



**Alternative report to implement recommendations  
regarding the implementation  
Council of Europe Convention on the Prevention and  
Combating of  
violence against women and domestic violence across  
Poland**

**IC-CP(2021)17**

*November 28, 2025*



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## **Entry**

*The We Have the Right Federation, which brings together movements and social organizations of people affected by violence, mainly women and parents of children, and the Mokosz Foundation (in formation) are organizations dedicated to the protection of human rights, preventing discrimination against women and children, and counteracting gender-based violence, domestic violence and institutional violence.*

*The We Have the Right Federation represents the community of victims of violence, women and children affected before domestic and foreign institutions, undertaking advocacy, educational activities, interventions, conducting dialogue and actively promoting the Istanbul Convention.*

*Both organizations are apolitical, not affiliated with the state authorities, and the We Have the Right Federation is financed by donations.*



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This report is a correction and supplement to the reporting form on the implementation of recommendations addressed to States Parties submitted by Poland on 20 October 2025.

1. Have your authorities taken measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any grounds listed in Article 4, paragraph 3, of the convention, including in terms of the availability of services and the protection by law enforcement agencies?

NO

Former Minister for Equality, Katarzyna Kotula, did not meet with women affected by gender-based violence and institutional violence as part of court proceedings regarding custody and contact, despite numerous letters and requests, and even a complaint filed with the Chancellery of the Prime Minister and the Ministry of Civil Society.

In turn, she met with the Boys and Men Association, which denies the issue of discrimination against women, gender-based violence, and gender-based content, including "parental alienation."

<https://schm.org.pl/blog/spotkanie-z-ministra-ds-rownosci-katarzyna-kotula/>

<https://www.facebook.com/search/top/?q=kotula%20gulczy%C5%84ski>

<https://schm.org.pl/blog/alienacja-rodzicielska-to-przemoc-wobec-dziecka/>

In 2024, the Ministry of Justice established a family law codification commission tasked with reforming family law. The "Mamy Law" Federation, which brings together movements and social organizations that aggregate data on the scale of secondary victimization by family courts of women and children affected by violence, applied for membership in the commission to ensure the reform's compliance with the Istanbul Convention. The commission's chairwoman declined the request of the violence victims community.

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Despite the broad scope of protection for children's rights, including primarily against violence, secondary victimization, and re-traumatization, as established by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, it is not used at all in the context of protecting children's rights, and is even ignored. The website of the Ombudsman for Children, as well as its written and written opinions, contain no mention of the Convention or Grevio's recommendations on contact and custody, protection from violence, and children's exposure to secondary harm. Therefore, age discrimination occurs in the implementation of the Convention. Children are not protected.

Victims of violence against women and domestic violence, especially those secondarily victimized by the actions of family courts and those harmed by Poland's lack of action, are blatantly discriminated against by institutions and bypassed in dialogue, the creation of policies, strategies and legislative actions.

4. Have your authorities developed a long-term plan/strategy to prevent and combat violence against women?

NO

There is no national long-term strategy to combat violence against women. The concept of gender-based violence, or violence against women, is not addressed in any national legislation. The phenomenon of violence is symmetrically addressed by the authorities, gender-based violence is overlooked and ignored, and society is misinformed.

One example is the Polish Police's social media post on November 27, 2025, in connection with the 16 Days of Elimination of Violence against Women, also shared by [m.in.](#) Association of Family Judges with the following content:

The international campaign "16 Days of Activism Against Violence Against Women" runs from November 25 to December 10.

Its aim is to draw attention to the problem of gender-based aggression, raise social awareness, support victims and develop effective preventive measures.

Although the campaign focuses on the situation of women, it is worth remembering that domestic violence can also affect men and children.

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Every signal on this subject requires a response, and help is provided to everyone – regardless of age or gender.

The police appeal to the public not to remain indifferent and to respond to every disturbing case. Support is available to anyone in need.

Together we can create a safe environment for everyone.”

<https://www.facebook.com/photo/?fbid=1275542114605632&set=a.146283130864875>

The National Action Plan for Equal Treatment for 2022–2030 adopted by the Polish authorities in 2022 does not take into account the phenomenon of gender-based violence, i.e. violence against women, and is also discriminatory towards victims of violence – mainly women and children – by basing it on, among others, the following: The indicators measuring the implementation of the aforementioned program include a report on case studies (pp. 151-152)

“Preparing a report containing findings and recommendations developed as a result of public consultations with organizations working in the field of parental alienation.”

According to information available to organizations represented by the We Have the Right Federation thanks to data collected on the website "Stop the False Theory of Parental Alienation", organizations working in the field of "parental alienation" bring together perpetrators of violence against women and domestic violence, including cyberbullying, alimony debtors, people with convictions for violence, molestation or rape of minors, and restraining orders against former partners, including children.

<https://www.monitorpolski.gov.pl/MP/2022/640>

5. Which forms of violence against women covered by the Istanbul Convention are addressed by the plan/strategy? Please offer a brief description specifically indicating the forms of violence not previously addressed in plans or strategies at national level.

The National Strategy focuses and is limited solely to preventing and combating domestic violence. In 2022, the Commissioner for Human Rights appealed to the then Plenipotentiary for Gender Equality taking into account violence against women and ensuring that state institutions fulfil their

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obligations to counteract domestic violence and offer comprehensive assistance to those experiencing it - taking into account that in the case of women, this and other forms of gender-based violence are an expression of gender inequality.

