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Response of the Commissioner for Human Rights of the Republic of Poland to the Questionnaire for the evaluation of the implementation of the Convention on Preventing and Combating Violence against Women and Domestic Violence by the Parties

To: Violence against Women Division, Secretariat of the Istanbul Convention monitoring mechanism, Council of Europe – Conseil de l'Europe

Subject line: Submission to the GREVIO 1st thematic evaluation round: Building trust by delivering support, protection and justice

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Information on reporting institution

The Commissioner for Human Rights (Commissioner) is a constitutional body appointed to protect and supervise the observance of human and civil rights. The Commissioner's role is performed independently of other public authorities and his powers are set out in the Constitution of the Republic of Poland as well as in the Act of 15 July 1987 on the Commissioner for Human Rights. The Commissioner is appointed by Sejm (lower chamber of the Parliament) with the approval of Senate (higher chamber of the Parliament) for a 5-year term of office. The Commissioner plays the roles of National Human Rights Institution (NHRI) as well as Ombudsman, the National Mechanism for the Prevention of Torture (NPM – visiting body for the prevention of torture and other cruel, inhuman or degrading treatment or punishment), independent equality body (as referred to in the EU anti-discrimination directives) and independent body monitoring the implementation of the Convention on the rights of persons with disabilities (CRPD). The Commissioner has been performing the tasks of an independent equality body since 2011. The Commissioner hereby presents his observations, made in the context of his mandates and on the basis of the information available to him.

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Introduction

1. The Commissioner for Human Rights constantly monitors the state of observance of human and civil rights, as defined in the Constitution and other normative acts, including international agreements ratified by Poland, such as the Istanbul Convention. The Commissioner also performs the functions of an independent equality body. In this perspective, measures are taken to ensure that state authorities provide adequate and effective protection against violence and domestic violence that primarily affects women.

2. The Commissioner for Human Rights actively interacts with monitoring mechanisms such as GREVIO. In 2019 submitted the alternative report to the report of the government of the Republic of Poland on measures taken to implement the Council of Europe convention on preventing and combating violence against women and domestic violence[1]. In the course of his activities, the Commissioner has taken into account the GREVIO recommendations issued in 2021[2]. In the current monitoring round, the Commissioner also follows the first thematic evaluation procedure. The Government's report in response to GREVIO's questionnaire was submitted to GREVIO on 3 August 2026[3]. The present submission, prepared by the Commissioner in the exercise of the independent mandate, provides complementary observations based on the Commissioner's own activities, cases examined by the Office of the Commissioner and information available to the Commissioner.

3. The Commissioner for Human Rights, by responding to selected questions of the questionnaire, provides information that may be of assistance in assessing the current situation in law and practice.

4. The Commissioner for Human Rights regrets that the Polish Government's work on the report was delayed so significantly in light of the timetable previously set out by GREVIO. Despite this delay, the report submitted does not contain key data on violence against women, as noticed further in the Commissioner's report.

[1] Access at: https://bip.brpo.gov.pl/sites/default/files/raport_alternatywny_rpo_dla_grevio_czerwiec_2020.pdf [accessed 24.04.2025].
[2] GREVIO baseline evaluation report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), access at: https://www.gov.pl/attachment/b0af6dc0-b2cb-40be-94f0-d6c2d046ff75 [accessed 24.04.2025].
[3] https://rm.coe.int/report-submitted-by-poland-pursuant-to-article-68-paragraph-1-of-the-c/48802cd491 [accessed 24.08.2026].

Part I: Changes in comprehensive and co-ordinated policies, funding and data collection in the area of violence against women and domestic violence

Article 7: Comprehensive and co-ordinated policies

1. The Commissioner for Human Rights has for years pointed to the lack of a comprehensive strategy to combat gender-based violence against women in its various manifestations, addressed to various groups of women (older women, migrant women or women with disabilities) in different spheres, both private and public ones[4].
2. The legal and policy framework for counteracting violence, including violence against women and girls in Poland, is primarily provided by the programming documents of the domestic violence protection mechanism: the Act on Counteracting Domestic Violence[5] and the Government Programme for Counteracting Domestic Violence 2024-2030 (hereinafter: 'GPCDV')[6].
3. Protection against manifestations of violence other than domestic violence is provided under various specific laws, e.g. the Penal Code[7], the Act on Social Assistance[8], the Code of Civil Procedure[9], the Code of Criminal Procedure[10], the Act on Equal Treatment[11] or the Labour Code[12], and is thus both punctual and diffuse in nature.
4. References to violence can also be found in the National Action Programme on Equal Treatment 2022-2030 (hereinafter: 'NAPET')[13]. It aims not only to address violence phenomena but also to effectively identify and prevent them, although: '...counteracting

[4] See: COMMISSIONER's intervention letter of 11.01.2023 (ref. no. XI.518.1.2019), access at: https://bip.brpo.gov.pl/pl/content/rpo-przeciwdzialanie-przemocy-rodzina-program-schmidt-odpowiedz [accessed 19.03.2025].
[5] Act of 29.07.2005 on Counteracting Domestic Violence (consolidated text: Journal of Laws of 2024, item 1673, hereinafter: 'ACDV').
[6] Resolution No. 205 of the Council of Ministers of 9.11.2023 adopting the Government Programme for Counteracting Domestic Violence 2024-2030 (Monitor Polski official gazette of 2023, item 1232).
[7] Act of 6.06.1997 - Penal Code (consolidated text: Journal of Laws of 2025, item 383, hereinafter: 'PC').
[8] Act of 12.11.2004 on Social Assistance (consolidated text: Journal of Laws of 2024, item 1283, as amended; hereinafter: 'ASA').
[9] Act of 17.11.1964 - Code of Civil Procedure (consolidated text: Journal of Laws of 2024, item 1568, as amended; hereinafter: 'CCivP').
[10] Act of 6.06.1997 - Code of Criminal Procedure (consolidated text: Journal of Laws of 2025, item 46, as amended; hereinafter: 'CCrimP').
[11] Act of 3.12.2010 implementing certain European Union regulations in the field of equal treatment (consolidated text: Journal of Laws of 2026, item 1196).
[12] Act of 26.06.1974 - Labour Code (consolidated text: Journal of Laws of 2025, item 277; hereinafter: 'LC').
[13] Resolution No. 113 of the Council of Ministers of 24.05.2022 adopting the National Action Programme on Equal Treatment 2022-2030 (Monitor Polski official gazette of 2022, item 640).

violence is not included in the national programme as, according to the Act of 29 July 2005 on Counteracting Domestic Violence, actions to combat violence are regulated in the National Programme for Counteracting Domestic Violence, that is adopted by the Council of Ministers'. The actions against violence, provided for in the NAPET, are included mainly under priority VI: awareness building.

5. The Commissioner takes note of the legislative changes in the mechanism for preventing violence against women and domestic violence, pointing out that some of them meet the postulates previously raised by the Commissioner[14]:

   5.1. introducing the preventive measure of ordering a perpetrator of domestic violence to immediately leave the shared residence and its immediate surroundings, and/or prohibiting the perpetrator of domestic violence from approaching the residence and its immediate surroundings (as of 20.11.2020[15]);

   5.2. introducing the measure of prohibiting a perpetrator of domestic violence to approach a person subjected to such violence within a certain distance (determined in metres), to contact a person subjected to such violence, and to enter or stay within the premises of a school or other educational, caretaking or artistic establishment or sports facility attended by a person subjected to such violence or their place of work (as of 15.08.2023[16]);

   5.3. criminalisation of female genital mutilation (Article 156 PC) and forced marriage (Article 191b PC) (as of 15.08.2023[17]);

   5.4. changing the terminology, including the existing name of the Act 'on Counteracting Violence in the Family' into 'on Counteracting Domestic Violence' (as of 22.06.2023[18]);

   5.5. expanding the existing range of domestic violence forms to include two further forms, i.e. economic violence and cyberviolence (as of 22.06.2023[19]);

[14] See: COMMISSIONER's intervention letters: of 1.12.2021. (ref. no. XI.022.3.2021/II.510.1221.2021), access at: https://bip.brpo.gov.pl/pl/content/rpo-przemoc-domowa-lepsza-oCommissionerona-ms-opinia and of 2.11.2021 (ref. no. XI.518.1.2019), access at: https://bip.brpo.gov.pl/pl/content/rpo-przemoc-domowa-wobec-kobiet-zwalczanie-ocena [accessed 18.04.2025].

[15] Act of 30.04.2020 amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws of 2020, item 956).

[16] Act of 13.11.2023 amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws of 2023, item 289).

[17] Ibidem, Article 5.

[18] Act of 9.03.2023 amending the Act on Counteracting Domestic Violence and certain other acts (Journal of Laws 2023, item 535).

[19] Ibidem.

5.6. expanding the existing range of persons to whom the provisions of the amended Act are applicable, inter alia by: a former spouse, former partner or any other person remaining, currently or formerly, in a lasting emotional or physical relationship, regardless of shared residence and housekeeping, as well as a minor who witnesses domestic violence (as of 22.06.2023[20]);

5.7. changing the definition of rape by adding the phrase 'or in another way, despite her lack of consent' (as of 13.02.2025[21])[22];

5.8. amending Article 185c(4) CCrimP [23] in such a way that a hearing of a victim is no longer required to be conducted by an expert psychologist of the same gender (determined based on the victim's official documents) but of the gender indicated by the victim[24];

6. The PC has been amended[25] by introducing provisions on combating hate speech and by extending the list of protected characteristics so as to add age, gender, disability and sexual orientation to the already protected: nationality, ethnicity, race, religion or irreligiousness. This means that offences motivated by prejudice on the above-mentioned grounds would be prosecuted ex officio, without the need to file a private case. Moreover, thanks to replacing the phrase 'because of their affiliation' with the words 'because of affiliation'[26], crimes committed in the mistaken belief as to the characteristics of the victim would also be criminalised. On 17.04.2025, the President of Poland forwarded the Act to the Constitutional Tribunal for evaluation under the preventive control procedure. The Tribunal found the proposed amendments to be inconsistent with the Constitution (Constitutional Tribunal judgment of 30 September 2025, case no. Kp 3/25).

7. As regards the definition included in Article 3(a) of the Istanbul Convention, it should be

[20] Ibidem.
[21] Act of 28.06.2024 amending the Act - Penal Code and certain other acts (Journal of Laws of 2024, item 1228).
[22] Opinion of the Commissioner for Human Rights on the draft amendment to the PC, see intervention letter of 20.03.2024 (ref. no. II.510.277.2024), access at: https://bip.brpo.gov.pl/sites/default/files/2024-03/Do_Sejmu_opinia_nowelizacja_kodeks_karny_zgwalcenie_20.03.2024.pdf [accessed 29.04.2025]. COMMISSIONER's opinion has not been taken into account by the legislator.
[23] Act of 6.03.2025 amending the Act - Penal Code, access at: https://orka.sejm.gov.pl/proc10.nsf/ustawy/876_u.htm.
[24] Act of 13.01.2023 amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws of 2023, item 289).
[25] Act of 6.03.2025 amending the Act - Penal Code.
[26] According to the draft amendment: 'in connection with their affiliation' (bill no. 876, access at: https://www.sejm.gov.pl/sejm10.nsf/PrzebiegProc.xsp?nr=876 [accessed: 29.04.2025]. Critical opinion of the Commissioner for Human Rights see intervention letter of 9.01.2025 (ref. no. II.510.345.2024), access at: https://bip.brpo.gov.pl/sites/default/files/2025-01/Do_Sejmu_kodeks_karny_przeslanki_antydyskryminacyjne_opinia_9_01_2025.pdf [accessed 29.04.2025]

pointed out that Polish legislation is characterised by gender neutrality in referring to offences that can be committed against any person (e.g. abuse, rape, forced marriage, etc.). Gender non-neutral terms are used by the legislator solely in exceptional cases when only a woman can be a victim of a given crime, e.g. in Article 153 PC (forced abortion). As regards the definition included in Article 3(c) of the Istanbul Convention, it should be pointed out that the legislator has not defined the term 'gender' in the Act on Counteracting Domestic Violence or the Penal Code, and thus gender is determined (as female or male) based on the person's official documents. The Polish legislation does not use gender to differentiate between situations of violence, in line with the definition included in Article 3(d) of the Convention. It has not directly introduced the definition included in Article 3(f) of the Convention to the penal law because the key criterion used therein is the age criterion (a minor person is a person under 18 years of age, regardless of their gender).

8. As regards intersectionality, it should be pointed out that:

   8.1. The Roma people social and civic integration programme for 2022-2030[27] takes note of the problem of intersectionality of Roma women and girls who are identified as one of the groups that require special support (4.5.3.);

   8.2. Proceedings may be conducted in connection with the commission of multiple offences (e.g. relating to gender and to ethnicity), all of which are taken into account in determining the penalty.

9. The Commissioner continues to identify shortcomings of the national legislation and programme measures in the field of preventing and combating gender-based violence against women:

   9.1. lack of comprehensive multi-annual strategy for counteracting gender-based violence in all its manifestations in the public and private spheres - not only domestic violence that is subject to the provisions of the Act on Counteracting Domestic Violence and the Government Programme for Counteracting Domestic Violence 2024-2030[28];

   9.2. lack of holistic anti-violence policy taking into account the gender perspective,

[27] Resolution no. 190/2020 of the Council of Ministers of 21.12.2020 adopting the multiannual 'Roma people social and civic integration programme for Poland for 2021-2030'.

[28] See: COMMISSIONER's intervention letters (ref. no: XI.518.1.2019) of 11.01.2023, access at: https://bip.brpo.gov.pl/pl/content/rpo-przeciwdzialanie-przemocy-rodzina-program-schmidt; of 25.02. 2021, access at: https://bip.brpo.gov.pl/sites/default/files/Do_Pelnomocnik_Rownego_Traktowania_25.02.2021.pdf/ and of 9.12.2021, access at: https://bip.brpo.gov.pl/pl/content/rpo-przemoc-p%C5%82ec-kobiety-konieczna-strategia-przeciwdzialania [accessed 18.04.2025].

including the specific situation of certain groups of women who experience gender-based violence: women of Roma origin, older women, non-heteronormative women, women with disabilities, or migrant women, the importance of which policy has been highlighted by the war in Ukraine;

9.3. lack of clear acknowledgement that gender-based violence against women is a manifestation of discrimination against women;

9.4. National Action Programme on Equal Treatment addresses the issue of violence against different groups, including women but does not explain the relation between violence experienced by those groups and equality; anti-violence legislation and policy is dominated by a universally applicable approach;

9.5. lack of an adequate system for collecting the necessary statistical data and conducting research on the phenomenon of violence against women and domestic violence, taking into account the gender of the victim and of the perpetrator and the relationship between them[29].

