

PERMANENT MISSION
OF THE REPUBLIC OF POLAND
TO THE UNITED NATIONS OFFICE
AT GENEVA



MISSION PERMANENTE
DE LA REPUBLIQUE DE POLOGNE
AUPRES DE L'OFFICE DES NATIONS UNIES
A GENEVE

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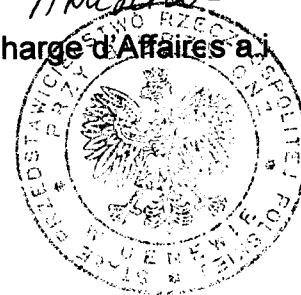
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With reference to your letter no G/SO 214 (89.9) of the 16th of August 2005, I have the honour to transmit enclosed a response information to your report to the UN Commission on Human Rights, provided by the Government of the Republic of Poland on national initiatives that have been taken to combat and prevent violence and discrimination against women.

Please accept, Madam, the assurances of my highest consideration.

Andrzej Misztal


Charge d'Affaires a.i.



Mrs Yakin Erturk
Special Rapporteur on Violence against Women,
its causes and consequences
Palais Wilson
Geneva

OHCHR REGISTRY

26 OCT 2005

Recipients : *SPB*

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L. Has your Government instituted programmes, policies or other measures to prevent violence against women in the family and community?

Preventive measures

In August 2002, the *Programme to Improve Citizen Safety 'Safe Poland'* was adopted. It included the investigation of violent crimes and combating domestic violence against women and children among the State's most important tasks.

The *Programme to Improve Citizen Safety 'Safe Poland'* took into account the counteraction of domestic violence and indicated that the investigation and prosecution of related crimes was imperative to improve the state of public safety. That attests to the fact that the Polish authorities have been respecting international standards pertaining to the protection of women against violence and increases the possibility of constantly expanding efforts in that area.

The 'Safe Poland' programme also envisaged taking gender into consideration when gathering and compiling the relevant crime statistics. Segregating statistical data based on gender will enable government officials to study the phenomenon of crime against women in Poland in the most appropriate manner.

Activities of the Government Plenipotentiary for Equal Status of Women and Men, National Action Plan for 2003-2005

In 2001, on the basis of the Regulation of the Council of Ministers, the office of the Government Plenipotentiary for Equal Status of Women and Men was created. Its task is to implement government policy in the area of equal gender status. Counteraction of violence against women is one of the Plenipotentiary's priorities.

The Government Plenipotentiary for Equal Status of Women and Men in a follow-up to the Beijing Platform and Declaration has elaborated the Second Action Plan for Women for years 2003-2005, and was responsible for co-ordinating activities undertaken within the framework of this Plan.

The section of the National Plan devoted to violence against women includes the following objectives:

- Elaborating a comprehensive draft law on prevention and combating domestic violence;

- Reviewing Victim's Rights Charter provisions in order to include the rights of women which are victims of violence;
- Incorporation of the provisions on sexual harassment into the penal code;
- Elaborating the policy and proceedings aimed at combating sexual harassment.
- Establishing a Compensation Fund to provide victims of violent crimes with the possibility of receiving appropriate remedies;
- Social and legal education on problems related to violence against women (awareness-raising campaigns on violence against women and promotion of a 'Zero Tolerance for Violence' policy, publishing and distributing educational materials such as guidelines and info packets for women-victims of violence and those who wish to help them);
- Incorporating the issue of domestic violence against women and children in professional-training programmes for government officials, lawyers, judges, police officers, teachers, nurses, doctors, social workers and psychologists;
- Creating an institutional system of support for the victims of violence (including adequate policy, housing, system of legal assistance, systems of psychological, social and medical assistance for women and minors subjected to violence and a system of information and documentation of cases of violence);
- Activities aimed at resocialisation and education of offenders;
- Creating a system to gather statistical data on violence against women;

The implementation of the goals included in the National Action Plan for Women, in a chapter regarding elimination of domestic violence have been almost completed. Particularly, as it concerns legislative measures, protecting domestic violence victims and organising anti-violence social campaigns.

