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Comments paper – Poland



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Costs of violence against women in Poland

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Abstract:

Poland still has ways to go as regards the collection of accurate data on violence against women. The existing gaps in data make assessing the costs of violence against women in Poland a challenging task, made even more difficult when the issue of gender based violence is subject to a turbulent political and public debate. EU legislation informed by research and promising practices could facilitate changes.

1. Overview

1.1 Prevalence of violence against women in Poland

According to the most recent available statistical data in 2019 there were 94 716 cases of violence in the family in Poland in which the Blue Card Procedure¹ was initiated. 70 % of the cases (74 313) were initiated by the police, almost 20 % (12 083) by social services while only 658 cases were initiated by the healthcare sector.

The EU-wide survey on Violence against women carried out in 2014 by the Fundamental Rights Agency measures the prevalence rate for violence against women in Poland at one of the lowest levels in Europe and well below the EU-average. At the same time according to one of the most recent national surveys carried by Kantar Poland for the Ministry of Family, Labour and Social Policy in 2019, 9 million (30%) of Polish men committed an act of violence towards their family member at least once in their lifetime while 6 million more than once.

1.2 Legal and political context

The topic of violence against women has been becoming an increasingly present element of the political and legal landscape in Poland since the late 1990s. While the legislative solutions so far focus predominantly on domestic violence, the political and public debate (fuelled in part by a very active “anti-gender” movement) progressively

¹ In line with the act on counteracting domestic violence, the Blue card procedure is initiated in instances where there is a suspicion that violence has occurred.

highlights the gendered aspects of violence in the family, shifting the discussion towards violence against women as such.

The first specialised legal act adopted in the area was the Act on Counteracting Domestic Violence (adopted 2005, with subsequent amendments in 2010, 2018, 2020). The act introduced the obligation to adopt the National Programme on Counteracting Domestic Violence.² The Polish system of counteracting violence in the family centres around the Blue Card Procedure. The aim of this multiagency intervention system is to provide support to the victim and the whole family through a coordinated involvement of relevant agencies. This includes police, social services, representatives of healthcare and educational systems and local government committees for the prevention of alcohol abuse.

Poland has signed (2012) and ratified (2015) the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). While the majority of the legislative obligations found in the Convention seemed to have been integrated into national legislation, a few gaps remain. For example, the definition of domestic violence set forth in article 2.2 of the Act on Counteracting Domestic Violence does not include intimate partners – neither current nor former who are not living together. Mere existence of provisions does not of course guarantee their implementation in practice. The ongoing country evaluation procedure carried out by GREVIO, the independent expert body responsible for monitoring the implementation of the Istanbul Convention, will provide a more comprehensive assessment.³

At the same time it is worth noting that the politization of the topic of gender-based violence and the “anti-gender” movement supported by many of the conservative politicians including those in the government, has led to the continuous threat that Poland will follow in the footsteps of Turkey and withdraw from the Istanbul Convention. The most recent proposal for withdrawal from the Convention was introduced by the Ministry of Justice in July 2020.⁴ Consequently, the Prime Minister has directed the question whether the Convention is in line with the Polish Constitution to the Constitutional Tribunal, which has yet to pass a ruling on the matter.⁵

² Since the Act of 29 July 2005 on Counteracting Domestic Violence entered into force three National Programme on Counteracting Domestic Violence have been adopted by the Committee of Ministers; for the years 2006-2016, 2014-2020, 2021. It is worth noting that the most recent Programme has been adopted for only one year. The reasoning given by the authors of the Programme, the Ministry of Family and Social Policy, is that the Ministry is working on a new amendment of the Act on Counteracting Domestic Violence.

³ With the State Report submitted to GREVIO in March 2020, the 1st evaluation report by GREVIO will hopefully be published by the end of 2021.

⁴ <https://www.gov.pl/web/sprawiedliwosc/ministerstwo-sprawiedliwosci-konwencja-stambulska-powinna-zostac-wypowiedziana-poniewaz-jest-sprzeczna-z-prawami-konstytucyjnymi>

⁵ <https://www.gov.pl/web/premier/premier-zdecydowalem-o-skierowaniu-konwencji-stambulskiej-do-trybunalu-konstytucyjnego>

1.3 Previous research on the cost of violence against women

The public debate around the signature and ratification of the Istanbul Convention has led to the discussion on what are the costs of violence against women in Poland. In 2013, responding to the request from the Office of the Plenipotentiary for Equal Treatment the Council of Europe commissioned E. Kervinen, M. Heiskanen, and A. Lietonen, researchers from the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), conducted the first study on the costs of domestic and sexual violence against women in Poland.

