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Violence against women

Introduction

In spite of many changes in Poland's approach to violence against women, the implementation of international standards, such as those enshrined in the Istanbul Convention, still faces numerous barriers. Polish law does not take into account the specificity of violent crimes, of which women are the main victims. Existing legislation, including the domestic violence law, is gender-neutral, does not refer to the structural nature of violence against women and does not point to its cultural determinants related to centuries of discrimination against women. The call of the Women's Rights Centre (CPK), modelled on foreign solutions, to develop a comprehensive law on counteracting violence against women has so far not met with a favourable reception by policy-makers and legislators. A comprehensive government programme to prevent various forms of violence against women has not yet been developed either.

Violence against women is still perceived in Poland in terms of dysfunctional family relationships, pathology and alcoholism rather than human rights violations and gender discrimination. The basic strategy for combating domestic violence is not so much to hold the perpetrator accountable, but to "help" all members of the family. The prevailing belief is that teaching perpetrators to control their aggression, strengthening bonds and improving communication within the family will improve the situation and save the family. At the same time, there is no coherent state policy promoting the partnership family model and challenging traditional, patriarchal customs and values. As far as sexual violence is concerned, it is even worse. There is a lack not only of a strategy and programme for combating it, but also of specialist institutions providing assistance to victims.

The stereotypes and prejudices associated with the social roles of women and men are a major challenge. They have a huge impact on the shape of our laws and the practice of applying them, and often also on the decisions of women themselves to disclose cases of violence. With the lack of state involvement in countering stereotypes, the model of support for victims is based on non-specialist facilities and most of the help available, even in facilities specialising in domestic violence, is gender neutral. The model adopted by the government for financing NGOs from the Justice Fund, which forces NGOs to direct their

offer of assistance to victims of various crimes, fosters depreciation of the idea of specialist support. In the justification for the refusal to grant the Women's Rights Centre a grant from the aforementioned Fund in 2016, we were accused of helping only women experiencing violence, thereby narrowing access to assistance for men and victims of other crimes. This approach makes it difficult to build a specialised support system in Poland that would take into account the specific needs of women experiencing violence.

Declining numbers of individuals recognised as victims of violence in the Blue Card system, decreasing numbers of confirmed offences and convictions, instead of being a matter of concern for those in power, are a reason for satisfaction. And yet, given that the dark number of domestic and sexual violence cases is exceptionally high, this means that the system does not encourage women to disclose violence and fewer and fewer perpetrators are held responsible for their actions. A sign of success should be more women disclosing violence and seeking help. However, $\frac{3}{4}$ of women experiencing violence do not receive any assistance whatsoever.

We need a matter-of-fact debate in Poland on a strategy for combating violence and on the directions of legislative and institutional changes. The creation of good laws and programmes is a long-lasting process, an integral part of which should be broad social consultations taking into account the perspectives of different groups and entities that deal with the problem of violence against women and the women themselves who are affected by violence. Violence against women is too important a social problem for laws to be drafted in cabinets and written on the spur of the moment by those who want to make political capital out of it instead of building social capital.

Violence against women – the scale of the phenomenon

It is very difficult to establish the true scale of violence against women. Official statistics show only the tip of the iceberg. In many cases, violence goes undisclosed and undetected, both by the perpetrators and the victims.

Official police and court statistics are not reliable in many respects. Important data are missing, e.g. information on the relationship between the victim and the offender as well as gender of the victim and the offender have only recently been collected. Data on seniors and minors are still not fully disaggregated by gender. Important data such as the number of refusals to initiate criminal proceedings, the number of police interventions in connection with domestic violence and refusals to establish the Blue Card are missing too. There is a lot of confusion in the official statistics caused by the data on the number of Blue Cards created,

which often, unjustifiably, function as data showing the scale of the domestic violence in Poland, but in fact show only the number of Blue Cards created.

One of the first studies on male violence against women in Poland was conducted by Prof. Beata Gruszczynska as part of *the International Violence Against Women Survey – IVAWS*. The study showed that every third woman in Poland experienced violence from a man in her life. In every sixth case it was violence by a partner, and in every fourth case by another man: a relative, acquaintance or stranger. 11.5% of women admitted they had been victims of rape or attempted rape at least once during their adult life.

Important research that dealt with various forms of violence against women was conducted on behalf of the Agency for Fundamental Rights. Poland seemingly fared better compared to other EU countries. 19% of women admitted that they had experienced physical or sexual violence from a current or previous partner or another person. Regarding sexual harassment in the last 12 months, between 7 and 11% of women in Poland admitted to it, depending on the length of the list of closed questions. The researchers explained the differences between countries by cultural conditions, women's level of awareness, general rates of violent crime, drinking patterns and women's social status.

Representative studies carried out in Poland generally dealt only with domestic violence. It is difficult to make comparisons, as there were large methodological differences between the studies. In a research conducted by CBOS, about 12% of women admitted that they had experienced violence from their partner and 6% admitted that such a situation had occurred many times. The percentage remained relatively stable in several subsequent surveys.

