 of the Convention. "».

Furthermore, Poland made a declaration concerning article 18, paragraph 5, of the Convention: "The Republic of Poland recognizes the need to interpret article 18, paragraph 5, of the Convention in accordance with international agreements to which it is a Party, and directly applicable normative acts of international organizations, to which the Republic of Poland has

subjected the competence of the State authority in certain cases. Accordingly, the Republic of Poland will provide consular protection only to Polish citizens, and nationals of the Member States of the European Union who do not have access to a diplomatic or consular post in the territory of a third State, on the same conditions as Polish citizens. Moreover, in accordance with the universally recognized principles of international law, the Republic of Poland does not grant consular protection to nationals of the host state. The Consul of the Republic of Poland may undertake actions of consular protection only on the basis of measures provided for by international law on consular relations. ».

Poland also made the following declaration: "The Republic of Poland declares that it will apply the Convention in accordance with the principles and provisions of the Constitution of the Republic of Poland. ».

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The information provided in the report relates mainly to activities in 2017 and 2018, but considering that the solutions to combat violence were adopted before 2017, the report also contains information on those solutions.

The report provides information on the fight against crime, including violent crime (criminal provisions, procedures, victim support). The provisions on procedure and support for victims of crime apply to all types of crime, with the exception of certain specific provisions relating to offences against sexual freedom and decency.

The issue of preventing and combating family violence (research, institutions, support for victims of family violence - procedures, types of assistance, statistics) is addressed more broadly, as this type of violence affects women more often than men, so that information on State action in this area is particularly relevant in the context of the Convention on the Prevention and Combating of Violence against Women and Family violence.

The report includes data on offences classified as family violence. Statistical data on all violent offences under articles 33-37 and 39-41 have not been included. In view of the very broad definition of violence against women and gender-based violence in the Convention and, at the same time, taking into account the principles of equal treatment and prohibition of discrimination contained in the Constitution of the Republic of Poland, it would be necessary to present comprehensive data on violent offences:

- to include data on all types of offences classified as violent,
- to include data on all violent offences committed by men and women,
- with regard to offences of a sexual nature, to verify in each individual case whether the motivation of the perpetrator was directly related to the sex of the victim (female or male).

The structure of the report has been modified from the model proposed in the questionnaire on legal solutions and other measures taken to implement the provisions of the Convention, prepared by the Expert Group on Combating Violence against Women and Domestic Violence, in order to fully present the solutions for combating violence and family violence in Poland, which is particularly important as this is the first report on the implementation of the provisions of the Convention.

The report does not contain information on the implementation of Articles 32, 44, 47, 54 and 58, as the questionnaire does not require.

The report on the implementation of the Convention on Preventing and Combating Violence against Women and Family violence was prepared by the Ministry of Family, Labour and Social Policy on the basis of information provided by:

- the competent services of the Ministry of Family, Labour and Social Policy,
- the Ministry of National Education,
- the Ministry of Science and Higher Education,

- the Department of National Defence,
- the Department of Justice,
- the Ministry of the Interior and Administration,
- the Foreign Office,
- the Department of Health,
- the Government Plenipotentiary for Equal Treatment,
- the National Labour Inspectorate,
- the Office of the National Broadcasting Council,
- Polish Television SA,
- Polish Radio SA.

The draft report was presented to the Family violence Monitoring Team for public consultation. Comments were made by members of this team - representatives of the Ministry of National Education and the National Agency for the Resolution of Alcohol Problems. In addition, comments were submitted by the Ordo Iuris Institute. The comments were taken into account in the preparation of the final version of the report.



## **II. Integrated policy and data collection**

### **A. Institutions carrying out actions in the field of combating violence and family violence (articles 7, 10, 18 of the Convention)**

Tasks in the field of prevention and combating violence are carried out by the bodies of government administration, primarily by the Ministry of Justice, the Ministry of Interior and Administration, the Ministry of Health, the Ministry of National Education, as well as by subordinate units and institutions, including the Police Headquarters, the Aliens Office, the Central Administration of the Prison Service, the National Agency for the Resolution of Alcohol Problems.

Tasks in the field of combating family violence are carried out by the organs of government administration and local government entities, with the Ministry of Family, Labour and Social Policy in the lead.

The gmina's specific tasks include the creation of a system to combat family violence at the gmina level:

- the development and implementation of a gmina programme to combat family violence and protect victims of family violence,
- counselling and intervention in the field of combating family violence, including through educational activities aimed at strengthening the care and upbringing skills of parents in families exposed to family violence,
- the provision of places in support centres for people affected by family violence,
- the creation of interdisciplinary teams.

The task of the interdisciplinary team is to coordinate activities in the field of family violence:

- by identifying the problem,
- by acting in an environment threatened by family violence to counter this phenomenon,
- by initiating interventions in an environment affected by family violence,
- by disseminating information about institutions, people and opportunities for help in the local environment,
- by taking action against those who use violence in the family.

The interdisciplinary team is composed of representatives:

- organizational units of social assistance,
- of gmina's alcohol problem-solving committee,
- of the Police,
- of the education system,
- of the health protection system,
- non-governmental organizations and probation officers.

The interdisciplinary team may also include prosecutors and representatives of other entities working to combat family violence.

An interdisciplinary team may form working groups to deal with individual cases of family violence. Working groups are composed of representatives:

- organizational units of social assistance,
- of gmina's alcohol problem-solving committee,
- of the Police,
- of the education system,
- of the health protection system.

Working groups may also include probation officers as well as representatives of other entities and specialists in the field of family violence.

The tasks of the working groups are as follows:

- the development and implementation of an assistance plan in individual cases of family violence,
- monitoring the situation of families in which violence occurs and families at risk of violence,
- reporting on actions taken towards families in which violence occurs and the effects of those actions.

Tasks specific to powiat include:

- the development and implementation of a powiat programme for the fight against family violence and the protection of victims of family violence,
- the development and implementation of programmes of preventive measures and specialised assistance, in particular as regards the promotion and implementation of appropriate educational methods for children from families exposed to violence in the family,
- the provision of places for people affected by family violence in support centres or crisis intervention centres.

Tasks in the field of government administration carried out by the powiat include:

- the creation and management of specialised support centres for victims of family violence,
- the development and implementation of remedial and educational programs for those who use family violence.

Tasks specific to the voivodship's local authority include:

- development and implementation of the voivodship programme for combating family violence,
- initiating and promoting new solutions to family violence,
- the development of curricula for the protection of victims of family violence and curricula for remedial and educational measures for persons who use family violence,
- the organisation of training courses for people who carry out tasks related to the fight against family violence.

The voivode's duties include:

- the development of educational materials, recommendations, intervention procedures in crisis situations related to family violence,
- monitoring the evolution of the phenomenon of family violence,
- the appointment of a voivodship coordinator for the implementation of the National Programme for Combating Family violence,
- monitoring the implementation of the above-mentioned programme with the assistance of the voivodship coordinator,
- supervision of the execution of tasks by local authorities at gmina, powiat and voivodship level,
- monitoring the execution of tasks performed by non-public entities on the basis of agreements concluded by government and local administration bodies.

The tasks of the Minister responsible for social security<sup>1</sup> include:

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<sup>1</sup> Minister of Family, Labour and Social Policy

- the adoption of implementing legal provisions, in accordance with the authorization provided by law, in areas concerning, inter alia: the standard of basic services provided by specialized support centres for victims of family violence, qualifications of persons employed in specialized support centres for victims of family violence, guidelines for corrective and educational measures for persons resorting to violence, qualifications of persons carrying out corrective and educational measures,
- commissioning and funding of research, expertise and analysis on family violence,
- managing activities to raise public awareness of the causes and effects of family violence,
- the appointment and dismissal of the National Coordinator for the implementation of the National Programme to Combat Family violence,
- monitoring the implementation of the above programme, with the assistance of the National Coordinator,
- the development, at least every two years, of guidelines for family violence prevention training,
- the development and funding of protection programmes to prevent family violence,
- financial support for family violence programs implemented by:
  - local government entities,
  - non-governmental organizations working to prevent family violence,
  - organisational units acting on the basis of the provisions on relations between the State and the Catholic Church in the Republic of Poland, as well as on relations between the State and other churches and religious communities, and on ensuring freedom of conscience and religion, if their statutory objectives include carrying out activities against family violence.

The advisory body to the Minister of Social Security is the Monitoring Team for Combating Family violence.

The organization and mode of operation of the team are specified in the Regulation of the Minister of Labour and Social Policy on the Monitoring Team for Combating Family violence.

The tasks of the team are:

- initiating and supporting actions to combat family violence,
- monitoring of actions to combat family violence,
- formulating opinions on issues relating to the implementation of the law and initiating amendments to the legislation on combating family violence,
- the formulation of opinions in the event of disputes between public administration bodies and non-governmental organisations performing tasks in the field of combating family violence,
- the formulation of opinions on public tasks in the field of combating family violence and on the commissioning of such tasks,
- the development of standards for assisting victims of family violence and working with people who use violence,
- the creation of information mechanisms on standards of assistance to victims of family violence and work with people who use violence,
- dissemination of the results of the follow-up of activities in the field of prevention of family violence.

The team is composed:

- a National Coordinator for the implementation of the National Programme to Combat Family violence,
- seven representatives of the organs of government administration and of units subordinated to or supervised by these organs,

- five representatives of local government entities notified by the local government side to the Joint Committee of Government and Local Government,
- of 10 representatives of non-governmental organizations, associations and agreements of non-governmental organizations, as well as churches and religious communities.

Currently, the team members are:

- representatives of government administration bodies and units subordinated to or supervised by these bodies: the Government Plenipotentiary for Equal Treatment, the Ministry of National Education, the Ministry of Culture and National Heritage, the Ministry of the Interior and Administration, the Police Headquarters, the Ministry of Health - the State Agency for the Resolution of Alcohol Problems, Office of the Podkarpackie Voivodship in Rzeszów,
- representatives of local government entities notified by the local government side to the Joint Committee of Government and Local Government,
- representatives of non-governmental organizations, associations of non-governmental organizations and churches as well as religious communities:
  - Caritas Polska (Caritas-Poland),
  - Fundacja Dajemy Dzieciom Siłę ("Give strength to children" Foundation),
  - Irena Kornatowska Children's Aid Centre (Centre d'aide aux enfants Irena Kornatowska),
  - Fundacja Dziecko w Centrum ("Child at Heart" Foundation),
  - FENIKS (Fondation pour la prévention de la violence en famille FENIKS),
  - Fundacja Rzecznik Praw Rodziców (Ombudsman Foundation for Parents' Rights),
  - Institute of Health Psychology of the Polish Psychological Society (Institut de Psychologie de la Santé de la Société polonaise de Psychologie),
  - Katolickie Stowarzyszenie Pomocy Osobom Potrzebującym "Agape" (Catholic Association for Helping People in Need "Agape"),
  - Association pour la prévention de la violence en famille " Ligne Bleue ",
  - Foundation Poznań Centre for Social Prevention (Fondation Centre pour la prévention sociale de Poznań),
  - The Pontifical University of John Paul II in Cracow (Université pontificale Jean-Paul II à Cracovie).

The obligation to monitor the implementation of State policy in the area of combating family violence is ensured by the Ministry of Family, Labour and Social Policy, in particular by monitoring the implementation of the National Programme to Combat Family violence. A report on the implementation of the programme is drawn up annually on the basis of information submitted by all the institutions concerned, including local authorities. The report shall summarise and draw conclusions from the implementation of the actions in a given year and identify priority actions for the following years.

The report for a given year shall be approved by the Council of Ministers and submitted to the Sejm and Senate of the Republic of Poland no later than 30 September of the following year.

Upon ratification of the Convention, its implementation was entrusted to the Minister of Justice, the Minister of Family, Labour and Social Policy and the Government Plenipotentiary for Equal Treatment. The task of coordinating the work of the institutions responsible for coordinating, implementing, monitoring and evaluating policies and actions to prevent and combat all forms of violence falling within the scope of the Convention was entrusted on 30 April 2019 to the Minister of Family, Labour and Social Policy by the Prime Minister.

## **B. Objectives of policy to combat violence and family violence (articles 4, 7, 12, 18 of the Convention)**

Protection and assistance to persons who have been subjected to violence are provided by the provisions of the Criminal Code and the Code of Criminal Procedure. In addition, the provisions contained in the following documents are applied:

- the Civil Code,
- the Code of Civil Procedure,
- the Family and Guardianship Code,
- the Police Act.

Protection and assistance to persons suffering from family violence are provided, in addition to the provisions of the Criminal Code and the Code of Criminal Procedure and other acts indicated above, para:

- the Family violence Act,
- the Social Welfare Act,

and the National Programme to Combat Family violence for 2014-2020.

These provisions shall be supplemented by implementing provisions.

Legislation guarantees protection and support to all persons who experience various forms of violence, regardless of their gender, age, health status, origin or place of residence.

The Constitution of the Republic of Poland imposes on the organs of the State an obligation of special protection and support of the family (Articles 18 and 71) and protection of the child (Article 72). The task of the State is therefore to develop a policy aimed at ensuring the fulfilment of these obligations, in particular by creating conditions for the stable and dignified development of the family and ensuring the safety of its members. Combating family violence is therefore a priority action. This broad and multifaceted policy has two directions: the first is to protect the family from pathological phenomena and the second is to protect the victims of violence and overcome its consequences.

Increasing the effectiveness of the prevention of family violence and reducing the scale of this phenomenon can be achieved through the following actions:

- the intensification of measures to prevent family violence,
- increasing the availability and effectiveness of protection and support for victims of family violence,
- increasing the effectiveness of the impact on those who use violence,
- increasing the level of competence of representatives of institutions and entities performing tasks in the field of combating family violence in order to improve the quality and availability of the assistance provided.

In addition, the implementation of the national policy to combat family violence is carried out through

- the promotion of family and marriage based on mutual respect and the fair and equitable sharing of roles,
- the improvement of the material situation of families, especially large families,
- the fight against addictions, especially alcoholism.

Such a broad definition of orientations and types of activities is based on the results of the 2011 study on the phenomenon of violence in the family<sup>2</sup>, which shows that violence in the family is the result of many different and overlapping social, cultural and family factors.

The Law on Combating Family violence further specifies:

- tasks in the field of combating family violence,
- rules of conduct for people who are victims of family violence,
- rules of conduct for people who use violence in their families.

The law defines family violence as an intentional, single or repeated act or omission that violates the rights or personal interests of family members, in particular by exposing such persons to the risk of loss of life or health, or by violating their dignity, bodily integrity, freedom, including sexual freedom, by causing damage to their physical or mental health, and by causing suffering and moral harm to persons who are victims of violence.

For the purposes of the law, a family member is a spouse, an ascendant, a descendant, brothers and sisters, a relative of the same lineage or degree, a person in an adoptive relationship and his or her spouse, a person living in a couple or any other person residing together or living in a household.

The person affected by family violence receives free assistance in the following forms:

- medical, psychological, legal, social, professional and family counselling,
- crisis intervention and support,
- the prohibition for violent persons to enjoy shared accommodation with other family members and to contact and approach victims,
- safe shelter in a specialized support centre for victims of family violence,
- medical examination to determine the causes and type of injuries associated with family violence and to issue a medical certificate on the subject,
- housing or assistance in obtaining housing.

The perpetrator is subject to measures to prevent contact with the victims as well as to remedial and educational measures.

In order to create the conditions for an effective fight against family violence, the Council of Ministers adopts the National Programme for Combating Family violence, which defines the tasks to be carried out in order to:

- provide protection and assistance to people affected by family violence,
- conduct remedial and educational measures for those who use violence,
- raise public awareness of the causes and consequences of family violence and promote non-violent educational methods,
- disseminate information on the possibilities and forms of assistance to victims of violence and to persons resorting to violence within their families.

The national programme to combat family violence for 2014-2020 identifies four priority areas for action:

- prevention and social education, with the aim of:
  - raise awareness of family violence among the general public and the services concerned,
  - increase public knowledge and awareness of the causes and effects of family violence by changing perceptions of violence,
  - reduce programs containing violent scenes in the media,

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<sup>2</sup> Report of the survey "Diagnosis of persons resorting to family violence in Poland", commentary on the results of the survey, Millward Brown SMG/KRC Market and Opinion Research Institute, 2011, commissioned by the Ministry of Labour and Social Policy.

- improve the quality of the system of preventive actions,
- implement programs to combat family violence and protect victims of family violence,
- protection and assistance to people affected by family violence, which are aimed at
  - the development of the infrastructure of governmental and local institutions, as well as entities and non-governmental organisations providing assistance to persons affected by family violence, the development of principles of cooperation,
  - dissemination of information and education on forms of assistance to persons affected by family violence,
  - assistance and support to people affected by family violence,
  - monitoring the effectiveness of aid operations,
- the impact on people who use violence, which is intended to:
  - to create and expand the range of actions towards persons resorting to violence, implemented by governmental and local institutions, entities and non-governmental organisations, the elaboration of the principles of cooperation between these institutions, entities and non-governmental organisations,
  - intervene and respond to family violence with appropriate services,
  - to carry out programmes with corrective and educational effects aimed at ending violence in the family, to carry out psychological and therapeutic programmes aimed at changing behavioural patterns,
- the development of the skills of the services and representatives of the entities implementing activities in the field of combating family violence, with the aim of
  - improving the professional training of those who will be responsible for carrying out tasks in the field of prevention of family violence and the professional development of those who already carry out these tasks,
  - the establishment of guidelines for the activities of entities and institutions responsible for combating family violence,
  - strengthening the professional skills of the persons concerned and preventing their burnout.

The bodies implementing the programme are:

- the organs of the government administration, in cooperation with the organizational units of the State performing tasks in the field of combating family violence and with non-governmental organizations and churches and religious communities,
- the public prosecutor's office and the ordinary courts,
- local government entities, in cooperation with non-governmental entities and organisations, churches and religious communities.

The tasks to be carried out under the program are intended to increase the effectiveness of assistance to individuals and families at risk of and affected by family violence, through

- strengthening and popularizing prevention activities,
- raising public awareness in the area of family violence,
- reducing the number of individuals and families affected by violence,
- improving the availability of specialist assistance,
- improving the quality of the services provided by the institutions,
- intensifying and improving the quality of action against family violence,
- an increase in the number of people providing services to individuals and families at risk of and affected by family violence and to people who use violence.

The monitoring of the implementation of the programme is based on indicators concerning the institutions that assist persons affected by family violence, the forms of assistance provided to such persons, the forms of actions aimed at persons resorting to family violence.

During the implementation of the programme for 2014-2020, a study on the effectiveness of assistance provided to persons affected by family violence (2019) and a study on the effectiveness of remedial and educational measures for persons resorting to family violence (2019) were conducted, a study on the effectiveness of psychological and therapeutic programmes for persons resorting to family violence will be conducted in 2020.

The implementation of the programme will be evaluated in 2020 by an external company. The results of the actions and the risks will be assessed, allowing for further action to be taken.

Pursuant to the Act on Combating Family violence, the Ministry of Family, Labour and Social Policy is obliged to prepare and submit to the Sejm and Senate of the Republic of Poland, by 30 September each year, reports on the implementation of the programme.

Key actions implemented under the programme up to mid-2019:

- the establishment of a 24-hour, toll-free telephone helpline for victims of family violence,
- the introduction of new remedial and educational measures to deal with the perpetrators of violence: psychological and therapeutic programmes,
- expanding the range of preventive measures for individuals and families at risk of family violence, particularly for children and young people,
- the creation of two specialized support centres for victims of family violence,
- strengthening the training of first-contact social service staff involved in combating family violence,
- the setting up of a study on the effectiveness of the assistance provided to persons affected by family violence,
- the introduction of harmonised statistics, including gender breakdown.

The obligation to develop and implement programmes of gminas, powiats and voivodships to combat family violence and protect victims of family violence derives from the Law on Combating Family violence and the National Programme for Combating Family violence for 2014-2020.

Supervision of the implementation of tasks in the field of combating family violence carried out by local authorities at the level of gminas, powiats and voivodships is within the competence of the voivode.

In 2017, municipalities developed 2,327 programmes to combat family violence, and 2,344 programmes in 2018. In 2017 and 2018, 313 powiats developed programmes. Gminas and powiats, which in 2017 and 2018 did not develop programmes, were implementing programmes adopted in previous years.

In 2017, all voivodship local self-governments have developed programmes for combating family violence and framework programmes for the protection of victims of family violence. 13 voivodship local self-governments developed such programmes in 2018, the remaining voivodships were implementing programmes adopted in 2017.

Since 2011, the Ministry of Family, Labour and Social Policy has been implementing the programme "Support for local authorities in the creation of a system to combat family violence". The programme provides for co-financing of the creation of an integrated system for combating family violence by local governments of gminas, powiats and voivodships. Actions implemented under the programme:

- diagnosis of family violence and diagnosis of at-risk groups,
- public awareness of the risks and consequences of family violence,
- the development and implementation of programmes of preventive measures, including the promotion and application of appropriate educational methods in families exposed to family violence, as well as the acquisition of skills to deal with crisis situations,



- development of the activities of interdisciplinary teams and working groups,
- the strengthening of professional skills and the prevention of burnout of those performing tasks in the field of family violence prevention,
- the development of specialised counselling services (including family, legal, psychological and social counselling),
- increasing the availability of supports provided by support services to those affected by family violence,
- improvement of the quality of services provided by organisational units of social assistance performing tasks in the field of prevention of family violence,
- the creation and implementation of preventive and therapeutic programmes for children from families affected by family violence,
- the development of new forms and methods of environmental social support for children at risk of or affected by family violence,
- the extension of forms of assistance in the form of educational and professional advice and guidance.

86 entities were supported in 2017 and 76 entities in 2018.

Research indicates that a significant proportion of people who use family violence are under the influence of alcohol. For this reason, the National Programme for the Prevention and Resolution of Alcohol-Related Problems, adopted in 2016, includes the following tasks:

- the dissemination of information on the phenomenon of family violence and the possibilities of combating it, in particular with regard to families with alcohol problems,
- increasing the competences of representatives of institutions acting in the field of prevention and resolution of problems resulting from alcohol consumption in order to prevent family violence,
- increasing the availability and quality of assistance to people suffering from family violence, especially in families with alcohol problems,
- the implementation of intervention and education measures for people who use violence within the family.

### **C. Financial resources for the implementation of the policy to combat violence and family violence (article 8 of the Convention)**

It is not possible to separate the expenditure on anti-violence activities, which is incurred in different branches of public administration (justice, home affairs, public administration, family, social security, labour, health, education and training, rural development, higher education and science), other than those presented below.

It is not possible to separate from the budget of the Ministry of Family, Labour and Social Policy the funds intended for the implementation of the policy to combat family violence, apart from the funds included in the budget of the National Programme to Combat Family violence. The specific tasks of gminas and powiats in the field of combating family violence are financed by the gminas and powiats. It is not possible to separate the funds for these tasks from their budgets. Powiats receive funds from the State budget for the performance of the tasks entrusted to them. These funds are included in the budget of the National Programme for Combating Family violence.

Therefore, the amounts indicated in the table represent only a part of the expenses incurred by the government administration bodies and local government entities in implementing the fight against family violence.

State budget expenditure for the implementation of the National Programme to Combat  
Family violence for 2014-2020

	Implementing entity	Planned expenditures, in zł	
		2017	2018
Diagnosis of the phenomenon of family violence	Department of Family, Labour and Social Policy	200.000	-
National Campaign on Family Violence	Department of Family, Labour and Social Policy	-	150.000
National Conference for Representatives of Institutions Responsible for Combating Family violence	Department of Family, Labour and Social Policy	50.000	50.000
Creation of specialized support centres for victims of family violence	voivode	-	200.000
Maintenance of specialized support centres for victims of family violence	voivode	13.440.000	13.824.000
Implementation of remedial and educational programs for perpetrators of family violence	voivode	3.993.000	4.019.000
Implementation of psychological and therapeutic programmes for perpetrators of family violence	voivode	423.000	846.000
Funding for training on family violence issues	voivode	480.000	800.000
Establishment of a 24-hour, toll-free, national hotline for victims of domestic and gender-based violence	ministry of health	340.000	340.000
<b>Total</b>		<b>19.341.696</b>	<b>20.596.772</b>

Every year, 3 million zł are allocated from the State budget for the implementation of the programme "Support to local authorities for the creation of a system to combat family violence".

Every year, the National Agency for the Resolution of Alcohol Problems devotes 1,200,000 zł to combating family violence. In addition, the agency announces competitions under the Gambling Problem Solving Fund, of which 1,071,000 zł were spent on combating family violence in 2017, and 400,000 zł in 2018.

#### **D. Cooperation with non-governmental organizations (article 9 of the Convention)**

The Fund for Victim Assistance and Post-Penitentiary Assistance - the Justice Fund, which is administered by the Minister of Justice, supports activities in the field of crime prevention, implemented in the form of projects by non-governmental organizations. Details - point A in Part III of this document.

In accordance with the provisions of the Law on Combating Family violence, the organs of the Government administration and local government cooperate with non-governmental organizations, churches and religious communities in the implementation of activities in the field of assistance to persons affected by violence, programmes of remedial measures for persons resorting to violence, and raising public awareness of the causes and effects of family violence.

The powiats commission non-governmental organizations to run specialized support centres, implement remedial and educational programmes, and psychological and therapeutic programmes for persons resorting to family violence, as well as to perform tasks in the field of specialized services (family, psychological, therapeutic, legal and professional counselling for different groups of victims of violence). For these tasks, non-governmental organizations receive funds from the State budget, which fully cover the costs of their implementation (within the budget of the National Programme for Combating Family violence). In 2017, 562 cooperation projects were commissioned or jointly implemented to assist persons affected by family violence; in 2018, 2,741 such projects were implemented.

The bodies of the government administration and local self-government may also commission the performance of tasks related to the prevention and combating of family violence in accordance with the procedure provided for in the Act on Public Benefit Activities and Volunteering. In this form, non-governmental organizations are responsible, for example, for running 5 specialized support centres (out of 36 existing ones).

The National Agency for the Resolution of Alcohol Problems entrusts non-governmental organizations with the implementation of the actions. In recent years, it has co-founded or fully funded the following projects:

- five editions of "Interdisciplinary training for people working in the field of family violence",
- management of the national assistance service for victims of family violence "Blue Line",
- two cycles of local supervision for representatives of entities working in the field of combating family violence,
- a series of articles in the women's press on family violence,
- the publication and distribution to libraries and educational institutions working with abused children of the publication "Prevention of Child Abuse. An Evidence-Based Approach to Prevention and Intervention",
- the publication of educational packages (five brochures) for victims of violence, which were distributed to abused persons by interdisciplinary teams.

#### **E. Collection and analysis of statistical data (article 11 of the Convention)**

Statistics on offences, including offences classified as family violence, are compiled on the basis of statistical reports on persons tried and convicted at first instance by district and regional courts. The data include, inter alia, the number of persons tried, convicted, the sentence handed down and the number of victims by sex. Information on the type of violence is not available, unless it is apparent from the legal qualification of the act, the relationship of the perpetrator to the victim, the age of the perpetrator.

The National Crime Registry includes data on:

- those convicted of offences or fiscal offences,
- persons against whom criminal proceedings in respect of a crime or tax offence have been definitively or conditionally discontinued,
- persons against whom criminal proceedings for offences or tax offences have been permanently discontinued by virtue of an amnesty,
- persons who are Polish citizens who have been finally sentenced by foreign courts,
- persons against whom provisional measures have been definitively ordered for offences or fiscal offences,
- juveniles for whom educational, correctional or educational and therapeutic measures have been definitively decided or who have been punished under articles 13 and 94 of the Juvenile Criminal Justice Act,
- persons who have been finally sentenced to a term of imprisonment for offences,
- people who have been wanted on a BOLO,
- people in custody,
- minors placed in juvenile shelters.

The registration card of these persons includes, inter alia

- data enabling the person to be identified, including but not limited to: surname, surname at birth, first name, sex, date and place of birth, place of residence, profession and occupation,

- the identification of the court that handed down the judgment and the file reference,
- the date on which the judgment was rendered and became final,
- the date and place of the offence,
- the legal classification of the offence in the judgment,
- information that the victim was a minor under 15 years of age - in the case of a conviction for an offence against sexual freedom and decency to a custodial sentence without conditional suspension of execution,
- information on the age of the minor victim at the time of the commission of the act, if the legal qualification of the offence in the judgment refers to a provision concerning an offence against sexual freedom and decency, with exceptions specified in separate provisions,
- information on sanctions imposed, conditional discontinuation of proceedings, punitive, compensatory, custodial, educational, remedial, educational and therapeutic measures, forfeiture, trial period, supervision by a probation officer, obligations imposed and the legal basis for the decision taken.

The register also collects data on legal persons against whom a fine, confiscation, ban or public disclosure of the judgement has been finally pronounced, on the basis of the Law on Criminal Liability of Collective Entities.

The registration card of a legal person includes, among other things:

- identification of the legal person and its seat,
- the identification of the court that handed down the judgment and the file reference,
- the date on which the judgment was rendered and the date on which it became final,
- the fine imposed, confiscation, prohibition and public disclosure of the judgment,
- the legal characterisation of the unlawful act committed by the natural person which is the basis for the liability of the legal person.

The National Crime Registry does not include information on whether the act referred to in the judgement consisted of family violence. Such information may, however, result from the legal classification of the unlawful act.

The Sex Offender Registry consists of three parts:

- the Restricted Access Registry,
- the Public Registry,
- the Register of Persons for whom the State Commission for Explanation of Cases of Acts Contrary to Sexual Freedom and Indecency against a Minor under 15 Years of Age has issued a decision on inclusion in the Register.

In the Restricted Register, with the exceptions provided for in the Act on Combating Threats Related to Sexual Crime, data are collected on persons who have committed an offence against sexual freedom and indecency:

- who have been finally convicted of such offences,
- against whom criminal proceedings for these offences have been conditionally suspended,
- which have been the subject of a final judgment on provisional measures,
- Juveniles against whom educational, correctional or educational and therapeutic measures have been finally pronounced or who have been punished under article 94 of the Juvenile Criminal Justice Act, with the exceptions specified in that Act.

The Restricted Access Register includes data on a person obtained from the National Crime Registry to the extent specified by law, and, inter alia:

- the image of the face of the person concerned,
- the address of permanent or temporary residence,
- the actual place of stay.

The Public Registry collects data on those convicted of the most serious sexual offences or repeat offenders. It contains data obtained from the Registry with restricted access, with the exceptions provided for by law, on certain data that identify the person and the age of the minor victim at the time of the act; instead of the place of residence, the address of permanent or temporary residence, the place of actual residence, the name of the place where the person is staying is indicated.

The Register of Persons for whom the State Commission for Explanation of Cases of Acts against Sexual Freedom and Indecency against a Minor under 15 Years of Age has issued a decision on inclusion in the Register contains data on such persons, among others:

- the identity of the author: surname, including adopted surname, first name, surname at birth, profession or function, place of residence,
- the justification including a description of the act, including the time, place and circumstances of the act.

The National Crime Registry and the Sex Offender Registry do not collect information on the sex of the victim.

Access to the data collected in the National Crime Register and the Restricted Register is granted to persons and entities listed in the National Crime Register Act and the Act on Combating Threats Related to Sexual Crime, in particular:

- to the courts,
- to the police,
- to the prosecutors,
- to the Secret Service,
- to organs of government administration, organs of local government and other bodies performing public tasks, in cases where this is justified by the need to perform the tasks imposed on them by law.

Employers can access the National Crime Registry as long as the condition of employment is a clean record.

Access to the Registry with restricted access is also granted:

- employers, before entering into an employment relationship with a person related to the education, instruction, recreation, treatment or care of minors, to check the person's record,
- other organizers - before a person is admitted to activities related to the education, instruction, recreation, treatment or care of minors, to check his or her record.

Data from the Register of Persons for whom the State Commission for Explanation of Cases of Activities Contrary to Sexual Freedom and Indecency against a Minor under 15 Years of Age has issued a decision on inclusion in the Register are available without restriction and published on the website of the Ministry of Justice.

The Police Headquarters collects statistical data on, inter alia, acts penalized under article 207 of the Criminal Code (physical or mental abuse of a relative or other person in a permanent or temporary relationship of dependence on the perpetrator, a person who is vulnerable because of his or her age, mental or physical condition). Data are collected according to:

- the administrative division of the state:
  - the infringements found,
  - offences detected,
  - the detection rate,
  - the danger indicator,
  - suspects, no indication of gender or age,
  - the victims, with no indication of gender or age,

- the actions of minors and underage persons,
- the crime scene according to the state's administrative division,
- the entity registering the procedure:
  - the proceedings initiated,
  - the infringements found,
  - offences detected,
  - the detection rate,
  - suspects, broken down by sex and age,
  - victims, disaggregated by sex and age, starting in 2016,
  - the actions of minors and underage persons.

Statistics do not indicate whether the victim was disabled, the nature of the relationship between the perpetrator and the victim, and the type of violence (mental, physical, sexual, economic) are not collected.

The data collected annually on the implementation of the National Programme to Combat Family Violence for 2014-2020 include, inter alia, the number:

- institutions that support and assist persons affected by family violence, disaggregated by type of institution, gender, age of beneficiaries, with reference to the disability of the beneficiaries where applicable,
- persons receiving assistance in the form of medical, psychological, legal, social, vocational and family counselling, disaggregated by type of counselling, sex and age of beneficiaries,
- children who have been removed from the family in cases of immediate threat to life or health due to family violence, by gender, type of placement,
- therapeutic programs for victims of family violence, persons participating in the programs - disaggregated by sex and age,
- Blue Card" forms drawn up, families covered by this procedure, procedures completed,
- Police investigations into cases of family violence,
- perpetrators of family violence in police custody, by gender,
- preventive measures applied by the prosecutor, applications to the court for the application or extension of preventive measures, applications to the court for the application of criminal or probationary measures, decisions taken by the court to take account of the prosecutor's requests, orders to leave the premises occupied jointly with the injured party, preventive detentions decided,
- judgements of ordinary courts in the field of criminal law, family and guardianship law, civil law,
- programmes of remedial and educational measures and psychological and therapeutic programmes for persons resorting to family violence, persons who joined and completed the programmes, disaggregated by sex, effectiveness of the programmes: persons resorting to family violence who, after completing the programme, resumed violent behaviour, persons detained, participating in remedial and educational measures, who within 3 years were re-incarcerated for committing a similar act, by sex,
- trained persons who perform tasks related to the fight against family violence.