Article 8: Funding

10. The main axis for funding policies in the field of the due implementation of the Istanbul Convention is the GPCDV. The total budget allocation to the programme is 367,800,000 PLN (about 88,083,500 EUR). The funds are to be spent progressively. The amount planned to be spent in 2024 was 50,050,000 PLN (about 11,986,000 EUR), but in the State Budget Act 2024[30] only 24,376,000 PLN (about 5,838,000 EUR) was allocated to the voivodeship governors for measures counteracting domestic violence. In 2025, 51,110,000 PLN (about 12,238,000 EUR) was planned to be spent, and in the 2025 state budget[31], 49,270,000 PLN, (about 11,800,000 EUR) was transferred to the voivodeship governors for measures to combat domestic violence.

11. The main measures funded under the GPCDV include running specialist support centres for people who experience domestic violence (over the 7 years of the programme, 194,820,000 PLN, i.e. about 46,657,000 EUR is planned to be spent for this purpose) and the operation of interdisciplinary teams (to be supported with an amount of 104,790,000 PLN, i.e. about 25,095,000 EUR). Other measures under the programme include: holding annual

[29] See: COMMISSIONER's intervention letters: ref. no. XI.518.1.2019 of 11.01.2023, op. cit. and of 2.11.2021, access at: https://bip.brpo.gov.pl/sites/default/files/2021-11/RPO_przemoc_domowa_3.11.2021.pdf [accessed 24.04.2025].

[30] State Budget Act 2024 of 18.01.2024 (Journal of Laws of 2024, item 122, as amended).

[31] State Budget Act 2025 of 9.01.2025 (Journal of Laws of 2025, item 63).

conferences on counteracting domestic violence (450,000 PLN, i.e. about 108,000 EUR in total), conducting corrective education programmes for perpetrators of domestic violence (29,600,000 PLN, i.e. 7,088,000 EUR), implementation of psychological therapy programmes for domestic violence perpetrators (10,680,000 PLN i.e. about 2,558,000 EUR), training courses on preventing domestic violence (22,400,000 PLN i.e. 5,365,000 EUR) and a 24-hour free-of-charge helpline for people who experience domestic violence (2,680,000 PLN i.e. 642,000 EUR in total).

12. The GPCDV envisages certain periodic expenditure. In 2025, 2027, and 2029 a diagnosis of the phenomenon of domestic violence is to be carried out – the allocations for the respective years are: 130,000 PLN (about 31,000 EUR), 150,000 PLN (about 36,000 EUR) and 150,000 PLN (36,000 EUR), which makes a total of 430,000 PLN (103,000 EUR). In the years 2024, 2026, 2028, and 2030, national-level social campaigns are planned, each worth 150,000 PLN (36,000 EUR), totalling 600,000 PLN (about 144,000 EUR).

13. Within the programme, one-off expenditure is also planned with a total value of 1,350,000 PLN (about 323,000 EUR) on financing the establishment of specialist support centres for people who experience domestic violence (900,000 PLN i.e. about 215,000 EUR in 2024) and on conducting, in 2027, mid-term assessment of the effectiveness of corrective education programmes and psychological therapy programmes for perpetrators of domestic violence (150,000 PLN i.e. 36,000 EUR). As a one-off task, the effectiveness of assistance provided to people who experience domestic violence is to be carried out in 2028 (with a value of 150,000 PLN i.e. about 36,000 EUR) and the Government Programme for Counteracting Domestic Violence is to be evaluated in 2029 (150,000 PLN i.e. about 36,000 EUR).

14. The bodies answerable for the implementation of the tasks under the GPCDV are, first of all, voivodeship governors. They are responsible for the expenditure of 363,190,000 PLN (86,980,000 EUR), i.e. 98.75% of the total budget of the programme. The Ministry of Health and the Ministry of Family, Labour and Social Policy will also be responsible for the implementation of specific tasks. Their respective allocations are: 2,680,000 PLN (642,000 EUR) and 1,930,000 PLN (462,000 EUR), i.e. 0.73% and 0.52% of the programme's budget. The State Budget Act 2025 allocates 3,000,000 PLN (about 718,000 EUR) to the Office of the Council of Ministers for measures counteracting domestic violence.

15. The shield programme 'Support to Local Governments in Developing a System for Counteracting Domestic Violence' is also continued. The allocation for 2024 was 3,000,000 PLN (about 718,000 EUR)[32]. The project is coordinated by the Ministry of Family, Labour and Social Policy. The main objective is to strengthen local government entities in the

[32] See: https://www.gov.pl/web/rodzina/program-oslonowy-wspieranie-jednostek-samorzadu-terytorialnego-w-tworzeniu-systemu-przeciwdzialania-przemocy-domowej [accessed 18.04.2025].

implementation of local systems for counteracting domestic violence. In the programme, four priority areas are identified: I. Development of preventive measures raising social awareness of the phenomenon of domestic violence; II. Increasing the quality and availability of services for people who are at risk of or experience domestic violence; III. Adapting the existing institutional infrastructure to the needs of people who are at risk of or experience domestic violence; IV. Intensifying assistance to children and adolescents from groups affected by domestic violence.

16. As regards the implementation of the programme in 2020-2023, the annual budget was 3 million PLN and in the latest years the spending was as follows: 89.07% i.e. 2,672,170.66 PLN[33], 98% i.e. 2,938,102.88 PLN[34] and 99.98% i.e. 2,999,300 PLN[35].

17. Funding for counteracting domestic violence and violence against women has also been provided under the Roma people social and civic integration programme for 2021-2030. Within the programme, the Ministry of National Education financially supports applications filed with voivodship government offices and regarding e.g. the funding of measures in the field of school integration and education. The Ministry of the Interior and Administration is to support Roma women (as a group in need of special support) e.g. by funding conferences, courses, workshops and training for women and girls of Roma origin. The total value of the Roma people social and civic integration programme for 2021-2030 is 114,000,000 PLN, i.e. about 27,300,000 EUR. Of this amount, about 15% will come from local governments which will contribute 17,100,000 PLN, i.e. about 4,096,000 EUR.

18. In his intervention letter to the Minister for Equality[36], the COMMISSIONER pointed to the impact of insufficient funding available to entities that implement the 'Blue Cards' procedure, in particular for training of persons directly engaged in measures counteracting domestic violence. Such training is necessary to ensure the effectiveness of the domestic violence prevention mechanism, e.g. by eliminating certain doubts of members of the interdisciplinary teams as well as diagnostic and support groups.

19. In his correspondence to the Ministry of Justice[37], the COMMISSIONER described the problems to be solved, for which funds should be allocated from the Assistance for the Disadvantaged Fund and the Post-Penitentiary Support Fund, in line with the objectives set

[33] https://www.gov.pl/attachment/a95b0ecd-97af-4e1c-b8da-64cda74136b6 [accessed 18.04.2025].
[34] https://www.gov.pl/attachment/a7a01d44-0ea8-4d7c-84bb-ad3e2f799aaf [accessed 18.04.2025].
[35] https://www.gov.pl/attachment/8eefd113-91f2-441c-91b9-03d0d85fbab0 [accessed 18.04.2025].
[36] General intervention of the COMMISSIONER of 28.10.2025 (ref. no. XI.518.4.2024), access at: https://bip.brpo.gov.pl/pl/content/rpo-niebieskie-karty-procedura-uwagi-ministra-rownosci [accessed 18.04.2025].
[37] General intervention of the COMMISSIONER of 27.09.2024 (ref. no. II.510.1068.2024).

out in Article 43 of the Executive Penal Code[38]. To better protect the rights of victims and to increase the level of their protection, the following action areas were identified: the development and implementation of programmes to prevent domestic violence and protect the victims; ensuring a sufficient number of places of safe refuge, in particular specialist support centres as the key element of the system of assistance to victims; the lack of obligation to establish crisis intervention centres providing psychological support, therapeutic support and shelter; insufficient progress in increasing the number of homes for mothers with minor children and pregnant women.

20. The Commissioner for Human Rights called on the Minister of Development Funds and Regional Policy[39] to ensure financial support for NGOs engaged in assistance provision to Ukraine. The Commissioner pointed out that their work is financed individually, often with private contributions or donations, and that the state does not provide support to all such NGOs. In the opinion of the COMMISSIONER, NGOs should be beneficiaries of EU assistance funds at the national level. Provisions should be introduced to the Polish legislative system to allow the use of support for the time since the outbreak of the war in Ukraine, i.e. since 24 February 2022, in accordance with the Act of 12 March 2022 on support provision to citizens of Ukraine in connection with the armed conflict on the territory of the country. In response[40], the minister assured that the special role of NGOs will be taken into account in further work on EU funds planning and disbursement on counteracting the effects of the war in Ukraine.

21. The Commissioner for Human Rights is aware of the Government Plenipotentiary for Equal Treatment's announcement regarding the allocation of additional funds for the operation of the anti-violence mechanism [41].

Article 11: Data collection and research

22. According to Article 11 of the ACDV, the main responsibilities in the field of monitoring and reporting lie with the Council of Ministers that is required to submit on annual basis, by 30 September, a report on the implementation of the GPCDV to the Sejm and the Senate of

[38] Act of 6.06.1997 - Executive Penal Code, consolidated text: Journal of Laws of 2024, item 706, as amended; hereinafter: 'EPC').
[39] COMMISSIONER's intervention letter of 16 March 2022, ref. no. VII.053.1.2022, access at: https://bip.brpo.gov.pl/pl/content/rpo-ue-pomoc-uchodzcy-ukraina-ngosy [accessed 24.04.2025].
[40] Ref. no. DZF-VI.055.2.2022.JS.
[41] Draft resolution of the Council of Ministers amending the resolution on establishing the Government Programme for Counteracting Domestic Violence for 2024–2030, No. ID281, access at: https://www.gov.pl/web/premier/projekt-uchwaly-rady-ministrow-zmieniajacej-uchwale-w-sprawie-ustanowienia-rzadowego-programu-przeciwdzialania-przemocy-domowej-na-lata-20242032 [accessed 24.08.2026].

the Republic of Poland. The document used to cover all measures taken by the state at the central and local levels, together with statistical data.

Until 30.06.2024, the institution coordinating the drafting of the report on the then-called National Programme for Counteracting Domestic Violence was the minister responsible for social security i.e. the Minister of Family, Labour and Social Policy. As of 1.07.2024, pursuant to Article 18(3) and (4) of the Act of 15.05.2024 amending certain Acts regarding the operation of the state government administration[42], the task was assigned to the Minister of Equality. On 25 July 2025, the then Minister of Equality, Katarzyna Kotula, was appointed Secretary of State in the Chancellery of the Prime Minister. By an amendment of 9 January 2026[43], references to the Minister of Equality in the Act on ACDV were replaced with references to the entity entrusted with the performance of tasks concerning the implementation of the principle of equal treatment, in accordance with Article 18(2) of the Act the Act on Equal Treatment (a member of the Council of Ministers, Secretary of State, Undersecretary of State, or Government Plenipotentiary for Equal Treatment). On 27 February 2026, the Prime Minister appointed Katarzyna Kotula as the Government Plenipotentiary for Equal Treatment.

23. The Commissioner for Human Rights is concerned to note a significant delay by the Government of Poland in publishing up-to-date information on the phenomenon of violence. As of the date of this paper, the most recent document publicly available is the Report on the Implementation of the National Programme for Counteracting Domestic Violence in the period from 1.01.2022 to 31.12.2022[44].

24. The analysis of the latest reports on the implementation of the National Programme for Counteracting Domestic Violence shows that the methodology of data collection in Poland has not changed significantly since 2020.

25. Statistical data on domestic violence in Poland is collected with the use of various mechanisms by different institutions that gather information on the number of reported cases, the activities of law enforcement agencies and the support provided to the victims. The process consists in data collection by the police, prosecutors' offices, courts, ministries and local governments. As a result, as stated in the audit report of the Supreme Audit Office, data on Blue Cards 'are collected in separate databases, which significantly limits their usefulness' and no single national-level register of families affected by domestic violence exists[45].

[42] Journal of Laws of 2024, item 834.
[43] Journal of Laws of 2026, item 160.
[44] See: https://www.gov.pl/web/rodzina/sprawozdania-z-krajowego-programu-przeciwdzialania-przemocy-w-rodzinie [accessed 24.04.2025].
[45] See: Supreme Audit Office, Information on audit results: prevention of domestic violence, pp. 7 and 10 https://www.nik.gov.pl/plik/id,30583,vp,33639.pdf [accessed 18.04.2025].

26. The data contained in the reports relates mainly to the phenomenon of 'violence in the family' and is based on the indicators of the Government Programme for Counteracting Domestic Violence. A positive change has been that some data (e.g. on the number of persons who experience domestic violence, use counselling services, etc.) is aggregated by gender, disability and age (including for people over 65 years of age and children), although this is based mainly on the use of the Blue Cards procedure.

27. Within the system of justice, data on domestic violence are aggregated by gender much less frequently[46]. This is confirmed by the analyses carried out on a biennial basis by the European Institute for Gender Equality (EIGE)[47].

28. Attention should also be paid to the lack of aggregation, in the available Reports on the implementation of the National Programme for Counteracting Domestic Violence, of any data with regard to the relationship between the victim and the perpetrator. This is contrary to the EIGE recommendations[48] and disregards the fact that Section A of the Blue Cards form indicates the relationship with the victim (e.g. wife, ex-wife, partner, former partner, daughter, stepson, mother, father-in-law, etc.)[49].

29. It is therefore crucial, as pointed out also in the aforementioned report of the Supreme Audit Office, that representatives of public authorities develop a coherent system for monitoring violence, which will allow for a comprehensive analysis of the problem as well as more effective action. The COMMISSIONER has pointed[50] to the need to extend the scope of statistical data collection beyond the phenomenon of 'domestic violence'. As stated in the Istanbul Convention, the data should also cover various forms of violence against women: physical, psychological, sexual and economic violence, as well as their digital dimensions. The data should take into account the relationship between the victim and the perpetrator, be publicly available and regularly updated.

