



# Exchange of good practices on gender equality

Measures to fight  
violence against women  
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Comments Paper - Poland

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# The use of ICT in the fight against gender-based violence and domestic violence; Perpetrator Intervention Programmes – Polish experience

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## 1. Introduction

### 1.1. Brief assessment of the policy context and institutional/legal background in Poland

In 2005 the new law on preventing domestic violence took effect in Poland and in 2010 the law was significantly amended - a number of new provisions were introduced allowing for a better protection of the victims of domestic violence. For example, the prosecutor now has the right at the pre-trial stage of proceedings to issue an order to force the perpetrator of violence to leave the dwelling place in which the offender lives with the victim of violence. This may occur within 2-3 days after the intervention of the police or filing a notice of the commission for domestic violence. Till 2010 such ruling could only be issued by a judge, significantly delaying it (in many cases for months).

Domestic violence is a crime defined in Penal Code, prosecuted ex officio, so without the need to submit an application by the victim of violence - just by notifying the police or the prosecutor that the crime took place.

As stipulated by the Bill on preventing domestic violence the National Programme for the Prevention of Domestic Violence for the years 2006 -2016 is implemented in Poland. After the 2010 legislative changes entered into force there was also a need to upgrade the Programme of Action and currently a new National Programme for the Prevention of Domestic Violence for 2013-2020 is being prepared. The Ministry of Labour and Social Policy is responsible for carrying out its tasks. A consultative and advisory team composed of representatives of non-governmental organisations (10 persons), representatives of local government units (5 persons), and representatives of government (7 persons) was also established. The purpose of this team is to periodically review the implementation of the Bill against Domestic Violence, to monitor the results and reports, to propose new legislative initiatives, etc.

The Bill on prevention of domestic violence also determines the tasks regarding preventing family violence, which are the responsibility of municipalities, counties and voivodships (i.e., the state organisations at all levels, from the smallest units of the regions). Some of these tasks must be implemented by local governments using their own resources, while part of it is financed by the state budget (e.g., correctional and educational programmes, specialised support centres (hostels) for victims of

domestic violence). Unfortunately, the state budget funds are small – about EUR 4 million per year. Additionally it needs to be kept in mind that 38 million people live in Poland, and the problem of violence concerns about 12-15% of the population. The term 'violence against women' is not present in any Polish legislation, regulation or programme (Penal Code, the Bill, the national programme). In Poland, there is a big political and social debate about whether the use of the term "gender based violence" is factually correct. Opponents of this term emphasise that violence in close relationships (family, partners) is also experienced by men and stress that violence "has no gender." This is the reason for the heated discussions and disputes which took place prior to Poland signing the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Nevertheless, the signature finally took place on December 18<sup>th</sup>, 2012 with strong resistance from the right-wing circles and the Catholic Church.

## **1.2. Work with perpetrators of domestic violence**

Work with perpetrators of domestic violence in order to change their behaviour is carried out in Poland in two ways: (i) in prisons with perpetrators incarcerated for "mistreatment of family", and (ii) for offenders with no criminal convictions (those who have been motivated to participate in the programme by family members, social workers, police or other parties interested in the family situation).

The two main models, according to which the work with perpetrators is carried out, are:

- 1) a programme based on so-called "Duluth model" (it lasts +/- 6 months, it is the same or very similar to the programme described in the Irish report);
- 2) ART - Aggression Replacement Training Programme (3-4 months).

Corrective and educational programmes for offenders remaining at large without a conviction, or sentenced to imprisonment (suspended/probation) have been implemented in Poland since 2005 (under the above mentioned Act). These tasks are carried out by local governments. The costs of the programmes are covered by the state budget. Annually approximately EUR 1 million is allotted to financing the implementation of these programmes. In 2011, a total of 4,475 people were in corrective and educational programs, 3,576 people completed them. These programmes had been conducted by more than 200 entities all over the country.