The statistical data annexed to the report for a given year on the implementation of the National Programme to Combat Family violence for 2014-2020 are available on the website of the Ministry of Family, Labour and Social Policy.

Data taking into account variables such as the type of violence or the relationship between the perpetrator and the victim of violence are collected in the framework of research on the phenomenon of family violence commissioned separately by the Ministry of Family, Labour and Social Policy.

Every year, the National Agency for the Resolution of Alcohol Problems receives from the gminas a report on the implementation of the gminas' programmes for the prevention of alcoholism and problem-solving, in which the gminas also take measures to protect families from violence. The Agency has information on the number of family members who are victims of violence, who have been contacted by members of the gmina committees to solve alcohol problems and who have used the help of the consultation points for family members with alcohol and violence problems, the number of working groups, the number of "Blue Card" procedures initiated by the gmina committees to solve alcohol problems.

The National Agency for the Resolution of Alcohol Problems also has data from the National Service for Assistance to Victims of Family violence "Blue Line", obtained from telephone exchanges with callers, these data include the sex and age of the caller, the type of violence, geographical location (by voivodeship).

#### **F. Studies on family violence (article 11 of the Convention)**

In accordance with the Law on Combating Family violence, the Minister of Family, Labour and Social Policy commissions studies, expert opinions and analyses concerning the phenomenon of family violence. The National Programme for Combating Family violence provides for a diagnosis of violence every two years.

Searches performed:

- 2007: National Diagnosis of Family Violence,
- 2008: National Diagnosis of Family violence - Family violence against Children,
- 2009: Violence against the elderly and disabled,
- 2010: Family violence against men and women,
- 2011: National Diagnosis of Elderly and Disabled Persons,
- 2012: Diagnosis of the implementation of the tasks arising from the Act on Combating Family violence, carried out by interdisciplinary teams/working groups, as well as of the implementation of the "Blue Card" procedure based on the Regulation on the "Blue Card" procedure and the standard "Blue Card" forms.

In 2013, a study "Evaluation of a Local Family Violence Prevention System - Ways to Help and Peaks of Post-Traumatic Stress Disorder (PTSD) from the Perspective of Victims of Family Violence" was conducted, including:

- Diagnosis of types of violence, violent behaviour, frequency and severity, and feelings of threat from the victim's perspective,
- evaluation of the local system for combating violence through the experience of victims of violence (evaluation of institutions and forms of assistance),
- examining the psychological and health consequences of violence, including the diagnosis of peaks of post-traumatic stress disorder.

The most important information obtained:

- Among those who use local institutions responsible for combating family violence, women are in the majority (96%),
- For 94% of those who are victims of violence, the husband or wife is the perpetrator, and in unmarried couples, 82% of the perpetrators are partners,
- the most common is psychological violence, followed by economic, physical and sexual violence,
- the typical perpetrator of violence: a man in his forties, with a low level of education (40%), employed (30%) or unemployed (24%), alcoholic (76%),
- Young people are much more likely to detect violence than middle-aged and older people, as are residents of large cities,
- The institutions most often assisted by victims of violence are the police and social support centres, and often crisis intervention centres,
- Individual psychological counselling and social assistance were used most often, relatively often legal and material assistance and participation in therapeutic/support groups, with one in three respondents admitting to having received the assistance they wanted,
- the most expected form of assistance was temporary shelter and police intervention,
- The assistance provided by the different institutions was well rated, with crisis intervention centres receiving the highest ratings; specialized support centres for victims of family violence, powiat family support centres, other 24-hour centres, support centres and information and counselling points for victims of family violence also received high ratings,
- the problem most often cited as the most important in the functioning of the local system for combating family violence is legislation that does not sufficiently protect victims of violence, as well as excessively long legal procedures.

The 2014 survey entitled "Diagnosis and comparison of the extent of the phenomenon of family violence and assessment of the effectiveness of measures taken to combat family violence", concerned family violence against adults and children. Some of the findings of this survey

- the most common form of abuse is psychological abuse,
- there is less tolerance for psychological than physical violence against children, studies have shown a total lack of tolerance for meal deprivation and sexual violence,
- direct and indirect witnesses of violence reported more often their knowledge of violence against women than men, most often they report emotional abuse against adults, almost half of the respondents know of families with the problem of violence against children, most often in the form of disinterest for children, in the case of violence against the elderly and disabled economic violence was mentioned relatively often,
- people living in cities and those with higher education are more likely to report cases of violence against adults,
- Family violence occurs most often in households that are not characterised by a particularly difficult financial situation, and the socio-professional position of its members is not the lowest,
- Perpetrators of family violence are most often the closest people - in the case of adults they are spouses and partners, and in the case of children - the parents,
- Most respondents felt that assistance to victims of violence was not sufficient,
- At about ¾ participants in abusive situations did not seek help from an institution, which may be due to both ignorance and fear or shame of revealing the abusive situation,
- In the case of violence against adults, alcohol is the circumstance that most often accompanies acts of violence, while acts of violence against children are more often accompanied by other crisis situations within the family.



Research conducted in 2015, entitled "Family violence against older and disabled persons - report of the 2015 national survey and the 2009-2015 comparative survey", shows that:

- the use of at least one form of violence (physical, economic, psychological or sexual) against seniors in their own family was reported by 30.1% of respondents, and outside their own family by 59.7%, while the use of at least one form of violence against persons with disabilities in their own family was reported by 21% of respondents,
- about 50% of respondents were indifferent to acts of violence against older and disabled people,
- 4.1% of respondents were willing to justify violence against seniors and persons with disabilities.

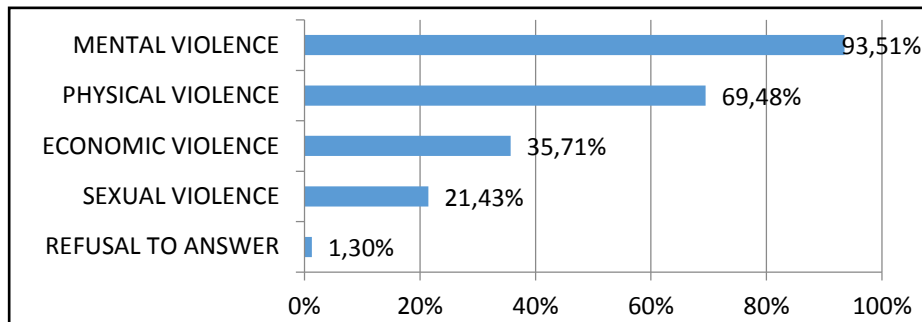
In 2017, a survey entitled "The national diagnosis of infrastructure supporting persons suffering from violence and evaluation of the effectiveness and efficiency of forms of assistance" was carried out.

The study provided information on:

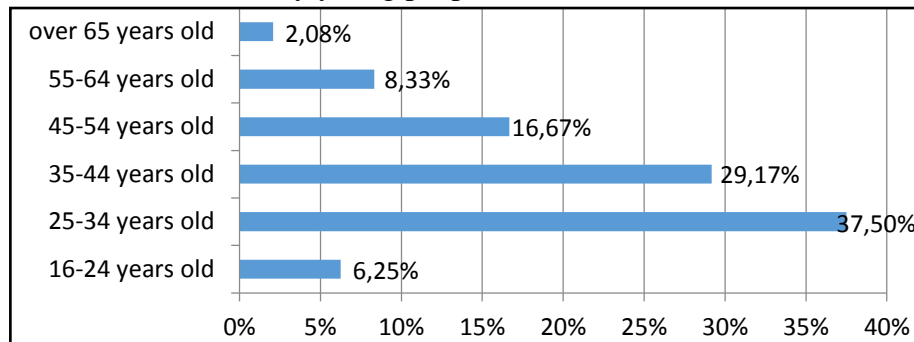
- the supporting infrastructure, including the institutional resources of the victim support system,
- the characteristics of the victims of violence who receive assistance (gender, age, education, occupation, economic situation, degree of kinship with the perpetrator, place of residence, disability, other),
- assessment of the scope of assistance activities in terms of availability and adequacy to the needs of victims of violence,
- the forms and extent of assistance provided, depending on the type of violence suffered,
- the expectations of victims of violence as to the most effective and necessary forms of assistance (determination of the most requested form of assistance),
- the effectiveness of the assistance provided to victims of violence, including psychological, legal, material and/or socio-therapeutic assistance to children, assistance to the elderly and/or disabled,
- barriers preventing the provision of the expected form of assistance, hindering access or affecting the effectiveness of the assistance.

Research has shown that:

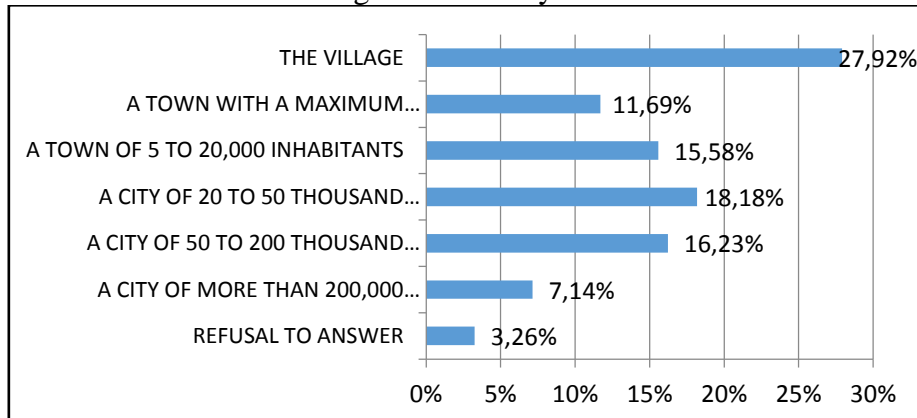
- The most common type of violence reported by those who have experienced violence is psychological violence, the lowest is the percentage of people admitting to having experienced violence of a sexual nature:



- Of the respondents who had experienced violence, 96% were women and 4% men; according to the authors of the survey, men are reluctant to admit that they have been subjected to violence, especially by women, and are reluctant to seek help from victims of violence,
- victims of violence are usually young people:



- the extent of the violence according to the locality where the victim lives:



Family violence, both against adults and children, occurs most often in households that are not distinguished by a particularly difficult financial situation, and the socio-professional position of its members is not the lowest.

Perpetrators of family violence are most often those closest to the victim - in the case of adults, spouses and partners, most often men; in the case of children - parents, with equal proportions of female and male perpetrators of family violence against children.

In the case of violence against adults, alcohol is the circumstance that most often accompanies acts of violence, while acts of violence against children are more often accompanied by other family crises. In a significant number of cases, the influence of external factors on the behaviour of the perpetrators of violence cannot be replicated, which may indicate the persistence of

violent responses to family problems and the low competence of families in interpersonal communication and non-violent conflict resolution.

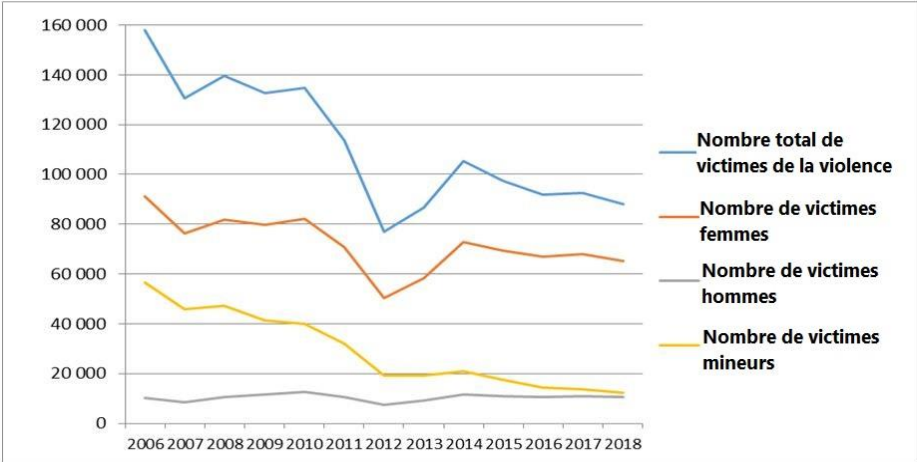
The assistance offered by the victim support centres was considered to be diverse and adapted to the needs of the majority of respondents, and tailored to their individual needs and the type of violence they had suffered. The vast majority of people indicated that in cases of family violence, regardless of the type of violence, psychological assistance and isolation of the perpetrator are essential. Respondents rarely received financial assistance, but more often received in-kind assistance (food, clothing), use of temporary shelters was also low (first, respondents received help from family or friends for shelter).

The availability of assistance was considered high, in particular psychological and legal advice. Therapeutic groups/activities for perpetrators of violence and training for people working with victims of violence and perpetrators of family violence were indicated as the least accessible.

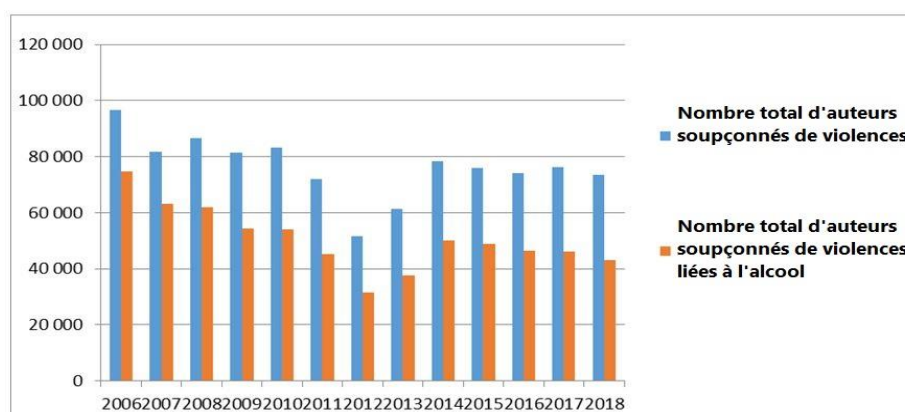
The availability of information on support options for victims of violence was rated good or very good. More than 80% of the victims of violence who participated in the survey indicated good or very good availability of forms of assistance in general, only 7% of the respondents rated the availability as bad or very bad.

The vast majority of the representatives of institutions providing assistance to victims of violence interviewed confirmed that the assistance offered by their institution was adequate to the needs. It was stressed that helping victims of violence is a difficult and lengthy process. Not only the quality of the assistance is of great importance, but also the willingness of the victim of violence to get help and his/her determination to change the life situation.

Victims of Family Violence



## Perpetrators of family violence



Within the framework of the programme "Support to local authorities in the creation of a system for combating family violence", gminas, powiats and voivodships are subsidised for the establishment of diagnoses of family violence and diagnoses of "risk groups", which may be a starting point for the preparation of local programmes for combating violence.

In 2017, 822 local diagnoses of family violence were made, 683 of which were made at the gminas level, 132 at the powiats level and 7 at the voivodship level, while the remaining local authorities based their diagnoses on previously established diagnoses. In 2018, gminas prepared 657 diagnoses, powiats 118 and voivodships 6 diagnoses.

According to the Law on Combating Family violence, the task of a voivode is to monitor the phenomenon of family violence, this monitoring may be based on information, data and analyses from other entities, the voivode may also conduct his own research and analyses. In 2017, 15 voivodships have prepared reports on the phenomenon of family violence on their territory. In 2018, voivodes prepared 15 reports on the monitoring of the phenomenon of family violence in voivodeships.

In 2018, a study on the effective protection of the rights of victims during the preliminary investigation was undertaken, financed by the Justice Fund, as well as a study on "Issues relating to the crime prevention system, its causes and conditions in the context of comparative law".

In 2014, the Government Plenipotentiary for Equal Treatment commissioned research to assess the functioning of the system of legal provisions in the area of sexual violence, in particular the grounds for discontinuing proceedings and refusing to initiate criminal proceedings in cases of rape. On the basis of the survey, a report was prepared, which presents an assessment of the implementation of legal provisions concerning the procedure for the prosecution of sexual offences and the procedure for the interrogation of persons who have suffered sexual violence.

When considering the extent and nature of the phenomenon of violence and family violence in Poland, account should be taken of a study conducted in 2014 by the EU Agency for Fundamental Rights<sup>3</sup>. It indicates that Poland belongs to the group of states with the lowest percentage of women over 15 years of age who have suffered physical and/or sexual violence from their current or previous partner or another person (19% of women, the EU average - 33%). With regard to violence perpetrated by an adult on persons under 15 years of age, according to the survey, physical violence was suffered by 14% of respondents (EU - 27%),

<sup>3</sup> European Union Agency for Fundamental Rights "Violence against women: an EU-wide survey. Main results", Luxembourg 2014, [https://en.europa.eu/sites/default/files/en-2014-vaw-survey-at-a-glance-oct14\\_pl.pdf](https://en.europa.eu/sites/default/files/en-2014-vaw-survey-at-a-glance-oct14_pl.pdf)

sexual violence by 4% (EU - 12%), physical and/or sexual violence by 17% (EU - 33%), psychological violence perpetrated by a family member by 5% (EU - 10%) and physical and/or sexual, psychological violence by 18% (EU - 35%). At the same time, the share of the most serious acts of violence reported to the police is high - for cases of violence perpetrated by a spouse or partner it is 28% (EU - 20%), while for violence perpetrated by another person it is 29% (EU - 19%).

Fear of sexual or physical assault by a person in the 12 months prior to the interview occurred frequently or continuously for 3% of women (EU - 4%), sometimes 11% (EU - 17%) and never for 86% of women (EU - 79%).

### **III. Prevention**

#### **A. Campaigns and programmes to raise awareness and prevent violence and abuse in the family (articles 12, 13 of the Convention)**

As part of the Causes of Crime Program for 2019-2023, implemented by the Department of Justice, the following tasks are funded by the Victims and Post-Retention Assistance Fund - Justice Fund:

- in the context of open competitions - support for projects in the field of combating the causes of crime and initiatives supporting the development of the victim support system,
- in the context of profiled competitions - wide-ranging social and information campaigns, activities in the field of legal, social and civic education, expert and analytical support for the network to combat the causes of crime, assistance to victims and post-penitentiary assistance.

In 2019, 27 entities were selected following the first competition, performing, among other things, the following tasks:

- information actions and initiatives,
- the organization and commissioning of research and scientific development work on:
  - the situation and needs of crime victims and witnesses,
  - the causes and conditions of crime and its prevention,
- the preparation, printing and distribution of publications relating to the rights of crime victims and crime prevention,
- the establishment, strengthening and expansion of networks for the support of victims of crime and crime prevention,
- organizing or commissioning the organization of conferences, seminars,
- commissioning the organisation of training courses on the rights, situation and needs of crime victims and crime prevention.

In the second competition, three entities were selected to implement a comprehensive educational programme in the field of combating the causes of crime or helping people harmed by crime through legal, social and civic education.

An important part of the activities foreseen in the projects is of an educational and informative nature and is aimed at people exposed to violence in the family, including children.

In the third competition, three entities were selected to carry out tasks consisting of providing specialised, analytical and monitoring support to networks combating the causes of crime, victim assistance and post-penitentiary assistance.

In the fourth competition, five entities were selected to carry out information campaigns aimed at tackling the causes of crime, through

- the dissemination of ideas, attitudes and models, based on contemporary and historical events,

- the popularisation and dissemination of information on relevant legislation to educate on how to tackle the causes of crime,
- the fight against stereotypes which are an indirect cause of crime.

The "Stasiak Władysław Stasiak Programme for the Reduction of Crime and Antisocial Behaviour: Together - More Security for 2018-2020", implemented by the Ministry of Interior and Administration, is a continuation of the programme implemented in the years 2007-2017. The activities are focused on:

- the prevention of ordinary crime (burglary, theft, beatings, damage to property, etc.).
- organisation of activities to improve security, activation of local communities, local government entities, services set up to ensure security and public order and other institutions,
- improving the safety of children and youth,
- the reduction of pathologies and anti-social behaviour.

The tasks, in particular in the field of support for local initiatives for the improvement of security and public order, are implemented mainly through the grant for projects of local government entities and non-governmental organisations.

The Voivodship Police districts undertake, at the local level, numerous initiatives in the field of combating family violence. Their aim is primarily to raise public awareness of the problem, to disseminate knowledge on how to react to it and on the institutions providing support and assistance, including the role of the Police.

In order to change the perception of family violence - not as a family matter that should not be disclosed to others, but as a social phenomenon that needs to be addressed - extensive activities have been undertaken over the years to improve the level of public knowledge and awareness of the causes and effects of violence. The national and local campaigns that are being implemented dispel myths and stereotypes about violence, state that it is forbidden to justify its use, describe the mechanisms of family violence and point out its harmfulness at the individual and social levels. The second element of each campaign is to provide information on how to help victims of violence and how to intervene against those who use violence.

Through national campaigns on the phenomenon of family violence, its causes and mechanisms, the duty to react, forms of assistance, information reaches the whole of society.

In 2015, the "I Love. I don't fight." was to make parents understand that fighting is not an educational method. As part of this campaign, television and radio spots were broadcast and a website dedicated to the safe education of children was launched ([www.strefabezpiecznegorodzica.pl](http://www.strefabezpiecznegorodzica.pl)). The campaign was implemented by the National Competence Centre and supported by the Government Plenipotentiary for Equal Treatment, the Ministry of Justice, the Ministry of National Education, the Ministry of Labour and Social Policy, the Ministry of Health; the Office of the Procurator-General and the Ombudsman for the Rights of the Child also participated.

In 2016, the Ministry of Family, Labour and Social Policy, the Ministry of Justice and the Central Administration of the Prison Service have implemented the programme "Combating Domestic and Gender-Based Violence", co-financed with Norwegian funds. The main objective of the programme was to create a platform for cooperation between central offices and local government entities and non-governmental organizations working directly with persons affected by violence.

In 2017, as part of the Ministry of Family, Labour and Social Policy's campaign to combat family violence "I choose to help", airtime was purchased to broadcast two 30-second spots and

a 60-second animated film on national television channels and websites. The outdoor campaign was carried out in 16 cities, where three versions of the posters were displayed on 250 outdoor billboards. The press campaign was implemented through the publication of two articles in the national press: two in women's magazines, two weeklies and one daily newspaper.

The purpose of the campaign was to:

- increase public awareness of family violence and violence against women,
- break the stereotype that the problem of family violence must be kept secret,
- oppose the passive social acceptance of the phenomenon of family violence,
- mobilize victims of violence to take action to improve their personal situation,
- encourage the participation of people who use violence in remedial and educational programs.

In 2018, the Ministry of Family, Labour and Social Policy conducted a social campaign on the safety of the elderly. Two national television channels broadcast a spot aimed at raising public awareness about the safety of the elderly, making the public aware of the need to take action, but also to learn more about rights. In the spot, special attention was paid to presenting the telephone number of the 24-hour free helpline for people seeking support following Sufi violence.

Between 2013 and 2015, the Government Plenipotentiary for Equal Treatment implemented the project "Rights of victims of sexual violence: a new systemic approach. Information services, training and comprehensive activities". The objective was to develop and implement information and communication activities to combat violence against women. In order to increase the availability of information on sexual violence, a website was set up to provide information on how to deal with violence and on the relevant authorities and organisations that provide assistance to victims of sexual violence. 1,505,000 copies of leaflets, brochures and posters promoting the website were printed and sent to police units, local authorities and non-governmental organizations. In order to increase the knowledge and interpersonal skills of representatives of the authorities who come into contact with victims of violence of a sexual nature, a series of specialized training courses were organized (191 police officers, prosecutors, judges, social workers).

In 2016, the Government Plenipotentiary for Equal Treatment had conducted a national Internet and radio campaign on the unacceptability of sexual violence against women. The objective was to indicate the unacceptability of sexual violence against women and to dispel false and harmful myths and stereotypes about sexual violence. Within the framework of the campaign, over 21 days, 210 spots were broadcast in Programme 1 of Polish Radio and RMF FM, and an animated banner was also aired on the information portal *www.onet.pl*.

In 2017, the National Agency for Alcohol Problem Resolution commissioned an education campaign for representatives of the health sector under the slogan "Stop Violence. Nurses and midwives in defence of abused children". The publication was prepared and distributed to more than 2,000 paediatric clinics, as well as all projects for nurses and midwives.

Articles on family violence are regularly published in the specialist press for nurses and midwives ("Magazyn pielęgniarki i położnej", circulation 10,000 copies).

In 2018, in the so-called women's press, a series of articles on family violence was published (5 newspapers, 3 articles in each), the aim of which was to reach as many people as possible with information on the National Service for Assistance to Victims of Family violence "Blue Line", which offers, inter alia, a 24-hour free telephone call for victims of family violence.

In 2017, voivodship local governments, powiats and gminas conducted 1,025 campaigns, of which 17 at the voivodship level, 196 at the powiat level and 812 at the gmina level. In 2018,

946 local campaigns were conducted, of which 33 were conducted by voivodeships, 200 by powiats and 713 by gminas. These campaigns aim at improving the level of knowledge and social awareness of the causes and effects of family violence, and their objective is to change the perception of the problem of family violence. Information is also provided on the forms of assistance and access to them, at the level of the given gmina, powiat or voivodship.

For other campaigns, see Section A, Part IV.

Entities of the local powiat administration shall develop and implement prevention programmes, in particular in the field of promotion and application of appropriate educational methods for children of families threatened by family violence. 304 such programmes were implemented in 2017, 315 programmes in 2018.

As part of the counselling provided by the gminas, educational activities are also conducted to strengthen the care and education skills of parents in families exposed to violence. In 2017, counselling was provided to 49,690 persons, including 33,941 women and 12,895 men, in 962 centres. In 2018, 47,818 persons, including 34,255 women and 13,593 men, received counselling in 955 centres.

Within the framework of cooperation between local government bodies and churches or religious communities, in order to introduce elements of education on the phenomenon of family violence into the activities of counselling centres run by churches or religious communities or during marriage preparation courses in parishes, 1,019 initiatives were taken in 2017, of which 688 in gminas and 331 in powiats. In 2018, 566 such initiatives took place, of which 348 in gminas and 218 in powiats.

Within the framework of the programme "Support for local authorities in the creation of a system for combating family violence", the activities of local government entities are subsidized with the aim, inter alia, of raising awareness of the threats resulting from family violence and increasing knowledge about the consequences of family violence.

One of the tasks carried out on the basis of the Law on the Military Gendarmerie and Military Law Enforcement Forces is to carry out activities to prevent pathological phenomena in the military environment. According to the "Programme of Preventive Actions to Reduce Risk Behaviours for 2017-2020" elaborated by the Military Gendarmerie Headquarters, actions are implemented in the field of prevention of physical and psychological violence among professional soldiers and employees of the Ministry of National Defence, as well as family violence.

The activities undertaken by Military Police psychologists include psychological support and the prevention of social pathologies in the military environment, including family violence. These activities include:

- prevention of family violence - psycho-education for soldiers on forms of violence, warning signs and negative consequences of violence,
- combating and preventing the worsening of early symptoms of family violence, after the first report of violence by a family member, after a soldier/employee has personally reported problems coping with emotions, thoughts or episodes of physical or verbal aggression,
- psychological work with the victim(s) and/or perpetrator(s) of family violence and work on the negative consequences of violence.

In order to increase the effectiveness of police actions taken to ensure the safety of family members of police officers suffering from family violence, the Commander-in-Chief of Police issued in 2012 a program to combat violence in police families entitled "FORCE - Yes! FORCE - No! The main objectives of the programme are: reduction of the number of cases of family



violence in police families, improvement of the quality and effectiveness of activities undertaken by the Police when the perpetrator of family violence is a police officer, development of principles of psychological assistance provided to a victim of family violence (who is a police officer) by police psychologists, as well as psychological work with a police officer who is the perpetrator of family violence.

Within the framework of the implementation of the programme, the Prevention Office of Police Headquarters systematically analyses extraordinary events, including cases of violence in the families of police officers, from the point of view of the appropriateness of measures taken under the "Blue Card" procedure and the "FORCE - Yes!" programme. STRENGTH - No! If there is any doubt as to the response under the Blue Card procedure, as well as the compliance of the procedures with the "FORCE - Yes! programme and on the basis of the analysis of each individual event, information is established and conclusions are drawn, as well as appeals are made to the Commanders-in-Chief of the Voivodship Police/Commander-in-Chief of the Police of the capital city of Warsaw, in whose jurisdiction cases of violence in the families of police officers have been reported.

If a case of violence in the police officer's family is suspected or established, procedures for the protection of victims and intervention against the perpetrator are initiated on the basis of general principles. In addition, police psychologists deal with both victims of violence and perpetrators. Police psychologists carry out intervention activities in two forms: psychological assistance or crisis intervention (therapeutic work with a person who has developed a psychological crisis as a result of participation in a difficult situation). Psychological assistance is provided with the consent of the person concerned.

Within the framework of awareness-raising on the effects of family violence, in accordance with the recommendations of the Commander-in-Chief of Police, at every information meeting held at every level, as well as at annual meetings and interviews with the coordinators of the Voivodship Police-Capital City of Warsaw districts responsible for the implementation of the "Blue Card" procedure and the "FORCE - Yes!" programme. FORCE - no." programme, the questions concerning the reaction in case of disclosure of violence in the family of a police officer are recalled and the information concerning the identified cases and the appropriateness of the actions taken are analysed. The role of the police officer's direct supervisor (whether the perpetrator or victim of family violence) in responding to early signals of violence and taking immediate corrective action is highlighted. Emphasis is placed on monitoring the situation in the family of the police officers concerned.

## **B. Education (article 14 of the Convention)**

The school provides every pupil with the conditions necessary for his or her development and prepares him or her to fulfil family and civic duties in accordance with the principles of solidarity, democracy, tolerance, justice and freedom. The education and training process is carried out in accordance with the basic curriculum, which defines the objectives and content of compulsory education, including the skills that the pupil should possess at the end of a particular stage of education, as well as the educational tasks of the school. The educational objectives and content of education, as defined in the core curriculum for a given stage of education, have been formulated in accordance with the age, abilities and educational needs of pupils.

At all stages of education, beginning with pre-school education, emphasis is placed on the development of students' social and civic skills and on the awareness that all persons have equal rights, including the inalienable right to respect for the dignity and integrity of the person.

The basic curriculum for pre-school and general education in the various types of schools includes content on equality between men and women, mutual respect, conflict resolution in

human relations without recourse to violence and guarantees of the inviolability of the person, which is adapted to the stage of development of pupils and presented honestly. The school's presentation of the value system should provide each pupil with the basis for his or her development, preparing him or her to fulfil family and civic duties on the basis of the principles of solidarity, democracy, tolerance, justice and freedom. Within the framework of coherent action combining education and teaching, the sense of individual, cultural, national, regional and ethnic identity is strengthened and a sense of self-esteem and respect for the dignity of others is formed.

In the "History and Society" course, primary school pupils learn about the rights and duties of citizens and the rights of the child, and who to turn to in the event of a violation of rights. The course "Education for family life" presents the basic functions of the family and institutions acting in the interest of the child and the family. The education of children and young people is carried out in a spirit of acceptance and respect for others, and a sense of self-esteem and respect for the dignity of others is formed in pupils.

In the secondary schools are discussed the functions of the family and correct parental attitudes, conflicts in the family, ways of solving them, threats to family life such as violence, alcoholism, drug addiction, pornography. Social skills related to building sustainable relationships and family life are developed. In addition, pupils learn about family law, including parental authority, fundamental human rights and freedoms, international agreements, the way the Human Rights Defender and the Defender of the Rights of the Child work.

The initiation of pupils to the world of values, in particular generosity, cooperation, solidarity, altruism, and preparation for the construction of social relations conducive to the pupil's development is also done during school excursions, extra-curricular and extra-curricular activities.

In 2017, the Ministry of Education prepared a document entitled "A Safe School. Threats and recommended preventive measures to ensure the physical and digital safety of students", addressed to school principals, teachers and parents. It contains, inter alia, a set of recommendations on preventive measures to be taken in view of the risk of threats to safety in the school or institution and a set of minimum procedures for an adequate response in the event of, inter alia, violence in the educational institution and threats to the safety of students online. This document has been updated in 2019.

Since the 2017/2018 school year, each school has been implementing an educational and prophylactic programme aimed at supporting students in their full development to reach full physical, emotional, intellectual, spiritual and social maturity.

As of 1 September 2019, the educational and preventive programme of the given school is developed on the basis of the results of the annual diagnosis of students' developmental needs, including protective and risk factors, with particular emphasis on the risks associated with the use of new psychoactive substances. The school community decides on the educational and preventive activities carried out in a given school, based on a diagnosis, according to the needs of a given school environment.

### **C. Media (article 17 of the Convention)**

The National Programme for Combating Family violence for 2014-2020 foresees actions aimed at reducing the phenomenon of family violence in the media by promoting programmes for children and young people in the mass media without violent content. This activity is carried out by the National Broadcasting Council.

All broadcasters are obliged to comply with the Broadcasting Act, which provides that programmes or other transmissions may not promote unlawful activities, attitudes and opinions contrary to morals and social welfare, and in particular may not contain content that incites hatred or discriminates, inter alia, on grounds of sex, or encourage behaviour that threatens health or safety. It shall be prohibited to broadcast programmes or other messages which endanger the physical, mental or moral development of minors, in particular those containing pornographic content or unjustifiably promoting violence, as well as programmes or other messages containing scenes or content likely to harm the normal physical, mental or moral development of minors. Other programmes or messages may be broadcast only between 11 p.m. and 6 a.m., provided that they carry at all times an appropriate graphic symbol or are preceded by a verbal announcement concerning the dangers resulting from their content.