30. The data presented in the Polish Government's Report on the implementation of the Istanbul Convention, in Part IV: Administrative Data and Statistics and in Annexes 2 and 3,

[46] The report shows e.g. the number of persons (by gender) convicted for domestic violence and under Article 207 PC as well as penalties and preventive measures imposed on them.
[47] See: https://eige.europa.eu/gender-based-violence/countries/poland [accessed 18.04.2025].
[48] See: EIGE, Methodological Guidance: Administrative data collection on violence against women and domestic violence, https://eige.europa.eu/publications-resources/publications/methodological-guidance-administrative-data-collection-violence-against-women-and-domestic-violence-0 [accessed 18.04.2025].
[49] See: Regulation of the Council of Ministers of 6.09.2023 on the Blue Cards procedure and Blue Cards template forms (Journal of Laws of 2023, item 1870). The repealed Regulation of the Council of Ministers of 13.09.2011 on the Blue Cards procedure and template forms included a reference to 'degree of kinship' between the domestic violence victim and the person suspected of using domestic violence.
[50] See: COMMISSIONER's intervention letter of 2.11.2021, ref.no. XI.518.1.2019, access at: https://bip.brpo.gov.pl/pl/content/rpo-przemoc-domowa-wobec-kobiet-zwalczanie-ocena [accessed 18.04.2025].

confirm these shortcomings in the collection of data on violence against women in Poland. The data consist of court and Police statistics and do not include data generated through the implementation of the "Blue Cards" procedure. They do not record the relationship between the person using violence and the person experiencing violence, nor do they specify the forms of violence involved.

Part II: Information on the implementation of selected provisions in priority areas in the field of prevention, protection and prosecution

Article 12: General obligations

31. The COMMISSIONER is critical of any message that is based on discriminatory perception, in particular stereotypical or sexist one, of the women's and men's roles, which contributes to gender inequalities in family, political, social or economic life. In particular, the Commissioner is of the opinion that gender stereotypes may contribute to rationalising and, consequently, justifying domestic violence. He thus recommends the development and implementation of a comprehensive horizontal strategy to combat gender-based violence against women, aimed at ensuring effective prevention, in particular by eliminating gender stereotypes and prejudices that legitimise them[51].

32. In the COMMISSIONER's view, account should also be taken of the specific situation of certain groups of women who experience gender-based violence: women of Roma origin, older women, non-heteronormative women, women with disabilities,[52] or migrant women, as highlighted by the war in Ukraine[53].

Article 14: Education

33. The preamble to the Act on Education[54] confirms the importance, in the education system, of provisions relating to human rights, including the right to equal treatment, which should result in the presence of such content in the education process.

[51] COMMISSIONER's intervention letter of 2.11.2021, ref.no. XI.518.1.2021.
[52] COMMISSIONER's intervention letter of 9.12.2021, ref.no. XI.518.1.2019, access at: https://bip.brpo.gov.pl/pl/content/rpo-przemoc-p%C5%82ec-kobiety-konieczna-strategia-przeciwdzialania [accessed 18.04.2025].
[53] COMMISSIONER's intervention letter of 4.03.2022, ref.no. XI.518.8.2022, access at: https://bip.brpo.gov.pl/pl/content/rpo-ukraina-wojna-uchodzcy-prawa-kobiet-przemoc [accessed 18.04.2025].
[54] 'Education in the Republic of Poland is a common good of the whole society. It shall be guided by the principles set out in the Constitution of the Republic of Poland and the recommendations contained in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the

34. The annexes to the regulations on the core curricula for: pre-school education; general education at primary schools, including for students with moderate or severe intellectual disabilities; general education at first-level vocational schools; general education at post-secondary schools[55] and general education at general secondary schools, technical secondary schools and second-level vocational schools[56] contain specific requirements for the curricula to include the content relating to human rights and their protection, in particular against discrimination, xenophobia, racism, chauvinism, anti-Semitism and other forms of violence (including cyberbullying). References to gender equality are included mainly in the content relating to the history of women's emancipation movements as well as sexual and reproductive health.

35. On 6.03.2025, the Minister of Education signed the draft regulations on the core curricula for the subjects of civic education and health education[57] to be introduced to schools as of 1.09.2025.

35.1. Civic education - selected specific requirements regarding knowledge and skills:

35.1.1. Primary schools - the student recognises cases of xenophobia, stereotyping, prejudice and discrimination, including hate speech, and reacts to their manifestations in his/her environment; the student recognises behaviour that builds cooperation and trust in a group and one that leads to conflicts and divisions; the student applies selected methods of resolving conflicts in a group;

35.1.2. Secondary schools - the student describes the dynamics of relations within and between groups, including the phenomena of conformism and non-conformism and the

Rights of the Child. Education and upbringing shall respect the Commissionerate system of values and shall be based on the universal principles of ethics. Education and upbringing shall serve the purpose of developing in young people a sense of responsibility, love of the homeland and respect for the Polish cultural heritage, while being open to the values inherent in the cultures of Europe and the world. The school should ensure that every student has appropriate conditions for their development and is prepared to perform their family and civic roles in line with the principles of solidarity, democracy, tolerance, justice and freedom'.

[55] Regulation of the Minister of National Education of 14.02.2017 on the core curricula for: pre-school education; general education at primary schools, including for students with moderate or severe intellectual disabilities; general education at first-level vocational schools and general education at special vocational schools and post-secondary schools (Journal of Laws of 2017, item 356, as amended).

[56] Regulation of the Minister of National Education of 30.01.2018 on the core curricula for general secondary schools, technical schools and second-level vocational schools (Journal of Laws of 2018, item 467, as amended).

[57] Regulation of the Minister of Education of 6.03.2025 amending the regulation on the core curricula for: pre-school education; general education at primary schools, including for students with moderate or severe intellectual disabilities; general education at first-level vocational schools and general education at special vocational schools and post-secondary schools (Journal of Laws of 2025, item 378); Regulation of the Minister of Education of 6.03.2025 amending the regulation on the core curricula for general secondary schools, technical schools and second-level vocational schools (Journal of Laws of 2025, item 382).

divisions into 'us/them'; recognises cases of xenophobia, stereotyping, prejudice and discrimination, including hate speech, and reacts to their manifestations in their environment.

35.2. Health education - selected specific requirements regarding knowledge and skills:

35.2.1. Primary schools – the pupil:

– describes the term 'violence'; lists examples of violent behaviour, including physical violence, psychological violence, peer violence and cyberbullying; discusses ways of reacting to violence and knows where to seek assistance when experiencing or witnessing violence;

– discusses the dangers of inappropriate use of ICT, such as cyberbullying, hate, hate speech, cyberviolence, the phenomenon of patho-streaming ('pathological stream' or 'trash stream'), addiction to the internet and computer games, and the dangers of online contacts, such as grooming; discusses the benefits and risks relating to artificial intelligence and virtual reality;

– is aware of the forms of sexual violence, including sexual harassment, and discusses ways of reacting to them when experienced or witnessed by them; identifies places where assistance can be sought;

– discusses the stages of a close long-term relationship, including between colleagues, friends, romantic partners, spouses, life partners etc., and ways of caring for it; distinguishes between normal and violent behaviour in a relationship, and is aware of the characteristics of physical, psychological and economic violence;

– discusses forms of sexual violence, including sexual harassment and myths about it; discusses ways of reacting when experiencing sexual violence or when hearing of its experience by another person; identifies institutions and organisations that provide support to persons who have experienced sexual violence; searches for legal regulations applicable to sexual violence;

– is aware of gender stereotypes and can explain their impact on people's functioning;

– describes gender stereotypes, including those relating to sexuality, and discusses their impact on a person's development and interpersonal relations; discusses ways to counteract these stereotypes (optional).

35.2.2. Secondary schools – the student:

– discusses the stages of a close long-term relationship, including between colleagues, friends, romantic partners, spouses, life partners etc., and ways of caring for it;

distinguishes between normal and violent behaviour in a relationship, and is aware of the characteristics of physical, psychological and economic violence;

– discusses forms of sexual violence, including sexual harassment and myths about it; discusses ways of reacting when experiencing sexual violence or when hearing of its experience by another person; identifies institutions and organisations that provide support to persons who have experienced sexual violence; searches for legal regulations applicable to sexual violence;

– lists the consent criteria and discusses situations in which consent should be sought e.g. in friendly, family or social relations;

– describes gender stereotypes, including those relating to sexuality, and discusses their impact on a person's development and interpersonal relations; discusses ways to counteract these stereotypes (optional).

After conducting consultations and receiving opinions on the draft regulations, a decision was taken for health education to be an optional subject in the 2025/2026 school year. Starting from the 2026/2027 school year, health education will be a compulsory subject in grades 4 to 8 of primary school and for two years in secondary schools; issues concerning sexual health are to remain optional.

35.3. Qualifications for the post of teacher of health education and health education – sexual health are described in the Regulation of the Minister of Education and Science of 14 September 2023 on the specific qualifications required of teachers (Journal of Laws, item 2102, as amended). Generally, in primary schools and in secondary schools, with some exceptions, those subjects can be taught by a person who has the qualifications required to hold the post of a teacher of biology, natural sciences or physical education, or the qualifications to hold the post of a school psychologist, or has completed a degree program preparing them for the profession of doctor, dentist, pharmacist, nurse, midwife, laboratory diagnostician, physiotherapist or paramedic and has completed teacher training, or has completed first- and second-cycle studies or a single-cycle Master's degree in public health, dietetics or human nutrition and has teacher training. The Minister of Education informed that before the start of the school year 2026/2027, 17,308 job vacancies were recorded in schools and educational establishments, corresponding to 11,732 full-time posts. At the same time, not a single vacancy was recorded for health education teachers[58].

36. Article 3(1-2) of the Act on the System of Education[59] provides that textbooks should contain a structured presentation of the teaching content set out in the core curriculum. At

[58] See: https://samorzad.pap.pl/kategoria/edukacja/men-w-szkolach-ponad-17-tys-ofert-pracy-nie-ma-wakatow-dla-nauczycieli-edukacji [accessed 17.09.2026]

[59] Act of 7.11.1991 on the System of Education (consolidated text: Journal of Laws of 2024, item 750, as

the same time, according to Article 2(1) (6) of the Regulation on the Approval of School Textbooks[60], the content of a textbook should be compliant with the law, including ratified international agreements and thus also with the Istanbul Convention.

37. The Commissioner calls for anti-discrimination education to be provided in all kindergartens, schools and other educational establishments, with a scope and content adapted to the level of development and cognitive abilities of students, and for schools to be required to adopt anti-discrimination procedures setting out, in particular, the grounds and procedure for filing complaints regarding unequal treatment and the possible sanctions[61].

38. The recommendations reflect the opinion of a major part of society. According to surveys, over two-thirds of Poles (as many as 70%) are of the opinion that anti-discrimination education should be available in schools[62]. The support for anti-discrimination education among students is even higher: a vast majority (81.5%) of respondents who took part in the 2020 survey entitled Equal Treatment in Schools, conducted for the Commissioner for Human Rights, believe that such education should be conducted in schools.

39. In addition to the above, the Act on Equal Treatment should be amended by prohibiting discrimination in the field of education also on grounds other than race, ethnicity and nationality, so as to ensure sufficient legal protection against discrimination and other forms of abuse in schools and universities, which have been reported to the Commissioner for Human Rights[63].

40. The Act on Education does not mention, among the aims of education, the provision to all students, irrespective of their membership of a minority group, of the possibility to develop in a safe environment free of discrimination. The regulations on the core curriculum and on the requirements for schools and other educational establishments[64] do not refer to the requirement for schools to take measures to prevent discrimination and violence motivated by it (although the schools are required to ensure conditions necessary for the safety and security of students).

amended).

[60] Regulation of the Minister of National Education of 3.11. 2019 on the Approval of School Textbooks (Journal of Laws of 2019, item 2013).

[61] See: COMMISSIONER's intervention letter of 10.01.2022 (ref.no. XI.070.8.2020), access at: https://bip.brpo.gov.pl/pl/content/rpo-rowne-traktowanie-rzad-odpowiedz [accessed 18.04.2025].

[62] See: COMMISSIONER's report 'Protection against Discrimination in Poland. Legal status and public awareness', p. 16, access at: https://www.rpo.gov.pl/sites/default/files/OCommissionerona_przed-_dyskryminacja_w_Polsce.pdf [accessed 18.04.2025].

[63] See: COMMISSIONER's intervention letter of 10.01.2022 (ref. no. XI.070.8.2020), access at: https://bip.brpo.gov.pl/pl/content/rpo-rowne-traktowanie-rzad-odpowiedz [accessed 18.04.2025].

[64] Regulation of the Minister of Education of 11.08.2017 on Requirements Applicable to Schools and other Educational Establishments (consolidated text: Journal of Laws of 2020, item 2198).

41. According to the survey entitled 'Equal treatment in primary schools'[65] conducted by the Commissioner, almost every education and prevention programme surveyed[66] contained references to tolerance and/or respect for otherness (only 3.1% of the programmes did not include references to them). Yet, equal treatment and equal rights irrespective of individual characteristics and the issue of negative phenomena were not sufficiently emphasized in most of them (55.2%).

42. The references to individual social groups, made in the context of equal treatment, also varied between the education and prevention programmes. Their target groups were, in particular, persons of different ethnicity, cultural background, religion or belief, and people with disabilities. Equal treatment in the context of sexual orientation, gender identity and race was mentioned less frequently. There were few references to equal treatment in the context of gender.

43. Starting from the school year 2024/2025, schools and other educational establishments referred to in the Act are required to introduce standards for the protection of minors[67]. The standards, appropriate for the type of establishment and its operations, set out inter alia: the rules and procedure for taking action in the event of suspected abuse of a minor person or received information on abuse of a minor person; the procedure of and persons responsible for informing the authorities and the custody court of suspected offences committed against minors, and, in the case of entities that have such powers, the persons responsible for initiating the Blue Cards procedure; the principles and methods of making the standards available to parents, legal or actual guardians and minors; the persons responsible for receiving notifications of risks to minors and for assistance provision to them. The standards should also define the requirements for safe relations between minors, in particular with regard to prohibited behaviour; the rules on the use of electronic devices with internet access; the procedures for protecting children against harmful content on the internet and in other forms; the rules for developing a support plan for a minor person after the disclosure of their abuse. In the Commissioner's view, the introduction and application of the standards will undoubtedly contribute to increased protection of children and young people, including the prevention of violence against girls and women and domestic violence.

[65] See: COMMISSIONER's report 'Equal treatment in schools. Report on the survey and quantitative analysis of education and prevention programmes', access at: https://bip.brpo.gov.pl/pl/content/rpo-raport-rowne-traktowanie-szkola [accessed 18.04.2025].