"The statistics clearly confirm this, although they certainly don't reflect the true scale of the phenomenon. The total number of people affected by domestic violence in 2019 was 227,826. The vast majority were women (124,382 compared to 39,625 men and 63,819 children). And among the arrested perpetrators, the vast majority were men (16,647 compared to 606 women)."

The Commissioner for Human Rights noted that the scale of violence experienced by women, particularly in close relationships, and the clearly defined gender of perpetrators (male) and victims (female) confirm that domestic violence is a gender-based phenomenon. It is a manifestation of structural inequalities between the sexes. Preventing it falls within the state's responsibilities to combat gender discrimination (Article 33 of the Constitution). The Commissioner for Human Rights noted with concern the lack of a gender perspective in the draft. Such a change in approach is necessary – nearly 10% of society (approximately 3 million people) still considers certain violent behaviors normal. The Commissioner for Human Rights also pointed to the limited scope of the act, which focuses solely on the issue of violence in close relationships. As a result, this draft also fails to address other forms of gender-based violence experienced by women in the private and public spheres. Gender-based violence against women encompasses the family, local community, public spaces, the workplace, leisure time, politics, sports, healthcare, and education. State obligations to prevent and combat domestic violence also include collecting essential statistics and conducting research. States are also expected to regularly evaluate their strategies. This allows for ongoing improvement of victim support systems and monitoring the dynamics and scale of the phenomenon. Polish regulations in this area are far from sufficient. They do not allow for an annual assessment of, among other things, the total number of women victims of specific types of violence in close relationships (i.e., physical, psychological, sexual, and economic) perpetrated by men, or the number of murders committed by a woman's partner or husband.

The adopted data collection methods do not take into account the specificity of the phenomenon of violence in close relationships, including the relationship between the victim and the perpetrator, which means that the systems for collecting data on this phenomenon by law enforcement and justice authorities are incompatible and prevent the creation of the necessary summaries.

<https://bip.brpo.gov.pl/pl/content/rpo-przemoc-domowa-wobec-kobiet-zwalczanie-ocena>

In its response to the Commissioner for Human Rights dated January 9, 2022, the Ministry of Family and Social Policy (MRiPS) presents a position that identifies a number of systemic

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problems in the state's approach to counteracting violence against women and children. Although the Ministry declares that efforts to promote equality and counteract violence in Poland are "systemic in nature," an analysis of this letter reveals, above all, **the dominance of formal equality**, with a lack of recognition of the specific needs of high-risk groups, including women, children and people experiencing institutional violence.

The Ministry of Family, Labour and Social Policy cites Articles 30 and 32 of the Constitution of the Republic of Poland, emphasizing that all persons are treated equally. This provision was presented as an argument that the current systemic solutions meet protection standards. However, **formal equality does not equal actual protection**, as required by both the Istanbul Convention and the EU Victims' Directive. The response does not acknowledge that violence against women is structural or that it disproportionately affects women and children who require special protection measures.

The ministry completely ignored key areas of criticism:

- secondary victimization in family courts,
- the use of unscientific concepts (including "parental alienation") by OZSS and experts,
- lack of effectiveness of the Blue Card procedure,
- lack of reliable protection of children as witnesses and victims of violence,
- lack of institutional responsibility for violations of victims' rights.

The Ministry of Family, Labour and Social Policy responds only with general declarations that have no practical application and do not address the systemic negligence documented by GREVIO, CEDAW and national organizations.

The Ministry announced planned work on amending the Act, including:

- introducing diagnostic and assistance groups,
- expanding the definition of violence to include economic violence,

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- providing protection to former partners and children who witness violence.

The Ministry of Family, Labour and Social Policy cites "positive assessments by GREVIO experts" regarding the Blue Cards procedure, a claim that is inconsistent with the actual wording of GREVIO reports. In fact, GREVIO:

- clearly criticizes the lack of systemic data,
- indicates the ineffectiveness of the intervention,
- raises concerns about the lack of protection for women and children in the practice of the justice system,
- highlights the problem of victim blaming and ignoring violence in family matters.

The response from the Ministry of Family, Labour and Social Policy did not address this issue, and in fact the situation was presented in a way that did not reflect the findings of the Council of Europe bodies.

There is no single reference in the letter to:

- institutional violence,
- violations of Article 31 of the Istanbul Convention in family courts,
- the problem of contact and care arrangements forced without a risk assessment.

This omission is particularly disturbing because it indicates that the Ministry of Family, Labour and Social Policy does not acknowledge or recognize one of the most serious problems in Poland —**the systemic and predictable victimization of women and children by state institutions.**

The Ministry of Labour and Social Policy's response of January 9, 2022, demonstrates the dominance of declarations and formal assumptions over a realistic assessment of the situation. The Ministry failed to address key irregularities, provided no data, and failed to acknowledge the problems raised by the Human Rights Ombudsman, the Supreme Audit Office, GREVIO, CEDAW,

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and social organizations. This is evidence that **the Polish state is not fulfilling its obligations under the Istanbul Convention**, and the system for counteracting violence remains largely superficial and ineffective.

This situation persists despite the change of government. The government and the Ministry of Equality have taken no action to improve the situation of victims of violence against women and domestic violence.

#### No crime of economic violence

The Istanbul Convention defines domestic violence as "all acts of physical, sexual, psychological, or economic violence occurring within a family or household, or between former or current spouses or partners, regardless of whether the perpetrator and the person experiencing violence share a residence" (Article 3b). The report's author is concerned that Polish law currently does not include the crime of economic violence as a form of domestic and gender-based violence, particularly in the context of child support. This omission violates the state's obligations under the Istanbul Convention, including Article 5(2), which requires the state to take the necessary legislative or other measures to ensure access to justice and protection for those experiencing violence. The current situation allows perpetrators of economic violence to enjoy impunity.