A research conducted by TNS OBOP in 2010 showed that the majority of the surveyed population had experienced family violence, personally or indirectly, and knew families affected by violence. 33% of women admitted to being a victim of psychological violence in the family. Most often the abuse was repetitive (27% of women said that the incident happened more than once). Economic violence in the family was experienced by 12% and physical violence at least once in their lives by 19% of women (15% were victims of violence more than once). 4% of women admitted to experiencing sexual violence. Significantly more respondents (60%) admitted to knowing at least one family where violence against women occurred and 45% of respondents lived or had lived in a household where violence occurred or had occurred.

In a 2014 study commissioned by the Ministry of Family, Labour and Social Policy, the percentage of women declaring being a victim of violence was significantly lower than in

2010 (26.8% and 39.4% respectively). Psychological violence was admitted by 20.3% of the surveyed women, while physical aggression was admitted by 16.8%. Sexual violence was the least frequently indicated form of violence - 2.7% of the surveyed women indicated such an experience. The authors of the study concluded that the results did not support the claim that the scale of violence had decreased. They admitted that due to different methodological assumptions, the studies were not fully comparable.

The results of the 2019 survey were interesting, although they lacked a gender breakdown. We learned about them with a several months delay from the media. It can be suspected that the Ministry of Family, Labour and Social Policy did not make the results public due to the high percentage of people declaring that they had experienced domestic violence: more than half of the respondents (57%) answered that they had experienced it at some stage in their lives; 47% of the respondents experienced violence more than once in their lives, while 19% experienced it many times. The most frequently declared form was psychological violence – it was experienced by 53% of the respondents, while 23% declared that they experienced physical violence (6% repeatedly). Another 13% admitted that they experienced economic violence and 5% experienced sexual violence.

When it comes to data on sexual violence outside the family, Poland lacks comprehensive, reliable and representative research. The Ster Foundation for Equality and Emancipation has tried to fill this gap by publishing a report on its research on sexual violence. Their results were shocking, although it should be noted that the study was not representative. Almost 90% of Polish women have experienced some form of sexual violence. More than 20% have experienced rape and 23.1% attempted rape. Almost half of the respondents have experienced rape more than once. The so-called “other sexual act” was experienced by 37.6% of women. As many as 77.5% of women experienced sexual harassment in the form of indecent jokes and unwanted conversations with sexual overtones. Second most popular harassment type was exposing oneself to a woman in a public place (61.3%). More than half of women have encountered obscene behaviour (55.4%) and offensive remarks about the body and sexuality (52.2%). Most women experienced harassment in a public place (76.6%) and from a previously unknown person (66.8%).

Poland also lacks reliable data on femicide and other deaths that occur due to domestic violence or being a woman. The Women’s Rights Centre estimates that every year in Poland 400-500 women lose their lives in this way. This figure includes, in addition to acts classified as homicides, fatal beatings and suicides caused by violence.

LAW AND PRACTICE

Domestic violence

Domestic violence is not a crime under Polish law. The provision which is most commonly used in this type of cases is Art. 207 of the Penal Code, which criminalises physical or mental abuse of a person who is close to the offender or another person who is in a permanent or transitory relationship of dependence with the offender. The basic penalty for this act is imprisonment from 3 months to 5 years. The penalty is higher (from 6 months to 8 years) if the perpetrator mistreats a person who is vulnerable due to age, mental or physical condition, or acts with particular cruelty (penalty from 1 to 10 years). If the act causes the victim to take his/her own life, the punishment is from 2 to 12 years.

This provision has been placed in the chapter "Offences against the family and guardianship", which may indicate that the main value to be protected is the family as a group, and not the human rights of its individual members. Such an interpretation seems to be confirmed by the practice of applying the law and the shape of the procedure.

It should also be stressed that article 207 is not fully consistent with the definition of violence provided in the Act on Counteracting Family Violence, and moreover, neither it nor the statutory definition of domestic violence covers all forms of violence referred to in the Istanbul Convention (e.g. economic violence). The same is true of the provision on next of kin, which - contrary to the Convention - de facto excludes former partners and spouses from protection, while violence in close relationships does not end with the termination of emotional, physical or economic ties. It is not uncommon that a woman's decision to leave her abuser results in an escalation of violence.

In cases where there is no evidence of repeated violent behaviour or where it is a one-off beating, prosecution takes place under Article 156 or 157 of the Penal Code. These are crimes that are also prosecuted by public indictment, and in the case of article 157 of the Penal Code, when the perpetrator acted unintentionally, at the request of the injured person. In domestic violence cases, Article 190 of the Penal Code, which deals with criminal threats, and Article 191 of the Penal Code, which deals with forcing a person, by means of violence or an unlawful threat, to perform a specific action, to refrain from performing it or to put up with it, as well as with persistent obstruction of another person's use of accommodation. An offence under Article 190 of the Penal Code is prosecuted upon request, while an offence under Article 191 of the Penal Code is prosecuted ex officio, with the exception of Article 191 § 1a, which deals with obstructing the use of a jointly occupied dwelling. The latter is prosecuted

also at the request of the victim, which means that the police cannot initiate proceedings without the victim's initiative. The provisions on prosecution on request in cases of domestic violence are incompatible with the Istanbul Convention, which requires prosecution of the perpetrator *ex officio* when the victim is a close relative. Poland, however, lodged and maintained a reservation on this provision last year, which is unfortunately consistent with the policy and 'family-friendly' approach to domestic violence to date.