[66] An education and prevention programme is a document that regulates the school's education and prevention activities. It is based on the results of an annual diagnosis of student development needs, including protection factors and risk factors, with particular emphasis on the risks associated with the use of psychotropic substances, substitute drugs and novel psychoactive substances; see Article 26(2) of the Act on Education.

[67] Act of 13.05.2016 on Counteracting Sexual Offences and on the Protection of Minors (consolidated text: Journal of Laws of 2024, item 1802, as amended).

The Commissioner is currently monitoring the progress of the legislative work of the Council of Ministers on the amendment of the Act on Counteracting the Threat of Sexual Offences and on the Protection of Minors. The amendment drawn up by the Ministry of Justice aims to improve the application of the provisions that protect children, to make them more precise and to streamline them[68].

Article 15: Training of professionals

44. The Commissioner is of the view that an appropriate professional and victim-centred approach of the relevant services to women-victims of violence is essential for providing an adequate level of protection to them. Such an approach requires broadening the knowledge and building appropriate attitudes among the services. Training in this area is therefore indispensable for their duties to be exercised in a due manner.

45. The Commissioner is pleased to note that the amended ACDV (Article 5a) provides for mandatory training for members of the interdisciplinary teams. Such training is of key importance for ensuring the effectiveness of the domestic violence prevention mechanism, also because of the possibility to eliminate at least some of the doubts on the part of members of the teams and the diagnostic and support groups, which doubts have been raised by the Commissioner in his intervention letter to the Minister of Equality[69]. In the letter, the Commissioner also pointed to the impact of insufficient funding allocated to entities that implement the Blue Cards procedure, in particular for the training of persons directly engaged in measures counteracting domestic violence.

46. In an intervention letter to the Minister of Health[70] the Commissioner emphasized the importance of health care professionals being appropriately prepared, including through the training offered to them, to work with patients who have experienced domestic violence. In reply[71] the Minister of Health stated that medical professionals, as part of their graduate and post-graduate courses as well as training conducted by the National Agency for Solving

[68] See: https://www.gov.pl/web/sprawiedliwosc/zmiany-w-tzw-ustawie-kamilka2 [accessed 18.04.2025].
[69] See: COMMISSIONER's intervention letter of 28.10.2025 (ref. no: XI.518.4.2024), access at: https://bip.brpo.gov.pl/sites/default/files/2024-11/Do_Ministry_rownosci_niebieskie_karty_28_10_2024.pdf [accessed 18.04.2025].
[70] COMMISSIONER's intervention letter (ref. no. XI.518.52.2021) of 25.08.2021, access at: https://bip.brpo.gov.pl/pl/content/rola-pracownikow-oCommissionerony-zdrowia-w-przeciwdzialaniu-i-zwalczania-przemocy-domowej-rpo-pisze [accessed 18.04.2025].
[71] Response of the Minister of Health of 23.09.2021 (ref. no. ZPP.63.16.2021.DL).

Alcoholism-Related Problems, are prepared to recognise, prevent and respond to domestic violence incidents.

47. In reply to the Commissioner's intervention letter of 20.03.2025, the Minister of Health informed[72] that the National Centre for Counteracting Addictions (NCCA), established in 2022 as a result of the merger of the National Agency for Counteracting Drug Addiction and the National Agency for Solving Alcoholism-Related Problems, training is held on annual basis for members of the interdisciplinary teams and diagnostic and support groups who work with persons who experience domestic violence. The problem of domestic violence, including violence against women, is also the theme of a competition organised by the NCCA (under task 2.1.6 of the National Healthcare Programme). The situation of women who experience domestic violence and the possibilities of providing assistance to them are subjects covered by the training and education projects implemented as a result of the above-mentioned competition. In 2025, the NCCA repeated the campaign 'As a physician, react to violence', initially launched by the National Agency for Solving Alcoholism-Related Problems[73]. The campaign aimed to Familiarising healthcare professionals with the "Blue Cards" procedure and the psychological aspects of preventing violence. The campaign provides up-to-date information and materials on domestic violence, including the identification of domestic violence, risk factors, the psychological and health consequences of experiencing violence, and the applicable legal provisions requiring doctors to intervene[74]. According to the information provided to the Commissioner[75], most of the establishments subordinated to or supervised by the Minister of Health do not conduct training on this issue internally. A good practice is the holding, from September 2024, of training courses at the Mother and Child Institute for newly recruited staff on methods of work with patients with special needs. The aim is to build the awareness of the problems and needs of people with disabilities so as to counteract their discrimination. The training is conducted on a monthly basis, and every newly recruited staff member can take part in it. The institute also held a training course entitled 'Protection against Sexual Exploitation and Abuse'.

48. In reply to the Commissioner's intervention letter, the Minister of Justice pointed out[76] that the training and of prosecutors and assistant prosecutors, aimed at increasing their knowledge and professional skills, is the responsibility of the National School of the Judiciary

[72] Response of the Minister of Health of 4.04.2025 (ref. no. RZPP.63.16.2025.SL) to the COMMISSIONER's intervention letter of 20.03.2025 (ref. no. XI.037.2.2025).
[73] Ref. no. ZPP.63.16.2021.DL.
[74] See https://www.lekarzureagujnaprzemoc.pl/ [accessed 19.11.2025].
[75] Ref. no. RZPP.63.16.2025.SL.
[76] Reply of the Minister of Justice of 4.04.2025 (ref. no. 1001-1.071.45.2025) to the COMMISSIONER's intervention letter of 20.03.2025 (ref. no. XI.037.2.2025).

and Public Prosecution, by which training courses on violence against women are conducted on a regular basis.

49. In reply to the Commissioner's intervention letter, the Minister of the Interior and Administration pointed out[77] that:

49.1. As part of the introductory training for the police force, a basic training programme is carried out which prepares police officers (in terms of theory and practice) to perform their duties, at the basic level, in patrol-and-action units as well as prevention units of the police. Within the framework of in-service training, police officers take part in a specialist course on counteracting domestic violence, which prepares them to perform their duties in the field of coordinating actions connected with the domestic violence prevention procedure. Local-level courses on the subject are also held. Moreover, domestic violence prevention is a subject covered by a specialist course for community police officers, which prepares them for performing their duties in this field.

49.2. The basic training for newly recruited Border Guard officers covers the subject of human rights. The training is based e.g. on the Frontex Agency's manual entitled 'Training for Border Guard Officers on Fundamental Rights of Individuals'. In addition, within the framework of the Border Guard Officers School, training is conducted on the forms and examples of unequal treatment, anti-discrimination legislation, as well as cultural considerations to be taken into account in contacts with citizens of other countries. The specialist training preceding the award of the first rank as Border Guard officer covers the subject of ethics in management and on mobbing and unequal treatment. In their professional work, Border Guard officers also have the possibility to take part in various in-service training courses;

49.3. The organisational units of the Police and the Border Guard carry out, on an ongoing basis, training courses on various subjects. Some of the courses are conducted by the Police and the BG representatives for human rights protection.

50. On 6.08.2024, the COMMISSIONER wrote an intervention letter to the Director General of the Prison Service requesting him to include issues related to sexual and gender-based violence (SGBV) in training programmes for Prison Service officers[78]. The risk of this form of violence relates to all prisoners, but in particular to women, juveniles, LGBT+ persons and foreigners. Making Prison Service officers and civilian staff more sensitive to gender-based violence and sexual violence will certainly strengthen their capacities as professionals in the field of detecting, reacting to and preventing misbehaviour in penitentiary establishments. In

[77] Reply of the Minister of the Interior and Administration of 4.04.2025 (ref. no. DPP-WASiPP.0790.1.2025) to the COMMISSIONER's intervention letter of 20.03.2025 (ref. no. XI.037.2.2025).
[78] Ref. no. KMP.571.14.2024.KKo.

his reply of 3.09.2024[79], the Deputy Director General of the Prison Service pointed out that steps would be taken to broaden the training programmes for Prison Service officers and civilian employees and to cover the suggested subjects.

51. The Commissioner for Human Rights wrote an intervention letter dated 4.03.2024 to the Minister of Justice requesting him to ensure the translation into Polish of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, adopted by the United Nations in 2010 (the Bangkok Rules), in order to disseminate them among prison staff, judges, prosecutors, probation officers and the general public (including by posting them on the website of the Ministry of Justice).[80] In his response of 21.08.2024[81], the Undersecretary of State at the Ministry of Justice provided the Commissioner with a Polish version of the Bangkok Rules and assured that steps would be taken to disseminate the contents of the document.

52. The need to build awareness and increase knowledge on the subject of violence against women has been confirmed by information received by the Commissioner and raising doubt as to the correct prevention of sexual and gender-based violence (SGBV) by the competent services:

52.1. At rooms for detained persons, it happens that body searches are carried out by male officers although they should be carried out by a person of the same sex as the detainee (because the check may include, in particular, requesting a detainee to take off her clothes and shoes, conducting her body check and a check of her clothes and shoes);

52.2. In the Police rooms for detained persons, detainees going to the toilet or taking a shower were supervised by male officers who could see the detainees through a glass door[82];

52.3. At penitentiary establishments, it happens that individual showers are not separated by partition walls or curtains (this applies to both male and female wards). The COMMISSIONER requested the Director General of the Prison Service to take steps to ensure that individual showers are separated at least by curtains[83];

52.4. There are no guidelines for dealing with people of diverse sexual orientation, and no confidential and effective mechanisms for reporting abuse and discrimination experienced by LGBTIQ+ people in prisons; however at the

[79] Ref. no. BP.414.68.2024.KSM.
[80] Ref. no. KMP.571.4.2024.
[81] Ref. no. DWMPC-III.053.1.2024.
[82] COMMISSIONER's intervention letter of 12.12.2024 (ref. no. IX.517.1131.2024).
[83] COMMISSIONER's intervention letter of 14.10.2024 (ref. no. KMP.571.22.2024).

Central Board of the Prison Service, a working group has been established to develop guidelines for dealing with people undergoing gender reassignment

52.5. Personal checks of menstruating female prisoners may include the requirement for them to take off their underwear and peel off the sanitary pad (after the check, the pad is reused by the prisoner);

52.6. Because of a limited number of places in women's wards, there are situations when a woman is placed in a men's ward. The practice increases the risk of gender-based violence from male prisoners and male staff of the ward. On the other hand, women placed in men's wards require increased protection, which leads to their even greater isolation as their stay outside the cell is minimised. This, in turn, negatively impacts their mental health.

Article 16: Preventive intervention and treatment programmes

53. According to the ACDV, domestic violence perpetrators may be referred to participate in a corrective education programme or a psychological therapy programme for domestic violence perpetrators. The aim of such programmes is, in particular, to prevent further use of domestic violence by the perpetrators and to teach them to use self-control and solve problems in a non-violent way. The programmes take the form of individual meetings or group meetings and are conducted by specialists in the field of domestic violence prevention, e.g. psychologists, educators, therapists and psychotherapists who provide high-quality services.

54. The current legislation does not provide for the obligation to refer all offenders to participate in the above-mentioned programmes. The obligation to participate occurs when an interdisciplinary team has referred the perpetrator to take part in one of such programmes.

54.1. If an interdisciplinary team refers a perpetrator to participate in such a programme, the perpetrator has to comply with the requirements set out in Article 4(6) of the ACDV: such a person is required to report to the facility, to complete the programme, and to provide a certificate of its completion. The Commissioner for Human Rights drew attention to the limited possibility of challenging such a referral through legal means[84].

[84] Commissioner's intervention letter of 01.06.2026 (ref. No XI.511.1.2025) access at: https://bip.brpo.gov.pl/pl/content/rpo-niebieskie-karty-pelnomocniczka-ds-rownosci-odpowiedz [accessed 20.08.2026].

54.2. According to Article 66c of the Code of Misdemeanours[85] a person who persistently fails to comply with the obligations set out in Article 4(6) of the ACDV shall be liable to restriction of liberty or a fine.

55. The implementation of corrective education programmes is a task assigned to powiat (i.e. county) governments. In 2022 in Poland, 279 entities conducted the corrective education programme for domestic violence perpetrators. In total, 513 editions of the programme were carried out (in 279 cases, by powiat (county) governments[86]. 234 editions were conducted by police or Prison Service officers.

56. The implementation of psychological therapy programmes by municipal and county governments began in 2015. These programmes are addressed to violent offenders for whom in-depth therapeutic and psychological support is required and whose participation in correctional education programmes has turned out to be insufficient. Furthermore, psychological therapy programmes, in addition to the educational content, include practical exercises providing personal experience that leads to the abandonment of violent behaviour and attitudes and to the development of self-control skills. In 2022, there were 132 providers of psychological therapy programmes for domestic violence perpetrators. A total of 1,162 people, including 328 women and 834 men, took part in them (in 2021, the respective figures were 1,292: 323 women and 969 men). The number of persons who completed the programme in 2022 was 718 (181 women and 537 men).

Article 18: General obligations

57. The Commissioner for Human Rights points out that according to Article 10(1) of the ACDV, the development of policies aimed at counteracting domestic violence is, primarily, a responsibility of the Council of Ministers as the body that develops the Governmental Programme for Counteracting Domestic Violence (GPCDV).

58. The role of the National Coordinator for the Implementation of the GPCDV has been assigned, in the amended Act on Counteracting Domestic Violence (art. 8), to the entity entrusted with carrying out tasks related to the implementation of the principle of equal treatment, as referred to in Article 18(2) the Act on Equal Treatment. His or her tasks include in particular: ordering and financing surveys, expert opinions and analyses on the phenomenon of domestic violence; conducting activities highlighting the need to increase public awareness of the causes and consequences of domestic violence; monitoring the

[85] Act of 20.05.1971 - Code of Misdemeanours (consolidated text: Journal of Laws of 2023, item 2119).
[86] Statistics contained in the Report on the Implementation of the National Programme for Counteracting Domestic Violence in the period from 1.01.2022 to 31.12.2022.

implementation of the GPCDV; developing and issuing, at least once every two years, guidelines for conducting training in the field of counteracting domestic violence, including mandatory training for members of interdisciplinary teams and diagnostic and support groups; developing and financing shielding programmes to counteract domestic violence; financial support to programmes for counteracting domestic violence, implemented by entities indicated in the Act (Article 8 of the Act on Counteracting Domestic Violence).

59. The entity referred to in Article 18(2) the Act on Equal Treatment (nowadays: Government Plenipotentiary for Equal Treatment) is supported by the Monitoring Team on Counteracting Domestic Violence (Article 10a of the ACDV), which is a consultative and advisory body on the subject of combating domestic violence. The Commissioner for Human Rights expressed his concern with the lack of transparency in appointing the team's members for the 4th term of office. The members are representatives of non-governmental organisations, their unions and associations, as well as churches and religious associations. The Commissioner recommended that a ranking list of the candidates be required, including their names and results of assessment based on the adopted criteria[87].