The study estimated the total direct costs of domestic and sexual violence in Poland for the year 2012 to be 281 million PLN. However, the authors underlined that the given sum is an underestimate. The indirect costs of violence, i.e. loss of economic output including due to absence from work or homicide were estimated to be up to 939 million PLN.

The estimations were based on the data collected with the help of Polish researchers, from the justice, health care and social sectors. Researchers reviewed available annual budget reports of relevant institutions. A detailed questionnaire was prepared and representatives of relevant authorities and services were interviewed. The interviews were carried out face to face and the questionnaire was used as a general guideline rather than a strict framework. This approach allowed for a more flexible, reflective process necessary due to the fact that several of the data items identified in the questionnaire needed to be assessed by the experts themselves as they were not accessible directly from the registers. In order to compensate for the gaps and assess the costs of services the study utilised the concept of the average unit price. The indirect costs of violence were calculated based on different methods, including the human capital approach and the QALY-method.

The study focused on national data, however it was highlighted that the lack of uniformity in data collection across regions, as well as lack of comparability and systematic approach towards databases on national level, significantly hindered the data collection process and accuracy.

Unfortunately, the significant lack of data needed to calculate detailed cost estimates encountered by the researchers (including no available advanced cost items with breakdowns for domestic and sexual violence against women) made the study results, in the words of its authors, more of “a preliminary estimation” rather than an exhaustive report. In view of the difficulties, the authors of the study decided to include an alternative method for measuring the annual costs by extrapolating results from the costing study conducted in the UK. The costs were attributed to three categories: state legal, health and support services, loss of economic output and pain and suffering of the victims. Additionally the population, GDP and FRA-survey data were utilised. The resulting estimated costs totalled 5 801 million PLN.

The only information on the national budget expenditure for the implementation of policies aimed at countering violence in the family is available in the reports from

implementation on the National Programme on Counteracting Domestic Violence. As stated in the State Report submitted to GREVIO by the Polish government, separating the expenditure on counter violence activities incurred in different branches of public administration apart from data gathered in the annual reporting is not possible. According to the report for the year 2019, the expenditure was around 21 million PLN. The National Programme on Counteracting Domestic Violence for the year 2021 estimates the budgetary expenditure at 22 748 000 PLN.

2. Assessing direct cost of violence against women – application of the Finnish experience in Poland

The 2013-2015 HEUNI study clearly highlights the difficulties, which made the estimation of costs of domestic violence and sexual violence in Poland so challenging. The gaps in data recording practices, lack of accurate data on the prevalence of violence against women, inefficiently detailed recording of cases and uncoordinated rules for compilation of statistics are all issues that remain. It is those difficulties that make the successful adoption of either of the approaches and methodologies used in the Finnish studies complicated if not impossible at this time.

Mirroring the extremely promising and comprehensive on-going research on the cost estimates in Finnish health services would be difficult with no enforceable obligation for health care institutions to collect information on the number of victims of domestic or sexual violence or the application of the International Classification of Diseases (ICD-10). Taking into account that the recorded number of cases by the National Health Fund in Poland in 2012, where a victim of domestic violence sought medical assistance in the hospital were two, it might even be impossible.

Possible alternatives, though not without their own risks and challenges, would be either to try to apply the methodology of extrapolation of the results received in Finland or limiting any future study to a smaller area where data collection techniques would be more easily managed and analysed.

3. Conclusions

The costs of violence against women place an overwhelming burden on the whole society. These direct costs carried by the state in relation to the justice, healthcare sector and social support services could be estimated and budgeted more easily if states update and construct adequate monitoring systems allowing for the production of relevant and accurate data on violence against women.

No Member State in the EU is free of violence against women, but the successful examples showcase that it is usually the holistic approaches that have the most promise. For this reason, it seems vital that the EU should conclude the process of

accession to the Istanbul Convention and begin the process of practical implementation of its provisions.

Violence against women should be added to the catalogue of EU crimes and a comprehensive EU directive should be adopted in order to streamline approach towards violence against women throughout the EU Member States.

Better administrative data collection and improved survey data on the prevalence of violence against women is needed. In this respect, the direction of EU policies and provisions should be informed by the research and recommendations of the European Institute for Gender Equality.

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