The National Broadcasting Council regularly monitors broadcasters' compliance with these obligations and investigates complaints addressed to it, intervening in justified cases, calling on broadcasters to refrain from acts contrary to the law or imposing financial sanctions.

Since 2015, the Council has conducted 5 complaint procedures for the promotion of degrading, sexual and violent content in television programmes.

In 2017, the following procedures were conducted on the basis of complaints:

- In connection with the complaint concerning a feature film - the analysis of the film's content showed that numerous explicit sex scenes and instrumental treatment of women were present in the film - a fine was imposed on the broadcaster,
- Following a complaint about the content of a commercial that was sexist, encouraged the rape of women and promoted stereotyping, the content of the advertisement was modified after an intervention with the broadcaster,
- concerning a feature film - analysis of the content of the film showed that it contained scenes of drastic physical and mental violence against a woman, including rape, the film was broadcast with the label "from 18 years of age" and after 11 p.m., however, due to the extremely drastic content, an intervention to the broadcaster was undertaken, announcing a detailed analysis of the broadcaster's future programming activities with respect to compliance with the Broadcasting Act.

In 2018, as a result of measures taken ex officio, it was found that in two cases discriminatory content against women was broadcast (presentation of women as objects of male imagination, reinforcement of negative stereotypes concerning women and their role in society - a block of tele-shopping and a feature film). The President of the National Broadcasting Council has imposed fines on broadcasters.

Through its participation in the work of the European Regulators Group for Audiovisual Media Services (ERGA) and the Council of the European Platform of Regulatory Authorities (EPRA), the National Broadcasting Council participates in the development of standards of conduct for the media sector with regard to gender issues. The Council provides, within the framework of the work of the two regulatory platforms, data from the Polish market which is necessary for the creation of codes of good practice on gender equality in the audiovisual sector in Europe.

Within the framework of the mission of public broadcasters, 4 programmes of Polish Television, 5 national programmes of Polish Radio and 17 regional programmes of Polish Radio create and broadcast programmes which, in accordance with the Broadcasting Act, serve to strengthen the family, shape attitudes favourable to health and combat social pathologies.

The Polish Television Telewizja Polska SA addresses the issue of preventing and combating violence against women and family violence in different forms and genres of programmes in national and regional broadcasts. The focus is on equal opportunities for women and men, solidarity and equal sharing of rights and duties, both in family and working life. Telewizja

Polska SA shows in its programmes that women and men can play different social roles, according to their own beliefs and choices. Spots are broadcast to draw attention to the problem of child neglect.

These issues are also present in the broadcasts of the public broadcasters of Polish Radio Polskie Radio SA and regional radio stations, mostly in news, current affairs and educational programmes, as well as in the form of shorter news material and reports. They most often focus on the prevention of violence (physical, psychological and economic) against women and violence against children. Information on the functioning of the "Blue Line" is provided as well as on the procedure for the establishment of the "Blue Card", the possibilities of obtaining legal advice on these issues and on social campaigns.

#### **IV. Protection and support**

##### **A. Access to information on the assistance system (article 19 of the Convention)**

The websites of the Department of Justice and the Justice Fund contain information on the Justice Fund, including information on victim assistance, crime and violence prevention.

In 2018, a national campaign was conducted to raise public awareness of the possibility of obtaining support in the event of harm caused by an offence. Part of the campaign was targeted at women, who are one of the groups most vulnerable to crime, especially crime involving physical and psychological violence (information on the possibility of obtaining support and information on the rights of victims, including women and children).

The Ministry of Justice, in cooperation with the Police, the Council of Advocates and Legal Counsellors, the General Prosecutor's Office, the Office of the Human Rights Defender, the Office of the Child Rights Defender, the National Council of Probation Officers, the National Council of Judicial Officers, The National Council of Notaries, together with the Border Guard Headquarters, organises the annual Week of Assistance to Victims of Crime, which aims to raise public awareness of the rights of injured parties and the possibility of exercising their rights.

Information on the possibility of obtaining free assistance for victims of crime, the database of governmental and local institutions providing assistance to victims of family violence and the database of telephone numbers for victims of family violence are available on the website of the Ministry of Justice, on the websites of courts, prosecutors' offices, Police Headquarters, Voivodeship Police districts.

Dissemination of information concerning the possibility of obtaining help by persons affected by family violence and the forms of such help (medical, psychological, legal, social, professional, family) is a task of local government entities at the level of gminas, powiats and voivodships, carried out in cooperation with regional media and non-governmental organisations. The websites of social assistance services contain information on forms of assistance provided to persons affected by family violence. In 2017, 243,486 copies of information materials were prepared and disseminated by the entities of the local administration of gminas, powiats and voivodships, 1,330 local campaigns were conducted. In 2018, 355,973 copies of these materials were distributed and 1,011 campaigns were conducted.

On the websites of all voivodship offices there are registers of specialised counselling units and registers of institutions providing accommodation, as well as databases of entities and non-governmental organisations providing assistance to persons and families affected by family violence. Every year, the voivode sends updated databases to the President of the Court of

Appeal, the appellate prosecutor, the head of the voivodship police, the superintendent of education and local government bodies for dissemination by subordinate units.

Within the framework of the "Blue Card" procedure, a potential victim of family violence receives the "Blue Card B" form, which contains the most important information on the rights of the victim of violence and the possibilities of assistance, including contact details of victim support institutions.

When developing and implementing an individual assistance plan, the employees of the various services (the organisational units of social assistance, the gmina committee for the resolution of alcohol problems, the Police, the education and health care units, other members of an interdisciplinary team and a working group) are obliged to provide information to the victim of violence. For example, a social worker in a social work unit provides information on:

- the possibilities of obtaining assistance, in particular psychological, legal, social and educational assistance, as well as on institutions and bodies providing specialised assistance to persons affected by family violence,
- forms of assistance to child victims of family violence and the institutions and entities providing such assistance,
- the possibility of taking additional measures to improve the situation of the potential victim of family violence

Information can be obtained by calling the 24-hour, toll-free helpline for people seeking support following an assault against them. There are also other national and local helplines, intervention or information lines. See point B, part III.

On the website of the Ministry of Family, Labour and Social Policy, there are databases of institutions whose services can be used by persons affected by family violence and persons resorting to family violence (interdisciplinary teams to combat family violence, specialized support centres for victims of family violence, entities managing programmes of corrective and educational measures and psychological and therapeutic programmes for perpetrators of violence).

In 2018, the Ministry of Family, Labour and Social Policy commissioned a national campaign on the safety of the elderly, in which information was disseminated on the 24-hour free telephone helpline for people seeking help in the event of violence.

In 2015 the Government Plenipotentiary for Equal Treatment launched the website [www.przemoc.gov.pl](http://www.przemoc.gov.pl), which contains clear, accessible and comprehensive information on sexual violence and the institutions that provide assistance to its victims.

The National Agency for the Resolution of Alcohol Problems regularly distributes information and educational materials to local governments for victims of violence, including brochures from the National Assistance Service for Victims of Family violence "Blue Line" for further distribution.

The study carried out in 2017, commissioned by the Ministry of Family, Labour and Social Policy, entitled "National Diagnosis of Support Infrastructures for Persons Suffering from Violence and Evaluation of the Effectiveness and Efficiency of Forms of Assistance" (see point F, Part II) shows that 78.52% of the victims of family violence surveyed rated the availability of information on the forms of assistance offered to victims of violence as very good and rather good, and 8.72% as very bad and rather bad.

## B. Hotlines (article 24 of the Convention)

Since 2019, there has been a helpline - the Victims' Help Line, funded by the Justice Fund. It is a 24-hour helpline for victims of crime, including family violence. The telephone service is provided by a psychologist and a lawyer, and conversations can also be conducted in English, Russian and Ukrainian - using instant messaging and e-mail. Call charges are billed as if it were a local call.

The National Assistance Service for Victims of Family violence "Blue Line" operates on behalf of the National Agency for the Resolution of Alcohol Problems. The Agency is a government institution, subordinate to the Minister of Health, and operates under the Sobriety Education and Alcoholism Control Act. The Blue Line Emergency Service provides, among other things, emergency services:

- a 24-hour, toll-free phone call for victims of family violence,
- legal advice by telephone, available three times a week, at specified times,
- a tip with the use of Skype teleconferencing system, also for people using sign language, once a week,
- telephone consultations for victim services representatives once a week at specified times,
- an e-mail tip,
- interventions in situations where the life and/or health of a victim of violence is in danger,
- the website [www.niebieskalinia.info](http://www.niebieskalinia.info), which contains a wealth of information for victims and witnesses of violence and perpetrators, as well as databases of facilities to which victims of violence can go.

The national telephone number for victims of family violence, called the Blue Line (800 120 002), has been in operation for 24 years. Since 2017, calls are free of charge, the line operates 24 hours a day, 7 days a week (previously the first unit was charged, and the phone line operated from 8:00 a.m. to 10:00 p.m.). It is possible to speak to a consultant in English on Mondays from 18:00 to 22:00, in Russian on Tuesdays from 18:00 to 22:00. In addition, on Mondays and Tuesdays from 5:00 p.m. to 9:00 p.m., and on Wednesdays from 6:00 p.m. to 10:00 p.m., a telephone legal advice centre is available.

The helpline provides psychological support as well as information on how to combat family violence, including existing legal and procedural possibilities and local support services. The staff consists of specialists in the field of combating family violence and specially trained volunteer trainees.

	2017	2018
Telephone calls	15.001	15.974
Legal advice by phone	823	801
Responses to letters and e-mails	1.318	1.149
Interventions in local aid agencies	357	327
Telephone advice to specialized services	173	134

The National Assistance Service for Victims of Family violence "Blue Line" is financed by the National Agency for the Resolution of Alcohol Problems from the State budget, thanks to which the assistance is free of charge. In 2017, 755,696.49 zł were spent on the operation of this emergency facility, and 707,772.12 zł in 2018, including the operation of the hotline 340,000 zł per year.

The number of local telephone lines, helplines or information lines was 648 in 2017, of which 154 were available 24 hours a day and 494 were available at specific times. There were 54,125 interviews and 13,939 interventions. In 2018, the number of local telephone lines, helplines or information lines was 658, of which 154 were available 24 hours a day and 504 were available at given times. There were 53,596 interviews and 19,354 interventions.

Police Headquarters operates the Police Family violence Hotline (800 120 226), which is free of charge and available on working days from 9.30 am to 3.30 pm. 363 calls were made in 2017, and 1,174 calls in 2018. Callers can receive comprehensive assistance, including legal and intervention assistance. Specialists provide online information on the "Blue Card" procedure.

In July 2019, the Ministry of National Education launched a competition "Mental Health Prevention in Schools - We Think Positively. Promoting knowledge about mental health and its determinants, shaping opinions, attitudes, behaviour and lifestyles that promote mental health, developing the ability to cope with situations that threaten mental health, preventing the sexualization of children and adolescents, including through information and education activities". On 1 October 2019, a free national helpline for children, young people and their caregivers was launched. The help of experienced psychologists, educators and lawyers is aimed at young people with problems at home, at school and in their relationships with their peers.

Callers to helplines and hotlines may remain anonymous, but sometimes callers give their contact information because they are asked to contact local services or institutions. Consultants have access to the caller's number, which is used if there is a threat to the caller's life or health. In such situations, the Police are notified to intervene.

### **C. General support (Articles 20, 57 of the Convention)**

The Law on Free Legal Aid, Free Civic Guidance and Legal Education and the Regulation of the Minister of Justice on Free Legal Aid and Free Civic Guidance define, inter alia, the principles, organization and scope of free legal aid and free civic guidance. The basic principle is that free legal aid and free civic guidance is available to any person who declares in writing that he or she is not able to bear the costs of legal aid against payment.

Tasks in the field of free legal aid and free civic guidance are carried out by powiats, independently or in agreement with gminas, and are financed from the State budget. Assistance is provided by counselling centres, entrusted by the powiats to legal counsellors or advisers (free legal aid) or to non-governmental organizations (free legal aid and free civic guidance). The points operate at least 4 hours a day, 5 days a week on average. There are currently 1,547 free legal aid and civic guidance points.

The following assistance can be obtained from the free legal aid point:

- information on rights, entitlements or obligations, including in the context of ongoing preparatory, administrative, judicial or judicial-administrative proceedings,
- advice on how to solve a legal problem,
- the drafting of an official letter, except for pleadings in preparatory, judicial or administrative court proceedings in progress,
- the drafting of a letter of exemption from court fees or the appointment of ex officio counsel in legal proceedings, or the appointment of, inter alia, a lawyer, legal counsel in administrative judicial proceedings,
- information on the costs of proceedings and the financial risks associated with going to court.

The following assistance can be obtained from the free civic orientation point:

- information on rights and obligations,
- support to solve a given problem on your own,
- the development of an action plan with the help of a qualified person, and its implementation, if necessary.

The Victim Assistance and Post-Retention Assistance Fund - Justice Fund finances a network of support for victims of crime: 77 support sites in 2017, 95 support sites in 2018, 54 support centres for victims of crime and 297 local support sites in 2019. The centres are run by non-governmental organisations, selected through a competition. The staff of the centres must have appropriate training (psychological, legal) and experience of working with or for victims of crime. The centres provide interpreters if the person in need does not speak Polish to the extent necessary to receive help. In the case of persons with disabilities who have difficulties in communicating, the centres offer the assistance of a sign language interpreter or an interpreter of another communication system.

The assistance provided is of a comprehensive nature and is implemented without time limits, according to the needs of the victim. The aim is to mitigate the consequences of the harm caused by a crime and to enable the person to return to normal functioning as soon as possible. Assistance is then provided immediately, in all situations where the person is the potential victim of the crime or a potential witness to the crime. It is therefore crucial that the crime victim be supported as soon as possible.

A person's entitlement to assistance from the Justice Fund is evidenced by documents that prove that he or she has suffered harm as a result of an offence, such as information on reporting the case to the law enforcement authorities, medical records, other documents relating to the harm or court decisions. However, even if a person cannot document the harm caused by an offence, he or she may be assisted. The decision in such situations is made by specialists in the victim support centres - a psychologist, psychiatrist, lawyer, first contact person.

Forms of assistance provided by the centres:

- As part of material aid, the centres provide temporary shelter, pay for medicines, provide rehabilitation, finance education and vocational activation assistance, and provide food vouchers, cleaning products and clothing,
- in the context of legal aid, the centre can analyse documentation, support the application to the court, contact a mediator,
- with the help of a psychologist, a psychiatrist, a therapist.

The Crime Victim Assistance Programme for 2019-2021 foresees the establishment of 58 victim support centres, 328 victim support network points, 4 specialised victim support centres and a victim helpline (the helpline was launched in 2019, operating: 1 specialised support centre, 54 support centres, 297 local support points). Work is under way to launch more help points.

The website of the Justice Fund is also available in French and Ukrainian.

The public psychological and pedagogical counselling centres, which operate within the education system (595 counselling centres), also provide assistance in the area of prevention of family violence. The counselling centres develop support and educational programmes and take measures to prevent family violence, especially against children, women, the elderly and the disabled. The psychological and educational assistance provided to children and young people in kindergartens, schools and institutions consists of recognizing and meeting individual development and educational needs, as well as recognizing individual psychophysical capacities and factors related to the social environment that influence their functioning, in order to support the potential for development and to create conditions for active and full participation in the life of the kindergarten, school and institution and in the social environment. The need to provide the child with psychological and pedagogical support may arise, among other things, from his or her experience of violence.



Counselling, in particular measures to strengthen the skills of parents with regard to alternative care and upbringing, addressed to families at risk of violence and groups at risk, e.g. pregnant minors, is provided in the context of perinatal and neonatal care. In addition to observing and assessing the physical development of the newborn, the midwife assesses family relationships, identifies risk factors within the family and intervenes when she observes violence or other abnormalities or neglect in the care of the baby.

In 2017, 385,000 newborns were registered and 1,305,638 post-natal home visits were made by primary health care midwives. In 2018, 358,000 newborns were registered and 1,353,458 post-natal home visits were made.

According to the Law on Social Assistance, the task of the social assistance system is to enable individuals and families to overcome difficult life situations that they are not able to overcome on their own, in particular by providing assistance and support to individuals and families affected by violence. Social support centres provide direct contact with social workers, who are responsible, inter alia, for investigating the family environment, diagnosing the problems and needs of the individual/family and determining the type of assistance to be provided. The tools of social assistance are mainly social work, different types of benefits, assistance and counselling. In addition, social workers provide advice, especially on how to deal with emergency situations.

In 2017, because of violence, social assistance was granted to 17,382 families, 5,302 of which were in rural areas. The number of persons in covered families was 55,125. In 2018, 14,242 families were covered, 5,302 of which were in rural areas. The number of persons in families receiving assistance due to violence was 45,289.

Health care for victims of violence, within the framework of the National Health Fund, is implemented according to general principles. Publicly financed care within the health protection system is provided to persons who are entitled to publicly financed health care, according to the principles specified in the Law on Publicly Financed Health Care.

Emergency health care services, i.e. in the event of a medical emergency or when it can be expected that the state of health will deteriorate within a short period of time, the direct results of which could be substantial damage to bodily functions or bodily harm, are provided on the basis of the Act on the Public Emergency Health Care Service.

A person affected by family violence has the opportunity to undergo a medical examination to determine the causes and type of injuries associated with family violence and the issuance of a medical certificate. The examination and issuance of the certificate is free of charge.

In 2015 the Office of the Government Plenipotentiary for Equal Treatment and the Ministry of Health developed a "Procedure for the Treatment of Victims of Sexual Violence". It is aimed at improving the quality of activities carried out by medical institutions. The Ministry of Health has promoted the procedure to medical institutions. The text of the procedure is available at [www.przemoc.gov.pl](http://www.przemoc.gov.pl).

#### **D. Specialized support for victims of family violence (articles 22, 23, 25 of the Convention)**

In accordance with the Law on Combating Family violence, a person affected by family violence is provided with free assistance in the form of

- medical, psychological, legal, social, professional and family counselling,
- crisis intervention and support,
- protection against the continuation of violence: preventing persons resorting to violence from using a dwelling occupied jointly with other family members and prohibiting any contact with and approach to the victim,

- safe shelter in a specialized support centre for victims of family violence,
- medical examination to determine the causes and type of injuries related to family violence and issuance of a medical certificate,
- assistance to a person affected by family violence who does not have legal title to a dwelling occupied jointly with the perpetrator, to obtain housing (victims of violence have priority in obtaining social housing from the municipal housing stock).

A victim of violence receives help and support either on his/her own initiative, by contacting the selected support institution, or through the "Blue Card" procedure.

Specialized support centres for victims of family violence, financed from the State budget, provide assistance in the form of accommodation and other forms, depending on individual needs.

The centres cooperate with institutions responsible for combating family violence, mainly with social assistance centres, family support centres of the powiats, the police, courts, prosecutor's offices, municipal police, health-care institutions, psychological and pedagogical counselling centres, schools, kindergartens, churches, non-governmental organizations, gmina committees for the resolution of alcohol problems, municipal housing services, family diagnosis and counselling centres, labour offices of the powiats, local media.

Service standards are defined in the Regulation of the Minister of Labour and Social Policy on Standards of Basic Services Provided by Specialized Support Centres for Victims of Family violence, the qualifications of persons employed in such centres, detailed guidelines for the conduct of corrective and educational measures against persons using family violence, and the qualifications of persons conducting corrective and educational measures.

Operating standards for these services include

- in terms of intervention:
  - shelter for the victim of family violence and the children in her care, without reference and regardless of income, for a maximum of three months, renewable in justified cases,
  - protection from the person resorting to family violence,
  - immediate psychological and legal assistance and organisation of immediate access to health care when the health of the victim of family violence so requires,
  - identification of the situation of the victim of family violence and assessment of the risk to the safety of the victim or his or her dependent children, as well as any other assistance,
- in terms of therapy and support:
  - the diagnosis of family violence,
  - the development of an individual plan to assist victims of family violence,
  - medical, psychological, legal and social counselling,
  - facilitating support or therapeutic groups for victims of family violence,
  - individual therapy to support the victim of family violence and to develop the ability to protect oneself from the person using family violence,
  - access to health care,
  - assessment of the children's situation on the basis of the social survey and specialised psychological support or assistance and socio-therapeutic and therapeutic assistance,
  - parental guidance,
- in terms of subsistence needs:
  - temporary full-time residence for a maximum of 30 persons, the number of persons may be increased in accordance with the capacity of the premises of the centre and with the agreement of the managing authority,
  - Sleeping areas for up to five people each,
  - the common living room, with a children's playground and a study area,

- shared bathrooms, one for five people,
- the laundry room,
- the communal kitchen,
- food, clothes and shoes,
- personal hygiene and cleaning products.

At the level of gminas and powiats, there are, among others, consultation points, gmina or powiat support centres, crisis intervention centres. Depending on the type, the establishments offer both specialized advice (legal, medical, psychological), assistance from support groups, therapeutic groups, and assistance in the form of accommodation.

Counselling points provide various types of assistance and support on an ad hoc basis in the form of, for example, legal, family, social, professional, and short and long-term counselling, workshops and developmental activities, support groups, and remedial and educational intervention groups for perpetrators of family violence.

Specialized support is offered by crisis intervention centres that provide assistance to individuals and families in crisis, for example due to family violence. The aim is to restore mental balance and self-management skills in problematic situations, in order to prevent an immediate reaction to the crisis from turning into chronic psychosocial failure. Specialised psychological assistance and, where necessary, social and legal counselling and accommodation are provided for a maximum of three months.

Homes for mothers with underage children and pregnant women offer a full-time stay of up to 12 months. The standards to be met by these institutions are regulated by the Regulation of the Minister of Social Policy on Homes for Mothers with Minor Children and Pregnant Women, i.e:

- in terms of intervention:
  - provide shelter,
  - isolate help seekers from perpetrators,
  - help to overcome a crisis situation,
  - prevent marginalization,
  - to prevent social orphanhood by preparing for a role as a conscious and responsible parent,
  - Preventing the duplication of poor family and environmental patterns, especially those of acquired vulnerability,
- in terms of livelihood needs, the structure they offer:
  - temporary full-time stay to 30 residents,
  - separate bedrooms and a common living room,
  - rooms for pregnant women,
  - shared bathrooms and kitchens,
  - the laundry room,
- in terms of care and support:
  - basic care during the illness and care of the child during the illness of the caregiver,
  - assistance to facilitate the use of health services,
  - help with personal matters,
  - personal hygiene products.

Appendix 1 - Persons affected by family violence who have received assistance

Appendix 2 - Support Structures

The "Blue Card" procedure covers all activities carried out by representatives of the organizational units of social assistance, gmina committees for the resolution of alcohol problems, the Police, education and health care, in cases of justified suspicion of family violence.

The "Blue Card" procedure is initiated by filling in the "Blue Card - A" form in the event of a suspicion of violence against family members, by a professional in the exercise of his or her official or professional duties, or following a statement made by a family member or a witness of family violence. Proceedings must be initiated even when there is only a suspicion of violence, including when there is no evidence to support it.

The form is completed by a representative of the Police, the gmina commission for alcohol problem solving, the education system, health care or by an employee of a social assistance unit, in the presence of a person potentially affected by family violence. Where there is a suspicion of family violence against a child, the activities must, as a general rule, be conducted in the presence of a parent or legal or de facto guardian. If these persons are suspected of using violence against a child, the action shall be conducted in the presence of a close adult. Activities involving a child should be carried out, if possible, in the presence of a psychologist.

The activities must be carried out in conditions which guarantee freedom of expression and respect for the dignity of the person and ensure his or her safety.

The initiation of proceedings does not require the consent of the person concerned by family violence.

At the same time as proceedings are initiated, intervention measures are taken to ensure the safety of the potential victim of family violence.

As part of the procedure, a social worker from a social assistance organizational unit:

- diagnoses the situation and needs of a potential victim of family violence,
- provides information on the possibilities of obtaining assistance, in particular psychological, legal, social and pedagogical support, and support from institutions and organisations providing specialised assistance, forms of support for child victims of family violence, possibilities of taking additional measures to improve the situation of the potential victim of family violence,
- arranges immediate access to health care if the potential victim of family violence needs it,
- provides shelter, as required, in a 24-hour support centre, including a specialized support centre for victims of family violence,
- may interview persons suspected of having used family violence and inform them of the consequences of family violence and inform them of opportunities for treatment or therapy and to participate in remedial and educational programs for perpetrators of family violence.

A representative of the gmina committee for the resolution of alcohol problems:

- diagnoses the situation and needs of a potential victim of family violence,
- provides information and arranges immediate access to health care if the potential victim of family violence needs it,
- may interview suspected perpetrators of family violence and inform them about the consequences of family violence and provide information about treatment or therapy options and participation in remedial and educational programs for perpetrators of family violence.

According to procedure, a police officer:

- provides the potential victim of family violence with the necessary assistance, including first aid,
- arranges for immediate access to health care if the health status of the potential victim of family violence requires it,

- take, where appropriate, other necessary measures to ensure the protection of the life, health and property of potential victims of family violence, including the application, under separate legislation, of measures of direct coercion and detention of the alleged perpetrator of family violence,
- as far as possible, informs the person suspected of having committed violence within the family about the criminal responsibility in case of physical or psychological abuse, and calls for behaviour in accordance with the law and the rules of civil coexistence,
- carry out on the spot, in urgent cases, procedural steps, to the extent necessary, within the limits required, to preserve traces and evidence of the infringement,
- acts to prevent risks that may arise within the family, in particular by carrying out systematic visits to check the safety of a potential victim of family violence, based on the needs identified by an interdisciplinary team or working group.

A representative of the health care system provides the potential victim of family violence with information on the possibilities of obtaining help and support and the right to a free medical certificate to determine the causes and type of injuries related to family violence.

A representative of the education system:

- diagnoses the situation and needs of a potential victim of family violence, including in particular children,
- provides information to a parent, legal or de facto guardian or a person close to the child on the possibility of obtaining psychological, legal, social and educational assistance and family support, including forms of assistance to children provided by institutions and entities in the field of specialised assistance to persons affected by family violence.

After completing the "Blue Card-A" form, the potential victim of family violence receives the "Blue Card-B" form, which contains the most important information about the rights of the victim of violence and support options, including contact information for local support services. The completed "Blue Sheet-A" form is given to the interdisciplinary team leader immediately and no later than 7 days after the opening of the procedure. The team leader shall forward it immediately, and no later than 3 days after receipt, to the members of the interdisciplinary team or working group.

The team or working group establishes a diagnosis of the situation and draws up an individual assistance plan. The potential victim of family violence is invited to the meeting.

The assistance plan includes measures taken by the potential victim of family violence and by representatives of social assistance units, gmina committees for solving alcohol problems, the Police, the education system and health care, in order to improve the situation of the person and his/her family.

The procedure is closed if the family violence ceases and there is a well-founded resumption of the lasting cessation of family violence, after the implementation of an individual assistance plan or if the decision on the lack of legitimacy of the action is taken.

The documentation gathered in the "Blue Card" procedure may constitute evidence in a court case, and therefore contains, among other things, a description of the event, including forms of family violence, the duration of such behaviour, and the measures taken.

#### Interdisciplinary teams and working groups

	2017	2018
Interdisciplinary Teams	2.495	2.251
Team meetings	16.486	16.190
Working Groups	74.427	76.553
Group meetings	260.118	262.091

#### Persons assisted by interdisciplinary teams and working groups

	2017	2018
total	195.741	206.242

Interdisciplinary Teams	of which women	total	79.110	82.110
		of which disabled	4.557	4.668
		of which elderly	9.397	11.080
	of which men	total	68.748	72.957
		of which disabled	2.986	3.259
		of which old	5.213	6.501
	of which children	total	47.883	51.157
		of which disabled	1.347	1.650
	Working Groups	total	274.779	274.763
of which women		total	110.308	108.742
		of which disabled	6.915	6.564
		of which elderly	13.787	15.159
of which men		total	95.537	95.753
		of which disabled	4.684	4.654
		of which old	7.795	8.858
of which children		total	68.934	70.262
		of which disabled	2.141	7.251

#### Blue Cards

		2017	2018
Blue Form-A forms completed		98.307	93.336
Persons covered by the procedure	see the table "Persons assisted by interdisciplinary teams and working groups", the data do not add up because persons can be assisted by the team and the group in parallel		
Families covered by the "Blue Card" procedure		110.498	109.533
Families for which the "Blue Card" procedure has been initiated		74.850	73.760
Blue Card" procedures closed in the case of	cessation of family violence, a well-founded presumption of cessation of family violence and after the implementation of an individual assistance plan	49.455	50.415
	decisions on the lack of legitimacy of action	20.335	21.485

The institution that initiates proceedings most often is the Police (61,980 forms initiating proceedings in 2017, 59,829 in 2018).

57.38% of the forms drawn up in 2017 were drawn up in the cities, compared with 56.92% in 2018.

According to the survey carried out in 2017, commissioned by the Ministry of Family, Labour and Social Policy, entitled "National Diagnosis of Support Infrastructures for Persons Suffering from Violence and Evaluation of the Effectiveness and Efficiency of the Forms of Assistance Used" (see point F, Part II) shows that 83.34% of the respondents (victims of violence) evaluated the availability of forms of assistance for victims of violence as very good and rather good and 7.33% as very bad and rather bad. The representatives of institutions providing assistance to victims of violence positively assessed the support infrastructure as sufficient, inter alia, due to well-developed inter-institutional cooperation.

#### **E. Protection and support of child victims or witnesses of family violence (article 26 of the Convention)**

The safety and protection of children from harm is one of the priority actions taken in the field of combating the various forms of family violence.

The protection of children from violence is ensured by solutions aimed at guaranteeing the safety of abused children, i.e:

- the obligation to immediately inform the Police or the Public Prosecutor's Office by persons who, in the course of their official or professional duties, have become suspicious that a person has committed an offence prosecuted ex officio involving family violence,
- notification to the Police, the Public Prosecutor's Office or another entity acting to combat family violence by witnesses of family violence,

- the right to remove the child from the family in cases of direct threat to the child's life or health due to family violence, in accordance with the Law on Combating Family violence. The Law on Combating Family violence provides for actions, inter alia, for children, consisting of
  - provide assistance in the form of psychological, medical, legal, social, emergency and support counselling,
  - provide free assistance in the form of safe accommodation in a specialized support centre for victims of family violence,
  - prohibit the perpetrator of violence from contacting the victim and order him to leave the dwelling occupied jointly with the injured party, whether or not he is the owner,
  - guarantee the possibility of obtaining free of charge a medical certificate specifying the causes and type of injuries related to violence,
  - ensure the assistance of the interdisciplinary team and working groups in the "Blue Card" procedure.

In the event of an imminent threat to the life or health of a child as a result of family violence, the social worker performing his or her duties shall have the right to remove the child from the family and place him or her with another relative living in a dwelling other than the perpetrator of the violence, in a foster family or in a care and education institution. The social worker removes the child from his or her family in the presence of a police officer and a doctor or an ambulance driver or nurse. The social worker is required to inform the guardianship court immediately, and within 24 hours at the latest, of the removal of the child from his or her family. Parents, legal or de facto guardians have the right to file a complaint with the Guardianship Court to examine the legitimacy and legality of the placement of the child; the complaint is examined by the court immediately, within 24 hours at the latest. In the event that it is deemed unreasonable or illegal to place the child, the court shall order the immediate return of the child to the parents, legal or de facto guardians.

The method of placing children in foster families or care and education institutions is governed by the provisions of the Law on Family Support and the Alternative Care System.

#### Children

		2017	2018
removed from the family in the event of an imminent threat to life or health due to family violence	total	1.123	1.130
	boys	545	564
	girls	578	566
placed with another relative who does not live with the perpetrator		336	353
foster care		398	563
placed in a care and education facility; and		421	459

The Council of Ministers Regulation on the "Blue Card" procedure and the standard "Blue Card" forms defines a specific procedure when the abused person is a child. The activities undertaken and carried out under the procedure must be carried out in the presence of a parent or legal or de facto guardian. If the persons suspected of family violence against a child are his or her parents, legal or de facto guardians, actions involving the child must be carried out in the presence of a close adult. In addition, activities should be carried out in the presence of a psychologist whenever possible.

The Law on Family Support and the Alternative Care System imposes on the local communities and the government administration the obligation to support the family in the performance of its care and upbringing functions. The objective of the family support system is prevention and intensive work with the family in crisis, in order to improve the quality of care and upbringing functions and to prevent children from being placed in alternative care. The work with the family is done through:

- support of a family assistant,
- consultation and expert advice,
- therapy and mediation,
- child care and specialized services for families with children,
- legal aid, particularly in the area of family law,
- meetings to exchange experiences and prevent isolation (support groups, self-help groups),
- assistance provided by day support centres in caring for and raising a child,
- assistance provided by supportive families.

The support family can help with the care and education of the child and with the running of the household.

The task of the family assistant is to contribute to the improvement of the family's situation and to solve social, psychological and educational problems, including carrying out preventive actions aimed at avoiding family violence.

Since 2012, the Ministry of Family, Labour and Social Policy, in cooperation with voivodes, has been implementing the "Programme: the Family Assistant and the Foster Care Coordinator", which aims at increasing access to the services of the family assistant in gminas and the services of the foster care coordinator in powiats. The programme also encourages the local governments of the gminas and powiats to take measures to support families with care and education difficulties in order to keep children who may be placed in alternative care with their families or to enable children already in alternative care to be reunited with their families as soon as possible.