Sexual violence

Rape

Rape is regulated by Article 197 of the Penal Code, which states that in order for an act to be considered a crime, the victim must prove that the perpetrator used violence, unlawful threat or deception. Until 2014, it was the only serious crime prosecuted at the request of the victim. The Women's Rights Centre has since its inception demanded a change in this procedure, pointing out that the state should not pass on to the victim the initiative of initiating criminal proceedings. Opponents of this change argued that a woman should have the right to decide whether to initiate proceedings, since this crime, like no other, violates her intimacy and privacy. In practice, the decision to initiate proceedings was not in the hands of the victim but in the hands of the perpetrator. Many women were intimidated and did not file for prosecution for fear of retribution from the perpetrator, for fear of a lengthy and humiliating procedure or because of a lack of trust in law enforcement and disbelief in the effectiveness of the legal system.

The issue of changing the definition of the crime of rape in the Penal Code has not been introduced into the public debate for many years. At the root of the current definition and resistance to change lies a fundamental lack of trust in what women say and stereotypes about rape and the attitudes belonging to decent women. There is still a widespread belief that not every "no" means "no", that a woman cannot be raped if she does not want to. Therefore, it is the victim who must prove that she was defending herself or was intimidated, that her "no" was true, in order for her words to be considered credible. In case law and commentaries to the Penal Code, it is generally accepted that violence is a physical action that prevents or breaks down the resistance of the victim. Moreover, the victim's resistance should be permanent, real and externalised, because only such resistance is a manifestation of the victim's lack of consent to the perpetrator's behaviour. Some authors of commentaries (Buchala), following a dangerous stereotype that not every "no" means "no", claim that sometimes distinguishing real resistance from apparent one may be difficult due to certain

behavioural patterns shaping sexual norms and then it may be justified, in their opinion, to consider the perpetrator's acting in error as to the facts.

The Women's Rights Centre has been advocating for several years that the definition of rape be amended to include as a basic type of rape offence behaviour to which the other party does not consent. It also prepared a concrete proposal for a legislative provision, which, however, did not meet with interest for a long time. When the United Right came to power, paradoxically, public support for changing the definition of the crime of rape increased. In November 2020, the Left came out with a proposal to change the definition of the crime of rape. It differed from the proposal of the Women's Rights Centre, which assumed that lack of consent constituted the basic mode of the crime of rape and introduced a definition of consent into Article 115 of the Penal Code.

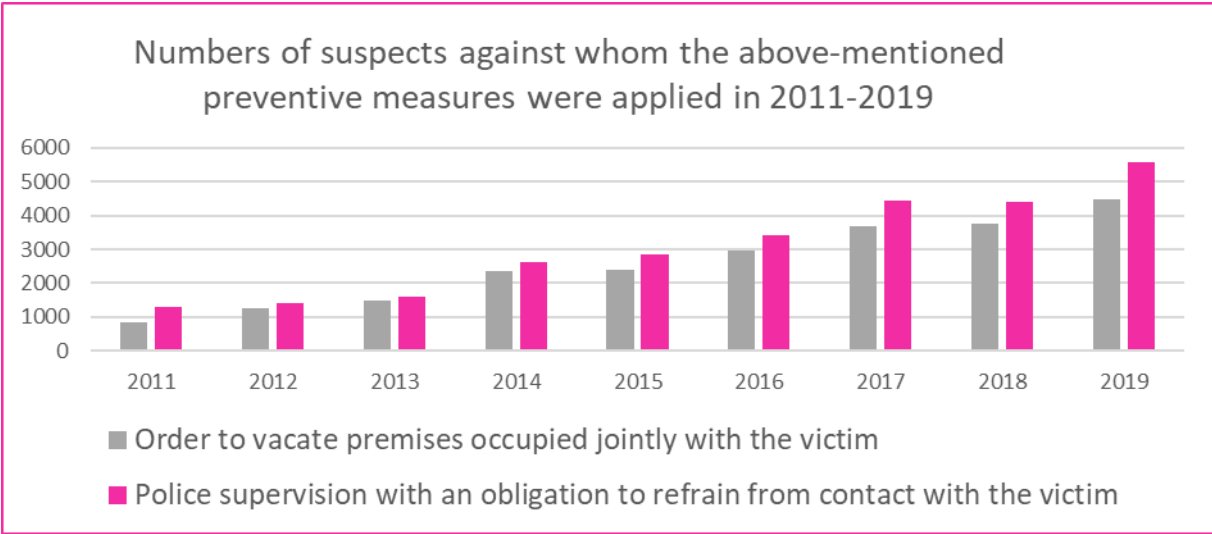
It is worth noting that rape in a close relationship, contrary to the provisions of the Istanbul Convention, is not an aggravating circumstance. In practice it is often treated as a mitigating circumstance for the responsibility of the perpetrator.