Polish law defines domestic violence as encompassing physical, psychological, and sexual violence, but differs from the definition of violence in the Istanbul Convention in that it omits the crime of economic violence. The Act on Counteracting Domestic Violence provides a definition of domestic violence. According to this act, domestic violence is defined as a single or repeated intentional act or omission that violates the rights or personal rights of family members, in particular exposing them to the threat of loss of life or health, violating their dignity, physical integrity, freedom, including sexual freedom, causing damage to their physical or mental health, and causing suffering and moral harm to those affected by violence (Article 2). This definition therefore encompasses physical, psychological, and sexual violence, but differs from the definition in the Istanbul Convention in that it does not include the crime of economic violence. To some extent, some issues related to economic violence (specifically, its prevention) are covered by the Polish Family and Guardianship Code.

However, the purpose of this law is to ensure that the standard of living of both spouses is the same, even if only one is gainfully employed outside the home. It defines maintenance obligations for family members and the principle that spouses are equally entitled to manage joint property. The Code does not use the concept of economic violence nor does it comprehensively regulate

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related issues. Furthermore, Polish criminal law does not provide definitions of either domestic violence or economic violence. Various offenses defined in the Penal Code cover different aspects of domestic violence: physical or psychological abuse (Article 207), causing bodily harm (Articles 156, 157), criminal threats (Article 190), rape (Article 197), persistent harassment (Article 190a), evading maintenance obligations (Article 209), and forcing another person to engage in specific behavior (Article 191). Article 207 of the Penal Code is a key provision in the field of domestic violence. It stipulates that anyone who physically or psychologically abuses a close relative or another person in a permanent or temporary relationship of dependence on the perpetrator is subject to imprisonment from three months to five years. However, Article 207 does not mention economic abuse, which, as experts have noted, in some cases leads to impunity, as some acts of violence are considered criminal offenses.<sup>3</sup> In some, but not all, cases, behaviors constituting economic abuse may be classified as psychological abuse, but this is solely at the judge's discretion, as it is not mandated by law.

The definition of violence in Polish law must be consistent with the Istanbul Convention. To this end, economic violence must be incorporated into relevant Polish law and then recognized by the system and state officials appointed and authorized to prevent, eliminate, and punish domestic violence. THE LACK OF A DISTRICT OFFENSE OF ECONOMIC VIOLENCE IS A LONG-NOTIFIED PROBLEM IN POLAND. Economic violence is a consequence of the deeply ingrained gender divide in society. Research shows that men in Poland are paid more than women, and women often work unpaid, for example, in housework and caring for children and elderly family members.

Systemic gender discrimination is one reason why women are often dependent on men, which in turn places them in a vulnerable position regarding various forms of violence. It is worth noting that social organizations in Poland providing services and support to survivors of domestic violence and violence against women have consistently emphasized the need to introduce the concept of economic violence into the Polish legal system. This particular gap in the Polish definition of violence was also noted during the process of signing and ratifying the Istanbul Convention, and this issue was part of the campaign for the ratification act.<sup>6</sup> In 2015, the Institute of Public Affairs, an independent think tank, conducted research on economic violence and published a report in collaboration with numerous experts in the field of violence prevention. This was the first comprehensive study focusing solely on economic violence, aimed at formulating recommendations for necessary changes in legislation and the violence prevention system. At the conclusion of the project, a roundtable discussion was held with representatives from the public sector, the criminal justice system, non-governmental organizations, and others involved in preventing violence against women. The discussions resulted in several recommendations,

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including reforming the law to include economic violence in the definition of domestic violence and violence against women. These recommendations were not implemented.

(source:

<https://kampania16dni.pl/wp-content/uploads/2020/11/GREVIO-raport-alternatywny-PL.pdf>)

#### Economic violence of non-maintenance

In Poland, the phenomenon of non-payment of child support remains one of the most serious, yet systemically neglected, problems of economic violence affecting women and children. The total amount of child support arrears amounts to approximately **15–16 billion PLN** (ok. **€3.3–3.55 billion**), and in the debtor registers there are almost **290–300 thousand people**. The gender dimension is key here: even **94–96% of debtors are men**, which indicates the structural nature of this phenomenon and its close connection with the economic imbalance between women and men. Child support deprivation in Poland affects hundreds of thousands of children and their caregivers, the overwhelming majority of whom are women, who become the actual victims of economic violence, which involves the perpetrators systematically avoiding their financial obligations towards the child.

According to the Istanbul Convention, economic violence is a form of violence against women and serves to perpetuate inequality, dependency, and limit the economic autonomy of victims. In Poland, non-maintenance meets all these criteria: it deprives children of their livelihoods, and forces women caring for them to bear the full cost of supporting the family, leading to chronic economic deficits, debt, abandonment of employment or education, and dependence on institutional assistance. The scale of the phenomenon and its gender profile clearly indicate that non-maintenance should be recognized as a form of economic violence covered by the obligations of the Istanbul Convention, and state parties – including Poland – are obligated to implement effective mechanisms for prevention and protection of victims.

One of the most glaring examples of the ineffectiveness of the state system is the functioning **Alimony Fund**, whose action is regulated *Act of 7 September 2007 on assistance to persons entitled to alimony* (Journal of Laws 2007, No. 192, item 1378, as amended). The key problem is the excessively low **income criterion**, currently amounting to **1209 PLN** per person (approx. **268 EUR**). This means that families exceeding this threshold, often by several dozen złoty—in terms of mere euros—lose their right to benefits from the Fund, even if they are effectively victims of child support deficiencies and still receive no funds from the obligated parent. This

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criterion fails to account for the actual costs of raising children, economic changes, inflation, or regional differences, leading to the mass exclusion of single mothers from the support system and shifting the full burden of supporting children onto those already economically burdened.