A family worker may be assigned to a family with care and education problems at the request of the social worker or by order of the family court. In 2018, 3,920 family assistants were employed, 45,483 families used their assistants (44,748 families in 2017), of which 6,464 families were obliged to cooperate with the assistant by the court.

Support for families is provided through a system of psychological and pedagogical counselling centres, offering among other things :

- therapy for children and their families,
- helping parents to recognize and develop their children's individual developmental and educational needs and psychophysical abilities, and to solve educational and parenting problems.

In the context of work with the family, measures are taken to prevent and combat violence in the family, in particular to promote appropriate and non-violent educational methods. Information is also provided on protection and assistance solutions for violent persons, intervention against violent persons, prohibition of corporal punishment. In addition, counselling services for families and persons at risk, such as pregnant girls, are provided to strengthen the care and education skills of parents.

Solutions to combat violence against children are included in the National Programme to Combat Family violence for 2014-2020:

- improving public knowledge and awareness of the causes and effects of violence and changing the perception of the problem of violence through national and local social campaigns promoting non-violent educational methods, information on the prohibition of corporal punishment of children by persons exercising parental authority and custody or care,
- the promotion in the media of programmes without violent content, aimed at children and young people,
- the development and implementation of support and education programmes, actions to prevent violence, particularly against children,



- the development and implementation of prevention programmes aimed at providing specialised assistance, including the promotion and implementation of correct educational methods for children in families at risk of violence,
- counselling, including education to strengthen the capacity for care and education, alternative methods and parenting skills in families exposed to violence and in relation to at-risk groups, such as pregnant minors,
- keeping statistics on children,
- diagnosis of violence, including child abuse,
- the dissemination of information and education on the possibilities and forms of assistance to abused persons.

See also point B, Part V.

#### **F. Programmes targeting perpetrators of family violence (article 16 of the Convention)**

The National Programme for Combating Family violence for 2014-2020 provides for the following actions to increase the effectiveness of the impact on people who use family violence:

- the creation and extension of support programmes for persons resorting to family violence, implemented by governmental and municipal institutions, as well as by entities and non-governmental organisations, and the elaboration of rules of cooperation between these institutions, entities and non-governmental organisations,
- intervention and response to family violence by competent services,
- the implementation of remedial and educational programs as well as psychological and therapeutic programs for persons who use family violence.

As part of the "Blue Card" procedure, a person suspected of using family violence may be called to a meeting of an interdisciplinary team or working group. Meetings with potential victims of family violence and persons suspected of using family violence cannot be held at the same time and place.

Members of the interdisciplinary team or working group complete the Blue D-Sheet form in the presence of the person suspected of family violence. The members of the interdisciplinary team or working group then take action against that individual:

- provide information on the consequences of the acts committed,
- encourage participation in remedial and educational programs,
- talk about the abuse of alcohol, narcotics, psychotropic substances or medication,
- provide information on the measures needed to end family violence.

If a person suspected of using family violence abuses alcohol, members of the interdisciplinary team or working group will refer that person to the gmina committee for alcohol problem resolution.

Blue D" forms  
completed by members of interdisciplinary teams/working groups

2017	2018
47.689	45.656

Remedial and educational measures for people who use violence in the family are intended for

- persons convicted of offences relating to family violence, serving prison sentences in penal institutions or for whom the court has conditionally suspended the execution of a sentence, requiring them to participate in corrective and educational measures,

- persons using family violence who are involved in the treatment of alcohol or drug abuse or other narcotic drugs, psychotropic substances or their substitutes for whom remedial and educational measures may supplement basic treatment,
- persons who, due to other circumstances, request to participate in the corrective action and education program.

The purpose of these actions towards perpetrators of family violence is to:

- prevent the continued use of violence,
- develop self-control and family life skills,
- to develop skills in the non-violent upbringing of children,
- to raise awareness of the mechanisms of family violence,
- develop the ability of perpetrators of family violence to communicate and resolve family conflicts in a non-violent manner,
- Helping to obtain information on the possibilities of following a therapy.

Remedial and educational programs for people who use family violence are conducted in the form of meetings, sessions, individual and group work. Courses are based on the "Duluth Model" program or the "Partner" model, based on the "Duluth Model" program. Creative programs are also implemented. The implementation of the programs lasts from 1 to 12 months, most often from 3 to 6 or 12 months.

Detailed solutions are specified in the Regulation of the Minister of Labour and Social Policy on the standards of basic services provided by specialized support centres for victims of family violence, the qualifications of persons employed in such centres, detailed guidelines on the conduct of corrective and educational measures against persons using family violence and the qualifications of persons conducting corrective and educational measures.

Participation in remedial and educational measures may be voluntary or imposed as a result:

- a request from the prosecutor, if the accused pleads guilty and if, in the light of his or her explanations, the circumstances of the offence and his or her guilt do not raise doubts, or in the course of the enforcement proceedings,
- a request from the probation officer to implement corrective and educational measures during the enforcement proceedings,
- an application by the prison governor to the prison court to make it compulsory for the convicted person to participate in remedial and educational measures after serving his sentence, in the event of early release on parole if the convicted person was not included in such a programme during his incarceration.

The development and implementation of remedial and educational programmes is a task of government administration, carried out by the powiat. The voivodship community has the task of developing framework programmes of remedial and educational measures for persons who resort to family violence. On the website of the Ministry of Family, Labour and Social Policy there is a database of entities implementing corrective and educational programmes for persons resorting to family violence.

In 2017, 253 entities carried out remedial and educational programmes for persons resorting to family violence, 512 programmes were conducted, of which 320 were carried out by local government entities in powiats and 192 by penitentiary units. In 2018, 233 entities implemented such programmes, 487 programmes were organized, of which 289 were implemented by local government entities in powiats and 189 by penitentiary units.

The development and effects of educational and remedial measures on persons resorting to family violence are monitored by the powiat or by the entities that have been requested by the powiat to implement such measures. The monitoring of the effects of the programmes is based, inter alia, on: an evaluation questionnaire filled in by the perpetrator of family violence, information from the family environment of the perpetrator, contact with employees of institutions who are in contact with the perpetrator of violence after the end of the programme

(e.g. probation officers, social workers, police, teachers). The period of follow-up of perpetrators after the end of the programme varies from two months to three years. Monitoring results are used to improve corrective and educational measures and to disseminate news.

Another form of action taken to end violence is psychological and therapeutic programmes for persons resorting to family violence, for whom in-depth therapeutic or psychological measures are necessary (when participation in remedial and educational programmes has proved insufficient). Psychological and therapeutic programmes, in addition to their educational effects, also include practical exercises that provide personal experiences that change violent behaviour and attitudes and develop self-control skills.

Participation in psychological and therapeutic programs is voluntary.

The development and implementation, as well as the review of the effectiveness of psychological and therapeutic programmes for persons resorting to family violence, is the responsibility of the entities of the local administration of gminas and powiats, in cooperation with non-governmental organizations.

Program participants are subject to an effectiveness evaluation after completion of the program; the effectiveness indicator is the number of individuals who, after completing the program, have not returned to violent behaviour.

In 2017, 177 programmes were implemented and in 2018, 203 programmes were launched.

The prison administration implements programmes of corrective, educational, therapeutic, psycho-correctional, educational and preventive measures for convicted perpetrators of family violence. The actions are based on the "Duluth Model" programme; the Prison Service has also implemented a specific programme entitled "Stop Violence - Second Chance". In addition to programmes focusing on work with perpetrators of family violence, programmes are being implemented to combat aggression in the broadest sense.

Programmes in the field of violence prevention and training to suppress aggression covered 11,172 convicted persons in 2017 and 10,958 convicted persons in 2018.

Officials who prepare opinions on convicted persons for abuse (article 207 of the Criminal Code), together with applications for early parole, must also submit the opinion on the possible imposition of the obligation to participate in a programme of remedial and educational measures on release if the prisoner was not subjected to such a measure while in detention.

Designated prison officials work with local interdisciplinary teams - they inform the teams about the perpetrator of violence detained in the given prison unit. This enables interventions concerning the victim and the perpetrator of violence to be based on more comprehensive data.

Programmes targeting perpetrators of family violence are supported by the probation service. The probation officer is obliged to cooperate with the competent local authorities and non-governmental organizations that deal with care, education, rehabilitation, treatment and social assistance in an open environment.

Probation officers are part of interdisciplinary teams and can also participate in working group meetings when the "Blue Card" procedure has been initiated. The participation of the probation officer enables him/her to obtain information from other services about a particular family or the perpetrator of violence followed, as well as information about how to help victims of family violence.

Probation officers also have the right to bring motions before the court to impose a duty to participate in remedial and educational measures on a convicted perpetrator of family violence.

Programmes carried out on a voluntary basis, persons who :

		2017	2018
have joined the Corrective Action and Education Program	total	4.327	4.037
	women	415	453
	men	3.912	3.584
have completed the Corrective Action and Education Program	total	2.470	2.422
	women	211	302
	men	2.259	2.120

**Programmes suspended during detention, persons who :**

		2017	2018
have joined the Corrective Action and Education Program	total	4.774	4.728
	women	211	201
	men	4.563	4.527
have completed the Corrective Action and Education Program	total	4.103	3.973
	women	194	166
	men	3.909	3.807

Individuals using violence who, after having completed a remedial and educational program, have returned to abusive behaviour in the family

		2017	2018
unfettered	total	330	362
	women	24	33
	men	306	329
who completed the remedial and educational programmes while in detention and who were again returned to detention within 3 years due to the commission of a similar act	total	13	193
	women	0	3
	men	13	190

Remedial and educational measures, psychological and therapeutic programmes and programmes for perpetrators serving prison sentences are applied to the perpetrators of all types of violence referred to in the Law on the Prevention of Family violence, including sexual violence. The exception is made for perpetrators of offences against sexual freedom and decency who have been diagnosed with disorders of sexual preference. They are referred to one of the seven therapeutic services that run a programme for sex offenders. In 2017, 406 convicted persons have been subject to a specialized programme in view of revealed sexual preference disorder, 41 convicted persons have completed a rehabilitation and therapeutic programme for offenders against sexual freedom and indecency committed in connection with sexual preference disorder. In 2018, 377 convicted persons were covered by specialized programmes and 43 convicted persons completed a therapeutic and rehabilitation programme. The impact analysis of correctional measures in such cases is carried out on an individual basis.

**G. Access to information on international complaints mechanisms (article 21 of the Convention)**

Poland is a party to the following international agreements which provide for the possibility of filing individual complaints:

- the Convention for the Protection of Human Rights and Fundamental Freedoms,
- the International Covenant on Civil and Political Rights,
- the Convention on the Elimination of All Forms of Discrimination against Women.

On the website of the Ministry of Foreign Affairs, as well as the website of the Ministry of Justice, there are tabs with information on the procedure for filing complaints with the European Court of Human Rights. The website of the Ministry of Justice also contains a database of Polish translations of the judgments of the European Court of Human Rights in cases involving Poland and other Council of Europe member states. This database includes translations of judgments

concerning, inter alia, the issues of family violence, violence against women or protection against discrimination.

To date, the European Court of Human Rights has not delivered any judgments indicating that Poland has violated the Convention for the Protection of Human Rights and Fundamental Freedoms on account of family violence or violence against women and the failure of the Polish authorities to provide adequate protection. In the case of *Wrona v. Poland* (Case No. 74568/11), the Court thus held in its judgment of 15 June 2017 that there had been no violation of Article 5, paragraphs 1 and 3, of the Convention for the Protection of Human Rights and Fundamental Freedoms, guaranteeing the right to liberty and security of the person, in the context of the application of preventive detention to the applicant in a case concerning the ill-treatment of parents.

19 July 2019 The UN Committee on the Elimination of Discrimination against Women (CEDAW) issued a decision declaring the complaint of the association *Polskie Towarzystwo Prawa Antydyskryminacyjnego* (Polish Society for Anti-Discrimination Law) against Poland inadmissible (CEDAW No. 136/2018) on the grounds that the complainant was not entitled to file a complaint in the context of *actio popularis*, the procedure not being admitted, as well as in view of the non-exhaustion of available national legal procedures. The complaint concerned a refusal to open an investigation following a notification of infringement submitted by *Polskie Towarzystwo Prawa Antydyskryminacyjnego* in relation to the controversial content of one of the books published to teach English, which the complainant considered to be a public praise of rape.

## H. Training of professionals in the field of violence and family violence (article 15)

### Training courses organized by the National School for the Judiciary and the Public Prosecutor's Office 2017

	Judges and court assessors	Prosecutors and assessors of the Public Prosecutor's Office	Probation Officers
Protection of personality rights in employment relations. Harassment and discrimination in employment relations	185	49	0
Specific issues relating to the sexual exploitation of minors	26	41	0
Specific issues of work methodology and interpersonal skills in the work of an adult probation officer	0	0	66
International Training Course of the Academy of European Law ERA "EU gender equality law".	18	4	0
International Training Course "Soliciting Children Online for Sexual Purposes".	5	5	0

### 2018

	Judges and court assessors	Prosecutors and assessors of the Public Prosecutor's Office	Probation Officers
Working methodology of a family probation officer in custody cases	0	0	120
Methodology for the conduct of proceedings for offences against sexual liberty and decency, including evidence from the interview with the minor victim	80	105	0
Trafficking in human beings	28	36	0
Adult Probation Officers in the Social Rehabilitation of Convicted Offenders	0	0	566
ERA international training course "EU gender equality law".	6	2	0
International Training Course of the European Judicial Training Network (EJTN): "Transnational justice, victims and human rights".	2	1	0
International Training Course of the Academy of European Law ERA "EU Antidiscrimination Law".	2	0	0
Cours de formation international d'EJTN: « Human trafficking with emphasis on labour exploitation and other forms of exploitation »	1	1	0
International Training Course of WCYN: "Trafficking of human beings".	1	0	0

Paid and volunteer probation officers and judicial officials attend, during their service, training courses organized by entities other than the National School for the Judiciary and Public Prosecution.

In 2017, probation officers from the jurisdiction of the Warsaw Court of Appeal, the Regional Court of Suwałki, the Regional Court of Krosno Odrzańskie, the courts of the region of Przemyśl, the District Court of Lesko, the District Court of Sanok, the courts of the region of Nowy Sącz, the Regional Court of Bielsko-Biała, the District Court of Zawiercie, the District Court of Ryki participated in trainings, during which, inter alia, the following topics were discussed:

- the fight against violence in the family, against women and children, and against elderly and disabled persons,
- specialized assistance to victims of violence,
- Diagnostic and consultation team: case study with supervisory elements,
- Interdisciplinarity as the foundation of good practice in the family violence prevention system,

and probation officers also participated in the Interdisciplinary Study on Family Violence at the "Attention: Child! Child Maltreatment Prevention" and the national conference "Helping Child Victims of Crime".

In 2018, probation officers from the jurisdiction of the Warsaw Court of Appeals, Lesko District Court, Sanok District Court, Brzozów District Court, Stalowa Wola District Court, Nowy District Court Sącz, Gliwice District Court, Zawiercie District Court, Ryki District Court participated in trainings, during which, inter alia, the following topics were discussed:

- the phenomenon of violence in the family: prevention, diagnosis, analysis, assistance,
- prevention of violence in the family, curriculum for representatives of working groups of an interdisciplinary team,
- cooperation within the working group of services representatives in the implementation of the "Blue Card" procedure,
- Dysfunctional family: which affects the work of a professional and a probation officer,
- the "Blue Line": working with people who use violence,
- the "Blue Card" procedure and its importance for combating family violence, preparatory procedures in criminal and family law cases,
- Perpetrators of violence (against women) as alcoholics in the context of mental illness,
- early detection of the syndrome of an abused child: diagnosis and forms of assistance,
- violence against women: training organised by institutions and associations operating in Lesko and Ustrzyki Dolne,

These probation officers were also involved in:

- meetings with probation officers,
- supervision for people working in the field of family violence,
- the conference "Ursynów - safe house", summarising a programme for people who use family violence, implemented in the Ursynów district of Warsaw,
- the inaugural seminar of the Warsaw Children's Aid Centre "Together let's give children strength",
- national conferences "Attention: Children! Prevention of Child Abuse" and "Helping Child Victims of Crime".

Since 2018, probation officers in the courts in the region of Przemyśl have been organizing the Probation Officers Against Violence Campaign, where consultations for probation officers are set up by teams from the Probation Court Service, during which issues relating to combating family violence are discussed.

In the organizational units of the Public Prosecutor's Office, training is organized on the subject of violence against women and family violence in the broadest sense:

- In 2017, 40 prosecutors and public prosecutors' assistants participated in 2 trainings,
- In 2018, 114 public prosecutors and prosecutor's assistants and 9 deputy public prosecutors participated in 5 trainings.

Immediately after being admitted to the service, a police officer receives basic professional training. In 2017, 3,363 police officers received this training, and in 2018, 3,290 officers received it. The basic vocational training programme includes, in connection with the issue of violence:

- prevention and detection of violence,
- intervention standards,
- equality between men and women,
- the needs and rights of victims of violence.

During the training, knowledge of professional ethics, human rights, anti-discrimination policy and anti-corruption activities is provided. Police officers are thus made aware of the obligation to respect the dignity and empathy of all persons affected by crime.

The specialized training programme in the field of combating family violence prepares a police officer to perform tasks related to the coordination of activities in the field of combating family violence and to carry out in-depth professional training in this field. In 2017, 387 police officers took part in the course, and in 2018 the number of police officers was 322.

The Police also provides systematic training for police officers who intervene in cases of family violence within police families (as part of their professional development), as well as training for police officers whose subordinates are perpetrators or victims of family violence.

Every year, the Police Headquarters organises training seminars "Police implementation of activities in the field of combating family violence, including discussion of the conclusions reached after the checks carried out", in which the coordinators of the "Blue Card" procedure of the Voivodeship Police Districts/Capital City of Warsaw and teachers of the Police schools dealing with the issue of family violence participate. The aim is, among others, to discuss and indicate the directions of the activities of the organisational units of the Police in the field of combating family violence, with a view to further improving the implementation of tasks.

The prevention departments of the Voivodeship/Capital City Police districts of Warsaw organise trainings on the fight against family violence, where the following issues are discussed: the phenomenon of violence, legal regulations governing this issue and the rules of police intervention in the field of violence.

The soldiers of the Military Constabulary organize training, workshops and meetings in military units and institutions, during which issues are discussed:

- identification, response and application of procedures and tools in the event of violence,
- legal regulations,
- how to deal with situations of violence,
- assistance institutions, including specialised support centres for victims of family violence.

Training on violence

2017	2018
770	959

As part of the specialized training for the Investigation Division and for soldiers involved in domestic intervention, in the field units of the Military Gendarmerie, in 2015 and 2016, training courses were organized on: psychological aspects in the implementation of activities related to family violence intervention, soldiers' behaviour towards perpetrators and victims of family violence (empathy, personal safety, other), psychoeducation and support for victims of violence.

As part of the additional training on the subject of "military discipline", 10 training sessions entitled "Family violence" were organized in 2017. In 2018 and 2019, 10 trainings were organized on the psychological aspects of professional military service such as recognition and prevention of psychological problems (stress, aggression, burnout).

In May 2019, the Prevention Unit of the Military Gendarmerie Headquarters organized a training course for soldiers from the prevention sections of the Military Gendarmerie field units to broaden their knowledge of family violence. The courses were conducted by representatives of the Human Rights Defender, the Police and the National Agency for the Resolution of Alcohol Problems.

The issue of family violence is dealt with in qualified training and further training courses organized for Border Guard officers, in courses on professional ethics, basics of social communication, trafficking in human beings, treatment of foreigners qualified as belonging to



sensitive groups, as well as in training courses on disciplinary procedures and courses on human rights and equal treatment (protection of fundamental rights, ethnic stereotypes and prejudices, violation of the personal dignity of others and of one's own, position and role of a woman in different cultures, attitude of respect and tolerance towards representatives of other nationalities, cultures and races).

The Plenipotentiaries for the Protection of Human Rights and Equal Treatment appointed in the Border Guard training centres organize additional courses for participants in basic training, training for non-commissioned officers, chorąży (insignia), specialized training for management and command staff, specialized training for appointment to the first rank of officer, during which issues of equal treatment, including gender equality, stereotyped roles of men and women, discrimination, sexual harassment, harassment, mutual respect, non-violent conflict resolution in human relations and gender-based violence against women are presented. In 2017-2018, issues related to assistance to victims of violence have been addressed in the following advanced courses:

- "Persons from sensitive groups in administrative procedures": 49 persons trained,
- "Disciplinary procedures within the Border Guard in case of human rights violations by Border Guard officers": 18 persons trained,
- "Inequality of treatment and harassment - identification and prevention": 145 people trained,
- "Socio-cultural identification of the phenomenon of trafficking in human beings": 15 persons trained,
- "Trafficking in human beings - level II": 42 people trained.

In 2018, officers of the National Border Guard Training Centre in Koszalin participated in a conference on family violence given by representatives of the Family Support Centre of the Koszalin Powiat. Issues such as types of violence, its stages and cycles, characteristics of violent persons and their victims, the legal basis and the procedure for the protection of victims of violence ("Blue Card") were raised.

In 2015, the Government Plenipotentiary for Equal Treatment had organized a series of training courses to improve interpersonal skills, which had been attended by 191 police officers, prosecutors, judges and social workers who had contact with victims of violence of a sexual nature. The trainings were organized within the framework of the project "Rights of victims of sexual violence: a new systemic approach". Information services, training and comprehensive activities".

In the course of their studies, future teachers become familiar with techniques that enable them to assess a child's behaviour that indicates violence against him or her. According to educational standards, graduates of pedagogical studies should be aware of the need to conduct individual educational activities for students with special educational needs. Within the framework of general psychological and pedagogical preparation, students learn about norms and pathology, development, personality, behaviour, emotions (including anxiety and phobias), anxiety and mood disorders.

In 2017 and 2018, as part of the implementation of the Government's programme to assist authorities running schools to ensure safe teaching, education and care conditions in schools - "Bezpieczna+" (Safety +), the Minister of National Education has commissioned two universities to conduct postgraduate studies for teachers and educators in post-gymnasium and post-primary schools. The aim of the studies was to improve educational skills and the ability to recognize and counteract difficult situations (aspects of the functioning of an individual in a developmental, existential and environmental crisis situation, design of multidimensional support for child development, choice of the most appropriate methods of working with the

family on the basis of recognition of its needs, cooperation with various social assistance units in crisis prevention and intervention). The studies were fully attended by 751 teachers and educators.

In order to ensure proper behaviour in cases of suspected violence, the skills of teachers in this area are constantly being improved - every year the Education Development Centre organizes training in the "Blue Card" procedure entitled "Combating family violence against children and implementation of the "Blue Card" procedure by national education structures" addressed to teachers (school principals), school specialists (psychologists, school educators), specialists in teacher training institutes and psychological and pedagogical counselling centres. The objective of the training is to make possible an effective intervention at school, in case of suspicion of family violence against a pupil, thanks:

- the development of skills to deal with situations of family violence and child abuse in the family,
- training to launch the "Blue Card" procedure within education structures,
- the development of the capacity to recognize situations of violence, intervene and provide psychological assistance to victims of violence.

In 2017 the Education Development Centre provided training to 17 people. In 2018, the training took the form of e-learning, in which 106 people participated. In 2019, training will also take the form of e-learning.

The Centre has also developed information and education materials, available at [www.wore.edu.pl](http://www.wore.edu.pl).

In addition, the Education Development Centre offers training on violence prevention in schools, and the Centre's website contains publications that help teachers prevent violence, among other things:

- "Preventing assaults at school. Methods of organising daily educational work",
- "Aggression and violence in schools or what we need to know to take effective action",
- "Attitudes and Influences of Adults in Combating Peer Violence",
- "Psychological aspects of psychological harassment: the perspective of the perpetrator, the victim and the witness",
- "Fighting aggression and violence in schools. A Teacher's Guide",
- "Framework for preventive and educational measures against aggression",
- "Harassment and bullying at school. Characteristics of the phenomena and prevention programme",
- "How to deal with cyber violence. A Guide for Schools".

The core curriculum for the training of health and social care professionals includes, inter alia, training on how to respond to a suspicion of violence, including family violence. The educational content covers the identification of symptoms in persons affected by psychological and physical violence, in particular children, the elderly and the disabled, the establishment of procedures for dealing with cases of suspected violence and the implementation of the procedure in cases of proven violence.

The educational programmes of faculties preparing for the professions of doctor, dentist, nurse, midwife, laboratory analyst (basic education, specialization education) contain content on the identification of violence and the appropriate response to it:

- for the Faculty of Medicine and Dentistry: forms of violence, models explaining violence in families and institutions, social factors of different forms of violence, the role of the physician in identifying violence, identifying risk factors for violence, identifying violence and appropriate response, how to conduct a conversation with an adult patient, a child and a family using active listening techniques and expressing empathy,

- for the Faculty of Nursing: prevention and identification of violence, aggression, prevention and combating violence against women and violence in the family,
- for the faculty of obstetrics: identification of family violence and other social pathologies, intervention in family crises, medical and legal procedures (documentation of injuries, documentation of sexual intercourse, removal and securing of other materials, notification of law enforcement authorities), in the case of violence against women, methods of prevention and forms of assistance to victims of sexual violence,
- for the medical analyst/laboratory medicine faculty - basic legal concepts, place of law in the life of society, with particular emphasis on human rights and labour law, respect for the rights of the patient, including the right to information, confidentiality of patient information, respect for privacy and dignity and the right to medical records.

In 2017 and 2018, courses for nurses and midwives were organized, which included content on prevention, recognition and response to cases of family violence (each year 9 specialization courses and 7 qualification courses). In 2017, 6,930 persons participated in the specialization courses, 3,758 persons attended qualification courses, including 3,408 nurses and 350 midwives. In 2018, 1,487 nurses and midwives received the title of specialist and 1,854 nurses and midwives attended qualification courses.

Every year, the National Agency for the Resolution of Alcohol Problems organizes the "130-hour interdisciplinary training for persons working in the field of prevention of family violence", which is planned for 60 persons. Shorter trainings are also organized for members of gmina committees for the resolution of alcohol problems, nurses working in nurseries, nurses, doctors, persons working with children from families with alcohol problems, members of interdisciplinary teams and working groups, persons working in consultation points for family members with violence and alcohol problems. Every year, 350 people participate in training courses.

Every year, the National Agency for Alcohol Problem Solving organizes a national conference against family violence, which is attended by more than 100 people. Each year, the conference focuses on a selected aspect of the phenomenon of family violence.

Strengthening the competences of services and representatives of entities implementing activities in the field of combating family violence (employees of organizational units of social assistance, police officers, representatives of the education system, the health care system, representatives of the judiciary, representatives of gmina committees for the resolution of alcohol problems) is one of the priority tasks of the National Programme for Combating Family violence for 2014-2020.

The training courses focus on the establishment of local systems to combat violence, based on the cooperation of interdisciplinary teams and on issues such as the implementation of programmes of corrective and educational measures for persons resorting to violence, mediation, assistance to the injured, work with a multi-problem family, work with a child victim, work with victims of violence, diagnosis of violence, deepening knowledge about the competence of services in the framework of the "Blue Card" procedure, record keeping and protection of personal data in the framework of the "Blue Card" procedure, as well as legal aspects of combating violence.

#### Training of persons performing tasks related to the prevention of family violence

		2017	2018
Trainings in each voivodeship		79	277
Trained persons	total	2.742	3.567
	representatives of social welfare units	1.276	2.054
	representatives of gmina's committees for the resolution of alcohol problems	79	75
	police representatives	555	280

	pedagogues	257	538
	medical professionals	54	50
	judges	2	19
	prosecutors	36	2
	probation officers	210	230
	penitentiary staff	34	13
	agents of other entities	239	306

Training on the possibilities and forms of influencing the attitudes of people who use family violence

	2017	2018
Trainings	2.173	1.756
Trained people from each service dealing with family violence	35.843	30.611

In order to support those who work with people affected by family violence and with perpetrators of family violence, psychological counselling and support is organised in the form of, for example, supervision, coaching and support groups.

Number of people receiving various forms of counselling and psychological support

2017	2018
8.775	10.649

## Appendix 3 - Initial and Continuing Education

### V. Substantive law

#### A. Compensation and compensatory measures (Articles 29, 30 of the Convention)

If the offender is convicted in criminal proceedings, the court also has the possibility to decide against him:

- a compensatory measure in the form of an obligation to make good the damage caused by the offence, in whole or in part, or to make good the damage suffered; at the request of the injured party or any other entitled person, this decision is binding and the court decides on the basis of civil law provisions,
- a compensatory measure in the form of a rebate of up to 200.000 zł in favour of the injured party in the event that the decision on the obligation to make good the damage caused by the offence, in whole or in part, or to make good the damage suffered is significantly impeded; in the event of the death of the injured person as a result of the offence committed by the convicted person, the court may grant remission to the nearest person whose life situation following the death of the injured person has significantly deteriorated, and if there are more such persons, remission shall be granted to each of them,
- an evidentiary measure in the form of an obligation to make good the damage, in whole or in part.

In addition, the prison court may require a convicted person serving a sentence of deprivation of liberty by means of an electronic surveillance system to make good the damage. This obligation may also be imposed at the request of the prosecutor or probation officer.

In civil proceedings, the victim of violence has the right to claim compensation from the perpetrator on the basis of general principles (article 415 of the Civil Code).

Compensation for bodily injury or health problems includes the resulting costs (Article 444 of the Civil Code). The court may also award the injured party appropriate financial compensation for the damage suffered (Article 445 § 1 of the Civil Code).

If, as a result of bodily injury or a health disorder, the injured person dies, the person required to make good the injury must reimburse the health care and funeral expenses to the person who covered them.

A person to whom the deceased had a legal obligation to provide support, may apply for support calculated on the basis of need and the income and financial capacity of the deceased for the probable duration of the support obligation. The same maintenance may be claimed by other persons close to the deceased who voluntarily and continuously provided means of subsistence, if circumstances show that the rules of social coexistence so require.

In addition, the court may award the closest members of the family of the deceased:

- appropriate compensation if their standard of living has been seriously affected by his death.
- adequate financial compensation for the moral damage suffered (Article 446 of the Civil Code).

For important reasons, the court may, at the request of the injured party, grant him a single award in lieu of a pension or part thereof. This is particularly the case where the injured party has become disabled and the grant of a single indemnity will facilitate the exercise of the new profession.

The injured party may also claim compensation for the damage suffered in the event of violation of personality rights. Personal rights include, among others, health.

According to the Law on State Compensation to Victims of Certain Crimes, the victim may apply for compensation. Compensation is awarded to the person who, as a result of a crime, has suffered serious damage to his or her health, bodily functions or a health disorder for more than 7 days, as well as to the person closest to the person who died as a result of the crime. Compensation may be granted for loss of income and other means of subsistence, health care or rehabilitation costs and funeral expenses resulting from unlawful acts. Compensation may not exceed 25,000 zł and, if the victim is deceased, 60,000 zł. If, in an action for compensation, the court considers that it is impossible or excessively difficult to prove precisely the amount claimed, it may award the appropriate amount according to its discretion, based on an examination of all the circumstances of the case.

Compensation shall be granted if an unlawful act has been committed on the territory of the Republic of Poland to the detriment of a person having permanent residence on the territory of the Republic of Poland or on the territory of another Member State of the European Union.

The prosecutor shall take measures to request the perpetrator using violence to make good the damage or compensate the harm caused, in particular when the person harmed by the offence is unable to assert his or her rights or the perpetrator unjustifiably evades them, to the detriment of the public interest or an important private interest, if the results of the preparatory proceedings conducted so justify.

Appendix 7 - Criminal measures imposed on persons convicted of offences classified as family violence

## **B. Family law provisions (Article 31 of the Convention)**

According to the Family and Guardianship Code, the right of parents to have contact with their child is a personal right, independent of parental authority, so that even deprivation of parental authority or criminal sanctions against a parent - the perpetrator of violence - does not, in principle, nullify this right. However, if the welfare of the child so requires, the guardianship court may limit the parent's contact with the child. The court may, where appropriate, prohibit meeting the child, prohibit taking the child away from his or her place of habitual residence,

allow meeting the child only in the presence of the other parent or guardian, the probation officer or another person indicated by the court, limit contact to certain means of distance communication, prohibit distance communication. The court may decide on one of the measures to restrict contact with the child or to accumulate it. If maintaining contact with the child seriously endangers or violates the welfare of the child, the court shall prohibit it.

Where one parent is not a danger to the child but is the perpetrator of violence against the other parent, it will be sufficient to provide for the presence of a probation officer during such contact, provided that it does not take place in the presence of the other parent - the victim of violence.

The decision to withdraw parental authority is taken by the court if parental authority cannot be exercised because of a permanent obstacle or if the parents abuse parental authority or seriously neglect their obligations towards the child. The court may deprive the parents of their parental authority if, despite the assistance provided, the reasons for placing the child in alternative care have not ceased to exist, and in particular if the parents permanently lose interest in the child. These are thus the only conditions under which the court may decide on the deprivation of parental authority.

A permanent obstacle to the exercise of parental authority is to be understood as a situation which excludes the exercise of parental authority on a permanent basis, in the sense that either the duration of this situation cannot reasonably be foreseen or, at least, that it will exist for a long period of time. Permanent obstacles include chronic illnesses and long prison sentences. Abuse of parental authority can manifest itself not only in behaviour towards a minor child, but also in aggressive behaviour, drunkenness, threats to the other parent, disruption of the peace of the home in the presence of the child.

Anything that constitutes a serious threat to the proper development of the child is a premise for depriving him or her of parental authority over him or her. The reprehensible behaviour of a parent towards third parties, in particular relatives, is evidence of improper performance of the obligation to bring up a child. The deliberate isolation of the child and his or her mental subordination may also be the cause of the deprivation of parental authority.

The court, when making an order for deprivation of parental authority, may at the same time limit or prohibit relations with the child.