Legal measures to protect women against violence

The introduction of solutions allowing for personal safety and protection against violence for women suffering violence to the Polish law has been a long and still uncompleted process. The first attempts, in 2005, to introduce provisions allowing for quick isolation of the perpetrator from the victim into the Law on Counteracting Domestic Violence ended in failure, and the adopted solutions did not ensure effective protection of women against violence. The 2010 amendment also did not give the police the power to issue an order to the perpetrator of violence to leave the home and a restraining order prohibiting him from approaching or contacting the victim. Amendments to the Act on Police, giving an officer the right to apprehend a perpetrator of violence who poses a direct threat to the life or health of household members, and to the Code of Criminal Procedure have not in practice contributed to an increase in the number of apprehensions of perpetrators of violence. In 2012 there was even a spectacular decrease in detentions (from 31,986 in 2011 to 13,938). In later years, the number of detentions fluctuated on average above 18,000 per year, while in 2020 it dropped to 17,954.

A more commonly used measure was, possible since 2010, a prosecutor's order to vacate the premises occupied jointly with the victim. However, it was not a solution ensuring quick protection for the victim. The measure could be applied only after the perpetrator was charged and that usually did not happen quickly.

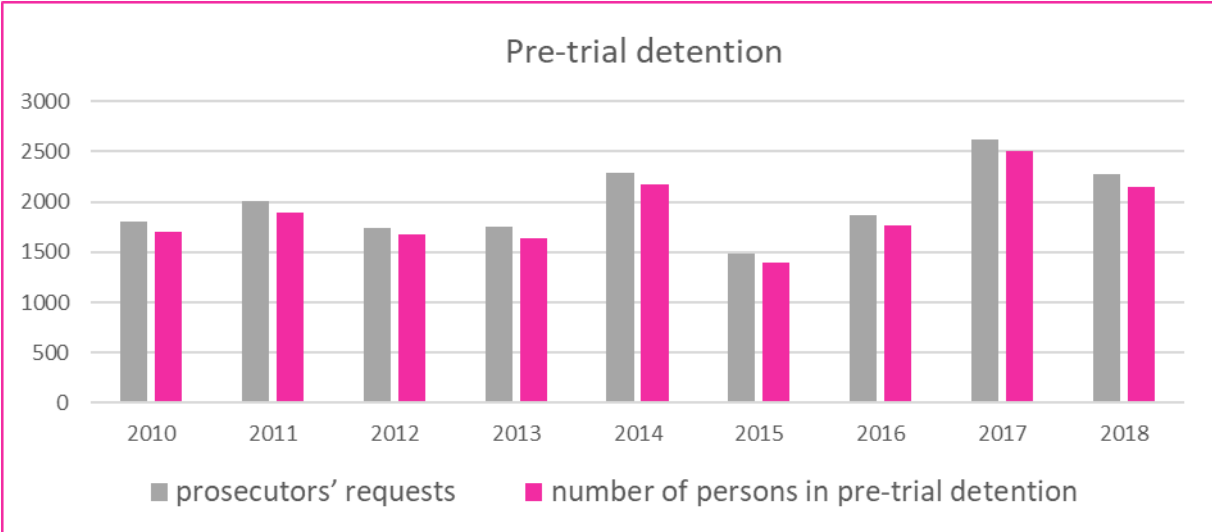
Chart 1. Numbers of suspects against whom the above-mentioned preventive measures were applied in 2011-2019



Source: Statistical data on the implementation of the National Programme for Counteracting Family Violence 2014-2020 for the period from 1 January to 31 December 2019, <https://www.gov.pl/attachment/13f16b65-0dd3-4512-b891-dc596243a8bc> [access: 02.2021].

Pre-trial detention was a much less frequently used preventive measure to ensure safety of female victims.