60. The Equal Treatment Department of the Chancellery of the Prime Minister provides substantive, organisational and secretarial support to the Government Plenipotentiary for Equal Treatment by: conducting analyses and assessments of the legislative situation and social situation in the area of equal treatment, domestic violence and gender-based violence; requesting competent authorities to issue or amend legislative acts relating to this area; initiating, implementing, coordinating and monitoring activities, programmes and projects, including inter-ministerial ones, aimed at ensuring equal treatment and protection against discrimination; promoting and supporting the idea of equal treatment, including by awareness-raising activities concerning equal treatment, domestic violence and gender-based violence.

61. Most of the solutions provided for in the Act on Counteracting Domestic Violence are implemented locally, mainly at the municipal level. The key task of the municipality is to develop a municipal system for preventing domestic violence, including the development and implementation of a municipal programme for preventing domestic violence and protecting people who experience it (Article 6(2) ACDV).

62. The Commissioner for Human Rights took action in connection with the failure of the city of Zakopane to fulfil, for many years, its statutory obligations to counteract domestic violence[88]. Statistical data on the implementation of the programme in 2022 shows that 978

[87] COMMISSIONER's intervention letter of 25.02.2021 (ref. no. XI.518.1.2019), access at: https://bip.brpo.gov.pl/pl/content/rpo-przemoc-w-rodzinie-dotyka-glownie-kobiet-nie-ma-rzadowego-programu-przeciwdzialania [accessed 18.04.2025].
[88] See: COMMISSIONER's intervention letter of 21.06.2021 (ref. no: XI.816.1.2015), access at:

diagnoses of the phenomenon of violence were drawn up in Poland, which is a decrease of 173 compared to 2021. In 2022, 2424 municipalities implemented municipal programmes for preventing domestic violence and protecting people who experience it, so there has been an increase compared to previous years.

63. The mechanism of coordinating local-level measures against domestic violence is regulated by the Blue Cards procedure[89]. It is implemented by interdisciplinary teams composed of representatives of various institutions and entities, such as social welfare, health care and educational establishments as well as non-governmental organisations. On 28.10.2024[90], the Commissioner wrote an intervention letter to the Minister of Equality, highlighting problems and doubts relating to the implementation of the Blue Cards procedure, as reported to him by members of the interdisciplinary teams. In an intervention letter dated as of 01.06.2026[91] to the Government Plenipotentiary for Equal Treatment, the Commissioner expressed concerns about the proper protection of procedural rights of persons suspected of perpetrating violence under the Blue Cards procedure.

Article 20: General support services

64. In 2022, there were 827 entities providing various support to people who have experienced domestic violence. They included 505 counselling points, 162 crisis intervention centres, including 82 crisis intervention points, 37 specialised support centres, 19 municipal and county support centres, 26 homes for mothers with minor children and pregnant women, and 78 other institutions providing specialised assistance to persons affected by domestic violence. In 2022, the crisis intervention centres in Poland were used by 15421 persons. Statistically, one centre was used by 95 persons.

65. Support centres

In 2022 in Poland, there were 19 support centres, including 13 municipal support centres and 6 county support centres. They provided support to a total of 1,030 persons, which means that statistically, one centre provided support to 54 persons. Nine of the centres offered 24-hour shelter for a total of 371 persons. In 2022, the shelter was used by a total of 106 persons.

https://bip.brpo.gov.pl/pl/content/zakopane-nie-Commissioneroni-ofiar-przemocy-domowej-rpo-pyta-wojewode [accessed 18.04.2025].

[89] Regulation of the Council of Ministers of 6.09.2023 on the Blue Cards procedure and template forms (Journal of Laws of 2023, item 1870).

[90] Ref. no. XI.518.4.2024.

[91] Ref. no XI.511.1.2025.

The Commissioner drew attention to the insufficient number of support centres, recommending that their operation be strengthened, also financially[92].

66. Crisis intervention centres

66.1. One of the problems reported to the Commissioner in 2024 concerned the operation of crisis intervention centres and insufficient legislation on their operation. The analysis of the Act on Social Assistance shows that the provisions applicable to crisis intervention are vague and fail e.g. to set out the rules of work of entities that carry out such intervention, the minimum scope of services provided, and the qualifications of persons providing them. Crisis intervention centres often independently define the rules of their operation. For example, the rules for admitting persons in need to the centres are outlined in their statutes or internal regulations, drawing on solutions used in other entities. As a result, the centres' operations have no clear legal basis. Therefore, in the Commissioner's opinion, it is necessary to regulate the standards and rules applicable to the operation of the crisis intervention centres.

66.2. The Commissioner has already highlighted the problem of an insufficient number of places at the crisis intervention centres[93]. In August 2021, the Supreme Audit Chamber presented the *Report on the results of audit of crisis intervention tasks carried out with regard to persons and families in individual counties*. The document shows that 55% of the audited counties have not established crisis intervention centres, contrary to their statutory obligation. Moreover, only 30% of the centres provide support 24 hours a day, which means that the others do not, in fact, offer immediate assistance that is so important for people who are victims of violence.

66.3. There is a clear need to support local governments in the establishment of crisis intervention centres to provide multi-specialist psychological therapy and shelter to victims of offences, including those of a violent nature. In the opinion of the Commissioner, it is necessary, inter alia, to amend Article 47.3 of the Act on Social Assistance[94] by introducing the possibility to extend the 3-month shelter period for a person or family placed in a crisis intervention centre. The Commissioner requested the Minister of Family, Labour and Social Policy to present his opinion on the matter. In response, the Commissioner was informed that the Ministry had reminded heads of the county administration units of the requirement to provide the support. Work is also conducted on developing standards for its provision. Moreover, a working team at the Ministry of Labour and Social Policy is analysing the issues

[92] COMMISSIONER's intervention letter of 27.09.2024 (ref. no. II.510.1068.2024).
[93] COMMISSIONER's intervention letter of 3.10.2024 (ref. no: III.7065.375.2024), access at: https://bip.brpo.gov.pl/pl/content/rpo-powiaty-interwencje-kryzysowe-mrpips-odpowiedz [accessed 18.04.2025].
[94] Journal of Laws of 2024, item 1283 (hereinafter: ASA).

raised by the Commissioner with a view to the possible introduction of urgent legislative and system-related changes.

67. Homes for mothers with minor children and pregnant women

67.1. Special assistance within the system of crisis intervention is provided to mothers with minor children, fathers and other persons having custody of minor children and pregnant women. Such persons, in the event of experiencing violence or another crisis situation, can find shelter at a home for mothers with minor children and pregnant women. However, a large number of counties do not run such homes, which means that they fail to fulfil their duty under Article 19(11) of the ASA. The interest of county governments in developing this form of assistance is very limited.

67.2. In 2022, the 26 existing homes for mothers with minor children and pregnant women, run by counties, were used by 531 persons (202 women, 1 man and 328 children). The homes had 523 places in total, which means that on average, each home hosted 23 persons.

67.3. There is still insufficient increase in the number of homes for mothers with minor children and pregnant women, operated by county governments. On the map of Poland, there are still voivodeships (i.e. provinces of the country) that do not provide this form of assistance. The shortcomings in this field result in the lack of adequate support for mothers with under-age children and pregnant women, who are in need of shelter. Steps should be taken to improve the level of implementation of the local governments' duty to provide such facilities[95].

68. In his intervention letter to the Minister of Health[96], the Commissioner emphasised the role of health care professionals in the system of preventing and combating domestic violence. The Commissioner expressed his concern with the small engagement of health care professionals in the use of the Blue Cards procedure. This, in the Commissioner's view, could be related to insufficient availability of training in this field, addressed to various professionals employed by the health care system. The Commissioner encouraged the Minister of Health to develop guidelines for health care professionals on working with persons who have experienced domestic violence. In reply[97] to the Commissioner 's intervention letter of 20 March 2025, the Minister of Health provided the following information:

68.1. The unit that is subordinate to the Minister of Health and is responsible, among others, for activities relating to domestic violence prevention is the National Centre for Counteracting Addictions (NCCA). The centre has not adopted

[95] Ref. no. II.510.1068.2024.
[96] Ref. no. XI.518.52.2021.
[97] Ref. no. RZPP.63.16.2025.SL.

guidelines on procedures for dealing with women who experience violence, as the NCCA does not directly provide support to persons who have experienced it. The NCCA's task related to violence prevention is the operation of the National Emergency Service for Victims of Domestic Violence, called the Blue Line.

– The Blue Line is a specialist service for people who experience or witness domestic violence. It has existed for over 30 years. Among others, it operates the Blue Line telephone service at no. 800 12 00 02 for victims of domestic violence, which works 24/7 and is a free-of-charge service. The helpline is financed from the budget of the Minister of Health;

– The specialist service for people who experience domestic violence also offers a possibility to speak to a consultant in English (on Mondays from 18.00 to 22.00) and in Russian (on Tuesdays from 18.00 to 22.00). It is also possible to use telephone legal advice (the legal consultants are available on Mondays and Tuesdays from 17.00 to 21.00 at no. 22 666 28 50, and on Wednesdays from 18.00 to 22.00 at no. 800 12 00 02. On Wednesdays from 10.00 to 13.00 (at no. 22 250 63 12), telephone consultations are provided to public service representatives who encounter difficulties in their local communities in providing protection against domestic violence;

– The Blue Line service also includes an e-mail counselling service (niebieskalinia@niebieskalinia.info), a website (www.niebieskalinia.info), and a database of institutions that provide assistance to victims of domestic violence. In addition, it is possible to use consultations via Skype (pogotowie.niebieska.linia), which are also available for deaf and hard-of-hearing people, with the consultants using sign language. The Blue Line service provides over 22,000 consultations per year.

68.2. Some health care facilities subordinate to or supervised by the Minister of Health have adopted no guidelines or procedures for dealing with women who experience violence, and have not designated any unit or person responsible for dealing with cases of violence against women. In view of this fact, the Commissioner welcomes the following information on activities that constitute a response to the COMMISSIONER's call to adopt guidelines for health care professionals on dealing with persons who experience domestic violence:

68.2.1. The Mother and Child Institute adopted, in January 2023, a *Policy on the Protection against Exploitation and Sexual Exploitation*. The risk groups covered by the document are: children and young people, women, refugees and patients. The institute also appointed a Director's Representative for Protection against Exploitation and Sexual Exploitation.

68.2.2. The Polish Mother's Memorial Hospital implemented the PP/05-CO procedures of Dealing with Victims of Sexual Violence and the Standards for the

Protection of Minors. The procedures currently do not refer to specific situations of individual groups, e.g. migrant women, elderly women or women with disabilities. The related guidance will be taken into account during the process of updating the procedures. The Institute employs psychologists who work directly with female patients, and there is also an independent Social Workers Unit.

68.2.3. The Institute of Geriatrics, Rheumatology and Rehabilitation adopted guidelines and procedures for dealing with persons suspected of being victims of domestic violence. Also, instructions for dealing with hospitalised persons suspected of being victims of violence were drawn up and are awaiting implementation. The instructions include information on how to deal with patients affected by physical or psychological violence. The documents do not refer to specific situations of individual groups of women and do not contain tools for estimating the risk of violence against women.

68.2.4. The National Institute of Oncology has adopted and applies internal procedures for dealing with people who experience violence. Although the documents do not provide for a separate procedure for dealing with women, attention is paid to the female gender as one of the factors that increases the risk of experiencing violence. Thus, the employees have intranet access to relevant educational content on the subject (including a leaflet 'As a physician, react to violence'). The internal procedures relate to preventing psychological, physical, sexual and economic violence and apply equally to all patients, including women. The procedures take into account the presence of specific circumstances that apply to persons who experience violence, including migrant women, elderly women and women with disabilities. The institute uses questionnaires for assessing the risk of domestic violence, as well as algorithms that have been developed by the Institute of Health Psychology and the Blue Line service for the health care sector, separately for adults and children, without differentiating by gender.

Article 22: Specialist support services

69. The government administration tasks implemented on a mandatory basis by county governments include the establishment and operation of specialist support centres for victims of domestic violence. Such specialist centres constitute one of the elements of the support system. They should be easily accessible to guarantee professional and comprehensive assistance to victims. However, there is still a serious problem of an insufficient number of such specialised centres. A system of regular review of access to specialist centres for victims of violence and its periodic review is necessary. This would make

it possible to identify the scale and reasons for the insufficient use of this form of assistance. The review should be conducted at the national level and should be comprehensive in nature, which will make it possible to take effective action to ensure that victims of violence have real access to the specialist centres and to increase the availability of comprehensive specialist assistance.

70. In 2022, there existed 37 specialist support centres for victims of domestic violence in Poland. The centres, in 2022, provided various forms of assistance to a total of 5047 persons who had experienced domestic violence, including 3285 women, 477 men and 1285 children. In addition, assistance was provided to 337 senior persons - victims of domestic violence, including 297 women and 40 men, and persons with disabilities - victims of domestic violence, including 283 women, 26 men and 92 children. The 24-hour support service was used by 1462 persons, including 633 women (66 with disabilities and 35 elderly), 34 men (11 with disabilities and 4 elderly) and 795 children (including 50 with disabilities)[98].

71. The Regulation of the Minister of Family and Social Policy of 20.06.2023 on the Standards of Basic Services Provided by Specialist Support Centres for Persons who Experience Domestic Violence and on Qualification Requirements for their Employees[99] issued pursuant to Article 5 of the ACDV fails to implement the measures called for by the Commissioner in its previous report to GREVIO. The implementing regulation sets out only the standard of basic services provided by specialist support centres for victims of domestic violence. There are no detailed provisions e.g. on the rules and procedure of admission to the specialist support centres for victims of domestic violence or on their operation standards adjusted to actual possibilities and needs. In the public space, information can be found that the Department of Equal Treatment of the Chancellery of the Prime Minister has started work in this area.

72. Funding for the operation of the specialist support centres for victims of domestic violence is provided for, in accordance with the Act on Counteracting Domestic Violence, in the State Budget and in the Act on the State Budget as well as the programming documents adopted by the Council of Ministers. In 2024, the problem of insufficient funding of the tasks carried out by the specialist support centres was reported to the Commissioner. As regards the problem of insufficient funding, the Department of Equal Treatment of the Chancellery of the Prime Minister informed the Commissioner that additional funds had been mobilised to fully cover the needs reported by all the specialist support centres for victims of domestic violence. The Commissioner was assured that the department took an interest in the situation

[98] Report on the implementation of the National Programme for Counteracting Domestic Violence in the period from 1.01.2022 to 31.12.2022.
[99] Regulation of 20.06.2023 (Journal of Laws of 2023, item 1158).

of the centres and planned to take measures to monitor their situation, which will contribute to preventing the occurrence of similar problems in the future[100].