Prosecutors are required to analyse the records of preparatory proceedings in order to inform the family court of any irregularities revealed in the functioning of the family. If a decision to deprive or limit the parental authority or right of custody of a parent in the event of an offence to the detriment of or in association with the minor is found to be well-founded, the procurator must submit an appropriate application to the family court.

In criminal proceedings related to family violence in which the injured parties are minors, when the circumstances revealed show that the legal representatives cannot properly exercise their rights in connection with the proceedings, the prosecutor is obliged to request the court to appoint a guardian.

Cases of parental authority due to family violence, dealt with in court proceedings

	2017		2018	
	Case	Minors concerned	Case	Minors concerned
Deprivation of parental authority				
because of family violence	76	135	66	93
as a result of a social worker's notification to the guardianship court of the removal of a child from the family under the Family violence Act	123	149	32	50
Restriction of parental authority				
because of family violence	464	875	348	630

as a result of a social worker's notification to the guardianship court of the removal of a child from the family under the Family violence Act	99	143	103	144
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\* without the possibility of indicating which judgment has become final

### C. Criminal law (articles 33-41 of the Convention)

All acts provided for in articles 33 to 40 of the Convention are criminalized under the Criminal Code:

- Psychological violence: Article 190 (punishable threat), Article 191 (coercion), towards relatives or persons with whom there is a permanent or temporary relationship of dependence - Article 207 § 1 (in the form of psychological abuse),
- harassment: article 190a,
- physical violence: Chapter XIX ("Injuries to life and health"), Article 191 (violence to compel a certain behaviour), Article 217 § 1 (bodily harm), towards relatives or persons with whom there is a permanent or temporary relationship of dependence - Article 207 § 1 (in the form of physical ill-treatment),
- violence of a sexual nature, including rape - articles 197, 198, 199, 200a and 203.

The abuses referred to in article 207 of the Penal Code may be of a physical or mental nature, so that conduct involving the use of economic violence falls within the constituent elements of the act specified in article 207 of the Penal Code.

The Penal Code does not distinguish verbal sexual harassment, but this type of behaviour is punishable under other provisions, in particular Article 190 of the Penal Code (punishable threat), Article 191 of the Penal Code (coercion into a certain behaviour), Article 207 § 1 of the Penal Code (ill-treatment) or Article 190a of the Penal Code (mobbing, persistent harassment). Verbal sexual harassment may also be classified as an offence under Article 216 of the Criminal Code (insult). Therefore, all circumstances that can be defined as verbal sexual harassment are subject to assessment in the light of criminal law and the perpetrator of such behaviour can be held criminally liable.

On the basis of civil law, in order to defend one's rights, it is possible to act on the basis of article 24 of the Civil Code on measures for the protection of personality rights. Terms such as "chastity", "sexual integrity", "freedom of sexual life", "the sexual integrity of the person", "dignity" and "respect" are part of personal rights within the meaning of article 23 of the Civil Code. Sexual harassment, including verbal harassment, can be assessed as behaviour that threatens or violates these personal rights. According to Article 24 § 1 of the Civil Code, in case of a threat to personal rights, it is possible to request the abandonment of such behaviour, unless it is not illegal. In the event of a violation, the perpetrator may be required to take the necessary measures to remedy the violation, in particular to make a declaration of appropriate content and form. According to the principles of the Civil Code, it is also possible to demand pecuniary compensation or the payment of an appropriate sum of money for a designated social purpose. If the infringement of personal rights has also resulted in material damage, the injured party may demand compensation for this according to general principles (Article 24 § 2 of the Civil Code).

The Labour Code addresses the issue of sexual harassment - sexual harassment is, according to Article 183a § 6 of the Labour Code, any unacceptable behaviour of a sexual nature or related to the sex of a worker which has the purpose or effect of violating the dignity, degrading or humiliating the worker. This behaviour may consist of physical, verbal or non-verbal elements.

The employer shall be liable for sexual harassment in so far as it was committed by him or her and he or she did not prevent it. A worker acting on behalf of the employer, the representative or having a hierarchical relationship with the victim worker may also be held liable for sexual harassment. A person who is harassed may seek legal protection by the court, on the basis of labour law, criminal law or civil law.

Polish law does not introduce any restrictions on the subject of sexual violence against current or former spouses or partners.

The offence of rape is defined as conduct consisting in breaking the resistance of the victim, the definition being open to interpretation in accordance with the Convention. The court, in the circumstances of a given case, has the possibility to take into account the victim's disagreement, understood as the absence of express consent. Cases in which, although the victim's consent was given for sexual intercourse or performance/submission to another sexual activity, it was not voluntary, as well as cases in which the victim was not able to recognize the meaning of the act and to direct his or her behaviour are also punishable (Criminal Code: Article 197 - threat and deception, Article 198 - use of impotence or inability to recognise the meaning of the act or to direct one's behaviour, Article 199 - abuse of the relationship of dependence or use of a critical position of the victim). Taken together, the provisions of Chapter XXV of the Criminal Code (Offences against sexual freedom and modesty) are fully consistent with the requirement to criminalize all cases of involuntary sexual contact (Article 36 of the Convention).

Under Polish law, a person over 15 years of age is capable of consenting to sexual acts.

Acts such as forced marriage, female genital mutilation, forced sterilization are not recorded in Poland, and therefore they are not explicitly mentioned in the Penal Code. If such acts occurred, forced marriage would be qualified as coercion to certain conduct (Article 191 § 1 of the Criminal Code), and luring aimed at forcing a marriage would be qualified as aiding or abetting unlawful coercion to certain conduct (Article 18 § 3 of the Criminal Code in conjunction with Article 191 § 1 of the Criminal Code). Female genital mutilation would be classified as a health offence (Article 156 or Article 157 of the Criminal Code) and forcing or inciting a woman to undergo such mutilation would be classified as coercion (Article 191 § 1 of the Criminal Code). Forced abortion and forced sterilization would be qualified as coerced abortion (article 153 of the Criminal Code) and serious damage to health (article 156 of the Criminal Code), respectively. The various elements of sexual harassment are specified in the Criminal Code as follows:

- article 190a - harassment resulting in invasion of privacy,
- article 191 - coercion to specific behaviour,
- article 197 § 2 - conduct leading to submission to another sexual act,
- article 216 - insult,
- article 217 - injury to physical integrity.

Sexual harassment may also, depending on the seriousness of the act, be classified as indecent behaviour under section 140 of the Contraventions Code.

Apart from criminal liability, civil liability is possible (Article 24 of the Civil Code - measures to protect personality rights).

With regard to aiding or inciting psychological violence, harassment, sexual violence (including rape), forced marriage, female genital mutilation, forced abortion and forced sterilisation, the court shall, in accordance with Article 19 § 1 of the Criminal Code, impose a penalty for incitement or aiding, within the limits of the penalty prescribed for the given offence.

In the event of an attempt, in accordance with Article 14 § 1 of the Criminal Code, the court shall impose a sentence within the limits of the penalty prescribed for the given offence.



Public provocation to commit an offence is also punishable, as is public praise of its commission (art. 255 of the Penal Code).

Annex 4 - Criminal Code, penalties for offences

Appendix 5 - Persons tried by type of offence classified as family violence

#### **D. Guidelines regarding the type and level of criminal sanctions (articles 42, 43, 45, 46 of the Convention)**

The guidelines on the type and level of criminal sanctions set out in article 53 of the Criminal Code. The court pronounces the sentence at its discretion, within the limits provided for by law, ensuring that its severity does not exceed the degree of harm, taking into account the degree of social harmfulness of the act and taking into account the preventive and educational objectives to be achieved in respect of the convicted person, as well as the needs for the formation of the legal awareness of society. In imposing the sanction, the court shall take into account the motivation and behaviour of the offender:

- the fact that an offence has been committed to the detriment of a person who is vulnerable by reason of age or health, or that an offence has been committed in association with a minor,
- the type and degree of breach of the offender's obligations,
- the type and extent of the negative consequences of the offence,
- of the author's personal characteristics and conditions,
- lifestyle before and behaviour after the commission of an offence, in particular the effort to remedy the harm or otherwise compensate for the violation of the social sense of justice.

The interpretation of factors such as the degree of social harm, motivation, characteristics and personal conditions of the offender enables the judge to adopt, in the course of criminal proceedings, an interpretation which takes into account the requirements of article 46, letter a), of the Convention.

Article 53 of the Penal Code did not provide for all the conditions set out in article 46 of the Convention, but it was an open list, and the Polish court could also find other aggravating or mitigating circumstances.

With regard to previous convictions for offences (Article 46 (i) of the Convention), the Criminal Code provides that if a person sentenced to deprivation of liberty for an intentional offence commits, within five years after having served at least six months of the sentence, an intentional offence similar to the offence for which he has already been convicted, the court may impose a sentence of up to the upper limit of the statutory penalty for that offence, increased by half (Article 64 § 1 of the Criminal Code). If the offender, previously convicted under Article 64 § 1 of the Criminal Code, has served at least one year of a custodial sentence and, within 5 years after the end of his last sentence, commits again an intentional offence, in particular against life or health, or rape, the court shall impose a custodial sentence exceeding the lower limit of the penalty provided for in the Code, and may impose it up to the upper limit of the penalty increased by half (Article 64 § 2 of the Criminal Code).

Offences corresponding to the acts referred to in Articles 33-39 of the Convention are considered in the Polish legal order as ordinary offences, with the exception of the offence of abuse committed to the detriment of a person who is closest to or in a relation of dependence, which is considered as an individual offence. A common law offence may be committed by any person who can be attributed the capacity to bear criminal responsibility and regardless of the nature of the relationship between the victim and the perpetrator. However, the relationship between the victim and the perpetrator may increase the penalty, e.g. in the case of rape - if the perpetrator commits rape on an ascendant, descendant, adopter, brother or sister (Article 197 §

3 point 3 of the Criminal Code), he or she is liable to a custodial sentence of at least 3 years (in other cases of leading another person to sexual intercourse by means of violence, unlawful threat or deception, the minimum sentence is 2 years).

An individual offence may be committed by a person with strictly defined individual characteristics (as regards Article 207 § 1 of the Criminal Code, this is the person closest to the victim, the person on whom the victim is dependent). In this case, the penalty provided for in the Criminal Code is adapted to the constituent elements of the offence. If there is no such relationship between the victim and the offender, general provisions apply.

In the case of conduct that meets the constituent elements of an offence under the Criminal Code, its justification by circumstances such as culture, custom, religion, tradition or so-called "honour" may be considered by the court as an aggravating circumstance in considering the penalty on account of its motivation, which must be treated as deserving special punishment.

### **E. Sanctions and other measures (article 45 of the Convention)**

In sentencing an accused person, the court may order, inter alia, the following criminal measures:

- the prohibition to hold a specific post, to exercise a specific profession or to engage in a specific economic activity,
- the prohibition of activities related to the education, health care, instruction or care of minors,
- the prohibition to be in certain environments or places, to contact certain persons, to approach certain persons or to leave a certain place of residence without the consent of the court,
- the order to leave the premises occupied jointly with the injured party for a certain period of time.

When suspending the execution of a sentence, the court shall oblige and, if it decides on a criminal measure, may oblige the convicted person, inter alia, to:

- apologize to the injured party,
- fulfilling its obligation to provide for the maintenance of another person
- abstain from the use of alcohol or other drugs,
- go into addiction therapy,
- undergo therapy, including psychotherapy or psychoeducation,
- participate in remedial and educational programs,
- refrain from contacting or approaching the victim or others in any particular way,
- leave the premises occupied jointly with the injured party,
- adopt appropriate behaviour during the trial period to prevent recidivism.

When imposing an obligation to refrain from contacting or approaching the victim or other persons in a particular way, the court shall specify the minimum distance that the convicted person is required to maintain. When imposing an obligation on the perpetrator of a violent crime or an unlawful threat against a person close to him/her to leave the premises which he/she occupies jointly with the victim, the court shall determine how the convicted person may contact the victim.

In 2009, an electronic surveillance system was introduced, one of the functions of which is to protect victims of crime by electronically monitoring compliance with the victim's restraining order.

Appendix 6 - Measures imposed on persons convicted of offences classified as family violence

## Appendix 7 - Criminal measures imposed on persons convicted of offences classified as family violence

With respect to monitoring the behaviour of persons previously convicted of family violence, adult probation officers submitted in 2017 :

- 671 applications for orders to execute a conditional custodial sentence, and of the 662 applications considered, 483 were granted,
- 81 applications for revocation of parole, 55 were granted.

In 2018, adult probation officers submitted:

- 368 applications for orders to execute a conditional custodial sentence, out of 375 applications examined, 285 were granted,
- out of 52 applications for revocation of parole, 48 were granted.

Courts and prosecutors submit, through the Minister of Justice, requests for another state to release a person against whom criminal proceedings have been instituted, in order to carry out legal proceedings or to execute an imposed custodial sentence. The decision to submit such a request is taken after consideration of the circumstances of the given case. The request shall be accompanied by a copy of the decision on remand in custody with a justification or, where appropriate, a copy of the judgement. A request for surrender (extradition) may be made after a decision on remand in custody or after a conviction.

With regard to extradition requests arriving in Poland, surrender may be refused, inter alia, if the offence is prosecuted by a private person under the law of the requesting State, if the offence is punishable by imprisonment for up to one year or a lesser penalty or if it has been ordered. Decisions on the admissibility of extradition are taken on a case-by-case basis by the court after consideration of the circumstances of the case.

The Penal Code does not provide for the imposition of a measure of deprivation of parental rights on the offender. The court, when it deems it appropriate to deprive or limit parental or guardianship rights in the case of an offence against a minor or committed in association with a minor, shall inform the family court thereof. In addition, the criminal court must always inform the family court if it considers that the best interests of the child are at stake.

### **F. Prohibition of compulsory recourse to alternative dispute resolution, including mediation and agreement (article 48 of the Convention)**

In preparatory and judicial proceedings in criminal matters, the investigating authority may, on the initiative or with the consent of the defendant and the victim, refer the matter to an institution or person empowered to do so, with a view to mediation between the victim and the defendant. The participation of the defendant and the victim in the mediation procedure shall be voluntary.

Mediation in civil matters is governed by the Code of Civil Procedure. In cases where the conclusion of an agreement is acceptable, at every stage of the proceedings the court shall endeavour to settle the case by agreement, including by encouraging the parties to mediate. The court, assessing the complexity of the case and the relations between the parties to the proceedings, and especially their willingness to mediate, may refer the parties to mediation at any stage of the proceedings.

Mediation in civil proceedings is voluntary, it is carried out prior to the commencement of the proceedings and, with the consent of the parties, also during the course of the case. A person, even if an agreement on mediation has been reached, cannot be forced to participate in mediation, to continue mediation and to reach an agreement.

At any stage of a divorce or separation case, the court may refer the parties to mediation in order to settle amicably the contentious issues concerning the satisfaction of family needs, maintenance, the exercise of parental authority, contact with children and property issues to be settled in a judgment pronouncing a divorce or separation.

Work is continuing on introducing a solution to precede a divorce or separation with a family information procedure. The obligation to participate in this procedure will apply only to parties with common minor children. Mediation will not be initiated if one of the spouses is found guilty of an intentional offence to the detriment of the spouse or their common child (e.g. an offence of intimidation) and also when the spouse is accused of such acts. If the aggrieved spouse decides otherwise, a mediation procedure may be conducted.

## **VI. Preparatory proceedings, prosecutions, rules of procedure and protective measures**

### **A. Reporting family violence and abuse (articles 27, 28 of the Convention)**

Under article 304 § 1 of the Code of Criminal Procedure, any person who has become aware that an offence prosecuted ex officio has been committed is required to inform the public prosecutor or the police.

State and local government institutions which, in the course of their activities, have become aware of an offence prosecuted ex officio, are obliged to inform the public prosecutor or the police immediately, and are also obliged to take the necessary measures to prevent the erasure of traces and evidence of the offence, until the arrival of the authority designated to prosecute the offence or the issuance of an order of protection against the erasure of traces and evidence.

The Law on Combating Family violence obliges persons who, in the course of their official or professional duties, have come to suspect that someone has committed an offence prosecuted ex officio using family violence, to report it to the Police or the prosecutor. According to the law, witnesses of family violence must report to the Police, the prosecutor or any other entity acting to combat family violence.

Within the framework of improving the competences of services and representatives of entities performing tasks related to the fight against family violence, in 2017 and 2018 in 11 voivodships, the coordinators of the implementation of the National Programme for Counteracting Family violence have developed 14 teaching materials, recommendations and procedures for intervention in crisis situations related to family violence.

The Code of Civil Procedure imposes an obligation on any person who is aware of the event justifying the initiation of proceedings ex officio to notify the Guardianship Court. This obligation is primarily incumbent on civil registry offices, courts, public prosecutors, notaries, bailiffs, local and government administration bodies, police authorities, educational institutions, social workers and organisations and institutions dealing with children or mentally ill persons (Article 578 § 1 and 2).

On 7 April 2014, the Minister of Health issued a communication on the assistance to be provided by medical personnel to victims of crime:

- Following the amendment of the Criminal Code (the Act of 13 June 2013 amending the Act - Criminal Code and the Act - Code of Criminal Procedure), article 205 of the Criminal Code, which provides for a request to prosecute offences against sexual freedom and decency, has been repealed, as a result of which sexual violence and rape have become an offence prosecuted ex officio - it follows that when medical personnel suspect that they are

confronted with the victim of sexual violence, they must notify the prosecutor or the police of their suspicion of an offence,

- The Law on Combating Family violence provides that persons who, in the course of their official or professional duties, have come to suspect that someone has committed an offence prosecuted ex officio by using family violence, have an obligation to report it to the Police or the prosecutor,
- all actions undertaken and carried out by representatives of the health care system in relation to a justified suspicion of family violence are defined by the "Blue Card" procedure; failure to act under the "Blue Card" procedure means that a threat to the health or life of the victim persists.

Staff in the education system have access to the following materials developed by the Centre for the Development of Education:

- "Legal Aspects of Family violence",
- The material "Family violence - actions of educational staff", which explains how to recognise whether a child is a victim of family violence, how to contact parents and how to provide support and assistance to a child victim of violence, also presents the legal acts in force, as well as a tool for examining a child's situation (questionnaires for assessing the risk of family violence) and algorithms for dealing with suspicions of family violence,
- "The "Blue Card in Education" procedure, including the following elements
  - a questionnaire about the risk of family violence against a child, called a "signal list", to help make an initial assessment of the child's safety within the family, to be completed if there is a suspicion that the child is being abused,
  - an algorithm for dealing with suspicions of family violence against a child - "guidelines for action" to be taken with respect to the child and his or her family,
  - "A Guide for Education Personnel. Treatment of violence against children".

## **B. Prompt and adequate law enforcement response to all cases of family violence, assessment of the seriousness of the situation and the risk of death (articles 18, 49, 50, 51 of the Convention)**

There is no separate structure to combat family violence within the Police. In each police station, there are units that conduct preparatory criminal proceedings and are therefore competent for cases of suspected offences against family members. On the other hand, in each Police station (at the level of the powiat, city, region and voivodship) and in the Police Headquarters, there are officers responsible for coordinating actions in the field of combating family violence.

The Police, in accordance with the tasks defined in the Police Act, after becoming aware of the possibility that an unlawful act may be committed, acts in accordance with the procedure defined in the Code of Criminal Procedure and the Act on Combating Family violence.

If a police officer becomes aware that family violence has occurred, he or she must initiate the "Blue Card" procedure and take steps to ensure the safety of the potential victim of family violence. These activities consist of:

- provide the necessary assistance, including first aid,
- organizing access to health care if the person needs it,
- take, where appropriate, other measures necessary to ensure the protection of life, life and property, including direct coercion and detention of a person suspected of having committed family violence,
- carry out, on the spot, in urgent cases, procedural steps to the extent necessary to preserve traces and evidence of the infringement,

- as far as possible, inform the person suspected of having committed family violence, in particular about criminal liability for physical or mental violence inflicted on a relative or other person in a permanent or temporary dependent relationship, or on a minor or a person who is vulnerable because of his or her mental or physical condition, and call for behaviour in accordance with the law and the rules of civil coexistence,
- take action to prevent risks that may arise within the family, in particular by carrying out systematic visits to check the safety of a potential victim of family violence, based on the needs identified by an interdisciplinary team or working group.

From 2013 the Police use a "Practical Manual for Police Officers - Risk Assessment of Individual Cases of Family violence", which prepares police officers to assess the level of risk to life and health related to family violence and defines algorithms for police intervention. The risk to life and health is estimated using two types of questionnaires, which provide a consistent picture of the risk to life and health of victims of family violence. The first questionnaire is used for risk assessment and to facilitate decision-making in interventions in connection with family violence against adults, while the second questionnaire is used in cases of violence against children.

The Police also use a "Questionnaire for Individual Victim Needs Assessment", which is used to properly assess the needs of victims.

In order to prevent secondary victimisation (widely understood) in the case of offences of a sexual nature, the "Procedure of the Police for dealing with a person who has been subjected to violence of a sexual nature" has been introduced. The procedure (Guidelines No. 1 on the exercise of certain investigative activities by Police officers, issued on 23 July 2015 by the Commander-in-Chief of the Police) indicates how activities with the participation of persons who have suffered a sexual offence should be conducted, taking particular care to avoid stereotypical and prejudicial questions and comments concerning the event, appearance, behaviour of the victim, as well as to avoid judging and assessing the situation. The procedure also indicates what assistance should be provided to the victim (psychological, legal, medical support).

#### Annex 8 - Police activities (ongoing interventions and procedures)

With regard to preparatory proceedings in cases of family violence, prosecutors are obliged to immediately undertake the measures specified in the Code of Criminal Procedure for the benefit of the injured parties and to apply the Prosecutor General's Guidelines of 22 February 2016 on the rules of conduct of organizational units of the Public Prosecutor's Office in dealing with family violence. The guidelines are binding on all authorities authorized to conduct preparatory proceedings, and are therefore also applied by police officers.

The guidelines require a special focus on this category of offences as soon as a well-founded suspicion of such an act is raised. In addition, they oblige to provide the injured party with information and instructions concerning procedural rights and rights arising from the Law on Combating Family violence, in particular with regard to forms of assistance, including assistance provided within the framework of programmes for combating family violence established by gminas, powiats and voivodships, as well as assistance provided by specialised support centres for victims of family violence and by non-governmental organisations.

The Prosecutor General's Guidelines of 18 December 2015 on the Rules of Procedure for the Prosecution of Rape Offences indicate that prosecutors must proceed in a manner that takes into account the well-being of the injured parties and respects their dignity, bearing in mind that these activities affect the intimate sphere of private life. The lines also indicate that victims

should be treated with tact, culture and professionalism, in particular to prevent secondary victimisation.

The prosecutor is obliged to inform the injured party, in a comprehensive and comprehensible manner, of his or her rights during the criminal proceedings, including the possibility of submitting requests to carry out investigation or prosecution activities, the right to refuse to testify concerning the suspect (accused) if he or she is the closest person and the consequences of exercising this right at a later stage of the criminal proceedings, the possibility of appointing counsel on his or her own initiative or submitting a request to appoint counsel ex officio. If the injured party requests the appointment of counsel ex officio, the prosecutor shall immediately request the court to appoint counsel.

A victim shall be informed of the possibility of obtaining psychological assistance from entities that have received a grant for this purpose from the Victims Assistance and Post-Penitentiary Assistance Fund.

In accordance with the Law on Protection and Assistance to Victims and Witnesses, the person exercising the rights of a minor victim is also informed about the possibility of submitting a request for the prosecutor to apply for psychological assistance to the competent services.

Regardless of the form of the preliminary proceedings, the prosecutor, in accordance with the instructions of the Prosecutor General, must consider taking over the examination of injured parties and key witnesses, and must draft and submit to the court a request for a special hearing of a minor victim of violations of liberty, sexual freedom and decency, family and guardianship, and a request for special questioning of minor witnesses in cases of offences against sexual freedom and decency, against the family and guardianship, as well as victims of violent offences or unlawful threats against freedom, family and guardianship and of a sexual nature (including children under 15 years of age).

The prosecutor is obliged to check whether the "Blue Card" procedure has been initiated. If such proceedings have not been initiated, he is obliged to initiate them.

In the preparatory proceedings the prosecutor is obliged to use the data and information collected during the "Blue Card" procedure.

If during the preparatory proceedings a circumstance is established which indicates the existence of an imminent threat to the life or health of a child due to family violence, the prosecutor is obliged to immediately inform the social worker, in order to initiate the procedure to remove the child from the family and place him/her with another close person who does not live with the perpetrator of the violence or in a foster family or in a care and education institution.

In the event of obtaining information on the existence of an unlawful threat or violence against an injured party or a witness, the prosecutor is obliged to take action to clarify the circumstances of such events, and in the event of justified suspicion that an offence has been committed, he must initiate criminal proceedings.

In cases where there are preconditions for the application of protection and assistance measures provided for in the Law on Protection and Assistance to Victims and Witnesses, the prosecutor, after obtaining the consent of the injured party or witness, must request the competent Police Commander to take appropriate protection and assistance measures. If the victim intends to travel to another Member State of the European Union, he or she should be informed of the possibility of issuing a European protection order at his or her request.

During court proceedings in cases of offences related to family violence, prosecutors should be particularly active, including reacting to manifestations of violation of the dignity of the injured party. If necessary, and in accordance with legal requirements, they may request that the hearing

be held in camera and that a witness be heard after the accused has left the courtroom, or that the victim or witness be heard by means of technical devices enabling remote interrogation with simultaneous direct transmission of video and audio.

In view of the special situation of victims of family violence, prosecutors, when they obtain information that a person sentenced to a suspended custodial sentence for a violent offence or an unlawful threat against a family member or a minor living with him/her, during the probation period, by using violence or unlawful threat against persons living with him/her again, is in any case in flagrant violation of the law, must in any case ask the court to order the execution of the sentence.

### **C. Emergency prohibition orders, injunctive or protective orders (Articles 52, 53 of the Convention)**

In order to protect the victim, as a preemptive measure, the suspect, in the course of investigation proceedings, or the accused, in the course of judicial proceedings, for a violent offence committed against a person who shares the home with him, may be ordered to temporarily leave the premises occupied jointly with the victim when there is a well-founded fear that the suspect or accused will commit a violent offence against the same person again, in particular when he has threatened to do so.

In preparatory proceedings, a preventive measure of leaving the premises is applied by the prosecutor, either at the request of the Police or ex officio.

The Police may request this preventive measure when the following conditions are cumulatively met:

- the person is detained because of a well-founded suspicion that he or she has committed a violent offence against a person who shares the home with him or her, and there is reason to fear that he or she will commit a violent offence against that person again, particularly where he or she has threatened to do so,
- the person is detained because of a well-founded suspicion that he or she has committed the above-mentioned offence with a firearm, knife or other dangerous object, and there is reason to fear that he or she will commit a violent offence against the person sharing the home with him or her again, particularly where he or she has threatened to do so,
- the person was arrested less than 24 hours ago.

A request to leave the premises must be considered within 48 hours from the time of detention of the person concerned.

A measure in the form of an order to temporarily leave the premises occupied jointly with the injured party shall be applied by the prosecutor for a maximum period of 3 months, and if the preconditions for its application do not cease, it may be extended for additional periods, each not exceeding 3 months, at the request of the prosecutor, by the court of first instance competent to hear the case.

The order to leave the premises and the decision to extend the duration of this preventive measure are subject to appeal.

If the suspect or accused person, although ordered to leave the premises, has not done so, other preventive measures, including isolation (preventive detention), may be taken.

In all cases of suspicion of a crime of family violence, where there are no grounds for requesting a preventive measure in the form of pre-trial detention, the prosecutor must consider the appropriateness of a preventive measure in the form of a temporary order to leave the premises occupied jointly with the victim if there is a well-founded fear that the suspect will repeat the violent crime against the victim, particularly where he has threatened to do so.



According to the Law on Combating Family violence, protection of the victim can also be implemented in civil proceedings. If a family member who shares a home makes living together particularly difficult because of his or her violent behaviour, the person affected by the violence may apply to the court to force him or her to leave the home. The hearing must take place within one month of receiving the application and the order becomes enforceable as soon as it is issued. It can be changed or revoked if circumstances change.

On December 28, 2017, the Minister of Justice's Regulations - Regulations of the Common Law Courts was amended. Cases concerning the request to the violent person to leave the premises have been added to the catalogue of urgent cases.

In order to increase the efficiency and speed of proceedings in cases concerning the obligation of the violent person to leave the jointly occupied apartment and to increase the effectiveness of the protection of persons affected by violence, it is planned to introduce in the Code of Civil Procedure separate proceedings in cases concerning the obligation to leave the jointly occupied apartment and its immediate surroundings and the prohibition to approach the apartment and its immediate surroundings. The procedure for notification by the court, the time limits for issuing the decision, the provision of security and the immediate enforceability of the decision will be specified. The amendment to the Police Act will give the Police the power to order the violent person to immediately leave the jointly occupied apartment and its immediate surroundings, or to prohibit the violent person from approaching the apartment and its immediate surroundings; the order will be subject to judicial review. The draft is at the legislative stage.

Annex 9 - Preventive Measures

Appendix 10 - Cases Concerning the Family violence Perpetrator's Obligation to Leave Premises Occupied Jointly with an Affected Family Member

Public prosecution units do not collect data on the extent of non-compliance with the order to leave the premises occupied jointly with the injured party or on the number of sanctions imposed as a result of such non-compliance.

As part of the enforcement procedure, probation officers shall prevent the perpetrators of family violence from coming into contact with the persons concerned by applying to the court for criminal or probation measures against persons using family violence.

#### **D. Protective measures available during the investigation and judicial proceedings (articles 54, 56 of the Convention)**

Poland has fully implemented Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 on minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA. Victims shall be protected from:

- protection and assistance measures referred to in the Law on Protection and Assistance to Victims and Witnesses,
- criminal measures - the prohibition for the offender to be in certain environments or places, to contact certain persons, to approach certain persons or to leave a certain place of residence without the court's consent, and an order to temporarily leave the premises occupied jointly with the victim,

- probation measures - orders to refrain from being in certain environments or places, to refrain from contacting or approaching the victim or other persons in a certain manner, to leave premises occupied jointly with the victim, or to engage in appropriate behaviour during the probationary period to prevent re-offending,
- security measures - electronic monitoring of the offender's location.

At the investigative stage, the victim has party status. Before the first hearing, or immediately after the identification of the victim, if the court decides not to question him or her, the victim shall be informed of his or her status as a party to the investigation and of his or her rights as a party to the investigation, in particular: (a) to submit requests for the conduct of the investigation or prosecution and the conditions for participation in such activities, (b) to have recourse to the assistance of counsel, including a request for the appointment of counsel ex officio if it is not possible for the victim to cover the costs of counsel of his or her own choosing without prejudice to the subsistence of the victim and his or her family. The notification to the victim shall also include information on the possibility of reparation of the damage by the defendant or obtaining compensation from the State, access to legal aid, available means of protection and assistance referred to in the Law on Protection and Assistance to Victims and Witnesses, the possibility of obtaining assistance from the Victims Assistance Fund and post-penitentiary assistance, the possibility of issuing a European Protection Order, victim support organisations, the possibility of reimbursement of costs incurred as a result of participation in the proceedings. The notification shall be sent to the victim in writing. If the victim is not heard, the notification shall be served.

The Law on Protection and Assistance to Victims and Witnesses defines the principles, conditions and scope of measures for the protection and assistance to victims and witnesses and their relatives in the event of a threat to their life or health in criminal proceedings conducted or concluded with the participation of the victim or witness. Protective and assistance measures may be applied before the commencement of criminal proceedings if a threat to life or health emerges in the course of operational and exploratory measures or the security investigation. Protective and assistance measures shall include

- protection during the procedural act,
- personal protection,
- the change of residence.

Protection and assistance measures are taken by the Commander of the Voivodship Police/Capital City of Warsaw, in whose district the victim, a witness or their relatives stay, upon request:

- of the victim or witness, presented through an authority responsible for operational or exploratory measures or procedures or through a court of law,
- of the authority responsible for operational and exploratory activities, or for the safety or investigative inquiry, the court, presented with the consent of the victim or witness.

Protection for the duration of a procedural act may be granted in the event of a threat to the life or health of a protected person and may consist in the presence of police officers in the vicinity of the protected person during the procedural act with his/her participation, during the journey to the place where the act was conducted or on the way back.

Protection of the person may be granted in the event of a high threat to the life or health of a protected person in connection with criminal proceedings, if there is a need for long-term protection, in cases falling within the jurisdiction of the regional court of first instance and in cases of offences referred to in Article 197 § 1 and 2 and Article 207 of the Criminal Code, and in particularly justified cases. The protection of persons may consist of

- the permanent or temporary presence of police officers near the protected person,

- temporary observation of the protected person and his or her environment,
- advising the protected person of the safe places where he or she can stay and when and how to move around safely,
- the definition of the extent, conditions and means of contact between the protected person and other persons.

Resettlement assistance may be provided where there is a high risk to the life or health of a protected person in connection with criminal proceedings, where long-term protection is necessary and where other protection and assistance measures may not be sufficient. The assistance shall consist of:

- the provision of temporary accommodation to meet basic living needs,
- help with renting an apartment,
- assistance with moving or organizing the household,
- assistance in important life issues related to the change of residence.

A person who has been helped to change his or her place of residence, who has no means of subsistence and who cannot work because of a threat to his or her life or health may be granted financial assistance to meet his or her basic needs, to cover all or part of the costs of providing temporary accommodation or renting accommodation, or for health care, if he or she is not covered by compulsory health insurance.

In the event of a threat to the mental health of a victim, witness or their relatives, psychological assistance may be obtained from entities that have received a grant for this purpose from the Victims and Witnesses Fund or other entities providing psychological assistance.