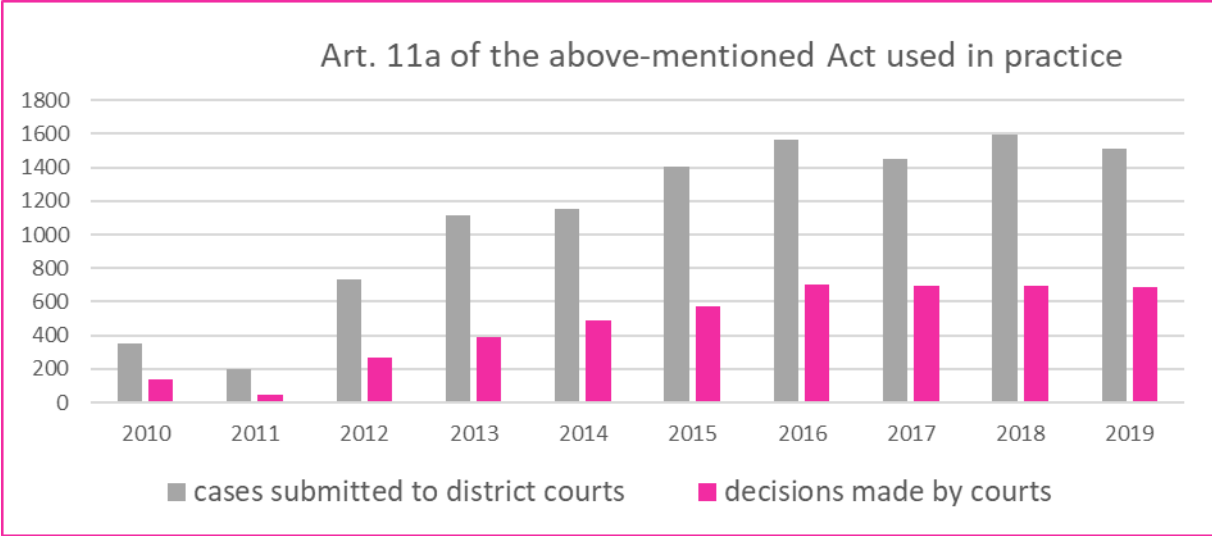
Chart 2. Pre-trial detention



Source: Statistical data on the implementation of the National Programme for Counteracting Family Violence 2014-2020 for the period from 1 January to 31 December 2019, <https://www.gov.pl/attachment/13f16b65-0dd3-4512-b891-dc596243a8bc> [access: 02.2021].

The hope of ensuring safety of women victims was also not fulfilled by the introduction of a civil order under Article 11a of the Act on Counteracting Domestic Violence, amended in 2010, ordering the perpetrator to leave home occupied jointly with the victim. It did not provide, as in other countries, a quick possibility to remove the perpetrator of violence from home (a one-month deadline for issuing the decision was not obligatory) and did not provide for the possibility of issuing a contact and approach ban. As can be seen from the data presented below, it was rarely applied.

Chart 3. Art. 11a of the above-mentioned Act used in practice.



Source: Statistical data on the implementation of the National Programme for Counteracting Family Violence 2014-2020 for the period from 1 January to 31 December 2019, <https://www.gov.pl/attachment/13f16b65-0dd3-4512-b891-dc596243a8bc> [access: 02.2021].

It was not until the 2020 amendment that the civil injunction to vacate home was extended to include its immediate surroundings and added the ability to seek a restraining order against home and its immediate surroundings. It was a good solution to introduce the possibility of applying these measures also in cases where the person affected by violence or the violent person has left the jointly occupied flat. However, this is still not a solution for quickly isolating the perpetrator from the victim.

A step closer to the standards enshrined in the Istanbul Convention was also granting the police, by the above-mentioned amendment, powers to remove the perpetrator of violence from home. It can issue an order to leave the house and a restraining order against the house and its immediate surroundings (Article 15aa. 1. of the Police Act). However, the adopted solutions do not include the prohibition of contact and approaching the victim and other places of their residence. The obligation imposed on the victim who remains in the home to

pay full maintenance and running costs of the home if the perpetrator is not under a maintenance obligation should also be criticised. This is certainly a major barrier for women who are often economically dependent on the perpetrator.

A police injunction and prohibition may be issued for a period of two weeks, which is a very short period of time, given the fact that in the Polish reality it will probably not be practically possible to extend the injunction and prohibition in civil or criminal proceedings within such a short period of time. The legislator took great care with the perpetrator by granting him the right to complain about this decision, which may demotivate the officers. If the court decides that the complaint is justified, it is obliged to provide this information not only to the person affected by the violence but also to the prosecutor, the competent police unit and the interdisciplinary team. If the issuance of the injunction or prohibition is found to be unreasonable, illegal or irregular, the court must also notify the superior of the police officer who issued the order or prohibition.

It is worth noting the extremely rare use by courts of probationary measures in the form of an order for the perpetrator of violence to leave the premises occupied jointly with the victim, an order for the perpetrator to refrain from contact with them or from approaching them or other persons in the case of conditional discontinuance of proceedings or suspension of the execution of the sentence (from several dozen to approx. 100 per year). Similarly, the courts have rarely used the possibility of imposing a penal measure in the form of a prohibition of contacting and approaching certain persons and an order to temporarily leave the premises occupied jointly with the victim. Still the majority of women experiencing violence even after conviction are forced to live under the same roof with their abuser.

Myths and stereotypes in the practice of law

The Women's Rights Centre has for many years drawn attention to the detrimental impact of gender stereotypes and prejudices on the practice of law in domestic and sexual violence cases. They influence the assessment of evidence in a case, serve to justify perpetrators, mitigate their responsibility and shift the burden of responsibility for the crime onto the victims themselves. This includes decisions by police officers to initiate proceedings, prosecutors overseeing the proceedings, deciding to discontinue them and judges ruling on criminal and family cases.

One of such stereotypes is that of the real victim of violence - defining whom she is, how she behaves and looks. Women who deviate from this image are subjected to a harsher assessment and are standardly judged as less credible.