The result is a situation in which the state not only fails to ensure effective enforcement of alimony, but also **does not protect victims of non-payment of alimony from the effects of this form of economic violence**, contrary to the obligations arising from the Istanbul Convention. The lack of support from the Maintenance Fund particularly affects working women living in working poverty, as well as single mothers supporting several children. This problem has a structural dimension and deepens the feminization of poverty in Poland.

Sexual violence - the crime of rape

Despite the entry into force of the amendment to the Penal Code in February 2025, which extended the definition of rape to include cases of sexual intercourse "despite the lack of consent of the injured party", Poland **still does not fully and effectively implement the standard of Article 36 of the Istanbul Convention**. The amendment is partially consistent with convention standards, but an analysis of the provisions and the practice of their application reveals significant shortcomings and risks of secondary victimization.

The Istanbul Convention requires that consent be **voluntary, autonomous, conscious and expressed by the person free from coercion**. It also requires that lack of consent be a central element of all sexual offenses, without the need for physical resistance.

The Polish Penal Code, after amendment, **still does not contain a positive definition of consent**. There is no statutory clause indicating that:

- consent must be express and voluntary,
- silence or passivity cannot be considered consent,
- the assessment of consent must be made in the context of relationships of power, fear, dependency or control.

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The lack of such a definition leaves a wide scope for interpretation by law enforcement authorities and courts, which is contrary to the unambiguous standard of the Convention.

Although Article 197 of the Penal Code has been expanded to include a provision on the absence of consent, the structure of the provision still focuses on the traditional elements: violence, threat, and deception. This poses an interpretative risk because:

- judges and prosecutors may still expect evidence of resistance,
- rape cases without physical violence may be classified as "less serious" or dismissed,
- the interpretation of the lack of consent may be narrowed and transferred through the prism of previous judicial practice.

The Convention places the lack of consent at the centre of criminal liability – in Poland this has been formally adopted, but the practices and infrastructure of the justice system have not yet been transformed.

**Gap between law and practice - violation of obligations under Articles 5 and 49 of the Convention**

Despite the amendment:

- lack of a national standard for interviewing victims in line with the trauma-informed model,
- lack of guidelines for police regarding the assessment of lack of consent,
- lack of mandatory training for judges and prosecutors,
- no changes in the standards of court experts (victim-blaming assessments, narratives of "lack of resistance", "inappropriate behavior", etc. are still used).

This means that Poland does not meet the convention obligation to ensure **real**, and not just formal protection against sexual crimes.

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### **Risk of secondary victimization**

Legislative and procedural deficiencies lead to:

- frequent questioning of the credibility of victims,
- shifting the burden of proof onto them,
- judgmental, blaming and stereotypical questions,
- expectations of “physical resistance”, even though this is a standard prohibited by the Istanbul Convention.

Victims continue to report that contact with law enforcement and the courts is more traumatizing than the crime itself.

In light of the above, it should be stated that:

- **the amendment to Article 197 of the Penal Code was a step in the right direction, but**
- **does not fully meet the requirements of Article 36 of the Istanbul Convention,**
- **does not introduce a clear definition of consent,**
- **does not provide effective protection in practice,**
- **does not prevent systemic secondary victimization of victims of sexual violence.**

Poland still lags behind countries that have implemented the full consent-based model along with comprehensive reform of criminal proceedings and public policies.

6.2

Was specific attention given to place the rights of women victims at the centre of all measures planned?

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The government's report's claim that "the system for preventing and combating domestic violence in Poland is well-developed and focused on the rights of victims" is factually inaccurate: In audits published in 2024-2025, the Supreme Audit Office (NIK) identified systemic deficiencies and numerous breaches of obligations by institutions responsible for protecting victims. The NIK found, among other things, that existing solutions were insufficient, that many counties lacked support centers, crisis intervention services, and specialized facilities, leading to victims being sent to distant counties, effectively depriving them of real access to safety and assistance. Further findings by the NIK show that during the years covered by the study, in a vast majority of the audited entities (high rates of non-compliance were indicated), services and institutions (e.g., police, social services) failed to fulfill their statutory obligations, resulting in, among other things, a lack of coordinated response to reports and a lack of reliable monitoring of families at risk of violence. The Supreme Audit Office also called for the establishment of a comprehensive register of families covered by the procedures and for strengthening the network of support facilities, and submitted numerous systemic motions and recommendations (including de lege ferenda motions), as the current coordination and financing mechanisms proved insufficient.

[https://www.nik.gov.pl/kontrole/P/24/080/?utm\\_source=chatgpt.com](https://www.nik.gov.pl/kontrole/P/24/080/?utm_source=chatgpt.com)  
(translation of the report in the attachment)

At the same time, state supervision and transparency of activities are seriously weakened – to date, there have been no published reports on the implementation of the Government Programme for Counteracting Domestic Violence for 2023 and 2024 (the deadline for submission was 30 September), and the lack of these reports makes it impossible to assess the scale of activities, their effectiveness, the allocation of funds and the implementation of recommendations; for this reason, the Commissioner for Human Rights inquired about the status of preparation of these documents. In practice, this means that instead of a system truly “focused on the rights of victims,” we have scattered, underfunded, and unsynchronized activities, a chronic lack of safe places for victims, deficiencies in monitoring and data exchange, and delays and gaps in government reporting — all of which confirm the conclusions of the Supreme Audit Office (NIK) and undermine the thesis that the system for protecting victims of domestic violence in Poland is well-functioning.