It is the duty of the court or the prosecutor to inform the victim, his or her counsel or the person in whose custody he or she is, and, if applicable, a witness, without delay of the revocation, non-renewal or change of the preventive detention to another preventive measure, as well as of the escape of the accused, unless the victim declares that he or she waives this right.

According to the Code of Criminal Procedure, a specific interrogation procedure applies to:

- a victim who was under 15 years of age at the time of interrogation, in cases of offences committed by means of violence or unlawful threat or offences against liberty, sexual freedom and decency, as well as offences against the family and guardianship: she is questioned as a witness only if her testimony may be relevant to the outcome of the case, and only once, unless important circumstances arise that require further questioning or if the accused who did not have defence counsel at the time of the first hearing of the victim so requests.
- a witness under 15 years of age at the time of questioning, in cases of offences committed through the use of violence or unlawful threat, or offences against sexual freedom and decency and against the family and guardianship: he or she shall be questioned if his or her testimony may be relevant to the outcome of the case,
- a victim of rape or submission to another sexual act, who has reached the age of 15 years at the time of questioning: she will be questioned as a witness only if her testimony may be relevant to the outcome of the case, and only once, unless important circumstances arise that require further questioning.

These hearings take place in suitable rooms, either inside or outside the courthouse (so-called convivial rooms). Pursuant to the amendment to the Code of Criminal Procedure of 19 July 2019, such questioning, during preparatory proceedings, shall be held immediately, no later than 14 days after receipt of the request. It takes place in the presence of the psychologist and the participation of the defence counsel and the victim's representative. At the main hearing, an audiovisual recording of the hearing is broadcast and the minutes of the hearing are read out.

Where it is necessary to conduct further questioning of a victim of an offence of rape or submission to another sexual act who, at the time of questioning, has reached the age of 15 years, the questioning shall be conducted, at the request of the victim, by means of technical devices enabling such act to be carried out at a distance and with direct audio-visual transmission where there is reason to fear that the presence of the accused in the questioning may have a restrictive effect on the victim's testimony or may harm her psychological well-being. In this case, at the request of the victim, it should also be ensured that the expert psychologist participating in the interrogation is a person of the same sex, unless this would impede the proceedings.

In addition, a minor victim who was 15 years old at the time of questioning:

- in the case of an offence committed by the use of violence or unlawful threat or of offences against liberty, sexual freedom and decency, as well as offences against the family and guardianship, shall be questioned in the same manner as a minor under 15 years of age where there is a well-founded fear that the questioning may harm his or her psychological well-being,
- in the case of offences committed by the use of violence or unlawful threat or of offences against liberty, sexual freedom and decency, as well as offences against the family and guardianship, shall be questioned by means of technical devices that allow this act to be carried out at a distance, with simultaneous direct audio-visual transmission, where there is reason to fear that the presence of the accused in the hearing may have a restrictive effect on the witness's testimony or may be detrimental to his or her psychological well-being.

		2017	2018
number of user-friendly interrogation rooms		627	636
number of children interviewed in child-friendly interview rooms	total	10.992	11.066
	boys	4.412	4.464
	girls	6.580	6.602

The criminal procedure provides for the possibility of questioning the victim (witness) in the absence of the accused or by using technical devices that allow this act to be carried out at a distance with simultaneous direct audio-visual transmission.

**E. Ex officio proceedings, private prosecution (article 55 of the Convention)**

Acts punishable under the Penal Code corresponding to the offences referred to in articles 35-39 of the Convention are ex officio offences (except for minor offences for which Poland has made a reservation). The authority designated for the prosecution of offences is obliged to initiate and conduct preparatory proceedings and the prosecution is obliged to bring and support the charge. Immediately after receiving a notification of an offence, the authority designated to conduct preparatory proceedings is obliged to take a decision to open or refuse to open an investigation.

In the case of acts prosecuted ex officio, it is not possible to withdraw the complaint. If the victim withdraws his or her complaint, this would have no legal effect and would not create obstacles to the initiation of proceedings or, if proceedings are already under way, would not terminate them.

**F. Participation of non-governmental organizations in proceedings (article 55 of the Convention)**

A non-governmental organisation may be involved in criminal proceedings if it is necessary to protect a social or individual interest covered by its statutory tasks, in particular the protection of freedoms and human rights. In its application, the organisation must indicate the public or individual interest covered by its statutory tasks and its representative.

The court shall allow the representative of a non-governmental organization to intervene if at least one of the parties consents. However, a party may withdraw its consent at any time. The court shall allow the representative of the non-governmental organization to intervene despite the disagreement of the parties if it is in the interests of justice to do so.

The court has the right to limit the number of representatives of non-governmental organizations present in the case if this is necessary for the proper conduct of the proceedings. The Tribunal then invites the parties to nominate a maximum of two representatives of non-governmental organizations to intervene.

The representative of a non-governmental organization whose intervention has been admitted may attend the hearing, speak and make written statements.

## **VII. Migration and asylum**

### **Introduction**

The subjects of Article 59 of the Convention are spouses and partners as recognised by national law, or former spouses and partners.

The Aliens Act provides for the granting of temporary residence permits for spouses of Polish citizens and foreigners, and also refers to the concept of "family life" within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms. The Court has always held<sup>4</sup> that the protection of the right to family life is also valid in the case of permanent and genuine relations of an informal nature (partnerships) which qualitatively correspond to marriages. Accordingly, the granting of a temporary residence permit is also possible if the foreigner is in a partnership with a citizen of the Republic of Poland or a citizen of another Member State of the European Union, of a Member State of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or of the Swiss Confederation - with whom he resides jointly on that territory.

As regards partnerships where a citizen of a third state or a citizen of a state other than a member state of the European Free Trade Association (EFTA) - a party to the Agreement on the European Economic Area or the Swiss Confederation - leads a family life on the territory of the Republic of Poland with a citizen of another third state, granting of a temporary residence permit is possible in special cases if the foreigner's continued stay in the territory of the Republic of Poland is necessary for the purpose of respecting his/her family life and the foreigner is staying illegally in the territory. Refusal to grant a temporary residence permit may result in a violation of the right to respect for family life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms.

### **A. Residence permits (Articles 59, 61 of the Convention)**

Victims of family violence, including women, may be granted a temporary residence permit due to circumstances requiring a short stay.

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<sup>4</sup>Judgments: of 13 June 1979 in the case of *Marckx v. Belgium*, application No. 6833/74, of 20 June 2002 in the case of *Al-Nashif and others v. Bulgaria*, application No. 50963/99

Pursuant to the Aliens Act, a temporary residence permit may be granted to a foreigner who is in the territory of the Republic of Poland for a short period of time due to circumstances requiring his stay:

- the foreigner is obliged to appear in person before a Polish public authority, or
- the presence of the foreigner in the territory of the Republic of Poland is required by his/her particular personal situation, or
- the presence of the foreigner on the territory of the Republic of Poland is required in the interest of the Republic of Poland.

A permit is issued for a period necessary to achieve the purpose for which it is granted, not exceeding 6 months, with the possibility of granting a subsequent permit.

A foreigner applying for a temporary residence permit due to circumstances requiring a short-term stay is not required to meet general migration requirements, such as having a stable and regular source of income, health insurance and accommodation. A foreigner may apply for a permit also during his/her illegal stay in Poland.

Against a foreigner who has a temporary residence permit, no proceedings aimed at forcing him to return to his state may be instituted and the proceedings already instituted shall be discontinued. Moreover, if the foreigner has a permit, the decision to force him/her to return to his/her state will not be enforced.

In the event of divorce or separation, the Aliens Act provides for the possibility of granting a temporary residence permit to a foreigner who has been in a marriage recognized by Polish law with a Polish citizen or a foreigner who has the status enabling him/her to obtain a temporary residence permit for the purpose of family reunification. A foreigner holding a temporary residence permit for a family member of a citizen of the Republic of Poland is granted a subsequent permit in case of divorce or separation, if his/her important interests so require, or if the foreigner is widowed. This permit is granted once for a maximum period of 3 years.

A foreigner staying in the territory of the Republic of Poland on the basis of a temporary residence permit for the purpose of family reunification shall be granted a temporary residence permit if his/her important interest so requires, in case of divorce, separation or widowhood of such foreigner, if he/she was married to a foreigner residing in the territory of the Republic of Poland, as recognized by Polish law. Such permission is granted once for a maximum period of 3 years.

The Aliens Act provides for solutions protecting illegally staying aliens from the obligation to return to their states of origin, in particularly justified cases. The competent authority of the Border Guard examining the return of the alien (at the stage of taking a decision on the obligation to return and at the stage of execution of the decision) is obliged to grant the alien a residence permit on humanitarian grounds in the following cases:

- whether the return would take place in a state where, within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms:
  - the alien's right to life, liberty and personal security would be threatened,
  - the foreign national could be subjected to torture or inhuman or degrading treatment or punishment,
  - the foreigner could be forced into forced labour,
  - the foreigner could be deprived of the right to a fair trial or be punished without any legal basis,
- whether the obligation to return would violate the alien's right to family or private life within the meaning of the Convention for the Protection of Human Rights and Fundamental Freedoms,

- whether return would violate the rights of the child set out in the Convention on the Rights of the Child to an extent that seriously impairs the child's physical and mental development.

In individual cases, a "residence permit on humanitarian grounds" is also granted in connection with the experience of family violence.

## **B. Procedure for granting refugee status (article 60 of the Convention)**

The Act on granting protection to aliens on the territory of the Republic of Poland defines a refugee and a specific social group. Membership in a specific social group and, in a given case, in a group of women victims of violence in a given state may be the basis for granting refugee status. Persecution may include, inter alia, acts directed against persons on account of their gender or young age. The authority conducting the procedure for granting international protection shall determine whether the acts which the applicant has suffered or may suffer on account of his or her gender constitute persecution or expose him or her to a real risk of suffering serious harm.

Pursuant to the Act on granting protection to aliens on the territory of the Republic of Poland, applications for granting protection are submitted by an alien at the state border when entering the territory of Poland, through the Commander of the Border Guard unit or the Commander of the Border Guard post. In the case of an alien who is in a guarded centre, a remand centre for aliens, a remand centre or a prison, the application for international protection is submitted through the commander of the Border Guard unit or the commander of the Border Guard unit competent for the locality where the guarded centre, the remand centre for aliens, the remand centre or the prison is located.

The submission of an application for international protection on behalf of a spouse and his/her minor child requires the written consent of that spouse, and the Border Guard, before accepting an application for international protection, shall inform the spouse on whose behalf the applicant intends to make the application, separately, of the consequences of making such an application, of the right to request to be heard and of the right to make a separate application for international protection.

The Border Guard shall ensure that the filing of an application for international protection and the hearing shall take place without the participation of other persons whose presence the applicant has not agreed to, under conditions which guarantee an adequate degree of confidentiality and allow the applicant to fully explain the reasons for filing the application for international protection. To this end, the authority responsible for the procedure shall ensure, at the request of the applicant, that he or she is interviewed by a person of the same sex, if the circumstances of the case indicate that this will allow the application for international protection to be fully explained. The free assistance of an interpreter who speaks the language the applicant understands shall be provided if necessary and, at the request of the applicant, the assistance of an interpreter of the same sex, if the circumstances of the case indicate that this will enable the application for international protection to be fully explained.

The Border Guard provides transport to the reception centre for disabled persons, elderly persons, single parents and pregnant women who are the subject of an application for international protection.

The authority conducting the procedure for granting international protection shall take a single decision on the applicant and other persons on whose behalf he or she is acting, unless the issuing of a single decision would result in the disclosure of a particular situation of the applicant or of a person on whose behalf he or she is acting which could jeopardise their interests, including issues relating to gender-related persecution.

If the application for international protection concerns a person who may be in need of special treatment, such as a pregnant woman, a person bringing up a child alone, a victim of psychological, physical, including sexual violence, as well as because of, inter alia, his/her gender, the Head of the Aliens Office shall consider whether this person is in need of special treatment in the procedure for granting international protection or for the purpose of granting social assistance. Medical or psychological examinations may be carried out for this purpose. The procedure for granting social assistance to a foreigner applying for international protection as a member of a vulnerable group is specified in the "Procedure for the Treatment of Foreigners Requiring Special Treatment in Social Assistance" of 2018.

A person with special social assistance needs may be provided with appropriate accommodation (e.g. in a centre adapted to the needs of persons with disabilities, in a centre reserved exclusively for women or women with children, in a care and custody centre or in a hospice) or be placed in alternative care.

At the request of a foreigner who requires special treatment, in cases justified by his/her needs, the procedural acts of granting international protection shall be performed by a person of the same sex or with the participation of a psychologist, doctor or interpreter of the sex indicated by the foreigner. In the case of additional diagnostic and laboratory tests concerning a foreigner applying for international protection, the foreigner's request concerning the sex of the person performing the tests may be taken into account if there are no particular difficulties associated with it.

A foreigner admitted to the centre has the right to access information on procedures for combating and responding to cases of violence, including sexual or gender-based violence.

If an alien is released from the guarded centre (due to the expiry of the detention period specified in the court decision, or on the basis of the decision of the Border Guard, or on the basis of the decision of the Head of the Aliens Office) and is directed to the reception centre, and in the case of a disabled person, an elderly person, a lone child or a pregnant woman, the Border Guard shall provide transport to the reception centre and, in justified cases, food during this transport.

Medical personnel are obliged to participate in the process of identifying vulnerable aliens in the procedure for granting international protection or social assistance (accommodation and meals) to them, in particular through :

- of the doctor's participation in the Epidemiological Filter tests,
- psychological counseling,
- the participation of a psychologist in an interview conducted as part of a procedure for granting international protection.

### **C. Other provisions**

The National Agency for the Resolution of Alcohol Problems had published a brochure of the State Service for Assistance to Victims of Family violence "Blue Line" in English and had translated it into Russian, Ukrainian, Vietnamese and Arabic.

Since 2010, a centre for foreigners - women and women with children who have applied for international protection and are covered by social assistance - has been operating in Warsaw, financed from the State budget. The centre has 150 places, which are usually 70-80% used.

The centre guarantees safe living conditions and meets the health, psychological and social needs of the victim of violence and his/her relatives (medical assistance, psychological consultations). If the victim of violence so wishes and if necessary, legal aid is provided to initiate criminal proceedings against the perpetrator of violence. Free legal assistance is provided by the Association for Legal Intervention.



In addition, there were non-governmental organizations offering various types of support: psychological counselling for women and children was provided by the Polish Migration Forum, in 2018 and 2019, there had also been workshops for women and girls on family violence and training on how to prevent violence, in particular sexual harassment at work and in the public space, non-violent communication, assertiveness training and the legal and psychological aspects of harassment.

In 2013, a differentiation of supervised centres for foreigners was carried out in order to optimize the conditions of stay and prevent possible adverse events resulting from gender differences. It currently exists:

- a supervised centre for families with children, single women and unaccompanied minors,
- two supervised centres for families with children and single women,
- three guarded centers for single men.

According to the "Agreement of 25 March 2008 on Standard Procedures for Recognition, Response and Intervention in Cases of Sexual and Gender-Based Violence against Foreigners Staying in Centres for Asylum-Seekers", the parties to which are the Head of the Aliens Office, the Commander-in-Chief of the Police, the Office of the United Nations High Commissioner for Refugees, the "La Strada" Foundation and the Centrum Pomocy Prawnej im. Haliny Nieć (Halina Legal Aid Centre Nieć), a team operates in each of the centres for foreigners, consisting of

- an employee of the Aliens Office responsible for the centre,
- an officer from the local police unit,
- a representative of the non-governmental organization party to the agreement or of another invited organization.

Activities are undertaken to involve in the work of the teams representatives of the educational institutions that the foreign children attend, local government representatives and Border Guard officials.

The team meets at least once a quarter in the centre.

The main tasks of the teams are as follows:

- ensure security in and around the centres,
- monitor the situation in the centres,
- to ensure the prevention and resolution of conflicts between centre residents,
- identify cases of violence and react immediately to potential and existing threats by centre staff and police officers,
- monitor the degree of risk of violence and past situations in families where violence has occurred.

When responding to cases of violence, team members shall take measures to ensure the safety of the victim or potential victim of violence and his/her family members, including moving to another centre or providing a cash benefit to live outside the centre, restricting access by the perpetrator or person posing a risk to the victim or potential victim of violence by moving the perpetrator or potential perpetrator to another centre, depriving the perpetrator of the assistance provided in the centre.

In addition, the residents of the centres are informed about the phenomenon of violence and how to react to possible cases of violence.

In 2016, the implementation of the "Policy for the Protection of Children in Centres for Foreigners" was undertaken, defining procedural standards and procedures. The aim is to:

- raise awareness of the importance of protecting children from all forms of harm,
- Define procedures and responsibilities for all actions concerning child safety,
- ensure the safety of children through preventive measures.

In the years 2015-2018, the following activities were organized in centres for foreigners, for children, parents and employees of these centres:

- workshops for children and fathers, psychosocial workshops, activation workshops for mothers,
- meetings for mothers about violence-free education and to improve educational skills,
- the integration workshop "I am a mother in Poland",
- training of employees of centres for foreigners in the field of protection of children from abuse,
- the training course "Safe childhood in a centre for foreigners".

In the years 2016-2017, in cooperation with the Foundation "Dajemy dzieciom siłę", the project "We protect children in centres for foreigners - a comprehensive system of protection of children from violence and abuse" has been implemented. Within this framework, meetings for mothers on education without violence were organized in order to improve their educational skills, as well as meetings with children on the threat of violence and abuse and on peer violence.

Meetings were organized by the police and others to familiarize them with women's rights, raise their awareness of the concept of physical and mental violence and tell them where and how to seek help.

Trainings were organized, for example the training "I see, I help - integration and development of activities and procedures of the Office for Foreigners and the Border Guard in the field of full identification of vulnerable groups among persons seeking protection on the territory of the Republic of Poland".

In 2015 the Border Guard introduced the "Rules of Conduct of the Border Guard with Foreigners Requiring Special Treatment", defining the rules for identifying foreigners belonging to so-called vulnerable groups and defining the manner of dealing with such persons. According to these Rules, vulnerable persons are treated, inter alia, as victims of rape or other serious forms of physical, mental or sexual violence, as well as victims of sexual violence in armed conflict, persons who require support due to their health condition or particular personal situation. This definition corresponds to the scope as defined in Article 3(9) of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals; this definition also covers the

- victims of sexual violence in armed conflict, which is part of the national action plan for the implementation of the United Nations Agenda for Women, Peace and Security for 2018-2021,
- victims or witnesses of human trafficking,
- people who require support because of their health or particular personal situation.

These norms regulate the procedure for psychological and psychiatric care of foreigners, as well as the assignment of social workers to foreigners during their stay in the centre. Social workers are responsible for the social functioning of a foreigner in the conditions of detention, they assess the emotional state of the foreigner so that there is no escalation of emotions and undesirable events, and take appropriate measures. The social worker must establish a relationship of trust with the foreign national and act as a person to whom the foreign national can turn in case of anxieties or problems. Because of the daily contact with strangers and their families, the social worker can play an important role in preventing and combating all forms of violence in the family, as well as in identifying child abuse.

In 2017 the Border Guard, in cooperation with the Dajemy Dzieciom Foundation Siłę, has undertaken activities aimed at implementing a policy to prevent and combat the abuse of children staying in guarded centres for foreigners. A document entitled "Let us protect children in guarded centres" has been prepared. The procedures described in this document are applicable in cases of identification of a threat of child abuse by the guardian/parent, suspicion of an offence committed by the guardian/parent, child abuse by an officer/employee of a guarded centre, child abuse by a peer. The procedures were implemented in 2018. At the same time, training has been provided to officers/employees of the guarded centres on how to identify cases of child abuse, including sexual exploitation, and how to react to these phenomena using the procedures in place.

## **VIII. Miscellaneous**

### **A. Protection of personal data (Article 65 of the Convention)**

The Act on Combating Family violence defines the data collected and processed, which are necessary for the performance of the tasks by an interdisciplinary team and a working group. These data relate to the:

- potential victims of family violence and those affected by family violence,
- persons sharing the home with a person suspected of using family violence or with a person who uses family violence,
- persons suspected of having committed family violence, and persons who have committed family violence,
- people who report suspicions of family violence and witnesses of violence.

Members of the interdisciplinary team and working groups are required to maintain the confidentiality of the information and data they obtain in the course of their official duties.

Only members of the interdisciplinary team and working groups, as well as persons indicated by law and only to the extent indicated by law have access to documentation containing personal data.

The administrators of the datasets are mainly gminas, social assistance centres and family support powiat centres in the performance of tasks in the field of combating family violence, especially in the framework of the "Blue Card" procedure.

Data sets on persons affected by violence and on persons using family violence are shared with the Inspector General of Data Protection.

## Appendix 1 - Persons affected by family violence who have received assistance

People affected by family violence,  
to which public bodies have granted assistance

	2017	2018
total	224.225	224.251
women	125.341	122.372
men	34.914	36.148
children	63.970	65.731

People who have benefited from:

		2017	2018		
advisory assistance	total	154.206	152.952		
	including	medical counselling	4.862	5.139	
		psychological counseling	68.902	66.243	
		legal assistance	34.648	34.976	
		social councils	92.096	93.494	
		professional and family counselling	31.887	31.312	
consultation points	total	24.687	21.238		
	of which women	total	17.416	14.670	
		of which disabled	667	611	
		of which elderly	1.667	1.443	
	of which men	total	4.363	3.958	
		of which disabled	207	176	
		of which old	475	464	
	of which children	total	2.908	2.910	
		of which disabled	116	82	
	support centre seats	total	total	1.563	1.254
of which women			total	1.003	816
			of which disabled	26	28
			of which elderly	21	22
of which men			total	209	168
			of which disabled	4	4
			of which old	4	7
of which children			total	381	270
		of which disabled	4	11	
with day and night accommodation		total	234	186	
		of which women	total	107	92
			of which disabled	8	19
			of which elderly	1	5
		of which men	total	1	12
			of which disabled	x	x
			of which old	x	x
	of which children	total	126	82	
of which disabled		3	9		
places in homes for mothers with minor children and pregnant women	total	total	254	498	
		of which women	total	107	213
			of which disabled	3	17
			of which elderly	1	1
		of which men	total	2	4
			of which disabled	1	1
			of which old	x	x
		of which children	total	145	281
			of which disabled	11	4
			total	254	498

	with day and night accommodation	of which women	total	107	213		
			of which disabled	3	17		
			of which elderly	1	1		
		of which men	total	2	4		
			of which disabled	1	1		
			of which old	x	x		
		of which children	total	145	281		
			of which disabled	11	4		
		places in crisis intervention centres	total	total		19.177	19.132
				of which women	total	13.527	12.677
of which disabled	652				641		
of which elderly	897				810		
of which men	total			2.539	2.589		
	of which disabled			109	131		
	of which old			245	180		
of which children	total			3.111	3.866		
	of which disabled			77	90		
with day and night accommodation	total		2.176	2.133			
	of which women		total	1.120	1.111		
			of which disabled	69	95		
			of which elderly	43	47		
	of which men		total	154	92		
			of which disabled	3	7		
			of which old	5	5		
	of which children		total	902	930		
			of which disabled	29	27		
Places in other institutions offering specialized assistance to victims of family violence.	total	total		2.842	3.872		
		of which women	total	1.838	2.439		
			of which disabled	75	69		
			of which elderly	66	118		
		of which men	total	410	465		
			of which disabled	23	17		
			of which old	34	36		
		of which children	total	594	968		
			of which disabled	18	24		
	with day and night accommodation	total		628	567		
		of which women	total	327	282		
			of which disabled	12	12		
			of which elderly	7	35		
		of which men	total	84	43		
			of which disabled	3	1		
			of which old	4	6		
		of which children	total	217	242		
			of which disabled	8	11		
places in specialized support centres for victims of family violence	total	total		8.558	6.792		
		of which women	total	6.020	4.640		
			of which disabled	342	202		
			of which elderly	331	197		
		of which men	total	861	1.141		
			of which disabled	57	40		
			of which old	69	63		
		of which children	total	1.677	1.011		
			of which disabled	45	38		
	with day and night accommodation	total		1.590	1.530		
		of which women	total	729	694		
			of which disabled	75	76		
			of which elderly	39	39		
		of which men	total	23	22		

			of which disabled	3	8
			of which old	2	5
		of which children	total	838	814
			of which disabled	34	30

#### Therapeutic programs for people affected by family violence

		2017	2018
Number of programs		225	197
Program Participants	total	4.792	4.559
	women	3.241	3.420
	men	400	208
	children	1.151	971
Individuals who completed the programs	total	3.108	3.221
	women	1.930	2.250
	men	240	144
	children	938	827

#### Individuals followed up after leaving specialized support centres for victims of family violence due to cessation of family violence

		2017	2018
total		3.452	2.850
of which women	total	1.713	1.442
	of which disabled	145	109
	of which elderly	140	92
of which men	total	517	343
	of which disabled	30	25
	of which old	45	33
of which children	total	1.222	1.065
	of which disabled	82	50

## Appendix 2 - Support Structures

In 2017, there were 800 units for the support of victims of family violence, including 552 institutions run by gminas and 248 institutions run by powiats. In 2018, there were 856 institutions, of which 559 were government-run and 297 were powiat-run.

### Support structures for victims of family violence

	2017	2018
Consultation points	520	500
Support Centers	20	17
with day and night accommodation	14	12
Places in support centres	1.172	801
with day and night accommodation	347	307
Specialized Support Centres	35	36
Places in specialized support centres	3.737	2.887
with day and night accommodation	591	606
Homes for mothers with minor children and pregnant women	13	19
Places in homes for mothers with minor children and pregnant women	278	389
Crisis Intervention Centres	212	220
with day and night accommodation	133	134
Places in crisis intervention centres	11.564	12.741
with day and night accommodation	1.376	1.418

In 2019, another specialized support centre will be established.

### Voivodship support structures

	voivodeship	2017	2018
Consultation points	Dolnośląskie	62	63
	Kujawsko-Pomorskie	20	19
	Lubelskie	8	8
	Lubuskie	22	19
	Łódzkie	59	58
	Małopolskie	0	0
	Mazowieckie	40	36
	Opolskie	37	33
	Podkarpackie	30	27
	Podlaskie	0	0
	Pomorskie	20	16
	Śląskie	77	75
	Świętokrzyskie	30	26
	Warmińsko-Mazurskie	74	79
	Wielkopolskie	18	17
	Zachodniopomorskie	23	24
Support Centers	Dolnośląskie	1	1
	Kujawsko-Pomorskie	0	0
	Lubelskie	0	0
	Lubuskie	0	0
	Łódzkie	2	2
	Małopolskie	0	0
	Mazowieckie	1	0
	Opolskie	1	1
	Podkarpackie	1	1
	Podlaskie	0	0
	Pomorskie	1	1
	Śląskie	7	5
	Świętokrzyskie	0	1
Warmińsko-Mazurskie	4	3	



	Wielkopolskie	1	1	
	Zachodniopomorskie	1	1	
Crisis Intervention Centres	Dolnośląskie	20	26	
	Kujawsko-Pomorskie	5	6	
	Lubelskie	15	14	
	Lubuskie	6	6	
	Łódzkie	21	21	
	Małopolskie	11	11	
	Mazowieckie	13	14	
	Opolskie	5	6	
	Podkarpackie	16	17	
	Podlaskie	5	5	
	Pomorskie	13	11	
	Śląskie	33	34	
	Świętokrzyskie	11	11	
	Warmińsko-Mazurskie	12	11	
	Wielkopolskie	17	18	
	Zachodniopomorskie	9	9	
	Homes for mothers with minor children and pregnant women	Dolnośląskie	0	1
		Kujawsko-Pomorskie	0	0
		Lubelskie	0	1
Lubuskie		1	1	
Łódzkie		1	1	
Małopolskie		0	0	
Mazowieckie		3	3	
Opolskie		0	0	
Podkarpackie		1	1	
Podlaskie		0	0	
Pomorskie		2	3	
Śląskie		1	4	
Świętokrzyskie		1	1	
Warmińsko-Mazurskie		2	2	
Wielkopolskie		0	0	
Zachodniopomorskie		1	1	

In addition, there are other specialized assistance structures, i.e. structures that, as part of their activities, provide, inter alia, assistance and support to victims of violence.

	2017	2018
Other structures with day and night accommodation	60	64
	27	30
Places in other structures with day and night accommodation	1.649	2.259
	335	300

### Appendix 3 - Initial and Continuing Education

#### Initial training - vocational training or preparation

	Prevention and detection of violence	Standards of Intervention	Equality between women and men	Victims' needs and rights	Prevention of secondary victimization	Cooperation between institutions	Knowledge required to enter the profession or obtain a certificate	Programme implementation period
Police	<p>Basic vocational training, preparing the police officer for the performance of basic professional tasks, topics covered, among others</p> <ul style="list-style-type: none"> <li>- establish the circumstances of the events and secure the premises,</li> <li>- ensure security and public order on the site and intervention,</li> <li>- searching for persons and objects, identifying offenders in the context of certain operational, exploratory and administrative activities</li> <li>- serve in convoys and rooms for persons detained or brought in to sober up,</li> <li>- prevent criminogenic phenomena.</li> </ul> <p>The graduate of the basic vocational training, after obtaining a positive mark in the final examination, receives a certificate confirming his or her professional qualifications to perform professional tasks at the basic level, as a police officer in the organizational units of patrol and intervention and in the preventive units of the Police.</p>						144 days of training	
Prosecutors	Yes						<ul style="list-style-type: none"> <li>- the fight against family violence</li> <li>- State compensation to crime victims</li> <li>- offences against the family and guardianship, against liberty, sexual freedom and modesty</li> </ul>	11 hours in judicial training
Judges	2017	No	Yes				<ul style="list-style-type: none"> <li>- the law on the fight against family violence</li> <li>- State compensation to crime victims</li> <li>- family and guardianship law - substantive and procedural law and guardianship procedures</li> <li>- the fight against family violence</li> </ul>	Grade 6 Judicial Education - 6 hours
						<ul style="list-style-type: none"> <li>- offences against life and health</li> </ul>	Judges' 7th year of training - 6 hours	

				<ul style="list-style-type: none"> <li>- offences against liberty, sexual freedom</li> <li>- offences against the family and guardianship, against respect for honour and physical integrity</li> </ul>	
	2018	No	Yes	<ul style="list-style-type: none"> <li>- the law on the fight against family violence</li> <li>- State compensation to crime victims,</li> <li>- family and guardianship law - substantive and procedural law and guardianship procedures</li> <li>- the fight against family violence</li> </ul>	Judges' 7th year of training - 6 hours
				<ul style="list-style-type: none"> <li>- offences against life and health</li> <li>- offences against liberty and sexual freedom</li> <li>- offences against the family and guardianship, against honour and physical integrity</li> </ul>	Grade 8 Judicial Education for Judges - 6 hours
				<ul style="list-style-type: none"> <li>- offences against life and health</li> <li>- offences against honour and physical integrity,</li> <li>- offences against family and guardianship,</li> <li>- offences against liberty, sexual freedom and decency</li> </ul>	Grade 9 Judicial Education - 9 hours
Penitentiary Service	Prison officers are trained to recognize the symptoms of violent behaviour and to prevent violence.				
Social workers	Students in "social work" acquire general, philosophical and sociological knowledge that enables them to learn more about people and social processes. They acquire and develop the skills and abilities needed to carry out the tasks of social workers, in particular: the diagnosis of situations and phenomena which are at the root of the difficult situation of individuals, groups (including groups at risk) and local communities, the application of methods, techniques and means of intervention and the evaluation of actions undertaken to solve problems, including family violence.				
Doctors	Teaching on family violence takes place as part of the academic curriculum and concerns all medical students.				