The National Action Plan for Women also encompasses the prevention of trafficking in women and direct assistance to the victims. An interdisciplinary plan of activities is being prepared to improve and verify the legal system and its implementation as concerns trafficking in women. It also calls for the establishment of statistical-data-gathering system as well as the conduct of information and awareness-raising campaigns. The plan includes HIV/AIDS prevention campaigns targeted at social groups especially affected by violence and sexual exploitation.

From the outset of her activities, the Government Plenipotentiary for Equal Status of Women and Men has earmarked one-third of her budget to subsidise the activities of NGOs

aimed at counteracting discrimination in various fields of public life. Starting in 2002, four calls for proposals have been announced and awarded, and in each of them priority was given to organisations working to counteract violence against women. Organisations doing the most in that area received the biggest subsidies for their projects.

Public-awareness campaigns

In 1997, the All-Polish Emergency Unit for Victims of Domestic Violence in cooperation with the State Agency to Solve the Alcohol Related Problems organised a national campaign entitled 'Stop Domestic Violence'. That was the first campaign of this kind ever to raise the issue of violence in the family.

Since 2002, the Government Plenipotentiary for Equal Status of Women and Men each year has been organising a 'Zero Tolerance for Violence' campaign. The campaigns are conducted during the 16 Days Against Female Violence. From the outset, the campaigns have been under the patronage of the Prime Minister who took part in the filming of a spot concerning violence against women which was repeatedly aired by public television. As part of the campaigns, numerous conferences and seminars devoted to violence against women were held as well as marches against violence.

In 2005, the Plenipotentiary launched a nationwide public campaign entitled 'Break Down Violence' which promoted the slogan 'Domestic violence is a crime'. The purpose of the campaign was to emphasise that violence against one's own family is a crime punishable under article 207 of the Penal Code. The campaign included television spots illustrating the problem of domestic violence and a special, free hotline for victims of domestic violence was put into service. In addition, in all of Poland's bigger cities a 'Silent Witness' campaign was conducted, during which paper images of women with tragic examples of domestic violence inscribed thereon were used. The public response to this campaign was very strong — over three months some 2,000 people took advantage of the victims' hotline set up for the duration of the campaign. 200,000 educational leaflets devoted to violence were also distributed, 12,500 per voivodship (province).

Legislative measures

Since 21 November 2005, an *Anti-Domestic Violence Act* will enter into force. The purpose of that law is to improve existing mechanisms to combat violence by introducing new tools to deal with the problem more effectively. Officials, who in the course of their duties

suspected incidents of violence against family members, should immediately notify the police or prosecutor.

Education

School curricula and textbooks are permitted to be used in schools on the basis of expert opinions, (Ministry of National Education Directive of 15 February 1999 on conditions and procedures of approving school curricula and textbooks and recommending teaching aids – Journal of Laws of 1999, No. 14, item 130). Each expert review should evaluate whether a textbook's content and illustrations are in accordance with international conventions ratified by Poland. It applies also to the principle of gender equality and negative stereotypical portrayals of the women's role.

II. Has your Government instituted programmes, policies or other measures to protect and provide services to women who have been subjected to violence ?

'Blue Line'

In 1995, State Agency to Solve Alcohol Related Problems launched the first government-level programme of assistance to victims of domestic violence known as the 'Blue Line' National Emergency Unit for Victims of Domestic Violence. The programme was meant primarily for families with alcohol-related problems, but all individuals seeking help could take advantage of it. Women - victims of violence contacted the Emergency Unit's most frequently. This programme has been consistently developed and supported by the current Government.

An important instrument making it possible to better identify the case of domestic violence has been the "Blue Card" procedure of police intervention in cases of domestic violence. Developed by NGO activists working on behalf of violence victims in cooperation with the police, it went into effect in 1998. The 'Blue Card' procedure obligates a police officer intervening after being notified of an instance of domestic violence to do the following:

- Provide the victim(s) of domestic violence with legal information as well as information on opportunities to seek additional assistance such as psychological counselling;
- Motivate the victim(s) of domestic violence to demand protection of their rights and to seek assistance.

The 'Blue Cards' have also become an additional and important source of statistical data pertaining to violence. In 2004, under the 'Blue Card' procedure, 150,266 victims of domestic violence were registered, of which 88,388 were women.