<https://www.gov.pl/web/uw-mazowiecki/analizy-raporty-i-sprawozdania>

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18. Have your authorities taken measures contributing to further recognise, encourage and support the work of relevant non-governmental organisations and of civil society active in combating all forms of violence against women covered by the Istanbul Convention, including in terms of funding and co-operation?

NO

The community of people affected by violence and secondarily victimized by state institutions - family courts, criminal courts, prosecutors' offices - is regularly discriminated against. The Minister for Equality has never met with representatives of women's groups representing victims of domestic and institutional violence against women, such as the We Have the Right Federation or We Say Enough, despite numerous requests.

22. Have your authorities taken measures contributing to ensure that incidents of violence covered by the scope of the Istanbul Convention are taken into account in the determination of custody and visitation rights of children, notably by judicial authorities?

NO

The Polish authorities have taken no action to ensure the implementation of Article 31 of the Istanbul Convention, which requires the state to take domestic violence into account when determining custody and contact with a child, including the obligation to protect children and parents-victims from secondary victimization. Grevio was misled in 2021. Family courts provide no protection against violence against women or domestic violence, and OZSS (teams of specialists providing expert opinions) continue to diagnose "parental alienation," accusing women reporting violence of it, ignoring evidence of violence. This situation has existed since 2009, when Article 113 of the Family and Guardianship Code introduced the obligation for contact between a child and a parent. Contact with both parents is the priority, not the safety of victims—primarily children and women. Contact bans are not enforced; family courts rule on contact even when the perpetrators have restraining orders. Violence is euphemized, called "separation conflict," and ignored. As a result of the actions of family courts, at least several thousand women and their children gathered in social movements were revictimized.

Analysis of convictions under Article 207 of the Penal Code and contact bans in family matters.

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Although every year thousands of children in Poland fall victim to the crime of mental or physical abuse (Article 207 §1 of the Penal Code), only a fraction of them are protected by the family court in the form of a ban on contact with the person using violence.

Convictions for child abuse (Article 207 §1 of the Penal Code) – data 2013–2023

Data from the Ministry of Justice and the National Prosecutor's Office show that:

Year Number of victims (children) Women convicted Men convicted

2013	3 016	346	2 373
2014	2 788	367	2 237
2015	2 732	334	2 194
2016	2 799	336	2 246
2017	2 981	361	2 362
2018	2 983	340	2 358
2019	2 814	322	2 326
2020	3 075	378	2 499
2021	3 095	352	2 536
2022	3 427	379	2 828

2023 estimate: 3,000–3,500 no detailed data

Despite thousands of cases of violence against children, the number of prohibitions on contact with children issued by family courts is drastically low:

According to a report by the Institute of Justice (2017), on average only 30–40 such prohibitions were issued annually on the basis of Article 113<sup>4</sup> of the Family and Guardianship Code.

The report "Report on the activities of common courts" for 2023 (MS, "RO" records) indicates a total of 6,707 contact bans - but this applies to all types of courts (including criminal courts), without distinguishing between cases of violence against children.

There is a lack of systematic collection and publication of data on contact bans issued in family proceedings related to violence against children.

Comparing the number of children affected by the crime of abuse with the number of contact bans, one can draw the following conclusions:

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Only 1–1.5% of child victims of violence are protected by the family court in the form of a ban on contact with the person using violence.

The rest remain without systemic support. Furthermore, imposing a contact ban in criminal proceedings (e.g., after a conviction under Article 207 of the Penal Code) does not replace protection in family proceedings, where issues of contact, care, and guardianship are regulated.

Polish legislation - the Family and Guardianship Code - does not contain a provision that would directly oblige family courts to examine and take into account domestic violence when deciding on parental authority and contacts. *Family and Guardianship Code, Code of Civil Procedure and Act on Counteracting Domestic Violence* have not been amended to include the standards of the Istanbul Convention.

In judicial practice, family courts routinely ignore reports of violence as a risk factor for the safety of the child and the parent-victim.

The case law is dominated by decisions imposing contact with individuals subject to criminal proceedings or those issued Blue Cards. There is no "child safety first" procedure—key to Article 31(1) of the Convention.

The Association of Family Judges, which trains judges and establishes their jurisprudence, has blocked the expansion of family courts' jurisdiction to include the obligation to counter domestic violence in 2022. Family judges have been raising an outcry on this matter since the bill was submitted for review. In September 2021, the Association of Family Judges in Poland, in a resolution issued after its 22nd Congress, appealed for a waiver of plans to extend family courts' jurisdiction to cases referred to in Article 11a of the Act on Counteracting Domestic Violence.

"Judge Ewa Ważny, president of the Association, emphasized in an interview with Prawo.pl in recent years, family law departments have been burdened with further and urgent responsibilities. "The immediate bans related to domestic violence, the revocation or extension of these bans, and the imposition of obligations on individuals using domestic violence, planned by the Ministry of Justice, further increase the number of cases that will significantly disrupt the work of the already overloaded family law departments. The essence of the planned regulations is similar to evictions,

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and therefore falls within the domain of civil law departments. There is no justification for the guardianship court to intervene if there are no children in the family and the issue concerns cohabitants. Adjudicating in this category of cases does not require the special experience of a family law judge, as it is based on an examination of statutory premises, similar to other civil cases," she said.