The research by the Women's Rights Centre shows that some stereotypes operate differently in relation to women experiencing sexual and domestic violence. A victim of sexual violence should defend herself. If there is no sign of resistance on her part, this is used to confirm the perpetrator's version of events. The justification for the decision to discontinue the case of a woman who was raped after being administered the rape pill at a friend's flat, where she went with a group of friends, questioned her status as a victim because she "drank alcohol, went to the man's flat, did not defend herself and did not scream".

A real victim of domestic violence should rather be passive, because if she defends herself, her behaviour can be considered as mutual violence, which abolishes the responsibility of the perpetrator or at best minimises his guilt and punishment. Such comments were encountered by many female clients of the Women's Rights Centre who were accused of "mistreating" their partners.

In several cases monitored by the Women's Rights Centre, well-groomed appearance was raised as an argument to undermine being a victim. In one of them, as reported by a volunteer observing the trial, "the judge repeated several times with doubt that a woman who looked like she knew how to take care of herself would probably not allow her husband to treat her in the way she presented in the courtroom".

Many women point out that their credibility is undermined based on allegations that they did not leave earlier, report every incident of violence, bring an accusation to the court or ask for divorce. At one of the hearings monitored by the Women's Rights Centre, a woman whose husband had been convicted of abuse three times heard: "It is hard to believe that your husband abused you for 20 years. If, as you say, this was the case, why did you not divorce and apply for a replacement flat, but persistently filed another abuse case?". Another woman was told "if it was so bad for you, why didn't you decide to get a divorce a few years ago?". During the divorce hearing, the judge, disregarding the complainant's claims about violence, instructed her that violence "is a matter for the police, not for the court, and since she did not notify the relevant services, the court will not take her claims into consideration". Justifications and statements of this kind testify to the lack of elementary knowledge of domestic violence among judges.

Do women make false accusations?

Women are “screened” to determine what motivated them to report a crime, whether the accusation is an act of revenge, to get something in return or to protect their reputation. Not only does the raped woman have to prove that the perpetrator acted with violence, unlawful threats or deceit and prove his guilt, but she also has to defend her reputation, credibility and prove that she gains nothing from the accusation. In many of the cases investigated by the Women’s Rights Centre, the allegations of false accusations were faced by women who filed for divorce, child location, contact or restriction of parental authority to the father of the child and at the same time accused their partner of violence. Both police officers and prosecutors and judges suspected the women of preparing a criminal case in order to obtain the most favourable outcome in the family case. Prosecutors and judges in criminal courts, despite clear evidence of violence, downplayed it, assessing the evidence gathered in the case through the prism of the pending family case. A common allegation was that it was a conflict around divorce, which was used to justify the closure or refusal to set up the Blue Card, the refusal to initiate criminal proceedings or the decision to discontinue them.

In one case, despite the testimony of witnesses, including police officers, medical examinations, three convictions for family abuse, the judge did not react when the defendant's defence counsel aggressively tried to undermine the credibility of the victim's and witnesses' testimony by reducing the case to a "conflict over housing". In the case of one client of the Women’s Rights Centre, downplaying a case of violence and reducing it to a conflict over housing ended in her murder.

The behaviour of women who accused their husbands but did not file for divorce is also suspicious. One woman was told “you obviously like it if you don’t go away”, and that “it's not worth analysing the case because you will probably withdraw your testimony anyway”.

Many women stressed that during the criminal proceedings they felt as if they were the accused. They were humiliated by the ostentatious display of distrust, which, in addition to the manner and content of questions asked and comments made, also manifested itself in the practice of appointing experts who were to assess the credibility of the victims' testimony, their tendency to confabulate, their mental health and even character traits.

Women provoke and use violence themselves

In the cases of many female clients of the Women's Rights Centre, a defence tactic of the perpetrators of violence was to file for divorce and to refer during the divorce proceedings, among others, to mutual violence and provocative behaviour of the wife or to accuse her of violence. Provocation was considered to be both the behaviour of the wronged party that was supposed to prove her jealousy and that which provoked jealousy in their partner. The woman's behaviour "giving" the man grounds for jealousy is often treated as mitigating his guilt and punishment. In one divorce case involving a representative of the Women's Rights Centre, despite drastic violence suffered by the woman and the conviction, the divorce case found mutual fault. The woman's fault was that she "did not avoid behaviour that might have given her husband grounds for jealousy".

In the cases studied, in which men justified their anger or even physical aggression by the restriction of their freedom by wives or partners who were jealous and accused them of infidelity, no one investigated whether the man gave his partner grounds for jealousy and how he behaved towards them. It was not suggested to the man, as happens in cases where men accuse women of infidelity, that they should change their behaviour and not give their partner grounds for jealousy.

Alcohol consumption by women can also serve as an excuse and provocation to use violence. During one of the monitored hearings, many questions addressed to the victim and witnesses concerned the victim's consumption of alcohol. Several times questions were asked such as: "Did you drink alcohol together?", "Did you often drink alcohol?", "Can you say that you overused alcohol?". One might get an impression that the victim's consumption of alcohol was seen as a provocation, which provided an excuse for the man to use violence.