Shelters for victims of violence

At the present time, there are 10 shelter-houses for mothers with children in Poland (eight of which have been transformed into support centres or crisis-intervention centres) and 37 crisis-intervention centres (29 at the community level and eight at the district level). The activity of these shelters covers the entire territory of Poland. The local authorities who direct a woman to such a centre has to ensure that the victims of violence should be separated from their prosecutors and stay as far as possible. Shelter-houses for single mothers can accommodate 423 persons. In the end of December 2004, there were 205 women with children. The women at such centres are provided with psychological counselling and health care service.

Legislative measures

The Anti-Domestic Violence Act of 27 July 2005 has introduced new regulations regarding isolating the perpetrators of violence from their victims in order to better protect the victims of violence:

- The court may impose police supervision on the perpetrator of violence instead of pre-trial detention on condition that the accused shares the lodging jointly inhabited with the victim;
- The court may obligate the perpetrator to be submitted to therapy or participate in educational-corrective programmes;
- When deciding on discontinuance of proceedings against perpetrators or stay of execution of the sentence, the court may order them to refrain from contacts with the victim or other individuals. The court then defines permissible contacts between the convicted offender and the victim or may prohibit the convict from approaching the victim under specific circumstances.

Poland has signed all major documents of international law pertaining to the protection of women against violence, including the *Convention on the Elimination of All Forms of Discrimination Against Women* and the *European Convention on Action Against Trafficking in Human Beings*.

In Poland, trafficking in women is a crime prosecuted on the basis of article 253 of the Penal Code.

III. Has your Government taken measures to prosecute and punish violence against women occurring in the family and community?

Legislative measures

In accordance with the Polish Penal Code, violence against women is prosecuted and punishable as:

- a crime against family (article 207 of the Penal Code): physical and mental abuse of a family member,
- rape (article 197 of the Penal Code)
- offences involving trafficking in women or prostitution (article 203-204 of the Penal Code).

On the basis of article 207 of the Penal Code, physical and mental abuse against a close or related individual is punishable for from three months to five years of imprisonment. In the event that the victim tries to commit suicide as a result of the offence, the penalty increases from two to ten years. If the victim attempts suicide due to the violence, the perpetrator may be sentenced to prison for two to 12 years. According to the Ministry of Justice statistics, 12,388 people were convicted under article 207 in 2004 for crimes related to violence against women. According to data from National Police Headquarters, 96%-98% of the victims of violence in Poland are women and children.

On 21 September 2005, the law of 7 July 2005 on state compensation for the victims of certain deliberate offences went into effect. On the basis of that law, the victims of certain crimes, including those related to domestic violence, as well as the members of their families may claim compensation to cover lost earnings or other means of support as well as medical or funeral expenses resulting from a crime. The amount of the compensation may not exceed 3 000 € and is paid by State.

Obstacles faced in prosecuting and punishing violence against women committed by perpetrators

The main obstacles that should be indicated are the following:

1. Poor legal awareness among the victims of violence. That is mostly generated by a lower social status of many victims as well as by general lack of knowledge of their rights and duties of citizens.
2. The problems encounter by victims when reporting to the police. Women who have suffered domestic violence frequently cannot properly report it, because police officers are reluctant to make notice of such testimony. That is based on police misgivings caused by women who often withdraw their incriminating testimony or refuse to accuse their oppressors. Even if the police accepts such a complaint and launches an investigation, they run into another problem: a lack of witnesses.
3. Another barrier facing the victims is the prosecutors which often discontinues proceedings on the assumption that the offence represents negligible social harm. It should also be noted that unfortunately both police stations and prosecutor's offices frequently lack premises in which testimony pertaining to such intimate and dramatic cases as domestic violence could be recorded in private and in the proper atmosphere.
4. Another major problem is the fact that courts generally regard offences of domestic violence as matters constituting a negligible public threat. In spite of campaigns publicising the issue of domestic violence in the media, it is still common for violence against women to be approached as the private matter of the victim and perpetrator. According to a 2003 survey by the CBOS opinion-research group, an overwhelming majority of those queried said the use of physical violence amongst close relatives cannot be justified (79%), and when such cases do occur, they should be resolved in court (75%). At the same time, almost one in five respondents (19%) believed domestic violence was a private matter.