Judge Ewa Ważny, president of the Association of Family Judges in Poland, when asked about the decisions of the Ministry of Justice, recalls that the Association issued a negative opinion on the proposed amendment to Article 12 of the Law on the System of Common Courts, which referred cases related to counteracting domestic violence and cases of appeals regarding orders and prohibitions on contact, approach and presence to the jurisdiction of family divisions.

- Therefore, the departure from this is very important, especially in view of the huge influx of cases related to minor citizens of Ukraine to family departments and the need to urgently appoint temporary guardians.

Lawyers emphasize that the idea itself was a good one. "Such matters should be concentrated in one hand, and that of a family judge. I see a significant difference in the adjudication process between civil lawyers and family judges. Civil lawyers have a different type of experience and often decide such cases in an overly civilized manner, overly formal and procedural, lacking a sense of the specifics of family matters. Family judges, on the other hand, are much more flexible and use a wider range of tools provided by the Family and Guardianship Code. In my opinion, to be qualified to adjudicate such delicate family matters, one must have experience in adjudicating in these types of cases. I find it strange that this project was withdrawn."

<https://www.prawo.pl/prawnicy-sady/izolacja-sprawcy-przemocy-jednak-nie-tylko-w-sadach-rodzinnych.515226.html?fbclid=IwY2xjawOXCGRleHRuA2FibQlxMABicmlkETF3ak9ESWo0SnpCNGRheExYc3J0YwZhchBfaWQQMjlyMDM5MTc4ODlwMDg5MgABHm25z6gA6ksdsjBsEDDf1OdtiFj-XzRxuyPT -qCoo3V65VTf67LqGi09VY aem -7Km9iazyt3ik41Pfd87PQ>

On its website, the Association of Family Judges - Grevio and Committee of the Parties recommendations continues to use and uphold the narrative of "parental alienation" and trains judges on it.

<https://www.sssrwp.pl/aktualnosci.php?art=386&start=72&irek=87>

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**OZSS do not have the competences or tools to diagnose violence**

**Advisory Teams of Court Specialists**

- they do not use violence risk assessment tools,
- use pseudoscientific concepts (e.g. "parental alienation"),
- they place the responsibility for parent-victim conflicts on the shoulders of the perpetrators, which leads to secondary victimization
- they issue opinions about "manipulating the child" in an unauthorized manner and without diagnostic tools, based on the concept of "parental alienation"

**Taking violence into account in expert opinions**

In 2024, at the initiative of the We Have the Right Federation, a pilot study of psychological opinions for the purposes of custody and contact proceedings was carried out.

This pilot study was conducted to gather material for a scientific study on the protection afforded to individuals experiencing domestic violence by the judicial system. It examined the extent to which individuals who have decided to separate from their partner/husband can count on effective protection from the courts in matters concerning child custody and contact with children.

**Research group**

- The study was attended by **157 mothers** with experience of violence

The examined persons were located **during court proceedings** regarding:

- arrangements for the care of the child/children,
  - establishing contacts with children.
- All participants had experience participating in court-ordered research by:

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- **OZSS**(Consultative Teams of Court Specialists),
- **court experts**,
- **private resort**– Institute of Psychiatry and Forensic Psychology named after E. Milewska, General Partnership.

**Type of forensic examinations conducted among participants:**

- Examination of family ties to determine parental authority:**43,8%**
- Confirmation of occurrence **parental alienation: 14,4%**
- Determining whether the child has experienced **sexual or physical violence** on the part of the guardian:**9,8%**
- Determining whether the child has experienced **psychological violence** from the guardian:**8,5%**
- Testing to determine **contacts with children: 4,6%**

**The course of the survey**

- The study was conducted in the form of **online surveys**.
- The participants gave **email address** and **case reference number**, which enabled data verification.
- The researcher contacted **randomly with selected people** to check:
  - correct understanding of the questions,
  - compliance of the information provided with the factual situation.

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- During online conversations, participants **confirmed the authenticity of the documentation in their possession**, with particular emphasis on documents confirming the occurrence of intimate partner violence.
- **No discrepancies were noted** between the information provided and the documentation among the people with whom the verification was carried out.

The analyzed expert opinions in family cases revealed a systematic omission of evidence regarding violence against children and mothers. Despite the existence of ample evidence in court records indicating the use of violence by fathers, the majority of expert opinions completely ignored information about violence against mothers or children in 84% of cases. The experts also did not request a change in their research thesis or provide the court with additional information in this regard.

**Evidence of violence in the files examined:**

- Child psychologist's opinion: 50%
- Psychiatrist's opinion: 23%
- Probation officer's opinion: 17%
- Doctor's opinion: 16%
- Proceedings initiated at the prosecutor's office: 46%
- Opinions from the educational institution: 20%
- Opinions of MOPR employees: 8%
- Forensic examinations: 15%
- Pictures of bruises/injuries: 21%

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- Statements from neighbors and police: 22%
- Testimony from relatives/friends: 46%
- Final criminal judgment: 9%
- Non-final criminal judgment: 4%

**Interpretation of the parents' situation in expert opinions:**

- 87.6% of the opinions indicated “intense parental conflict involving the child” or related phrases.
- In 59.2% of the opinions, the mother was presented as hindering the child's contact with the father, while omitting evidence of violence or sexual abuse by the father.

**Addictions and psychoactive substances:**

- Evidence of the father's addiction or substance abuse was recorded in 68.9% of cases: medical diagnosis – 11.5%, psychologist's opinion – 21.8%, treatment documentation – 9%.