Nurses and midwives	Yes	Centre for the Development of Education, Foundation against Trafficking in Human Beings and Slavery "La Strada", Blue Line	Knowing how to deal with suspicions of family violence against a child and being able to initiate the "Blue Card" procedure
Psychologists, especially counsellors/psychotherapists			
National education employees and directors school*			

\* Voluntary training organized by the Centre for the Development of Education

#### Continuing education

	Number of workers participating in training	Mandatory nature	Average duration of training	Frequency	Funding	Body authorized to form and issue certificates	Training initiatives based on guidelines or procedures
Police	Specialized course in the field of family violence prevention: 2017 - 387 graduates 2018 - 322 graduates	No	5 days	2017 - 20 editions 2018 - 17 editions	police budget	Police Training Centre in Legionowo, Police Academy in Katowice, Police Academy in Słupsk	Decision No. 54 of the Commander-in-Chief of Police of 11 February 2009 on the curriculum of a specialized course on the prevention of family violence
	Specialized course for police officers in the field of prevention of demoralization and juvenile delinquency and actions in favour of minors 2017 - 83 graduates 2018 - 58 graduates		40 days	each year 3 editions (2017, 2018)		Police College in Szczytno, Police Training Centre in Legionowo	
	Specialized course for criminal police officers		73 days	each year 7 editions			

	<p>engaged in investigation and prosecution activities 2017 - 363 graduates 2018 - 401 graduates</p> <p>Vocational training for university graduates - Block VIII: selected elements of criminology and social prevention 2017 - 816 graduates 2018 - 448 graduates</p> <p>Specialized course for peacekeepers - Block IV: Police intervention, theme 1: carrying out tasks in the field of prevention of family violence</p>		<p>104 days</p> <p>7:00 a.m.</p>	<p>(2017, 2018)</p> <p>2017 - 6 editions 2018 - 4 editions</p> <p>2017 - 43 editions 2018 - 35 editions</p>		<p>Police Academy at Piła</p> <p>Police College in Szczytno</p> <p>Police College in Szczytno, Police Training Centre in Legionowo, Police Academy in Katowice, Police Academy in Słupsk</p>	<p>Decision No. 160 of the Commander-in-Chief of Police of 12 July 2017 on the vocational training programme for university graduates</p> <p>Decision No. 223 of the Commander-in-Chief of Police of 12 July 2018 on the curriculum of the specialized course for peacekeepers</p>
Prosecutors	2017 - 99	No	1 to 3 days	No	budget of the National School for the Judiciary and Public Prosecution Service	National School for the Judiciary and the Public Prosecutor's Office	
	2018 - 145						
Judges	2017 - 234						
	2018 - 120						
Penitentiary Service	2017-2019 - 1,200 penitentiary health officers	Yes	1 to 3 days	No	prison budget	Penitentiary Service	
	2018: as part of the Penitentiary Health Division's professional training on the issues						

	<p>addressed in the "Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". (Istanbul Protocol) trained:</p> <ul style="list-style-type: none"> <li>- professional training of the 1<sup>st</sup> rank of officer - 15 persons,</li> <li>- 1<sup>st</sup> grade vocational training at chorąży (insignia) - 29 persons,</li> <li>- vocational training from 1<sup>st</sup> grade to NCO - 13 persons</li> </ul>						
	<p>2018 - 834 prison service and civilian employees have been trained in the prevention of family violence</p>				<p>Prison Service, officer resources</p>		
<p>Social workers</p>	<p>According to the Law on Combating Family violence, the Minister of Social Security issues guidelines for conducting training in the field of combating family violence at least once every two years (currently the guidelines for 2018-2019). The guidelines concern: objectives, persons participating in training, training content, training methods, duration of training, final evaluation of training, monitoring and evaluation of training in general, qualifications of training providers.</p> <p>In 2017, 1,276 workers in the organizational units of social assistance were trained, including social workers. In 2018, 2,054 employees were trained. The training consisted of:</p> <ul style="list-style-type: none"> <li>- the creation of local systems to combat family violence based on the cooperation of interdisciplinary teams,</li> <li>- the implementation of remedial and educational programs for those who use family violence,</li> <li>- mediation,</li> <li>- victim support,</li> <li>- working with a multi-problem family, with an abused child, with victims of family violence, including the elderly and disabled,</li> <li>- the diagnosis of family violence,</li> <li>- the competence of the services in the framework of the "Blue Card" procedure,</li> <li>- record keeping and protection of personal data in the framework of the "Blue Card" procedure,</li> <li>- the legal aspects of the fight against violence.</li> </ul> <p>According to the Regulation of the Minister of Social Policy on Specialization in the Profession of Social Work, a social worker has the opportunity, within the second degree of specialization, to specialize in "social work with a person and a family with a problem of violence". Specialist preparation lasts 80 hours and covers the following issues:</p> <ul style="list-style-type: none"> <li>- violence: definition, nature of the phenomenon, relationship between aggression and violence, types and forms of violence,</li> </ul>						

	<ul style="list-style-type: none"> <li>- the social, cultural, economic, ideological, political factors of violence,</li> <li>- the psychological crisis,</li> <li>- the chronic crisis,</li> <li>- the family as a system,</li> <li>- violence and the law,</li> <li>- types of violence,</li> <li>- violent crimes,</li> <li>- social work methods in the face of a violent environment,</li> <li>- Crisis intervention as a component of social work regarding violence,</li> <li>- helping children who are victims of violence,</li> <li>- preventive and post-intervention social work in the context of violence,</li> <li>- therapy as part of the assistance package and monitoring visits to institutions operating in this field.</li> </ul>						
Doctors	Data not available						
Nurses and midwives							
Psychologists, in particular counsellors/psychotherapists							
Migration services/asylum officers	Training for the implementation of the "Policy for the protection of children from abuse in centres for foreigners" for officials and employees of the Aliens Office, 161 persons	Yes	6 hours	Unique training course	Fondation We give the children strength		
Border Guard	refresher courses, 2017-2018: 269 people	No	according to the type of course/training	as required	border guard budget	Border Guard Training Centres	inapplicable
	qualified training, 2017-2018: 2,594 persons	Yes		several times a year, depending on the type of training			
National education employees and school principals	397	volunteer	35 hours	1 or 2 times a year	budget of the Centre for the Development of Education	Centre for the Development of Education	- continuing education and e-learning courses on how to deal with suspected

							<p>cases of family violence against children</p> <ul style="list-style-type: none"> <li>- a questionnaire for assessing the risk of family violence against a child, called a "signal list", to help make an initial assessment of the child's level of safety in the family; and</li> <li>- acquire the ability to trigger the "Blue Card" procedure.</li> <li>- guide for educational staff dealing with violence against children</li> </ul>
Other groups Probation Officers and Registrars	2017- 337	No	1 to 3 days	No	<ul style="list-style-type: none"> <li>- budget of the National School for the Judiciary and Public Prosecution Service</li> <li>- budget of the City of Warsaw, Mokotów district</li> <li>- Regional Court of Suwałki</li> <li>- Krosno District Court Odrzańskie</li> <li>- the budgets of the district courts under the jurisdiction of the Regional Court of Przemyśl</li> </ul>	<ul style="list-style-type: none"> <li>- National School for the Judiciary and the Public Prosecutor's Office</li> <li>- Mokotów District Office (Warsaw)</li> <li>- Malopolska Prevention Centre in Krakow</li> <li>- Centre for Educational Innovation: Mr Bartosz Drozd</li> <li>- Interdisciplinary Training Centre: Ms Kinga Pietrucha</li> </ul>	



					<ul style="list-style-type: none"> <li>- gmina Lipniki</li> <li>- city of Grybów</li> <li>- Regional Court of Bielsko-Biała</li> <li>- District Court of Zawiercie</li> <li>- gmina Dęblin</li> </ul>	<ul style="list-style-type: none"> <li>- Bytom Crisis Intervention and Addiction Prevention Centre</li> <li>- Interdisciplinary Family Violence Team at Dęblin.</li> <li>- Regional Centre for Social Policy in Lublin</li> </ul>	
	2018 - 993				<ul style="list-style-type: none"> <li>- budget of the National School for the Judiciary and the Public Prosecutor's Office,</li> <li>- budget of the City of Warsaw, Mokotów and Ursynów districts</li> <li>- Association for the Prevention of Family Violence</li> <li>- Blue line</li> <li>- budgets of district and regional courts of Przemyśl, Brzozów, Stalowa Wola, Gliwice</li> <li>- the budgets of the gminas Łużna, Lipniki, Dęblin and Tychy</li> </ul>	<ul style="list-style-type: none"> <li>- National School for the Judiciary and the Public Prosecutor's Office</li> <li>- Mokotów and Ursynów (Varosvie) district offices</li> <li>- Specialized Support Centre for Victims of Family Violence in Lesko</li> <li>- "KIER prophylaxis" Mr. Adam Kopacz</li> <li>- Centre for Educational Innovation: Mr Bartosz Drozd</li> <li>- Mr Grzegorz Wrona (Certificate from the National Agency for Solving Alcohol Problems)</li> <li>- Association Sobriety of Life à Tychy</li> <li>- Warsaw Children's Aid Centre</li> <li>- Interdisciplinary Family Violence</li> </ul>	

						<p>Teams at Dęblin and Ułęż. - Fondation We're giving the children the Force of Varsovie</p>	
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\* Voluntary training organized by the Centre for the Development of Education

#### **Annex 4 - Criminal Code, penalties for offences**

Art. 153 § 1 Anyone who, using violence against a pregnant woman or in any other way, terminates the pregnancy without her consent or, using violence, threats or illegal deception, leads a pregnant woman to terminate her pregnancy, is punishable by imprisonment for 6 months to 8 years.

§ (2) Anyone who commits the act referred to in § 1 when the conceived child has reached the capacity to live independently outside the body of the pregnant woman shall be punished by imprisonment for a term of 1 to 10 years.

Art. 154 § 1 If the act referred to in article 152 § 1 or 2 results in the death of a pregnant woman, the perpetrator is punishable by imprisonment for 1 to 10 years.

§ (2) If the consequence of the act referred to in Article 152 § 3 or Article 153 is the death of a pregnant woman, the perpetrator shall be liable to a custodial sentence of 2 to 12 years' imprisonment.

Art. 156, § 1 Anyone who causes serious harm to health in the form of:

- 1) deprivation of sight, hearing, speech, ability to conceive,
2. any other serious disability, any serious incurable or long-term illness, any life-threatening illness, any permanent mental illness, any total or significant permanent incapacity to exercise the profession or any significant and permanent deformation or disfigurement of the body, shall be punishable by a custodial sentence of at least 3 years.

§ If the perpetrator acts unintentionally, he or she is liable to a custodial sentence of up to 3 years.

§ (3) If the act referred to in § 1 results in the death of a person, the perpetrator shall be punished by deprivation of liberty for at least 5 years, by deprivation of liberty for 25 years or by life imprisonment.

Art. 157, § 1 Anyone who causes an alteration of bodily functions or a disturbance of health, other than those referred to in art. 156 § 1, is punishable by imprisonment from 3 months to 5 years.

§ (2) Whoever causes an impairment of bodily functions or a health disorder for not more than 7 days shall be punished by a fine, a penalty of restriction of liberty or a penalty of deprivation of liberty for not more than 2 years.

§ (3) If the perpetrator of the act referred to in § 1 or 2 acts involuntarily, he shall be liable to a fine, a penalty of restriction of liberty or a custodial sentence of up to one year.

Art. 157 a. § (1) Anyone who causes damage to the body of a conceived child or health problems threatening his life is punishable by a fine, a penalty of restriction of liberty or a penalty of deprivation of liberty for a maximum of 2 years.

§ (2) A physician does not commit an offence if the bodily harm or health problems of a conceived child result from medical acts necessary to avert a danger threatening the health or life of a pregnant woman or a conceived child.

§ (3) The mother of the conceived child who commits the act referred to in § 1 shall not be punished.

Art. 190 § 1 Anyone who threatens another person with committing an offence to his own detriment or to the detriment of one of his relatives, if the threat gives rise to a justified fear that it will be carried out, is punishable by a fine, a penalty of restriction of liberty or a penalty involving deprivation of liberty for a maximum of 2 years.

Art. 190a. § 1 Anyone who, through persistent harassment of another person or a relative, causes the threatened person to feel threatened or significantly invades his privacy is punishable by a penalty of deprivation of liberty for a maximum of 3 years.

§ 2 The same penalty is imposed on any person who, pretending to be someone else, uses his image or other personal data with the aim of causing him financial or personal harm.

§ 3 If the consequence of the act referred to in § 1 or 2 is a suicide attempt on the part of the victim, the perpetrator shall be liable to a custodial sentence of between 1 and 10 years.

Art. 191, § 1 Whoever uses violence against a person or an unlawful threat to force another person to act, omit or endure, is punishable by a term of imprisonment of up to 3 years.

§ 1a. The same penalty is imposed on anyone who, for the purpose referred to in § 1, uses violence of another kind persistently or in a manner that makes the use of the dwelling occupied by another person painful.

§ 2 If the perpetrator acts in the manner indicated in § 1 in order to extort restitution of claims, he shall be liable to a custodial sentence of 3 months to 5 years.

Art. 197, § 1 Whoever, by means of violence, threats or unlawful deception, leads another person to sexual intercourse is punishable with imprisonment from 2 to 12 years.

§ (2) If the perpetrator, in the manner specified in § 1, induces another person to submit to another sexual act or to perform such an act, he shall be punished with imprisonment from 6 months to 8 years.

§ 3. If the perpetrator commits rape:

1) in association with another person,

2) on a minor under 15 years of age,

(3) on an ascendant, descendant, adopted, adopted person, brother or sister, shall be punished by imprisonment for a minimum term of 3 years.

§ (4) If the perpetrator of the act referred to in § 1 to 3 acts with particular cruelty, he shall be liable to a custodial sentence of at least 5 years.

Art. 198. Anyone who, taking advantage of another person's impotence or inability to recognize the meaning of the act or to direct his behaviour, resulting from a mental disability or illness, induces that person to have sexual intercourse or to submit to another sexual act or to perform such an act, shall be liable to a custodial sentence of six months to eight years.

Art. 199, § 1 Whoever, by abuse of the relationship of dependence or by the use of a critical situation, leads another person to sexual intercourse or submission to another sexual act or to the performance of such an act, shall be punished with imprisonment for a term not exceeding 3 years.

§ 2 If the act referred to in § 1 has been committed to the detriment of a minor, the perpetrator shall be liable to a custodial sentence of between 3 months and 5 years.

§ (3) The penalty provided for in § 2 shall be applied to any person who has a sexual relationship with a minor or who commits any other sexual act towards such a person or who leads such a person to submit to or perform such acts, by abusing trust or by giving a financial or personal advantage or a promise of such advantage in return.

Art. 207. § (1) Anyone who physically or mentally ill-treats a relative or other person in a relationship of permanent or temporary dependence on the perpetrator shall be punished by imprisonment for 3 months to 5 years.

§ 1a. Whoever commits physical or mental violence against a person who is vulnerable due to his/her age, mental or physical condition, shall be punished with imprisonment from 6 months to 8 years.

§ 2 If the act referred to in § 1 or 1 a is committed with the use of particular cruelty, the perpetrator shall be liable to a custodial sentence of 1 to 10 years.

§ 3 If the act referred to in § 1-2 results in an attempted suicide by the victim, the perpetrator shall be punished by a custodial sentence of 2 to 12 years.

Article 216, § 1: Anyone who insults another person in his presence or even in his absence, but in public or with the intention that the insult should reach that person, shall be liable to a fine or to a penalty of restriction of liberty.

§ 2 Anyone who insults another person by means of a mass medium of communication shall be punished by a fine, restriction of liberty or deprivation of liberty for up to one year.

§ 3. if the insult is caused by the defamatory behaviour of the injured party, or if the injured party has responded by a violation of bodily integrity or by mutual insult, the court may refrain from imposing the sanction.

§ 4 In the event of conviction for the offence referred to in § 2, the court may order compensation for the benefit of the injured party, the Polish Red Cross or any other social purpose indicated by the injured party.

Article 217. § (1) Anyone who strikes a person or otherwise violates his physical integrity shall be punished by a fine, restriction of liberty or deprivation of liberty for up to one year.

§ 2 If the violation of bodily integrity is caused by the defamatory behaviour of the injured party or if the injured party has responded by the violation of bodily integrity, the court may refrain from imposing the sanction.

**Annex 5 - Persons tried according to the types of offences classified as family violence** (for those tried at first instance, it is not possible to determine whether the judgment as indicated in the table below has become final)

It is not possible to present data on persons convicted for acts referred to in Articles 153, 154, 157a, 216, 217 of the Criminal Code, classified as family violence.

Kk - Penal Code

District Courts

2017

	Judges (boxes 2, 39, 41-43) Convicted (boxes 3, 18, 27, 35, 38)		Deprivation of liberty															Restriction of liberty							Mixed sentence									
			Total (boxes 6, 8, 10, 12, 14, 16, 17) of which (box 3) conditional suspension (boxes 7, 9, 11, 13, 15) of which (box 4) on probation 1 month of which conditional suspension 2 to 5 months of which conditional suspension 6 months to 1 year of which conditional suspension 1 to 2 years of which conditional suspension 2 to 5 years of which conditional suspension 5 to 8 years more than 8 years	Total (boxes 20 to 22) of which (box 18) conditional suspension less than 6 months 6 months to 1 year 1 to 2 years	of which (box 18) with the electronic monitoring system total less than 3 months 3 to 6 months 6 months to 1 year	Total (box 28+30=32 to 34)	including						deprivation of liberty			restriction of liberty																		
							less than 3 months of which conditional suspension 3 to 6 months of which conditional suspension	less than 6 months 6 months to 1 year 1 to 2 years	less than 3 months of which conditional suspension	3 to 6 months of which conditional suspension	less than 6 months 6 months to 1 year 1 to 2 years	less than 6 months 6 months to 1 year 1 to 2 years	less than 6 months 6 months to 1 year 1 to 2 years	less than 6 months 6 months to 1 year 1 to 2 years																				
															less than 3 months	3 to 6 months	6 months to 1 year	less than 6 months	6 months to 1 year	1 to 2 years														
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	
Judges	15.144	12.498	8.632	5.527	4.507	16	10	1.121	625	6.595	4.783	676	107	197	2	25	2	2.558	4	763	1.322	473	1	0	1	0	242	207	0	35	4	44	141	57
Art. 156 of the Kk	32	30	28	14	11	0	0	2	2	13	12	6	0	6	0	1	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Art. 157 § 1 of the Kk	278	211	115	69	41	0	0	24	15	75	53	13	1	3	0	0	0	52	0	19	24	9	0	0	0	0	2	2	0	0	0	0	0	0
Art. 157 § 2 of the Kk in conjunction with § 4	243	159	45	30	26	1	1	20	15	24	14	0	0	0	0	0	0	57	0	34	22	1	0	0	0	0	1	1	0	0	0	0	0	1
Art. 189 of the Kk	3	3	1	1	1	0	0	0	0	1	1	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 190 of the Kk	923	724	275	114	61	3	3	111	53	145	58	12	0	4	0	0	0	221	0	122	85	14	0	0	0	0	7	7	0	0	0	3	3	1
Art. 190a § 1 of the Kk	206	167	78	45	23	1	1	22	9	50	35	3	0	1	0	1	0	42	0	17	19	6	0	0	0	0	1	1	0	0	0	0	1	0
Art. 190a § 2 of the Kk	16	15	9	5	2	1	1	8	4	0	0	0	0	0	0	0	0	3	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 190a § 3 Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 191 of the Kk	41	31	11	5	3	0	0	5	3	6	2	0	0	0	0	0	0	11	0	7	3	1	0	0	0	0	0	0	0	0	0	0	0	0
Art. 191a of the Kk	6	4	4	4	3	0	0	0	0	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 193 of the Kk	15	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0

	Judges (boxes 2, 39, 41-43) Convicted (boxes 3, 18, 27, 35, 38)		Deprivation of liberty															Restriction of liberty								Mixed sentence								
			Total (boxes 6, 8, 10, 12, 14, 16, 17) of which (box 3) conditional suspension (boxes 7, 9, 11, 13, 15) of which (box 4) on probation	1 month of which conditional suspension	2 to 5 months of which conditional suspension	6 months to 1 year of which conditional suspension	1 to 2 years of which conditional suspension	2 to 5 years of which conditional suspension	5 to 8 years of which conditional suspension	more than 8 years	Total (boxes 20 to 22)	of which (box 18) conditional suspension	less than 6 months	6 months to 1 year	1 to 2 years	of which (box 18) with the electronic monitoring system				Total (box 28+30=32 to 34)	including													
																total	less than 3 months	3 to 6 months	6 months to 1 year		deprivation of liberty			restriction of liberty										
																					less than 3 months	of which conditional suspension	3 to 6 months	of which conditional suspension	less than 6 months	6 months to 1 year	1 to 2 years							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	
Art. 197 § 1 of the Kk	101	97	85	14	10	0	0	1	0	6	5	35	9	41	0	2	0	1	0	0	0	1	0	0	0	0	11	1	0	10	0	0	7	4
Art. 197 § 2 of the Kk	14	12	11	9	6	0	0	0	0	9	9	1	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	1	0	
Art. 198 of the Kk	9	9	9	6	6	0	0	0	0	6	6	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 199 of the Kk	2	1	1	1	1	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 200 § 1 of the Kk	90	78	73	17	10	0	0	0	0	8	8	27	9	31	0	6	1	1	0	0	1	0	0	0	0	4	0	0	4	0	1	0	3	
Art. 200 § 2 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 200 § 3 of the Kk	3	2	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 200 § 4 of the Kk	1	1	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 200 § 5 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 201 of the Kk	4	3	3	3	3	0	0	0	0	2	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 202 § 1 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 202 § 2 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 202 § 3 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 202 § 4 of the Kk	12	12	12	5	3	0	0	0	0	10	5	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 202 § 4a of the Kk	1	1	1	1	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 202 § 4b of the Kk	35	32	32	25	15	0	0	9	6	23	19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

	Judges (boxes 2, 39, 41-43)		Deprivation of liberty															Restriction of liberty								Mixed sentence									
			Convicted (boxes 3, 18, 27, 35, 38)		Total (boxes 6, 8, 10, 12, 14, 16, 17)	of which (box 3) conditional suspension (boxes 7, 9, 11, 13, 15)	of which (box 4) on probation	1 month	of which conditional suspension	2 to 5 months	of which conditional suspension	6 months to 1 year	of which conditional suspension	1 to 2 years	of which conditional suspension	2 to 5 years	of which conditional suspension	5 to 8 years	more than 8 years	Total (boxes 20 to 22)	of which (box 18) conditional suspension	less than 6 months	6 months to 1 year	1 to 2 years	of which (box 18) with the electronic monitoring system				Total (box 28+30=32 to 34)	including					
																									total	less than 3 months	3 to 6 months	6 months to 1 year		deprivation of liberty			restriction of liberty		
																														less than 3 months	of which conditional suspension	3 to 6 months	of which conditional suspension	less than 6 months	6 months to 1 year
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34		
Art. 202 § 4c of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Art. 203 of the Kk	4	4	3	2	2	0	0	0	0	3	2	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Art. 207 § 1 of the Kk	11.283	9.406	7.208	4.833	4.117	5	3	735	421	5.861	4.331	515	76	80	2	12	0	1.657	4	330	939	388	1	0	1	0	189	179	0	10	3	34	114	41	
Art. 207 § 2 of the Kk	13	12	12	2	2	0	0	0	0	2	2	5	0	3	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 207 § 3 of the Kk	29	27	23	9	7	1	1	0	0	6	5	6	3	9	0	1	0	0	0	0	0	0	0	0	0	3	1	0	2	0	0	2	1		
Art. 208 of the Kk	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 267 § 1 of the Kk	7	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 278 § 1 of the Kk	96	81	31	12	6	0	0	7	2	20	8	3	2	1	0	0	0	35	0	20	13	2	0	0	0	0	1	1	0	0	0	0	1	0	
Art. 279 § 1 of the Kk	44	34	27	8	2	0	0	0	0	18	8	9	0	0	0	0	2	0	1	0	1	0	0	0	0	5	4	0	1	0	1	1	3		
Art. 280 of the Kk	32	31	24	2	2	0	0	1	0	3	2	8	0	11	0	1	0	3	0	2	1	0	0	0	0	4	0	0	4	0	1	1	2		
Art. 282 of the Kk	13	13	9	2	2	0	0	1	0	4	2	4	0	0	0	0	2	0		2	0	0	0	0	0	1	1	0	0	0	0	1	0		
Art. 284 § 1 of the Kk	32	20	10	7	0	0	0	2	1	7	5	1	1	0	0	0	3	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 286 § 1 of the Kk	18	16	7	2	1	0	0	0	0	6	2	1	0	0	0	0	3	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 288 § 1 of the Kk	39	29	14	8	3	0	0	4	3	7	5	2	0	1	0	0	6	0	2	4	0	0	0	0	0	1	1	0	0	0	0	1	0		
Other offences	1.498	1.217	469	272	138	4	0	169	91	274	177	18	4	4	0	0	452	0	199	204	49	0	0	0	0	11	8	0	3	1	4	6	1		



	Statutory fine		Fine imposed in addition to imprisonment	Only the criminal measure decided	Procedure conditionally discontinued	of which on probation	Abandoned procedure	Acknowledgements	Penalty not imposed	Arrested in pre-trial detention	Convicted under the article:			Convicted offenders already sanctioned			Convicted under art. 65 of the Kk	Condemned (box 2)		Victims										
	Total	of which conditional suspension									335 §1 or 2 of the Code of Criminal Procedure	338a of the Code of Criminal Procedure	387 § 1 of the Code of Criminal Procedure (474a of the Code of Criminal Procedure)	Total	of which repeat offenders			women	men	minors			women	men						
															art. 64 § 1 of the Kk	art. 64 § 2 of the Kk				Total	girls	boys								
																									54	55	56	57	58	
Judges	1.067	36	4	449	4	1.539	711	782	309	16	43	44	900	2.967	45	46	47	4.599	820	52	0	51	573	52	11.925	4.600	2.225	2.375	14.630	3.646
Art. 156 of the Kk	1	0	0	0	0	2	1	0	0	0	0	4	5	0	6	9	1	0	0	6	24	8	2	6	14	13				
Art. 157 § 1 of the Kk	42	0	11	0	50	7	10	7	0	11	52	1	19	72	10	2	0	16	195	16	7	9	170	107						
Art. 157 § 2 of the Kk in conjunction with § 4	56	0	6	0	72	15	10	2	0	4	54	0	17	57	4	0	0	9	150	41	16	25	169	41						
Art. 189 of the Kk	1	0	0	0	0	0	0	0	0	0	1	0	0	2	0	0	0	0	3	0	0	0	2	1						
Art. 190 of the Kk	220	1	25	1	64	21	114	18	3	37	169	1	62	324	65	1	0	30	694	77	41	36	843	288						
Art. 190a § 1 of the Kk	46	0	11	0	13	1	22	4	0	6	28	0	9	59	5	0	0	11	156	23	15	8	209	44						
Art. 190a § 2 of the Kk	3	0	1	0	1	0	0	0	0	0	1	0	1	8	0	0	0	0	15	0	0	0	19	0						
Art. 190a § 3 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
Art. 191 of the Kk	9	0	3	0	7	1	2	1	0	2	6	0	3	12	2	1	0	0	31	1	1	0	39	9						
Art. 191a of the Kk	0	0	1	0	2	0	0	0	0	0	1	0	0	0	0	0	0	0	4	0	0	0	8	0						
Art. 193 of the Kk	6	0	0	0	3	0	1	1	1	0	2	0	0	5	0	0	0	1	8	0	0	0	10	4						
Art. 197 § 1 of the Kk	0	0	2	0	0	0	1	3	0	31	1	0	11	28	4	1	0	0	97	33	17	16	100	9						
Art. 197 § 2 of the Kk	0	0	4	0	0	0	2	0	0	2	2	0	2	0	0	0	0	0	12	6	5	1	14	0						
Art. 198 of the Kk	0	0	2	0	0	0	0	0	0	1	0	0	1	1	1	0	0	0	9	0	0	0	8	1						
Art. 199 of the Kk	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	1	1	0	1	0						
Art. 200 § 1 of the Kk	0	0	6	0	0	0	2	10	0	22	2	0	9	23	1	0	0	0	78	103	89	14	10	2						
Art. 200 § 2 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
Art. 200 § 3 of the Kk	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	2	4	1	3	0	0						
Art. 200 § 4 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	1	1	0	0	0						
Art. 200 § 5 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
Art. 201 of the Kk	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	2	1	0	1	1	1						
Art. 202 § 1 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
Art. 202 § 2 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
Art. 202 § 3 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						
Art. 202 § 4 of the Kk	0	0	0	0	0	0	0	0	0	1	2	0	0	6	1	0	0	1	11	1	1	0	14	4						
Art. 202 § 4a of the Kk	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	1	1	1	0	0	0						
Art. 202 § 4b of the Kk	0	0	0	0	1	1	0	2	0	0	0	0	0	11	0	0	0	1	31	2	2	0	12	2						
Art. 202 § 4c of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0						

Art. 203 of the Kk	0	0	1	0	0	0	0		0	0	1	0	0	1	0	0	0		4	1		1	3		
Art. 207 § 1 of the Kk	354	2	322	2	1.129	619	517	228	3	723	2.230	8	1.860	3.448	666	33	0	347	9.059	3.476	1.655	1.821	11.998	2.770	
Art. 207 § 2 of the Kk	0	0	0	0	0	0	0	0	1	6	2	0	3	6	1	1	0	1	11	10	2	8	10		
Art. 207 § 3 of the Kk	1	1	0	0	0	0	0	1	1	0	1	0	6	12	1	2	0		27	19	9	10	35	6	
Art. 208 of the Kk	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		0	1	0	0	0	0	
Art. 267 § 1 of the Kk	6	0	0	0	0	0	0	1	0	0	1	0	0	1	0	0	0		1	5	0	0	6	2	
Art. 278 § 1 of the Kk	14	0	8	0	2	0	9	4	0	1	35	0	3	17	3	0	0		9	72	0	0	52	30	
Art. 279 § 1 of the Kk	0	0	5	0	1	1	9	0	0	2	13	0	2	18	3	0	0		1	33	1	0	26	20	
Art. 280 of the Kk	0	0	3	0	0	0	1	0	0	10	0	0	6	14	2	5	0		1	30	1	0	21	9	
Art. 282 of the Kk	1	0	0	0	0	0	0	0	0	2	3	0	3	10	4	2	0		0	13	0	0	13	2	
Art. 284 § 1 of the Kk	7	0	3	0	4	0	6	2	0	0	7	0	2	5	0	0	0		3	17	3	2	14	9	
Art. 286 § 1 of the Kk	6	0	1	0	0	0	1	1	0	1	6	0	1	3	0	0	0		1	15	0	0	7	3	
Art. 288 § 1 of the Kk	8	0	2	0	3	0	5	2	0	4	9	0	3	13	3	0	0		0	29	0	0	28	23	
Other offences	285	0	31	1	184	44	68	21	8	29	332	1	95	432	43	4	0		133	1.084	770	357	413	774	246

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	Judges (boxes 2, 39, 41-43)	Convicted (boxes 3, 18, 27, 35, 38)	Deprivation of liberty														Restriction of liberty							Mixed sentence										
			Total (boxes 6, 8, 10, 12, 14, 16, 17)	of which (box 3) conditional suspension (boxes 7, 9, 11, 13, 15)	of which (box 4) on probation	1 month	of which conditional suspension	2 to 5 months	of which conditional suspension	6 months to 1 year	of which conditional suspension	1 to 2 years	of which conditional suspension	2 to 5 years	of which conditional suspension	5 to 8 years	more than 8 years	Total (boxes 20 to 22)	of which (box 18) conditional suspension	less than 6 months	6 months to 1 year	1 to 2 years	of which (box 18) with the electronic monitoring system				Total (box 28+30=32 to 34)	including						
																							total	less than 3 months	3 to 6 months	6 months to 1 year		deprivation of liberty			restriction of liberty			
																												less than 3 months	of which conditional	3 to 6 months	of which conditional	less than 6 months	6 months to 1 year	1 to 2 years
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	
Judges	15.742	13.053	8.481	5.365	4.377	16	8	1.227	741	6.485	4.551	554	63	175	2	18	6	3.116	5	1.026	1.570	520	0	0	0	0	240	211	0	29	1	45	140	55
Art. 156 of the Kk	13	9	7	4	4	0	0	0	0	5	4	0	0	2	0	0	0	2	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 157 § 1 of the Kk	219	167	89	51	29	0	0	28	19	54	31	5	1	2	0	0	0	49	0	16	23	10	0	0	0	0	1	1	0	0	0	1	0	0
Art. 157 § 2 of the Kk in conjunction with § 4	245	168	50	26	21	1	0	26	16	22	10	1	0	0	0	0	39	0	21	17	1	0	0	0	0	3	3	0	0	0	1	2	0	0
Art. 189 of the Kk	8	6	3	1	1	0	0	1	1	1	0	1	0	0	0	0	1	0	0	1	00	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 190 of the Kk	718	559	196	78	48	4	3	75	33	109	41	7	1	0	0	1	0	202	0	134	59	9	0	0	0	5	5	0	0	0	1	4	0	0
Art. 190a § 1 of the Kk	176	145	65	30	15	1	1	22	10	39	19	3	0	0	0	0	40	0	18	18	4	0	0	0	3	3	0	0	0	0	0	3	0	0
Art. 190a § 2 of the Kk	11	11	7	5	5	0	0	5	3	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 190a § 3 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 191 of the Kk	46	36	18	9	5	0	0	9	4	9	5	0	0	0	0	0	4	0	3	1	0	0	0	0	2	2	0	0	0	0	1	1	0	0
Art. 191a of the Kk	5	4	2	2	0	0	0	0	0	2	2	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 193 of the Kk	19	14	3	1	0	0	0	2	1	1	0	0	0	0	0	0	6	0	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 197 § 1 of the Kk	102	90	75	15	11	0	0	1	0	10	9	26	6	37	0	1	0	3	0	1	0	2	0	0	0	12	0	0	12	0	1	5	6	0