In the year 2011 428 editions of corrective and educational programmes for perpetrators of domestic violence based on the Duluth Model, including its modifications had been implemented in prisons and attended by a total of 4,230 convicted persons (Penal Code, article 207 - mistreatment of family). In addition, 180 editions of ART (Aggression Replacement Training) were completed for 1,429 prisoners. In total, 5,659 prisoners (Criminal Code, article 207) attended these two programmes, about 1/3 of perpetrators of violence remaining in prisons.

### 1.3. The use of ICT in the fight against domestic violence

The use of ICT is not the strongest part of the Polish model to counteract domestic violence.

#### 1.3.1. Helpline for victims of domestic violence

In Poland there is no nationwide helpline for victims which would be open 24/7. Since 1995, there is a phone for victims and witnesses of domestic violence "Blue Line" (the cost of operation is covered by the state budget), but it is open for a limited time (from 8am till 10pm weekdays and from 8am till 4pm on Sundays and public holidays). In addition, there are several nationwide and local telephone helplines run by NGOs' or local government (cities, municipalities, counties).

#### 1.3.2. Database / the websites

The information and relevant contact details useful in cases of domestic violence are collected and made available in the two databases. One is the database of supervisors and coordinators at the Voivodship Offices, District Courts, penitentiary units, Police Voivodship HQ and the Appellate Public Prosecutor's office. They oversee tasks carried out in the field of domestic violence prevention by specialised centres, providing assistance to those affected by domestic violence, counselling centres and specialised institutions providing accommodation (updated annually). This information is available on the civil service websites (police, justice departments).

The administrator of the second database is the National Helpline for Victims of Domestic Violence "Blue Line" (NGO). The database contains contact details of all of the institutions offering assistance to the victims of domestic violence throughout the country, including those that are not funded from the state budget (NGOs, charities and local institutions). This database is continuously updated. The database on [www.niebieskalinia.pl](http://www.niebieskalinia.pl) contains a search engine which helps locating the support facility (by location or by issue). It is a free and publicly accessible database. For 4 years the website has also had an online forum for people experiencing violence and witnesses. The forum is moderated by consultants specialising in the prevention of violence. By the end of 2012 the Forum had more than 4 thousand users, who have posted more than 45 thousand posts.

#### 1.3.3. Clinical supervision/tutorial

For the past two years "Blue Line" has also carried out an interesting project using modern technology. Using Skype (with cameras) we run supervision for professionals working with victims and perpetrators of domestic violence throughout the country. Those sessions are individual and include the supervisor and the supervisee, or a group. Supervisors talk with a group of professionals who are involved in the work with the same family, or work in the same place or a team.

## 2. Policy debate and measures

Because Poland signed the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime* and the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, and due to the requirements related to the ratification of the Convention, the Government continues to work on:

- adjusting Polish law to the requirements of the Council of Europe Convention - including the changes in the prosecution procedure related to the crime of rape, namely from prosecuted on complaint to prosecuted ex officio;
- developing procedures and standards of proceedings in cases of reporting the crime of rape in order to protect the victims of these crimes from recurring victimisation;
- starting round-the-clock helpline for victims of domestic violence (we may be able to integrate this new system with the emergency call 112);
- drawing up a legal definition of "economic violence" and prohibition on its use;
- developing tools for risk assessment and evaluation of domestic violence and violence escalation;
- making changes to the Law through defining the legal terms „violence against women" and " gender based violence".

### 3. Transferability issues

It seems that work with perpetrators of domestic violence (especially violence against women) is carried out in Poland in much the same way as it is in Ireland.

It is necessary to strengthen the use of modern technologies (ICT) to combat domestic violence. The Spanish experience is very interesting for us and worth implementing in Poland. The difficulty will be probably related to financial issues, as the amount of money spent in Poland on the issue of preventing and combating domestic violence is much lower than the quotas for each project presented in the Spanish report.