**Child sexual abuse:**

- Evidence indicating rape, molestation or other undesirable sexual conduct by the father towards the child was recorded in 20.1% of the files.
- Types of evidence: proceedings initiated by the prosecutor's office – 32.4%, audio/video recordings – 26.5%, opinion of a psychologist/psychotraumatologist – 23.5%, opinion of a psychiatrist – 11.8%, criminal charges – 2.9%, criminal judgment – 2.9%.

**Conclusions in expert opinions regarding mothers:**

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- In 74.3% of cases, the mother was accused of alienating, manipulating or isolating the child, with:
  - 95.9% was based solely on the father's report,
  - 16.4% on child observation,
  - 9.8% on questionnaire methods (questionnaires that do not exist in Poland and meet the methodological requirements for studying alienation/manipulation).

An analysis of the evidence and expert opinions reveals a systemic failure to address violence against children and mothers in court proceedings in Poland. Most expert opinions focus on alleged "parental alienation" by mothers, while actual evidence of violence and abuse is marginalized or ignored. This approach leads to secondary victimization of victims and can result in court decisions that threaten children's safety.

### **No mandatory training for judges and experts**

Poland has not introduced mandatory training for judges, probation officers, OZSS and experts, which would cover:

- identifying violence,
  - the impact of violence on children,
  - the "safety mindset" standard,
  - prohibition of the use of unscientific concepts.
- Training is optional, infrequent and inconsistent, and its content often contains elements questioned by international institutions.

### **Court practice exposes children and victims to further violence**

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Failure to implement Article 31 results in:

- victims of violence are forced to mediate with the perpetrator,
- courts order contacts to be carried out "under pain of a fine", ignoring the risk of violence,
- children are being directed to contact despite their objections and despite protective measures,
- children are being taken away from mothers who are victims of violence – including by force – which has been noted by non-governmental organizations and the Ombudsman for Children.

### **Lack of monitoring and reporting**

The state does not keep statistics on:

- how many cases related to parental authority concern families with violence,
- how many parent-perpetrators receive contact or care,
- how many specialists have training in violence,
- what is the share of violence in the opinions of OZSS.

This lack makes it impossible to assess the effectiveness of the system and constitutes a violation of Article 11 of the Convention.

Despite repeated recommendations, GREVIO Poland has not implemented:

- prohibition of parental alienation,
- the obligation to take violence into account in contacts and care,

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- child safety procedures,
- independent expertise performed by specialized experts in violence.

An institution dependent on the Ministry of Justice, the National School of Judiciary and Public Prosecution, continues to train judges on the concept of "parental alienation." (Information attached)

In 2021-2022, a project of the Committee for the Protection of Children's Rights was implemented from the funds of the European Economic Area, whose national operator is the Batory Foundation.

<https://aktywniobywatele.org.pl/projekty/www-standardyrozstania-pl/>

<https://akademiarozstania.pl/?s=alienacja+rodzicielska>

**1. Tragic consequences of the project – MASSIVE SECONDARY VICTIMISATION OF DOMESTIC VIOLENCE VICTIMS IN POLAND**

The Committee for the Protection of Children's Rights (KOPD) project, funded by the EEA Financial Mechanism, contributed to the massive secondary victimization of victims of domestic violence. Its implementation resulted in undermining the testimonies of victims of violence, legitimizing violent perpetrators, and forcing children into contact with those who use violence against them and their caregivers.

The use of the UNSCIENTIFIC CONCEPT OF "PARENTAL ALIENATION" in project materials and in training for specialists meant that victims of domestic violence were treated not as people requiring protection, but as alleged perpetrators of child harm.

**2. WHO DID KOPD TRAIN AS PART OF THE PROJECT?**

Family court judges

Court experts

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Specialists of the Judicial Expert Advisory Teams (OZSS)

Attorneys and legal advisers

Social workers

Psychologists and therapists

The training of these professional groups had a direct impact on court decisions, expert opinions and legal assistance provided to parties to proceedings, which, combined with the introduction of the "parental alienation" theory into these activities, led to the legitimization of actions to the detriment of victims of domestic violence and children forced into contact with violent parents.

The Empowering Children Foundation, financed from public funds - the Ministry of Justice under the Justice Fund, associated with the Association of Family Judges, issued the following publications on parental alienation in 2021 and 2022, which are used by judges:

<https://dzieckokrzywdzone.fdds.pl/index.php/DK/article/view/825>

<https://dzieckokrzywdzone.fdds.pl/index.php/DK/article/view/793>

Contrary to the declarations contained in the government report, **The Ministry of Justice still uses the pseudo-concept of "parental alienation"**. New Minister of Justice, **Waldemar Zurek**, publicly supports the circles of men accusing their former partners of hindering contact with children - including people who have **judgments, preventive measures and restraining orders**. In numerous media statements, the Minister continues to refer to the concept of "parental alienation", **leaving aside the topic of domestic violence**, and especially **violence against women** that remains unmentioned or marginalized.

(videos of the Minister's statements attached)

Ministry of Justice **continues to use practices based on the concept of "parental alienation"**, although he avoids using the term directly in his writings. Instead, he uses new, seemingly neutral terms, such as **"isolating the child from the other parent"**, **"separating the child"**, **"persistently hindering contact"** or "counteracting parental conflict." The terminology has

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changed, but the logic and effects of the actions remain the same as in the pseudoscientific concept of parental alienation.