73. The Commissioner pointed[101] to the need to provide adequate protection to specific vulnerable groups (e.g. women and girls[102], older people, people with disabilities, people of Roma origin), whose representatives were among the war refugees arriving from Ukraine in Poland. The Commissioner stated that, in addition to humanitarian aid, such persons would need periodic support because of their trauma and that the system of providing support to all these persons should be based on human rights and be sensitive to the needs of the vulnerable groups. In response, the Commissioner was informed that the level of protection for persons from the vulnerable groups, arriving from Ukraine since 24.02.2022, was high and ensured to them the possibility to exercise the same rights as those held by Polish citizens, without any discrimination. The Commissioner was also assured that in Poland, there is a coordinated system of support and care for victims of trafficking in human beings, which ensures a specialist range of support services based on a uniform procedure of dealing with such cases.

Article 25: Support to victims of sexual violence

74. In Poland, there are no specialist centres for victims of sexual violence where biological and forensic traces can be secured and immediate medical aid can be obtained. A person who has been (has experienced sexual violence) can go to a Hospital Emergency Department or a hospital that provides night-time and holiday health care. The facility provides medical care to the victim and is required to notify the police that is responsible for collecting and securing forensic and biological traces. A list of hospital emergency departments and hospitals that provide night-time and holiday health care can be found at: https://pacjent.gov.pl/szpitalny-oddzial-ratunkowy-sor. Emergency departments do not offer legal or psychological support. The departments, however, provide emergency medical assistance to every person in need. Persons who have no health insurance may be charged for the costs of the medical assistance provided.

75. Assistance to persons who have experienced sexual violence is also provided by non-government organisations. As regards the provision of psychological and legal assistance, NGOs have their own rules of its provision in accordance with their statutes.

[100] Ref. no. III.7065.288.2024.
[101] COMMISSIONER's intervention letter of 8.04.2022 to the Government Plenipotentiary for War Refugees from Ukraine (ref. no. XI.518.9.2022), access at: https://bip.brpo.gov.pl/pl/content/rpo-ukraina-uchodzcy-systemowa-oCommissionerona-grup-wrazliwych-mswia-odpowiedz [accessed 18.04.2025].
[102] Ref. no. XI.518.8.2022.

76. In Poland, there is only one centre focused on offering comprehensive assistance to women who have experienced sexual violence. The centre is run by the Feminoteka Foundation, also called FEMKA. The FEMKA centre is located in Warsaw and provides assistance to women from all over the country but its address is not publicly available. It is made available only to women who have experienced violence – after contacting Feminoteka, they are given the information on the address. Women who have experienced sexual violence can get comprehensive psychological, therapeutic, legal and medical assistance, a temporary place to stay and an assistant accompanying the victim. The Feminoteka Foundation provides assistance only to women over the age of 18 (adults). Assistance can be obtained in Polish, Ukrainian or Russian. The Foundation does not offer the possibility to secure biological traces or carry out medical examinations for the purposes of criminal proceedings. The national legislation requires that evidence for the purposes of criminal proceedings is taken either by the prosecuting authority (conducting pre-trial proceedings) or by an expert (forensic doctor) for the purpose of drawing up an expert opinion. Assistance is provided by the foundation regardless of the time when the person experienced sexual violence – it is provided to those who need help shortly after the incident and to those who experienced violence in the past.

77. The procedure for dealing with persons who have experienced sexual violence is set out in the Guideline no. 3 of the Police Commander-in-Chief of 30.08.2017 on the performance of certain investigative activities by police officers, the Guidelines of the Prosecutor General of 18.12.2015 on the procedure to be followed in cases concerning the crime of rape[103] and the Guidelines of the Prosecutor General on the rules to be followed by organisational units of public prosecutor's offices in conducting cases concerning crimes against sexual liberty and morality of minor persons, as provided for in Chapter XXV of the Penal Code[104].

78. The examination of victims of sexual offences, including the collection of biological samples (smear tests) has to be carried out in the conditions and in the manner determined in the Regulation of the Minister of Justice of 23.02.2005 on conducting examinations and other activities with the participation of the victim or with the participation of the accused or suspected person (Journal of Laws of 2005, item 299). The examination may consist in the visual examination of the body and in other examinations and actions ordered in writing by the authority conducting the criminal proceedings. The order to conduct such an examination should contain, in particular, the person's identification data, the type and scope of the examination or activity, and the date and place of the examination or activity. Such persons are examined at the health care establishment located in the vicinity of the place of residence of the person or of the registered office of the authority that is conducting the proceedings

[103] Ref. no. PG VII G 021/58/15.
[104] Ref. no. PG 1001-1.024.67.2024.

or the establishment that provides first medical aid to the person or the establishment at which the person is undergoing treatment. The examination has to be carried out under conditions that ensure safety and freedom of expression for the person. In justified cases, at the request of the person conducting the examination, the authority responsible for the proceedings has to provide an appropriately secured room.

79. When dealing with a person who has experienced sexual violence, it is necessary to comply with the 'Police procedures for dealing with persons who have experienced sexual violence'.

79.1. The police officer who has been notified of the offence should inform the victim, using simple and understandable language, of their rights (verbally and in writing), the steps to be taken, including the need to collect and secure evidence, to conduct a medical examination, the possibility to take preventive activities and therapy, and the possibility for the victim to contact a person indicated by them, including the possibility for that person to be present during the actions involving the victim, provided that this does not make it impossible or does not significantly impede the carrying out of such actions.

79.2. If the victim is a minor, the above-mentioned information should be provided by a police officer to the minor, in a manner adjusted to his/her age and communication competences, and to his/her legal representative or the person holding permanent custody of the victim.

79.3. The police should guarantee and ensure that the victim is transported (possibly together with the person indicated by the victim) to a medical establishment where medical aid will be provided and a medical examination will be carried out. When securing evidence, photographs of the place of the offence should be taken as soon as possible and other evidence should be secured without any delay.

79.4. The securing of biological material for the purpose of identifying the perpetrator is done using a special forensic package provided to the medical facility. Once the medical examination has been carried out and traces of the crime have been secured, the victim should be given the opportunity to wash themselves and to change their clothing. If necessary and possible, the police should provide the victim with appropriate pieces of clothing, suitable for the victim's gender, or clothing brought from the victim's place of residence or stay. The local government entity responsible for the medical establishment, acting jointly with the Police, medical establishments and NGOs should develop a procedure for clothing provision to victims.

79.5. The forensic and biological traces have to be secured using a forensic package for securing traces of sexual offences. A doctor (if in possession of a forensic package) may secure biological traces and hand them over to the police immediately. A separate report is

drawn up on securing biological traces. It describes the results of the examination of the victim's body and the secured traces in cases concerning sexual violence. A physician takes part in the examination of the victim's body and signs the report[105].

80. According to the information obtained by the Commissioner[106], in the near future, the Minister of Health plans to appoint a team to develop procedures and guidelines for dealing with persons who have experienced sexual violence. At present, victims of sexual violence have to seek aid at medical establishments. The manner of conduct of their procedures in such cases is not regulated by law and often depends on the good will and knowledge of the establishment's managers and personnel.

Article 31: Custody, visitation rights and safety

81. After the amendment of the Act on Counteracting Domestic Violence, a child who has witnessed domestic violence is considered a person who has suffered domestic violence.

82. Deprivation of custody of a child may not be done as part of a criminal conviction but has to be done as a result of proceedings regarding deprivation of custody (Article 111 of the Family and Guardianship Code[107]).

83. The Commissioner is concerned with the problem with enforcing, by local authorities, of guardianship courts' decisions to place children in foster care. Data provided to the Commissioner by voivodeship (i.e. province) governments shows that at present, there are no places in safe homes or care institutions for over 1,370 children in respect of whom decisions have been issued to place them in a foster family or institutional care. The problem is nationwide and appears to be increasing. It needs to be urgently analysed and remedied as it leads to situations in which children stay in places that are not safe for them[108].

84. In its judgment of 22.06.2022 (case no. SK 3/20), the Constitutional Tribunal declared as inconsistent with the Constitution of the Republic of Poland the legal mechanism which permits the imposition of a financial penalty on a person who has custody of a child and fails to meet the obligation to ensure the child's contact with the other parent, if the failure results

[105] The template report, the guidelines for physicians and the description of the forensic package can be found at: https://gazeta.policja.pl/997/archiwum-1/2009/numer-49-042009/38670,Pakiet-potrzebny-od-zaraz.html [accessed 24.04.2025].
[106] See: the reply of the Minister for Health (ref. no. RZPP.63.16.2025.SL).
[107] Act of 25.02.1964 - Family and Guardianship Code (consolidated text: Journal of Laws of 2023, item 2809; hereinafter: "FGC").
[108] COMMISSIONER's intervention letter of 23.05.2024 (ref. no. III.502.12.2023), access at: https://bip.brpo.gov.pl/pl/content/rpo-dzieci-piecza-zastepcza-brak-miejsc-mrpips-odpowiedz [accessed 18.04.2025].

from taking into account the will (opinion) of the child. The judgment is of great practical importance because very often the child's reluctance to have contact with the other parent is motivated by the experience of violence used by that parent against the child, or against the other parent in the child's presence.

85. The analysis of cases reported to the Commissioner Office shows that courts, in accordance with the guideline contained in the judgment of the Constitutional Tribunal, take into account the child's will when assessing cases of failure to ensure contact with the other parent. Furthermore, the Commissioner, in its intervention letter to the Minister of Justice[109], pointed to the urgent need to introduce the guideline contained in the Constitutional Tribunal's judgment directly into the legislation, and called on the minister to take legislative work on the issue. Legislative work on the subject is currently carried out as part of drafting a broader amendment of the family law. The work, however, is at an early stage and the draft has not yet been made public.

86. The Commissioner for Human Rights wrote an intervention letter[110] to the Minister of Justice, pointing to the minister's obligations under Article 31 of the Istanbul Convention. The Commissioner requested that the GREVIO report be translated into Polish and made available to all heads of expert teams that issue opinions for courts. This should be done in order to inform the team members of the current state of the debate on the term and theory of 'parental alienation' and of the need to take into account the experience of domestic violence (used not only against the child but also against the other parent). The teams should take into account such experience when drawing up their opinions on cases concerning custody and visitation rights. The Commissioner also requested that the GREVIO report be taken into account in the provision of training for judges and prosecutors at the National School of Judiciary and Public Prosecution, as well as in training conducted as part of the lifelong education of judges and prosecutors. The Commissioner was informed, in response, that the Polish translation of the GREVIO report had been made available by the Ministry of Justice to all heads of expert teams that issue opinions for courts, together with a recommendation for the report to be taken into account by the National School of the Judiciary and Public Prosecution and by entities conducting lifelong education training for judges and prosecutors. The Commissioner does not know whether his request has been fully met. However, based on the cases examined by the Commissioner Office it can be concluded that judges, when issuing judgments on cases concerning parental authority, custody and visitation rights, pay more attention to the experience of violence used by one parent against the other parent and

[109] COMMISSIONER's intervention letter of 9.02.2023 (ref. no. IV.071.5.2022), access at: https://bip.brpo.gov.pl/pl/content/rpo-ms-realizacja-wyroku-tk-sankcje-utrudnianie-kontaktow-z-dzieckiem-odpowiedz [accessed 18.04.2025].
[110] COMMISSIONER's intervention letter of 1.12.2021 (ref. no. IV.502.5.2014), access at: https://bip.brpo.gov.pl/pl/content/rpo-alienacja-rodzicielska-ms-grevio [accessed 25.04.2025].

to the impact of the child being exposed to violent behaviour. The national legislation, in particular the Family and Guardianship Code, has not been amended to explicitly inform courts that the recommendations of the first GREVIO report should be taken into account when adjudicating on cases referred to herein.

87. Judges and prosecutors attend interdisciplinary training offered by the National School of Judiciary and Public Prosecution. The training schedule can be found on the website of the School: https://www.kssip.gov.pl/node/8574. It is also possible to use online training available through the school's e-KSSiP training platform. Many of the trainings concern violence against women, domestic violence, sexual violence and conducting procedural activities with the participation of victims of sexual offences. It should be noted, however, that the training on procedural activities relates only to victims under the age of 18, so the scope of the training is not complete.

88. In the penal law, there are procedures for immediate isolation of a domestic violence perpetrator from the victim of domestic violence:

88.1. According to Article 244(1a) of the Code of Criminal Procedure, the police may detain a suspect (i.e. a person against whom charges have not yet been presented in criminal proceedings) if there is a grounded suspicion that the suspect has committed a violent offence against a person from the same household and will repeat the offence against that person, especially if the suspect threatens to commit the offence again;

88.2. In the course of criminal proceedings, preventive measures may be applied in the form of ordering the perpetrator of domestic violence to immediately leave the residence shared with the victim (Article 275a CCrimP); or placing the perpetrator under so-called conditional supervision by the police (Article 275(3) CCrimP). The latter solution means that the perpetrator is not placed in a remand prison but, in order not to be placed there, the perpetrator has to leave the residence shared with the victim. Under Article 275(2) CCrimP, it is also possible to issue a prohibition for the perpetrator of domestic violence to approach the victim within a certain distance;

88.3. If a sentence of deprivation of liberty is suspended, the sentenced person may be ordered not to contact the victim or other persons in a specific manner or not to approach the victim or another person within a certain distance, and to leave the residence occupied jointly with the victim (Article 72(1)(7a and 7b) PC). The court, in addition to the main penalty imposed on the perpetrator, may impose other sanctions, such as: a prohibition to stay in specific places, a prohibition to contact specific persons or to approach specific persons; a

prohibition to leave a given place without the court's consent (Article 39(1)(1), PC), an order to temporarily leave the residence shared with the victim (Article 39(1)(2e) PC);

88.4. a prohibition to contact the victim, a prohibition to approach the victim and an order to temporarily leave the residence shared with the victim may be imposed by a court in a case concerning an offence against sexual freedom or morality of a minor person or other offence against a person's freedom, or an intentionally committed offence involving the use of violence, in particular against a family member (Article 41a(1) PC). At the request of the victim, the court is required to issue a prohibition to contact the victim, a prohibition to approach the victim within a certain distance or an order for the perpetrator to temporarily leave the residence shared with the victim in the event of an offence against sexual freedom or morality (Article 41a(1a) PC). If the perpetrator has been sentenced to imprisonment for an offence against sexual freedom or morality, without conditional suspension of the penalty, the imposition of the above-mentioned penalties is obligatory (Article 41a(2) PC).