	Judges (boxes 2, 39, 41-43)		Deprivation of liberty														Restriction of liberty								Mixed sentence																			
			Convicted (boxes 3, 18, 27, 35, 38)		of which (box 3) conditional suspension (boxes 7, 9, 11, 13, 15)														Total (boxes 20 to 22)		of which (box 18) conditional suspension		6 months to 1 year		1 to 2 years		of which (box 18) with the electronic monitoring system				Total (box 28+30=32 to 34)													
	Total (boxes 6, 8, 10, 12, 14, 16, 17)		of which (box 4) on probation		1 month		of which conditional suspension		2 to 5 months		of which conditional suspension		6 months to 1 year		of which conditional suspension		1 to 2 years		of which conditional suspension		5 to 8 years		more than 8 years		Total (boxes 20 to 22)		of which (box 18) conditional suspension		less than 6 months		6 months to 1 year		1 to 2 years		total				less than 3 months		3 to 6 months		6 months to 1 year	
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34										
Art. 197 § 2 of the Kk	16	15	13	6	6	0	0	0	9	6	2	0	1	0	1	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0							
Art. 198 of the Kk	8	8	8	2	1	0	0	0	4	2	3	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 199 of the Kk	3	2	2	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 200 § 1 of the Kk	61	56	50	14	10	0	0	0	3	3	23	11	19	0	5	0	0	0	0	0	0	0	0	0	0	6	0	0	6	0	1	3	2											
Art. 200 § 2 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 200 § 3 of the Kk	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 200 § 4 of the Kk	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 200 § 5 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 201 of the Kk	4	4	4	4	2	0	0	2	2	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 202 § 1 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 202 § 2 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 202 § 3 of the Kk	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 202 § 4 of the Kk	5	5	5	3	2	0	0	0	4	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 202 § 4a of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 202 § 4b of the Kk	22	22	21	13	10	0	6	6	15	7	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 202 § 4c of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 203 of the Kk	3	3	2	1	0	0	0	0	2	1	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 207 § 1 of the Kk	11.199	9.263	6.998	4.637	4.016	4	2	789	498	5.685	4.099	429	36	77	2	9	5	1.716	5	351	986	379	0	0	0	0	186	179	0	7	1	36	109	41										
Art. 207 § 2 of the Kk	9	6	6	2	2	0	0	0	2	2	0	0	3	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 207 § 3 of the Kk	28	28	24	3	3	0	0	0	1	1	10	2	13	0	0	0	0	0	0	0	0	0	0	0	0	3	1	0	2	0	0	2	1											
Art. 208 of the Kk	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 267 § 1 of the Kk	4	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 278 § 1 of the Kk	106	94	33	9	2	0	6	2	25	7	2	0	0	0	0	0	46	0	16	24	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 279 § 1 of the Kk	48	37	29	15	5	0	2	0	21	15	5	0	1	0	0	0	5	0	1	2	2	0	0	0	0	2	1	0	1	0	1	1	1	0	0									
Art. 280 of the Kk	17	17	15	1	1	0	0	0	2	1	5	0	8	0	0	0	1	0	1	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	1	0								
Art. 282 of the Kk	9	7	6	1	1	0	0	0	4	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	1	0	0									
Art. 284 § 1 of the Kk	35	27	8	5	2	0	1		7	5	0	0	0	0	0	0	5	0	1	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 286 § 1 of the Kk	26	20	8	6	4	0	0	0	8	6	0	0	0	0	0	0	8	0	1	4	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0								
Art. 288 § 1 of the Kk	35	29	18	5	2	0	6	2	10	2	2	1	0	0	0	0	3	0	2	1		0	0	0	0	1	0	0	0	0	0	0	0	1	0	0								
Other offences	2.531	2.190	716	416	169	6	2	246	144	426	265	27	5	10	0	0	1	975	0	450	421	104	0	0	0	0	15	15	0	0	0	2	9	4										

	Statutory fine		Fine imposed in addition to imprisonment	Only the criminal measure decided	Procedure conditionally discontinued	of which on probation	Abandoned procedure	Acknowledgements	Penalty not imposed	Arrested in pre-trial detention	Convicted under the article:			Convicts already sentenced			Convicted under article 65 of the Code of Criminal Procedure	Condemned (box 2)		Victims					
	Total	of which conditional suspension									335 § 1 or 2 of the Code of Criminal Procedure	338 a of the Code of Criminal Procedure	387 § 1 of the Code of Criminal Procedure (474 a of the Code of Criminal Procedure)	total	of which repeat offenders			women	men	minors			women	men	
															art. 64 § 1 of the Kk	art. 64 § 2 of the Kk				Total	girls	boys			
	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	
Judges	1.211	2	464	5	1.610	764	734	324	21	960	2.609	12	2.278	4.628	792	71	0	604	12.449	4.909	2.399	2.510	14.051	3.392	
Art. 156 of the Kk	0	0	0	0	3	0	0	1	0	2	3	0	1	0	0	0	0	4	5	5	2	3	3	4	
Art. 157 § 1 of the Kk	28	0	12	0	37	8	6	8	1	5	33	0	15	65	9	4	0	9	158	14	8	6	136	73	
Art. 157 § 2 of the Kk in conjunction with § 4	76	0	2	0	60	14	12	3	2	4	41	0	16	51	5	4	0	14	154	22	9	13	171	50	
Art. 189 of the Kk	2	0	0	0	1	0	1	0	0	1	1	0	0	1	0	0	0	1	5	4	2	2	3	0	
Art. 190 of the Kk	155	0	11	1	55	15	81	21	2	48	99	0	50	237	41	0	0	15	544	54	29	25	641	278	
Art. 190a § 1 of the Kk	37	0	10	0	15	4	11	5	0	5	18	0	18	57	9	0	0	7	138	5	2	3	166	25	
Art. 190a § 2 of the Kk	4	0	1	0	0	0	0	0	0	0	2	0	1	3	0	0	0	1	10	0	0	0	6	2	
Art. 190a § 3 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 191 of the Kk	12	0	3	0	6	0	3	1	0	3	4	0	4	17	2	0	0	3	33	1	1	0	43	14	
Art. 191a of the Kk	1	0	1	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	4	0	0	0	5	2	
Art. 193 of the Kk	5	0	0	0	1	0	3	1	0	0	2	0	0	6	0	0	0	0	14	0	0	0	20	3	
Art. 197 § 1 of the Kk	0	0	3	0	0	0	2	10	0	30	2	0	11	27	1	2	0	0	90	16	10	6	94	2	
Art. 197 § 2 of the Kk	0	0	0	0	0	0	0	1	0	3	1	0	3	4	1	0	0	0	15	3	1	2	14	0	
Art. 198 of the Kk	0	0	1	0	0	0	0	0	0	1	0	0	2	2	0	0	0	0	8	2	2	0	11	0	
Art. 199 of the Kk	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	2	2	2	0	1	0	
Art. 200 § 1 of the Kk	0	0	0	0	0	0	0	5	0	12	5	0	8	11	0	0	0	1	55	61	48	13	12	4	
Art. 200 § 2 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 200 § 3 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	6	2	4	0	0	
Art. 200 § 4 of the Kk	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2	2	0	0	0	
Art. 200 § 5 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 201 of the Kk	0	0	0	0	0	0	0	0	0	0	2	0	2	1	0	0	0	2	2	0	0	0	0	0	
Art. 202 § 1 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 202 § 2 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

Art. 202 § 3 of the Kk	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 202 § 4 of the Kk	0	0	0	0	0	0	0	0	0	0	1		1	3	0	0	0	0	5	4		4	5	0
Art. 202 § 4a of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 202 § 4b of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	7	0	0	0		22	1	1	0	28	10
Art. 202 § 4c of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 203 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	2	1	0	0	0	3	1	1	0	2	0
Art. 207 § 1 of the Kk	360	2	351	3	1.195	669	510	228	3	773	1.710	12	1.951	3.395	632	48	0	338	8.925	2.957	1.403	1.554	11.696	2.508
Art. 207 § 2 of the Kk	0	0	0	0	0	0	2	1	0	2	0		1	1	0	0	0	1	5	9	5	4	5	2
Art. 207 § 3 of the Kk	1	0	0	0	0	0	0	0	0	9	0	0	8	10	2	1	0	1	27	17	6	11	35	4
Art. 208 of the Kk	2	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	4	4	1	3		0
Art. 267 § 1 of the Kk	3	0	0	0	0	0	0	1	0	0	1	0	0	1	0	0	0	0	3	0	0	0	2	2
Art. 278 § 1 of the Kk	15	0	4	0	7	0	4	1	0	0	26	0	3	15	2	0	0	7	87	0	0	0	45	28
Art. 279 § 1 of the Kk	1	0	9	0	2	0	9	0	0	2	6	0	8	12	2	0	0	0	37	0	0	0	25	22
Art. 280 of the Kk	0	0	3	0	0	0	0	0	0	8	0	0	2	12	6	2	0	2	15	0	0	0	16	6
Art. 282 of the Kk	0	0	1	0	2	0	0	0	0	1	1	0	0	4	1	1	0	0	7	1	0	1	11	0
Art. 284 § 1 of the Kk	14	0	2	0	5	0	2	1	0	0	5	0	0	6	1	0	0	7	20	2	0	2	11	10
Art. 286 § 1 of the Kk	4	0	1	0	3	0	2	1	0	0	4	0	1	5	1	0	0	5	15	3	2	1	9	7
Art. 288 § 1 of the Kk	8	0	0	0	1	1	5	0	0	7	4	0	3	16	3	0	0	1	28	1	0	1	30	28
Other offences	483	0	49	1	217	53	79	32	13	42	637	0	169	654	73	9	0	183	2.007	1.712	860	852	805	308

## Regional Courts

2017

	Judges (boxes 2, 33, 35-37)	Convicted (boxes 3, 4, 23, 31)	Life imprisonment	Deprivation of liberty																			Mixed sentence						Other convictions	Fine imposed in addition to imprisonment		
				Total (boxes 7, 9, 11, 13, 15, 17-22)	of which (box 4) conditional suspension	of which (box 5) on probation	less than 2 years	of which conditional suspension	2 to 3 years	of which conditional suspension	3 years	of which conditional suspension	3 to 5 years	of which conditional suspension	5 years	of which conditional suspension	5 to 8 years	8 years	8 to 15 years	15 years old	15 to 20 years old	Twenty-five years	Total (box 24+26 = 28 to 30)	deprivation of liberty				restriction of liberty				
																								less than 3 months	of which conditional suspension	3 to 6 months	of which conditional suspension	less than 6 months.			6 months to 1 year	1 to 2 years
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	
Judges	153	132	3	126	8	4	19	8	4	0	10	0	20	0	11	0	14	10	28	3	0	7	3	1	0	2	0	0	1	2	0	0
Art. 148 § 1 of the Kk	53	39	2	37	0	0	2	0	2	0	1	0	0	0	3	0	2	7	13	3	0	4	0	0	0	0	0	0	0	0	0	0
Art. 148 § 2 of the Kk	5	5	1	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	3	0	0	0	0	0	0	0	0	0	0
Art. 148 § 3 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 148 § 4 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 156 § 1 and 3 of the Kk	17	17	0	17	0	0	1	0	0	0	1	0	4	0	1	0	5		5	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 197 § 3 of the Kk	35	32	0	32	0	0	0	0	0	0	2	0	12	0	6	0	5	2	5	0	0	0	0	0	0	0	0	0	0	0	0	0
Art. 197 § 4 of the Kk	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Other offences	42	38	0	35	8	4	16	8	2	0	6	0	4	0	1	0	2	1	3	0	0	0	3	1	0	2	0	0	1	2	0	0

	Procedure conditionally discontinued	of which (box 33) on probation	Abandoned procedure	Acknowledgements	Penalty not imposed	Arrested in pre-trial detention	Convicted under Art. 60 of the Kk and others concerning extraordinary clemency	Convicted as a result of an application for conviction under Art. :			Convicted (box 2)		Victims					Convicts already sentenced			Convicted under art. 65 of the Kk	Protective measures (Kk)													
								335 § 1 or 2 of the Code of Criminal Procedure	338a of the Code of Criminal Procedure	387 § 1 of the Code of Criminal Procedure	women	men	Minors			total	women	men	total	Art. 64 § 1 of the Kk		art. 64 § 2 of the Kk	art. 64 § 1 and 2 in conjunction with art. 65 of the Kk	art. 93a				art. 99 § 1 in conjunction with							
													total	girls	boys									§ 1 point 1	§ 1 point 2	§ 1 point 3	§ 1 point 4	art.39 point 2	art.39 point 3	art.39 point 4					
								40	41	42	43	44	45	46	47	48	49	50	51	52		53	54	55	56	57	58	59	60	61	62	63	64	65	66
Judges	1	0	14	6	0	104	14	1	1	6	15	117	50	41	9	78	48	28	6	3	0	0	7	0	0	0	0	0	2	3	11	7	0	0	0
Art. 148 § 1 of the Kk	0	0	13	1	0	44	8	0	0		8	31	8	3	5	29	24	10	0	1	0	0	5	0	0	0	0	2	1	5	7	0	0	0	
Art. 148 § 2 of the Kk	0	0	0	0	0	5	1	0	0	0	0	5	3	2	1	3	4	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 148 § 3 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 148 § 4 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 156 § 1 and 3 of the Kk	0	0	0	0	0	10	0	0	0	1	4	13	1	1	0	9	8	3	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 197 § 3 of the Kk	0	0	0	3	0	23	0	0	0	3	1	31	30	28	2	10	0	7	2	0	0	0	1	0	0	0	0	0	2	1	0	0	0	0	
Art. 197 § 4 of the Kk	0	0	0	0	0	1	0	0	0	0	0	1	1	1	0	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Other offences	1	0	1	2	0	21	5	1	1	2	2	36	7	6	1	25	11	6	3	0	0	0	1	0	0	0	0	0	0	5	0	0	0	0	

## 2018

	Judges (boxes 2, 33, 35-37)	Convicted (boxes 3, 4, 23, 31)	Life imprisonment	Deprivation of liberty																		Mixed sentence							Other convictions	Fine imposed in addition to imprisonment		
				Total (boxes 7, 9, 11, 13, 15, 17-22)	of which (box 4) conditional suspension	of which (box 5) on probation	less than 2 years	of which conditional suspension	2 to 3 years	of which conditional suspension	3 years	of which conditional suspension	3 to 5 years	of which conditional suspension	5 years	of which conditional suspension	5 to 8 years	8 years	8 to 15 years	15 years old	15 to 20 years old	Twenty-five years	Total (box 24+26 = 28 to 30)	Deprivation of liberty			Restriction of liberty					
																								less than 3 months	Of which conditional suspension	3 to 6 months	of which conditional suspension	less than 6 months			6 months to 1 year	1 to 2 years
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	
Judges	150	130	3	127	9	8	21	9	4	0	12	0	24	0	10	0	14	8	17	9	0	8	0	0	0	0	0	0	0	0	0	1
Art. 148 § 1 of the Kk	53	41	2	39	0	0	0		1	0	0	0	5	0	1	0	3	4	12	7	0	6	0	0	0	0	0	0	0	0	0	
Art. 148 § 2 of the Kk	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	
Art. 148 § 3 of the Kk	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 148 § 4 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 156 § 1 and 3 of the Kk	25	22	0	22	2	2	6	2	0	0	1	0	9	0	3	0	2	0	1	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 197 § 3 of the Kk	24	24	0	24	1	1	1	1	0	0	5	0	5	0	4	0	4	2	3	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 197 § 4 of the Kk	2	2	0	2	0	0	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Other offences	43	38	0	38	6	5	14	6	3	0	6	0	5	0	1	0	4	2	1	1	0	1	0	0	0	0	0	0	0	0	1	



	Procedure conditionally discontinued	of which (box 33) on probation	Abandoned procedure	Acknowledgements	Penalty not imposed	Arrested in pre-trial detention	Convicted under Art. 60 of the Kk and others concerning extraordinary clemency	Convicted following an application for conviction under Art.			Convicted (box 2)		Victims					Convicts already sentenced			Convicted under art. 65 of the Kk	Protective measures (Kk)												
								335 § 1 or 2 of the Code of Criminal Procedure	338a of the Code of Criminal Procedure	387 § 1 of the Code of Criminal Procedure	women	men	total	Minors			total	of which repeat offenders		s. 93		Art. 94 § 1	art. 95 § 1	art. 95a	art. 96 § 1	art. 93a				art. 99 § 1 in conjunction with				
														total	girls	boys		women	men							art. 64 § 1 of the Kk	art. 64 § 2 of the Kk	art. 64 § 1 and 2 in conjunction with art. 65 of the Kk	§ 1 point 1	§ 1 point 2	§ 1 point 3	§ 1 point 4	art. 99 point 2	art. 99 point 3
								33	34	35	36	37	38	39	40	41	42	43	44	45		46	47	48	49	50	51	52	53	54	55	56	57	58
Judges	0	0	20	0	0	115	20	3	0	6	23	107	45	32	13	95	52	25	5	2	0	0	1	0	0	0	0	0	0	3	4	0	0	0
Art. 148 § 1 of the Kk	0	0	12	0	0	47	9	0	0	9	32	4	3	1	34	22	7	0	1	0	0	1	0	0	0	0	0	0	1	1	0	0	0	
Art. 148 § 2 of the Kk	0	0	0	0	0	2	0	0	0	0	2	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 148 § 3 of the Kk	0	0	0	0	0	1	0	0	0	0	1	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 148 § 4 of the Kk	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Art. 156 § 1 and 3 of the Kk	0	0	3	0	0	20	4	0	0	3	5	17	0	0	0	15	14	5	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0	
Art. 197 § 3 of the Kk	0	0	0	0	0	16	1	0	0	0	3	21	29	22	7	10	2	7	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	
Art. 197 § 4 of the Kk	0	0	0	0	0	2	0	0	0	0	2	2	2	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Other offences	0	0	5	0	0	27	6	3	0	3	6	32	10	7	3	31	13	5	3	0	0	0	0	0	0	0	0	0	1	2	0	0	0	

Art. 148, § 1 Whoever kills a person is punishable by a penalty of deprivation of liberty for a minimum of 8 years, a penalty of 25 years' deprivation of liberty or life imprisonment.

§ (2) Whoever kills a person: (1) with particular cruelty, (2) in connection with hostage-taking, rape or robbery, (3) for a motive deserving special condemnation, (4) using explosives, shall be punished by deprivation of liberty for a minimum term of 12 years, deprivation of liberty for 25 years or life imprisonment.

§ (3) The penalty referred to in § 2 shall be imposed on any person who, by a single act, kills more than one person or has already been finally convicted of a murder and on the perpetrator of a murder of a public official committed during or in connection with the performance by that official of official duties connected with the protection of the safety of persons or the protection of public security or public order.

§ (4) Whoever kills a person under the influence of strong emotions justified by circumstances shall be punished by imprisonment of 1 to 10 years.

Article 189, § 1: Anyone who deprives a person of his liberty shall be punished by deprivation of liberty for a term of 3 months to 5 years.

§ (2) If the deprivation of liberty lasted for more than 7 days, the perpetrator shall be punished by deprivation of liberty for a term of 1 to 10 years.

§ 2a. If the deprivation of liberty referred to in § 2 concerns a person who is vulnerable because of his age, mental or physical condition, the perpetrator shall be liable to a custodial sentence of between 2 and 12 years.

§ If the deprivation of liberty under § 1-2a was associated with particular maltreatment, the perpetrator shall be liable to a custodial sentence of at least 3 years.

Article 193. Anyone who enters another person's house, apartment, premises, room or land, or does not leave such a place, against the request of the said person, shall be liable to a fine, a penalty of restriction of liberty or a term of up to one year's imprisonment.

Article 200, paragraph 1: Anyone who has sexual intercourse with a minor under 15 years of age or who commits any other sexual act with such a person or who leads such a person to submit to or perform such acts shall be punished by deprivation of liberty for a term of 2 to 12 years.

§ (3) Whoever presents pornographic content to a minor under 15 years of age or provides him/her with such objects or disseminates pornographic content in a manner that allows the minor to become acquainted with it, shall be punished by imprisonment for a term of up to 3 years.

§ (4) The penalty referred to in § 3 shall be imposed on any person who presents the performance of a sexual act to a minor under the age of 15 years for the purpose of his or her sexual gratification or that of another person.

§ (5) The sanction referred to in § 3 shall be imposed on any person who advertises or promotes the dissemination of pornographic content in such a way as to enable a minor under 15 years of age to become acquainted with it.

Art. 201. Anyone who has a sexual relationship with an ascendant, descendant, adoptee, adopter, brother or sister, is punishable by imprisonment from 3 months to 5 years.

Art. 202. §1 Anyone who publicly presents pornographic content in such a way as to impose its reception on a person who does not wish to receive it, is punishable by a fine, a penalty of restriction of liberty or a custodial sentence of up to 2 years.

§ (3) Whoever for the purpose of dissemination produces, records or imports, stores, possesses, disseminates or presents pornographic content involving a minor or pornographic content involving violence or the use of an animal, shall be punished with imprisonment from 2 to 12 years.

§ (4) Whoever records pornographic content involving a minor shall be punished by imprisonment of 1 to 10 years.

§ 4a. Whoever stores, possesses or obtains access to pornographic contents involving a minor is punishable by imprisonment from 3 months to 5 years.

§ 4b. Whoever produces, disseminates, presents, stores or possesses pornographic content presenting the produced or processed image of a minor participating in sexual activity shall be punished by a fine, a penalty of restriction of liberty or a penalty of deprivation of liberty for up to 2 years.

§ 4c. The sanction referred to in § 4b shall be imposed on anyone who, for the purpose of his or her sexual gratification, participates in the presentation of pornographic content involving a minor.

§ (5) The court may order the confiscation of tools or other objects that were used or intended to be used to commit the offences referred to in § 1-4b, even if they are not the property of the offender.

Art. 203. Anyone who, through violence, unlawful threat, deception or by using a relationship of dependence or a critical position, leads another person into prostitution shall be liable to a penalty of deprivation of liberty for a term of 1 to 10 years.

Art. 208. Anyone who incites a minor to drink alcoholic beverages, by providing him with an alcoholic beverage, facilitating his consumption or persuading him to consume such a beverage, shall be liable to a fine, a penalty of restriction of liberty or a term of imprisonment of up to two years.

Art. 267, § 1 Whoever, without having the right to do so, accesses information not intended for him by opening a closed letter, connecting to a telecommunications network or breaking or bypassing electronic, magnetic, computer or other specific security measures, is punishable by a fine, a penalty of restriction of liberty or a custodial sentence of up to 2 years.

§ (2) The same penalty shall be imposed on any person who, without authorisation, accesses all or part of a computer system.

§ 3 The same penalty shall be imposed on any person who, in order to obtain information to which he is not entitled, establishes or uses a listening, visual or other device or software.

§ (4) The same penalty shall be imposed on any person who discloses to another person information obtained in the manner specified in § 1 to 3.

Art. 278, § 1 Whoever removes another person's movable property with the intention of appropriating it is punishable by a penalty of imprisonment from three months to five years.

§ (2) The same penalty shall be imposed on any person who, without the consent of the person entitled, obtains the computer program of another person in order to obtain a financial advantage.

§ (3) In cases of minor importance, the perpetrator shall be liable to a fine, a penalty of restriction of liberty or a custodial sentence of up to one year.

§ (4) If the theft has been committed to the detriment of a relative, prosecution shall take place at the request of the injured party.

§ 5 The provisions of § 1, 3 and 4 apply respectively to the theft of energy or of a card enabling cash to be withdrawn from an ATM.

Art. 279, § 1: Anyone who steals by burglary is liable to a penalty of deprivation of liberty for 1 to 10 years.

Art. 280, § 1 Anyone who steals by using violence against a person or threatening to do so immediately or by leading a person to a state of unconsciousness or vulnerability is punishable by imprisonment for 2 to 12 years.

§ (2) If the perpetrator of the robbery uses a firearm, knife or other dangerous object or incapacitating agent, or acts in any other way directly endangering life or in association with another person who uses such a weapon, object, agent or method, shall be punished by deprivation of liberty for at least 3 years.

Art. 282. Anyone who, in order to obtain a violent financial advantage or threatens a person with loss of life or health or violent loss of property, causes him to dispose of his own property or the property of other persons or to cease his business activity shall be liable to a penalty of deprivation of liberty for a term of 1 to 10 years.

Art. 284, § 1 Whoever appropriates the movable goods or property rights of another person is punishable by a penalty of deprivation of liberty for a maximum period of 3 years.

§ (2) Anyone who appropriates the movable property entrusted to him/her shall be punished by imprisonment for a term of 3 months to 5 years.

§ (3) In case of minor importance or misappropriation of the found object, the perpetrator shall be liable to a fine, a penalty of restriction of liberty or a custodial sentence of up to one year.

Art. 286, § 1 Whoever, with the aim of obtaining financial gain, leads another person to dispose unfavorably of his own property or the property of another person by deceiving him or by using an error or an inability of that person to understand correctly the act undertaken, is punished by imprisonment for 6 months to 8 years.

§ (2) The same penalty shall be imposed on any person who claims a pecuniary benefit in exchange for the return of an illegally removed object.

§ (3) In case of minor importance, the perpetrator shall be punished by a fine, restriction of liberty or deprivation of liberty for up to 2 years.

Art. 288, § 1: Anyone who destroys, damages or renders unusable the property of another is punishable by imprisonment for three months to five years.

§ (2) In cases of minor importance, the perpetrator shall be liable to a fine, a penalty of restriction of liberty or a custodial sentence of up to one year.

Other Articles - Appendix 4

## Appendix 6 - Measures Imposed on Convicted Family Violence Offenders

(district and regional courts, concerns judgments in first instance, it is not possible to determine whether the judgment has become final in the form indicated in the table)

### Probation Measures

The obligations set out in		2017			2018		
		total	women	men	total	women	men
the Penal Code	inform the court or probation officer of the progress of the probation period; and	1.110	108	1.002	1.362	137	1.225
	apologize to the victim	512	25	487	530	22	508
	fulfilling the obligation to provide for the maintenance of another person	534	21	513	2.560	91	2.469
	engage in paid work, study or preparation for an occupation	202	13	189	285	11	274
	refrain from abusing alcohol or drugs	5.009	204	4.805	4.969	190	4.779
	treatment of alcoholism - alcohol	928	41	887	883	29	854
	drug treatment - narcotics	73	5	68	81	1	80
	rehabilitation treatment, therapy	67	6	61	60	2	58
	participate in corrective and educational measures	105	4	101	75	8	67
	therapy	171	19	152	186	10	176
	participate in corrective and educational measures	598	36	562	581	35	546
	refrain from being in certain environments or places	77	8	69	59	3	56
	refrain from contacting the victim or others in any particular way	554	26	528	533	22	11
	refrain from approaching the victim or others	313	11	302	346	8	338
	leave the premises occupied jointly with the injured person	384	14	370	362	7	355
	other relevant behaviour during the probation period	1.153	47	1.106	1.148	45	1.103
make good the damage in whole or in part or pay benefits	83	2	81	101	7	94	
the Drug Prevention Act	treatment or rehabilitation in a therapeutic entity	1	0	1	2	0	2

**Compensatory measures and confiscation** (under the Penal Code and other laws)

		2017			2018		
		total	women	men	total	women	men
Forfeiture		274	39	235	482	53	429
Compensatory measures	obligation to make good the damage or compensate for the loss suffered	850	37	813	969	75	894
	finances	249	10	239	412	29	383

## Appendix 7 - Criminal measures imposed on persons convicted of offences classified as family violence

(district and regional courts, concerns judgments in first instance, it is not possible to determine whether the judgment has become final in the form indicated in the table)

Obligations under the Penal Code	2017			2018		
	total	women	men	total	women	men
disenfranchisement	16	0	16	27	1	26
prohibition to hold a specified position, to engage in a specified occupation or to carry out a specified economic activity	4	0	4	7	0	7
including the prohibition to engage in certain economic activities in the event of conviction for an offence committed in connection with such activity if the continuation of that activity threatens property legally protected essentials	1	0	1	2	0	2
prohibition to engage in activities related to the education, health care, instruction or care of minors	3	1	2	2	1	1
obligation to refrain from being in certain environments or places	35	4	31	31	1	30
contact ban	666	21	645	762	21	741
restraining order	995	19	976	1.205	28	1.177
prohibition to leave the place of stay without the consent of the court	6	0	6	8	0	8
ban on admission to a mass event	0	0	0	0	0	0
prohibition to enter gambling centres and to participate in gambling activities	0	0	0	0	0	0
order to leave the premises occupied jointly with the injured person	507	10	497	604	8	596
driving prohibition	123	2	121	133	19	114
payment of benefits	300	25	275	356	40	316
judgment's issuance	23	1	22	33	5	28

## **Appendix 8 - Police**



## Activities

### Interventions by police officers

		2017	2018
Home interventions related to family violence		52.227	47.374
Potential Victims of Family Violence		92.529	88.133
Women potential victims of family violence	total	67.984	65.057
	under 65 years of age	61.330	58.339
	over 65 years of age	6.654	6.718
Minors who are potential victims of family violence	total	13.515	12.404
	whose daughters	6.800	6.143

### Perpetrators of violence in detention

	2017	2018
Total	18.175	16.915
Women	635	579
Men	17. 514	16.305

### Proceedings in cases of abuse in the family (article 207 of the Criminal Code)

		2017			2018				
Proceedings initiated	Identified offences	Victims			Proceedings initiated	Identified offences	Victims		
		Women	Men	No data			Women	Men	No data
28.608	16.254	16.905	4.252	6	28.786	15.684	16.434	4.134	4

## Annex 9 - Preventive Measures

		2017	2018	
preventive measures taken by the prosecutor	Police surveillance with a prohibition of contact with a victim of family violence	4.448	4.403	
	surveillance by the police, provided that they leave the premises occupied jointly with the injured party	897	790	
	order to leave the premises occupied jointly with a relative	3.668	3.776	
applications by the prosecutor to the court to take or extend preventive measures	order to leave the premises occupied jointly with the injured person	1.235	1.319	
	extension of the order to leave the premises occupied jointly with the injured person	151	162	
	implementation of pre-trial detention	2.625	2.274	
applications to the court for criminal or probationary measures	obligation to refrain from being in certain environments or places	punitive sanctions	13	3
		probation measures	30	30
	contact ban	punitive sanctions	154	137
		probation measures	116	105
	restraining order	punitive sanctions	135	151
		probation measures	83	78
	order to leave the premises occupied jointly with the injured person	punitive sanctions	87	92
		probation measures	51	57
	participation in remedial and educational programs	probation measures	315	240
	decisions taken by the court taking into account the prosecutor's requests	implementation of an order to leave the premises occupied jointly with the injured person	2.252	2.353
extension of an order to leave the dwelling occupied jointly with the injured person for further periods of time		232	330	
implementation of pre-trial detention		1.004	1.075	

Requests from probation officers concerning probation measures to be applied by the court in the enforcement procedure and court decisions taking into account these requests

Imposed duty:	2017		2018	
	requests	judgments	requests	judgments
keep away from certain places	16	18	7	7
refrain from contacting the victim	17	12	13	9
keep away from the injured party	13	7	10	7
the order to leave the premises occupied jointly with the injured party	34	32	27	12

**Appendix 10 - Cases concerning the obligation of the perpetrator of family violence to leave the premises occupied jointly with a family member affected by the violence** (without the possibility of indicating which judgment has become final)

	remaind er of last year	receiv ed	processed										remaining for the next period	duration of the procedure (CEPEJ methodology), in days*.
			total	retained in whole or in part	referred	reported	rejected	including			alternative treatments			
								total	cancelled					
									amicable settlement	withdrawal of applications		mediation		
First Instance - District Courts														
2017	581	1.454	1.497	696	230	141	12	320	16	231	1	98	538	131,2
2018	538	1.596	1.532	689	260	171	14	328	27	218	1	70	602	143,4
Second instance - regional courts														
2017	31	103	99	73	16	4	0	6	0	2	0	0	35	129,0
2018	35	116	107	78	17	2	1	6	0	1	0	3	44	150,1

\* relationship between the number of cases pending for the next statistical period and the average number of cases pending during the given statistical period or during the reporting unit's operating period (year - 365 days, semester - 182.5 days, quarter - 91.25 days)

## List of legal acts

- Law of 23 April 1964 Civil Code
- Law of 25 February 1964 Family and Guardianship Code
- Law of 17 November 1966 Code of Civil Procedure
- Act of 6 June 1997 Code of Criminal Procedure
- Act of 6 June 1997 Criminal Code
- Act of 30 August 2019 on the State Commission for Explanation of Cases of Acts against Sexual Freedom and Indecency against a Minor under 15 Years of Age
- Law of 5 August 2015 on free legal aid, free civic guidance and legal education
- Act of 24 August 2001 on the Military Gendarmerie and Military Forces of Order
- Act of 26 October 1982 on juvenile criminal justice
- Act of 29 July 2005 on combating family violence
- Act of 13 May 2016 on the fight against threats related to sexual crime
- Police Act of 6 April 1990
- Law of 29 July 2005 on the prevention of drug addiction
- Act of 20 April 2004 on the promotion of employment and labour market institutions
- Act of 28 November 2014 on the protection of and assistance to victims and witnesses
- Act of 29 December 1992 on Broadcasting
- Act of 28 October 2002 on the Criminal Liability of Collective Entities
- Act of 12 March 2004 on social assistance
- Public Health Act of 11 September 2015
- Act of 26 October 1982 on education for sobriety and the fight against alcoholism
- Act of 7 July 2005 on State compensation for victims of certain crimes
- Act of 24 April 2003 on activities in the public interest and voluntary work
- Act of 8 September 2006 on the public emergency health care service
- Aliens Act of 12 December 2013
- Act of 24 May 2000 on the National Crime Registry
- Law of 27 August 2014 on publicly funded health care
- Law of 9 June 2011 on family support and the alternative care system
- Act of 13 June 2003 on granting protection to aliens on the territory of the Republic of Poland
  
- Regulation of the Council of Ministers of 13 September 2011 on the "Blue Card" procedure and the standard "Blue Card" forms
- Regulation of the Minister of Social Policy of 8 March 2005 on Homes for Mothers with Minor Children and Pregnant Women
- Regulation of the Minister of Labour and Social Policy of 3 June 2011 on the supervision and control of the performance of tasks in the field of prevention of family violence,
- Regulation of the Minister of Labour and Social Policy of 25 August 2016 on social investigation,
- Regulation of the Minister of Labour and Social Policy of February 22, 2011 on the standards of basic services provided by specialized support centres for victims of family violence, the qualifications of persons employed in such centres, detailed guidelines on the conduct of corrective and educational measures against persons using family violence and the qualifications of persons conducting corrective and educational measures,

- Regulation of the Minister of Labour and Social Policy of 28 January 2011 on the monitoring team for combating family violence,
- Regulation of the Minister of Social Policy of 17 April 2012 on specialization in the profession of social worker
- Regulation of the Minister of Justice of 21 December 2018 on free legal aid and free civic guidance
- Regulation of the Minister of Justice of 13 June 2016 on the manner and mode of carrying out the activities of probation officers in enforceable criminal cases,
- Regulation of the Minister of Justice of 23 December 2015 - Regulations of the ordinary courts of law
- Regulation of the Minister of the Interior and Administration of 31 March 2011 on the procedure to be followed in carrying out activities aimed at removing a child from his or her family in the event of a direct threat to the child's life or health as a result of family violence,
- Regulation of the Minister of Health of 22 October 2010 on the model medical certificate concerning the causes and type of injuries related to family violence.