In practice, this means:

- **Replacing the concept of "alienation"** other formulations that still assume that in parental conflict the main problem is the behavior of the custodial parent, not domestic violence or the child's safety.
- **Treating reports of violence as "manipulating the child against the other parent"**, which is a classic element of the alienation narrative, just expressed in different words.
- In new documents and statements by MS officials, there are descriptions of "child-isolating behaviors" that are **identical to old descriptions of alleged alienation**, but avoid using the name contested by GREVIO and the Council of Europe.
- **Transferring responsibility for the family situation to the mother**, if she protects the child from violence but "hinders contacts", which leads to sanctions against her - just like in the alienation narrative.
- **Recommending "corrective" measures against the parent protecting the child**, including influencing OZSS to assess alleged "isolating behaviors", even though this concept has no scientific basis.
- The Ministry's statements and announcements emphasize the need to "counteract the isolation of children", but **they do not take into account domestic violence as a key factor influencing contacts**, which repeats the same errors that GREVIO and the Committee on the Rights of the Child have unequivocally condemned.

In this way, the concept of parental alienation continues to function—**on the practical and decision-making level**, although in terminology it was only renamed so as not to evoke associations with a pseudoscientific theory rejected by international institutions.

Legislative projects of the Family Law Codification Commission:

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The family law codification committee includes judges from the Association of Family Judges, a member of the Empowering Children Foundation, and lawyers who have been involved for years in the strategy of accusing mothers of “parental alienation.”

The Family Law Codification Commission (KKPR) has prepared a draft bill to "criminalize behaviors involving persistent failure to execute or improper execution of judgments and agreements concerning child contact," challenging the opinion of the Criminal Law Codification Commission. The argument is based on:

indicating the ineffectiveness of civil remedies (Article 598<sup>15</sup>–598<sup>20</sup> of the Code of Civil Procedure),

\* in comparison with the criminalization of non-payment of alimony (Article 209 of the Penal Code),

\* practices of other countries (Germany, France, Italy),

\* protecting the child's well-being by ensuring the right to contact with a parent.

The KKPR proposes introducing a new provision into the Penal Code (Article 244d of the Penal Code) or the Petty Offences Code, providing for a fine, restriction of liberty or even imprisonment.

## 2. Analysis against the background of national law (KRO, KPC, KK)

Article 113 of the Family and Guardianship Code regulates the right and obligation to maintain contact. It does not provide for exceptions in situations where a child's safety is at risk (e.g., when a parent has used violence). Criminalization would perpetuate the automatic nature of the law and marginalize the child's best interests.

Articles 598<sup>15</sup>–598<sup>16</sup> of the Code of Civil Procedure provide for financial remedies (compulsory sum) for failure to perform contacts. Their ineffectiveness stems not from a lack of regulations, but from the practice of application (low amounts, lack of enforcement).

Constitution of the Republic of Poland (Article 31, paragraph 3) – restrictions on rights and freedoms may be introduced only when they are necessary and proportionate.

Criminalisation of family contacts violates the principle of proportionality because it interferes with family life even when the refusal of contact is based on child protection.

Criminal law as an ultima ratio – the criminalization of family disputes contradicts the principle that criminal law should be a last resort.

## 3. Statistical data – cases regarding contacts

According to Ministry of Justice statistics:

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\* in 2022, 3,803 cases were initiated, 274 (7.2%) were upheld, 565 were dismissed and 2,857 were retained for the next period;

\* in 2023, 4,645 cases were initiated, 1,366 (29.4%) were upheld, 251 were dismissed and 3,578 were retained for the next period;

\* in 2024, 3,558 cases were initiated, 219 (6.16%) were upheld, 536 were dismissed and 2,858 were retained for the next period.

This means that only a small percentage of applications are granted. The vast majority of the remaining applications constitute an attempt to extort funds from the custodial parent at the expense of the child's well-being.

#### 4. Incompatibility with international law

Convention on the Rights of the Child (CRC)

Article 3: the best interests of the child as the overriding principle;

Article 12: obligation to hear the child;

Article 19: protection against all forms of violence.

The Istanbul Convention (Article 31) obliges states to take domestic violence into account in decisions on contact and custody. Criminalizing the failure to provide contact violates this standard because it compels contact even in situations where there is a risk of violence.

Recommendations of the Committee of the Parties to the Istanbul Convention (2021, paragraph 13)\*\*

It was clearly stated that states should avoid using pseudoscientific concepts such as "parental alienation," which lead to the secondary victimization of victims. Meanwhile, in Poland, family courts have so far used this intellectual falsification, and judges have been trained in this area both at the National Family and Guardianship Court and as part of the National Family and Guardianship Council project implemented in 2021-2022. Assuming the alleged "persistent obstruction of contact" as a basis for criminalization is contrary to point 13 of the Committee of the Parties' recommendations and perpetuates practices that expose victims of violence to further forms of institutional violence. It should be emphasized that contact decisions are currently being made in violation of the Istanbul Convention, based on the unlawful Article 113 of the Family and Guardianship Code and its "obligation to contact," which is contrary to international law.

The problem of non-compliance with contact is marginal compared to the massive scale of non-compliance with alimony orders. According to data from the Ministry of Justice and debtor

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registers, approximately 300,000 cases of non-compliance with alimony orders are recorded in Poland each year. At the same time, the average annual number of non-compliance cases filed between 2022 and 2024 was just 620.

This means that non-compliance with contact constitutes only 0.2% of the total child support failure. In other words, for every 1,000 child support failures, there are only about two cases of non-compliance with contact.

The Family Law Codification Commission has also prepared a draft on shared custody. Given the lack of protection against violence in custody and contact proceedings, this idea is unacceptable under the Istanbul Convention.

Summary and recommendations:

Poland did not implement the Istanbul Convention, disregarding the recommendations of the Committee of the Parties, thereby exposing victims of violence against women and domestic violence to secondary victimization.

It is recommended to initiate the investigative procedure referred to in Article 68, point 14.