89. The procedure that, for the time of conducting criminal proceedings, separates a person who has experienced violence from the perpetrator of violence may also be used in civil proceedings. According to Article 11a of the ACDV, '*if the perpetrator of domestic violence makes living together "particularly burdensome" by using violence, the victim may request the court that is competent according to CCivP provisions on non-litigious proceedings to impose on the perpetrator the obligation to leave the residence shared with the victim and its immediate surroundings, or a prohibition on approaching the residence and its immediate surroundings*'. In the course of such proceedings, it is also possible to seek the issue by the court of a prohibition to contact the victim (Article 11aa of the ACDV). A perpetrator of violence may be required to leave the residence under Article 11a of the Act on Counteracting Domestic Violence even if he or she is the owner of the residence. According to Article 11a(3) of the ACDV, the provision applies to any premises that currently meet the victim's housing needs.

90. On 30.11.2020, the ACDV amendment came into force, according to which Police officers and Military Police officers have the right to detain a perpetrator of domestic violence if he or she poses an immediate threat to people's life or health, and to issue an order for the perpetrator to immediately leave the shared residence or a prohibition to approach the residence and its immediate surroundings if the violent person poses a threat to the life or health other people. As of 15.08.2023, Police officers and Military Police officers have the right to issue a prohibition for a perpetrator of domestic violence to approach a person subjected to such violence within a certain distance (determined in metres), to contact a person subjected to such violence, and to enter or stay within the premises of a school or other

educational, caretaking or artistic establishment or sports facility attended by a person subjected to such violence or their place of work (for more information, see Article 52 of the Istanbul Convention). The two amendments meet the recommendations previously made by the COMMISSIONER[111].

Article 48: Prohibition of mandatory alternative dispute resolution processes or sentencing

91. In the current state of the law, it is not possible, in the context of criminal cases, to speak about mandatory alternative dispute resolution processes, including mediation. Thus, mediation remains an optional and voluntary solution, also with regard to all forms of violence covered by the Istanbul Convention. At the same time, there is no provision, at the level of an act of Parliament, that would limit the use of mediation as to the subject or the object thereof. Such provisions have been introduced by the Polish legislator only to a legislative act that has no common binding force, i.e. the Guidelines of the Prosecutor General on the rules to be followed by organisational units of public prosecutor's offices in cases concerning counteracting domestic violence[112].

92. At the stage of jurisdictional proceedings, where mediation is much more common, there are no sufficient mechanisms, with regard to judicial bodies, for introducing restrictions or special conditions for mediation with the participation of victims, as covered by the scope of the Istanbul Convention. There are no exemptions to the use of mediation in specific cases on the grounds of the type or nature of the offence, the factual relationship between the perpetrator and the victim, or cognitive dysfunctions (e.g. addiction or mental illnesses) on either side. This translates into the approach of mediators who generally, in cases referred to them by courts, do not refuse to carry out mediation because of its potential ineffectiveness or the need to protect the victim's interests[113].

93. Mediation in criminal cases does not lead to the exclusion of criminal liability, including the assessment of the case by a court, and to abandoning the prosecution of the offender (regardless of whether mediation or other reconciliation with the victim has taken place). Thus, in criminal cases, unlike in civil cases, mediation is not an alternative to court assessment of the level of the perpetrator’s responsibility under criminal law.

[111] Ref. no. XI.022.3.2021/II.510.1221.2021.
[112] See: https://www.gov.pl/web/prokuratura-krajowa/wytyczne-prokuratora-generalnego-w-sprawie-zasad-postepowania-powszechnych-jednostek-organizacyjnych-prokuratury-w-zakresie-przeciwdzialania-przemocy-domowej [accessed 18.04.2025].
[113] E. Zielińska, Mediacja w sprawach karnych o przemoc w rodzinie – skala i efektywność w praktyce polskiego wymiaru sprawiedliwości [Mediation in criminal cases regarding domestic violence – its scale and effectiveness in the practice of the Polish system of justice], Warsaw, 2017, pp. 116-118.

94. The only area in which mediation may be an alternative form of dispute resolution in criminal cases is the determination of a compensation to the victim for the crime committed, which can take the form of a settlement concluded before a mediator. The settlement may consist in the parties' agreement as to the extent and manner of compensating the victim for the injury and repairing the damage suffered. The settlement may also include the parties' statements on reconciliation and forgiveness. As regards the above, the legislator has introduced a court supervision mechanism in the form of the court's obligation to examine the settlement concluded before the mediator and the right to reject the settlement agreement if the court has found it to be contrary to the law or the principles of social co-existence, or aimed at circumventing the law. In such situations, the competent body may refuse the enforcement clause by issuing a relevant decision. However, the range of situations in which the enforcement clause may be refused is narrower in criminal cases[114], as unlike in civil cases it does not cover e.g. the possibility that the content of the settlement agreement has not been understood or has included contradictory provisions. The issue of reconciliation between the perpetrator of a crime and the victim does not remain indifferent for the perpetrator's position in terms of the penalty imposed, as evidenced by a number of solutions included in criminal law regulations and regulations on criminal proceedings, e.g. the possibility of conditional discontinuance of criminal proceedings (Article 66 PC) or extraordinary reduction of penalty (Article 60(2) PC). However, the conclusion of reconciliation does not eliminate the perpetrator's responsibility under criminal law but is only a solution for reducing the penalty. The results of mediation or the content of the settlement can influence the size of the penalty as mitigating circumstances, in accordance with Article 53(3) PC Moreover, the very act of entering into mediation may be considered as 'effort aimed at repairing the damage' within the meaning of Article 53(2) PC The consideration of the victim's perspective, including possible settlement, may influence the judicial body's assessment of the possibility of applying consensual forms. Referral of a case for mediation does not take place before charges are brought. The very fact of reconciliation between the parties does not constitute a negative procedural premise or an argument undermining the suspicion that the offence has been committed[115]. In particular, possible mediation does not affect the possibility of applying the most severe preventive measure in the form of placement in a remand prison under Article 258(2) CCrimP In addition to normative regulations, attention should be paid to the practice of some courts of using mediation in cases concerning domestic violence in order to improve the economy of proceedings, to streamline the conduct of

[114] K. Oleksy, Postępowanie mediacyjne jako narzędzie osiągania kompensacji [w:] Funkcja kompensacyjna procesu karnego [Mediation proceedings as a tool for determining compensation [in:] The compensation provision function of criminal proceedings], Warsaw, 2024.
[115] D. Bek, O (nie)dopuszczalności skierowania sprawy karnej do mediacji na etapie postępowania przygotowawczego w fazie in rem [On the (in)admissibility of referring a criminal case for mediation at the pre-trial stage in rem], Palestra, 2024, no. 7, pp. 74-90.

evidentiary proceedings and, what seems particularly controversial, to use mediation to demonstrate low social harmfulness of the act committed and, consequently, to discontinue the proceedings[116]. Moreover, as regards this type of crime, the most significant barrier to effective conflict resolution appears to be the decision on the use of the once-shared residence and on the compensation, in view of the threat of secondary victimisation of the crime victim who, in the past, could expect merely an apology[117].

95. The free and informed consent of the victim to dispute resolution procedures such as mediation in the event of offences covered by the Istanbul Convention is ensured by the principle of voluntary participation in mediation, the possibility of multiple mediation attempts, including at a later stage of the proceedings, and the right to withdraw consent to mediation at any stage, without suffering any consequences (unlike in civil proceedings, for example with regard to decisions on the coverage of the costs). The voluntary nature of the decision to participate in the initial (information) meeting, without creating the perception of pressure on the victim from the procedural authorities or the mediator, would be emphasized by the provision to the parties of information on the voluntary character of participation in mediation, as well as the expression by the parties, already at an earlier stage, of their consent to participate in mediation (from the time of contacting the defendant and the victim in order to set the date and place of the meeting).

96. The issue of reconciliation between the perpetrator of a crime and the victim does not remain indifferent for the perpetrator's position in terms of the penalty imposed, as evidenced by a number of solutions included in criminal law regulations and regulations on criminal proceedings, e.g. the possibility of conditional discontinuance of criminal proceedings (Article 66 PC) or extraordinary reduction of penalty (Article 60(2) PC). However, the conclusion of reconciliation does not eliminate the perpetrator's responsibility under criminal law but is only a solution for reducing the penalty. In particular, possible mediation does not affect the possibility of applying the most severe preventive measure in the form of placement in a remand prison under Article 258(2) CCrimP.

97. In addition to normative regulations, attention should be paid to the practice of some courts of using mediation in cases concerning domestic violence in order to improve the economy of proceedings, to streamline the conduct of evidentiary proceedings and, what seems particularly controversial, to use mediation to demonstrate low social harmfulness of the act committed and, consequently, to discontinue the proceedings[118]. Moreover, as regards this type of crime, the greatest barrier to effective conflict resolution appears to be the decision on the use of the once-shared residence and on the compensation, in view of the

[116] E. Zielińska, Mediacja w sprawach karnych ... [Mediation in criminal cases...], pp. 112-114.
[117] Ibidem.
[118] E. Zielińska, Mediacja w sprawach karnych ... [Mediation in criminal cases...], pp. 112-114.

threat of secondary victimisation of the crime victim who, in the past, could expect merely an apology[119].

98. The Commissioner for Human Rights has no knowledge of the practice of referring family-related cases (concerning divorce, child custody or visitation) for mediation. No complaints regarding the matter are received by the Commissioner Office, which may mean that the courts do not refer domestic violence cases for mediation. However, the current legislation does not prohibit referral of such cases for mediation, and the current situation results only from the application of the mediation standards in practice.

Articles 49 and 50: General obligations and immediate response, prevention and protection

99. Information obtained by the Commissioner for Human Rights shows that:

99.1. In organisational units of public prosecutor's offices, the procedures defining the rules of dealing with women who have experienced violence are set out in the Guidelines no. 2/2024 of the Prosecutor General of 9.08.2024 on the rules to be followed by organisational units of public prosecutor's offices in conducting cases concerning prevention of domestic violence'. The adopted procedures take account of the forms of violence defined in Article 2 of the ACDV, yet without taking account of the specific situation of women from different groups (e.g. migrant women, elderly women or women with disabilities) and of the tools for estimating the risk of violence against women[120].

99.2. The guideline of the Prosecutor General provides for the obligation to appoint, at organisational units of public prosecutor's offices, consultant prosecutors for cases of domestic violence. Moreover, the Department of Pretrial Proceedings of the National Prosecutor's Office has appointed a prosecutor responsible for monitoring cases from this category. Prosecutors working on domestic violence cases are required to participate in training on the subject of domestic violence, the existing system for preventing domestic violence, the methods of influencing perpetrators of domestic violence, the application of measures to protect persons suffering from domestic violence, including in the course of pre-trial proceedings, in particular against their secondary victimisation and the need to ensure respect for their dignity and to protect their interests[121].

[119] Ibidem.
[120] Response of the Minister of Justice, ref. no. 1001-1.071.45.2025.
[121] Ibidem.

99.3. In response to the Commissioner's intervention letter[122], National Prosecutor confirmed that the proper conduct and effectiveness of criminal proceedings concerning offences involving domestic violence, as well as their supervision by prosecutors, are monitored in accordance with Guideline No. 53 of the Guidelines No. 2/2024[123].

99.4. At every county/municipal/district/voivodship/city police station and the Police Headquarters, there is a police officer responsible for coordinating activities in the area of counteracting domestic violence[124].

99.5. With regard to female migrants, Border Guard officers are required to follow the 'Border Guard procedures for dealing with migrants in need of special treatment', which specify vulnerable groups (e.g. pregnant women, single parents, victims of torture, rape or other serious forms of psychological, physical or sexual violence, victims of offences committed on the grounds of gender, sexual orientation or gender identity, victims of sexual violence during armed conflicts. The procedures focus on identifying the symptoms based on which a person is considered a member of a vulnerable group and is covered by special measures, such as specialist therapy at administrative detention centres for migrants, or is released from administrative detention and provided with adequate support in freedom[125].

100. At the same time, as regards positive developments, the Commissioner is pleased to take note of an important amendment to the ACDV, adopted in 2023, which makes it possible to provide specialist support to persons who have suffered 'violence, also with the use of means of electronic communication, that has substantially violated that person's privacy or has caused the feeling of threat, humiliation or anguish in the person' (Article 2(1)(e)).

101. As regards the issue under discussion, attention should also be paid to Article 52a of the Code of Criminal Procedure, introduced into the Polish criminal procedure by way of the Act of 13.01.2023 amending the Act - Code of Civil Procedure and certain other acts. The article requires police officers to carry out an individual assessment of the needs of the victim, during which the police officer determines the characteristics and personal conditions of the victim and the type and extent of impact of the offence on the victim, taking into account the nature of the offence and the circumstances under which it was committed[126].

[122] General intervention of the Commissioner of 16.02.2026 (ref. no. XI.518.51.2025).
[123] Response of the National Prosecutor of 27.03.2026 r. (ref. no. 1001-1.440.12.2026).
[124] Response of the Minister of the Interior and Administration, ref. no. DPP-WASiPP.0790.1.2025.
[125] Ibidem.
[126] Ibidem.

Article 52: Emergency barring orders

102. The Commissioner welcomed the amendment[127], respectively, of the Act of 6.04.1990 on the Police and the Act of 24.08.2001 on the Military Police and military bodies, broadening the protection of persons who experience domestic violence, which was limited before to the possibility to issue an order to leave the shared residence and its immediate surroundings and a prohibition to approach the shared residence and its immediate surroundings. The amendment has filled a major gap in a manner postulated by the Commissioner[128].

103. As a result of the amendment, starting from 15.08.2023 a police officer (or a Military Police officer) may issue a restraining order against the perpetrator of domestic violence, as defined in the ACDV, who poses a threat to the life or health of the violence victim, i.e. an order prohibiting the perpetrator to approach the victim within a certain distance expressed in metres or to contact the victim.

104. If the victim of violence attends a school or other educational, caretaking or artistic establishment, or practices sports or works professionally, a police officer (or a Military Police officer) may prohibit the perpetrator to enter or stay within the premises of the school or other educational caretaking or artistic establishment or sports facility attended by the victim, or their place of work, unless the perpetrator is employed or is a student there.