Government policy and institutional arrangements

An analysis of the policies of successive governments leaves no doubt: the problem of violence against women has not been a priority for any of them. The conservative vision of women's and men's social roles and stereotypes have left their mark on the legislative and institutional solutions undertaken, to varying degrees and intensities, by all governments.

After the change of government in 2001, the Government Plenipotentiary for Equal Status of Women and Men, Izabela Jaruga-Nowacka, supported by women's organisations, was the main initiator of the government's efforts to prevent violence against women. Thanks to her initiative, the new National Programme for Women 2003-2005 was drawn up. The

chapter on counteracting violence against women included a number of commitments by the Government concerning the legislative sphere, social education, building an institutional support system for victims and educational and rehabilitation measures for perpetrators of violence. Despite objections from some ministries, the Programme was adopted, but in practice it encountered serious difficulties in implementation.

Despite the determination of Jaruga-Nowacka and subsequent Plenipotentiaries, the government's actions lacked a systemic and comprehensive approach to the problem of violence against women. The measures taken were basically limited to violence in the family. As a result, after inter-ministerial consultations, the Act on Counteracting Violence in the Family adopted in 2005 bore little resemblance to the original version and only to a limited extent implemented the objectives set out in the Programme of Action for Women and those provided for in the Act itself.

The provisions of the Act were gender-neutral and did not refer to the cultural determinants of domestic violence, which were referred to, for example, in international law documents signed by Poland, such as the Beijing Platform or the UN Declaration on the Elimination of All Forms of Violence against Women. It was not possible to introduce the provisions and procedures enshrined in the Women's Agenda, which would allow, among other things, for the rapid isolation of the perpetrator from the victim or those that would protect women from secondary victimisation. Apart from the provisions ensuring protection of victims, the Act lacked a coherent vision of systemic solutions that would allow for effective prevention of domestic violence, prosecution of perpetrators and quick access to specialist assistance for victims.

When the law was amended under the Civic Platform government in 2010, some of the provisions were corrected, but still the police was not given the power to order the perpetrator to leave the house, prohibit him from approaching or contacting the victim. The legislator failed to introduce into the preamble a reference to the cultural background of domestic violence and to the predominance of women among the victims. The legislator also lacked the courage to make deeper changes, including those concerning systemic solutions.

The National Programme for Combating Family Violence adopted after the amended Act had entered into force, as well as subsequent programmes, consistently overlooked women as a group particularly vulnerable to violence, failed to point out the structural nature of domestic violence or its cultural background. A proper diagnosis would be needed as a basis for constructing effective programmes aimed at preventing violence against women, including domestic violence.

Blue Cards

The first attempt to clarify the role of key institutions in combating family violence and foster interdisciplinary cooperation was the Blue Card. The first version of the Blue Card procedure came into force under the Police Chief Commander's Order 25/98 as early as in November 1998. The procedure evolved, but until the amendment of the Act on Counteracting Domestic Violence in 2010, it had been essentially a police procedure and cooperation with other entities was the responsibility of the police. After the entry into force of the Act on Counteracting Family Violence, officers implementing the Blue Card procedure were obliged to send information to social welfare centres on each case of implementation of the procedure, as well as on cases of escalation of violence in a family under the procedure. Unlike before, they could do this without the consent of the victim.

The current procedure - introduced by the Act on Counteracting Family Violence, amended in 2010 with the regulation of 13 September 2011 - institutionalises interdisciplinary cooperation and widens the group of entities that can initiate it. Apart from the police, the Blue Card procedure may be initiated by social welfare, local committees for solving alcohol problems as well as education and health protection centres. In the case of suspected family violence, the procedure can be initiated *ex officio* or as a result of a report by a family member or witness. The representatives of the entity setting up the Blue Card are obliged to hand it over to the interdisciplinary team, which, as a rule, has been established in every municipality. Apart from representatives of institutions authorised to initiate the Blue Card procedure and non-governmental organisations, the team may include, among others, probation officers and public prosecutors. Its task is to diagnose the problem of violence in the family, to undertake actions in the environment threatened by violence, to initiate interventions and actions in relation to perpetrators of violence. The teams may set up working groups on individual cases. Members of the team or group would decide on further proceedings in the case. If they find that violence in the family has ceased or that there is no justification for taking action, they may close the procedure. Such decisions are taken if, for example, there is a conflict rather than violence, or if the person experiencing violence does not live with the person suspected of violence. The experience of the Women's Rights Centre and the available data indicate that a very high percentage of Blue Cards are closed every year, not infrequently at the first meeting. In 2013, nearly 65% of Blue Card procedures were discontinued.