105. Before taking a decision on whether to issue a barring order or to detain a perpetrator of domestic violence, a police officer is required to carry out an assessment of the risk to life or health of the person who suffers domestic violence, using questionnaires for assessing the risk to human life or health. The risk assessment is carried out separately for an adult and for a child, taking into account in particular: the experienced acts of physical violence; age of the person experiencing domestic violence; use of domestic violence against a pregnant woman; disability of the person experiencing domestic violence; dependence of the person experiencing domestic violence on the perpetrator, resulting from a medical condition or mental disorder; mental disorder of the perpetrator; the perpetrator's mental and physical condition resulting from the use of or addiction to alcohol, drugs, psychotropic substances, substitute drugs or novel psychoactive substances; the perpetrator's threats to use violence, the victim's threat to commit suicide because of domestic violence experienced[129].

[127] Act of 13.01.2023 amending the Act - Code of Civil Procedure and certain other acts (Journal of Laws of 2023, item 289).
[128] See e.g. XI.022.3.2021/II.510.1221.2021.
[129] Response of the Minister of the Interior, ref. no. DPP-WASiPP.0790.1.2025.

Article 56: Measures of protection

106. The Commissioner, commenting on the draft amendment of the Code of Civil Procedure of 7.10.2021[130], recalled that it is the responsibility of the state to take all possible steps to help victims understand and be understood since their first contact with the competent authorities – the police, prosecutor or court. Personal characteristics of the victim should be taken into account during information provision by them, including any disabilities that may affect the victim's ability to understand or be understood. The amendment has taken into account the postulated solutions as follows:

- the manner of contact shall be adjusted to the person's age and health condition and take into account any characteristics that may affect the ability to understand or be understood;
- a witness with a disability shall be questioned only once and only if their testimony is likely to be of significance for the outcome of the case;
- at the time of questioning a witness/victim with a disability, the witness/victim may be accompanied by an adult person (a support person) indicated by the witness/victim, if this does not restrict their freedom of expression;
- if the questioned person has difficulties with communicating in spoken language, the questioning shall be conducted using alternative and assistive communication methods used by the victim;
- the instructions used shall include a descriptive or graphic information on the course, manner and conditions of the questioning.

107. The Commissioner also pointed[131] to the need for the legibility standard of template instructions for questioned persons to be aligned with the legibility standard of the template list of rights of questioned persons. The templates should be formulated in a manner taking into account the need for the information to be understood by persons not assisted by a lawyer, persons who, due to their age, have reduced understanding capacities or persons under the age of 18. The templates may have a descriptive or graphic form. The Commissioner also took note of the need to identify the communication needs of deaf and deaf-and-blind persons. When assessing the characteristics of the victim, the level of their knowledge of the Polish language or the Polish sign language should be determined. The above postulates have been taken into account in the Regulation of the Minister of Justice of 2 February 2025 on the

[130] XI.022.3.2021/II.510.1221.2021.
[131] COMMISSIONER's intervention letter of 11 march 2024, ref. no. II.510.260.2024, access at: https://bip.brpo.gov.pl/sites/default/files/2024-03/Do_MS_wzor_kwestionariusz_ocena_pokrzywdzonego_swiadka_11.03.2024.pdf [accessed 18.04.2025].

template questionnaire for individual assessment of a victim or a witness[132].

Part III: Emerging trends on violence against women and domestic violence

108. The President of the Republic of Poland has received for signing the Act of 21.11.2024 amending the Act on Sport and certain other acts[133]. As a result of the amendment, the Act on Sport[134] would be extended by the addition thereto of Chapter 6b 'Counteracting violence and discrimination in sport'. The Commissioner expressed its opinion both on the government draft[135] and the MPs' draft[136] of the amendment to the Act on Sport, pointing to the long-highlighted need to introduce protection against undesirable behaviour, including violence and discrimination, in sport[137]. On 23 December 2024, the President of the Republic of Poland submitted a motion to the Constitutional Tribunal, under the procedure for preventive review, requesting an examination of the amending act's compliance with the Constitution[138].

109. In view of the received reports on instances of violent behaviour in the sports community, in 2023 the Commissioner carried out a survey regarding negative behaviour experienced in the competitive sports community[139]. Information on the problem of harassment and sexual harassment in sport, that is experienced in particular by women and constitutes one of the main manifestations of discrimination in this sector, has reached the Commissioner for years. The information has been provided both in the form of applications filed with the Commissioner by individuals, as well as in the course of meetings of various bodies, such as the Parliamentary Group on Women's Sport, attended by representatives of the Commissioner Office. One of the problems raised during the meetings was the problem of non-reporting of violence, including sexual violence, against women in sport. The need to examine the phenomenon of 'underreporting' of such violence was highlighted. Attention was also drawn to the lack of a tool (questionnaire) for members of the sports community, which could be used to identify cases of harassment or sexual harassment in sport and to report

[132] Journal of Laws 2025, item 161.
[133] See: https://www.sejm.gov.pl/Sejm10.nsf/PrzebiegProc.xsp?nr=742 [accessed 22.04.2025].
[134] Act on Sport of 25.06.2010 (consolidated text: Journal of Laws of 2024, item 1488).
[135] COMMISSIONER's intervention letter of 31.07.2023 (ref. no. XI.518.33.2019), access at: https://bip.brpo.gov.pl/sites/default/files/2023-06/Do_MSiT_sport_dziewczyny_dyskryminacja_29.05.2023.pdf [accessed 22.04.2025].
[136] COMMISSIONER's intervention letter of 5.10.2023 (ref. no. XI.071.4.2022), access at: https://bip.brpo.gov.pl/sites/default/files/2023-10/Do_parlamentarnego_zespolu_sport_ustawa_nowelizacja_5.10.2023_0.pdf [accessed 22.04.2025].
[137] E.g. COMMISSIONER's intervention letter of 29.05.2023 (ref. no. XI.518.33.2019), access at: https://bip.brpo.gov.pl/pl/content/rpo-przemoc-mobbing-sport-msit-odpowiedz [accessed 22.04.2025].
[138] Reference No. Kp 1/25.
[139] See: https://bip.brpo.gov.pl/pl/content/rpo-sport-negatywne-doswiadczenia-badanie [accessed 22.04.2025].

such cases. For sports officials, the tool would make it possible to gather data on the scale of this unreported problem[140]. The responses to the survey point, first of all, to the lack of internal anti-discrimination regulations, including procedures for dealing with harassment or sexual harassment in sports clubs and sports federations, as well as to failure of sports organisations to conduct information activities, including training, on the importance of counteracting manifestations of discrimination, including harassment and sexual harassment in sport. Within such activities, information should be provided on the regulatory solutions adopted by the sector and on the more frequent experience by women of certain forms of violence in sport, which proves the existence of gender discrimination and gender-based violence against women in the sector.

110. The Commissioner receives complaints from foreign citizens, including women, attempting to file an application for international protection at the Polish-Belarusian border. The complainants report that they have experienced sexual violence or other forms of violence when staying in the territory of Belarus or in their country of origin. The Border Guard officers should thus be appropriately trained and should have special guidelines on dealing with victims of violence, in particular sexual violence. Such training should prepare the officers for conducting the procedures with due diligence and in the prescribed manner, while respecting the rights of the victims, ensuring their wellbeing and avoiding secondary victimisation. As a result of their appropriate preparation for performing professional duties, the officers will better understand the needs of the migrants, will more adequately respond to their emotions and concerns, and will communicate more effectively with them. Therefore, the Commissioner sent an inquiry to the commanders of the Podlaski and Nadbużański Divisions of the Border Guard on whether their officers had received any guidelines or other materials instructing them how to recognise victims of violence and deal with such persons, and whether they had received any training in this area[141]. The Border Guard commanders replied that the Border Guard is not a body responsible for prosecuting crimes related to broadly understood sexual violence but has statutory powers to combat the crime of human trafficking, which is often connected with gender-based violence and sexual violence. The Commanders, therefore, are more focused on training and guidelines relating to the methods of recognising victims of human trafficking.

111. The issue of appropriate treatment (in the light of Article 61 of the Istanbul Convention) of women who have experienced gender-based violence was the subject of the Commissioner 's intervention letter to the Commander-in-Chief of the Border Guard in 2021. The Commissioner requested the commander to remind Border Guard officers of the need

[140] See e.g. COMMISSIONER's intervention letter of 13.06.2023 (ref. no. XI.815.50.2022), access at: https://bip.brpo.gov.pl/pl/content/rpo-sejm-komisja-sport-molestowanie [accessed 22.04.2025].
[141] COMMISSIONER's intervention letter of 27.03.2025 (ref.no. XI.543.99.2025), access at: https://bip.brpo.gov.pl/pl/content/rpo-migranci-doswiadczenia-przemocy-seksualnej-kgsg [accessed 22.04.2025].

to apply such appropriate treatment in practice. In reply, the Commander assured the Commissioner that Border Guard officers have a thorough knowledge of the obligation to respect the principle of non-refoulement and to identify vulnerable persons, including victims of violence against women[142].

112. The Commissioner for Human Rights addressed an intervention letter[143] to the Head of the Office for Foreigners regarding the practice of applying Article 112c(1)(1) of the Act on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of that State[144], according to which beneficiaries of temporary protection who hold a PESEL number with UKR status and who have been victims of torture or rape are entitled to healthcare services in the territory of the Republic of Poland. According to the response received[145] the certificate issued by the Head of the Office for Foreigners confirming the above-mentioned circumstances, which is necessary to obtain entitlement to the aforementioned healthcare services, will be issued only to beneficiaries of temporary protection who have been victims of torture or rape in connection with the armed conflict taking place on the territory of Ukraine (although the condition of a "connection with the armed conflict taking place on the territory of Ukraine" is not explicitly envisaged by the cited provision of the Act). It was also indicated that, although attaching any police, court or medical documentation confirming the circumstances of the torture or rape is not a prerequisite for obtaining the certificate, such documentation may be very helpful when the application for the certificate is being considered.

113. As regards cyberbullying, the Commissioner has taken note of the fact that the problem has become increasingly recognised by public authorities in Poland in recent years. It should still be pointed out that the adopted legislation and the actions taken are gender-neutral and rarely take into account the gender perspective. The Commissioner's experience also shows that the activities taken by the authorities are more often focused on the protection of children[146] or the protection against the specific online risks connected with the

[142] Commissioner's intervention letter of 22.11.2021 (ref. no: KMP.071.7.2021), access at: https://bip.brpo.gov.pl/pl/content/rpo-sg-konwencja-stambulska-zakaz-zawracania-kobiet-ofiar-przemocy [accessed 22.04.2025].
[143] Dated as of 02.07.2026 (ref. no. ZPM.540.173.2026).
[144] Consolidated text: Journal of Laws 2025 item 337, as amended.
[145] Response of the Head of the Office for Foreigners of 20.08.2026 (ref. no. DPU.07031.59.2026/JJ).
[146] See: Draft act on the protection of minors against accessing harmful content on the internet, access at: https://legislacja.gov.pl/projekt/12394953 [accessed 22.04.2025].

use of the internet[147].

114. As regards the main challenges connected with countering gender-motivated cyberbullying, it should be pointed out, first of all, that there exist no regulations taking full account of the specific characteristics of the phenomenon, i.e. its large scale and frequent experience by member of the society, the different ways and contexts in which the perpetrators contact young girls (e.g. grooming) and adult women and men, as well as practical difficulties in fast identification of the perpetrators and in removing damages caused by such violence.

115. Victims of cyberviolence may use legal remedies generally under criminal law (for: punishable threat, Article 190 PC; harassment [stalking]; identity theft, Article 190a(1 and 2) PC; recording or publishing the image of a naked person or person in the course of sexual activity, without their consent, Article 191a(1) PC; defamation, Article 212 PC; insult, Article 216 PC) as well as under civil law (claim for an apology, compensation or damages for violation of a person's dignity, good name or image, Article 23 and 24 in conjunction with Article 448 of the Civil Code[148]).

116. Challenges are also related to the operation of the system of justice and of law enforcement agencies, e.g. to a limited number of staff, excessive workload on judges, prosecutors and police officers, long waiting time for the commencement of an investigation, etc.

117. The above may translate into a low rate of reporting the phenomenon of cyberbullying. 38.2% of young girls confirm that they have come across cyberbullying in their environment[149]. Social surveys conducted in Poland by NGOs and private researchers point to the phenomenon of underreporting of cyberbullying cases. According to the surveys, female internet users who have experienced cyberbullying very rarely seek professional assistance by public services and institutions, e.g. the police (6%) or specialised organisations (6%), and do not seek psychotherapy or legal aid (4%)[150]. Their strategies for coping with incidents of such violence include pushing the situation out of one's mind (35.9%, and as many

[147] Such initiatives include e.g. the launching of the 'Cyber-security' website that broadly covers a variety of issues relating to cybersecurity, the establishment of NASK (the Scientific and Academic Computer Network), a research institute that is answerable to the Ministry of Digitalisation and conducts work on cyber-security, protection of children on the internet, research into modern digital technologies, and carries out periodic surveys to analyse online activities of Polish teenagers and to assess parents' awareness of online activities of their children (the latest survey "Teenagers 3.0" was published in 2022).

[148] The Act of 23 April 1964 – Civil Code, consolidated text: Journal of Law 2026, item 795.

[149] See: Amnesty International, Cyberbullying hurts for real, access at: https://www.amnesty.org.pl/badania-prawie-co-piata-mloda-dziewczyna-doswiadczyla-cyberprzemocy/ [accessed 22.04.2025].

[150] See: Sylwia Spurek (ed.) Cyberbullying against women in Poland. Survey report, access at: raport-cyberprzemoc-EFI.pdf [accessed 22.04.2025].

as 50% among girls and young women). Only one in five women (and one in ten, among girls and young women) reported such violence to the police[151].

118. Taking account of the above, the Commissioner is closely following the legislative works on the draft act amending the Act of 18 July 2002 on providing services by electronic means and certain other acts[152]. The amended act is expected to impose new obligations on internet service providers, e.g. to remove illegal content pursuant to an order of the President of the Office of Electronic Communications, to take action against illegal content, or to order the hosting provider to give up the restrictions adopted by them and to provide information (Chapter 2a of the draft).

[151] See: Amnesty International, Cyberbullying hurts..., op. cit.
[152] See: https://legislacja.rcl.gov.pl/projekt/12383101/katalog/13045632#13045632 [accessed 22.04.2025].