The Women's Rights Centre believes that the Blue Card procedure does not work in practice, among other reasons, because it is based on the wrong grounds. Initiating a bureaucratic Blue Card procedure, according to the letter of the law, in every case of suspected violence, would paralyse the functioning of the teams and working groups. In consequence, as representatives of entities entitled to establish Blue Cards admit, the procedure is initiated in a small percentage of cases and rarely ex officio. Moreover, it still takes a long time before real assistance is provided to the victim. It is not uncommon for the Blue Card to be used by both the woman and her partner, who also claims to be a victim of violence. This provision and the wide discretion in its application, as in the case of ex officio non-initiation of criminal proceedings where there is a reasonable suspicion of a crime, contributes to a loss of confidence in the state and the law.

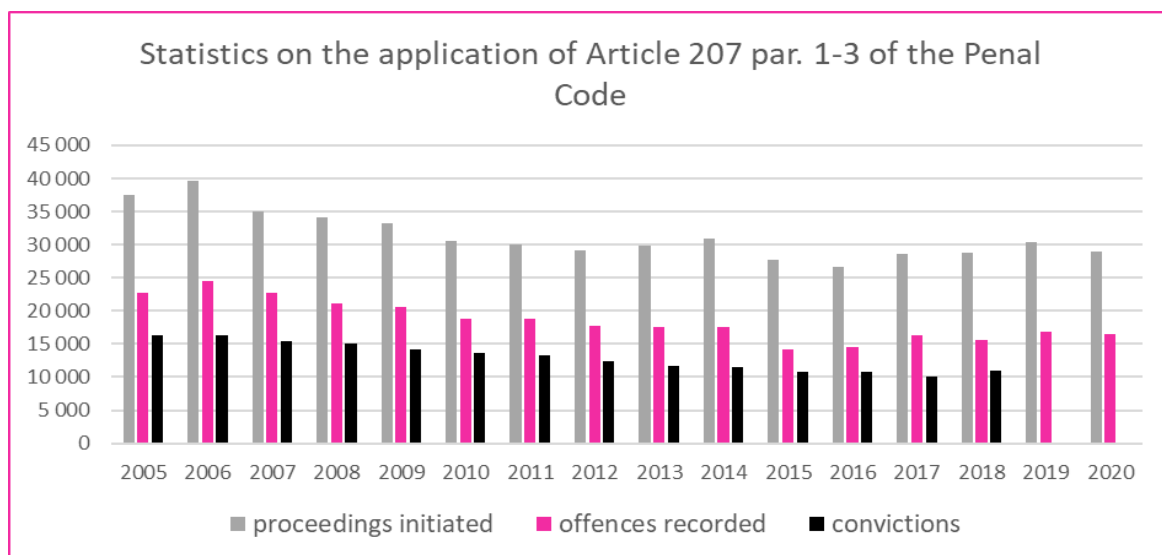
It is worth emphasising that it is not always reasonable or necessary to launch a bureaucratic procedure involving representatives of many institutions. The experience of countries where the system of counteracting violence against women and domestic violence has been in place for much longer than in Poland indicates that it is cheaper and more effective to base support for battered women on institutions providing specialist assistance. Such institutions, with the consent of the victim, would initiate, if necessary, cooperation with other services. The statutory solutions adopted in Poland do not introduce a clear division of tasks between specialist institutions and those that have a wider scope of responsibility. This is clearly visible in the government's reports on the implementation of the Act and the National Programme for Counteracting Family Violence, as well as in the concept of the Justice Fund established by the Ministry of Justice.

The possibility of initiating the Blue Card procedure and processing sensitive data, such as the victim's state of health, addictions or convictions, without the victim's consent, adopted in the law, may foster the reproduction of harmful stereotypes of women and, as a result, make it more difficult for them to obtain assistance. When a woman is in psychiatric treatment, for example, or has a problem with alcohol abuse, which may be the result of violence, or has been in conflict with the law, she faces suspicion and mistrust. Such a solution violates the victim's right to privacy and is a manifestation of subjective treatment. When in the Blue Card procedure the consent of the victim was needed to pass information to other institutions, such consent was not given by about 40% of victims. Assistance cannot be provided against the will of the person concerned. It is up to the person concerned to be the "owner" of her own affairs and to decide to which institution, and when, she wishes to provide information about herself.

The introduction of the term “suspicion of violence” into the Act on Counteracting Family Violence in practice further weakens the effect of the provisions obliging law enforcement authorities to initiate criminal proceedings in the case of a justified suspicion that a crime has been committed. Boxes ticked in many Blue Card forms indicate visible traces of physical violence or strangulation, however during the intervention police officers limit themselves to establishing the Blue Card. Is this situation “only” a suspicion of violence or a reasonable suspicion of a crime obliging the police officers to initiate ex officio an investigation or criminal proceedings?

The active participation of police officers in the Blue Card procedure, which is *de facto* supportive, carries a dangerous message. The priority of the police is to help and save the family, not to prosecute and punish the perpetrators. This change in approach is reflected in the statistics: there has been a noticeable drop in the number of proceedings initiated, as well as in the number of offences recorded and convictions for domestic violence after the Blue Card procedure came into force. The question arises as to whether this procedure does not in fact protect perpetrators by exempting them from criminal responsibility.

Chart 4. Statistics on the application of Article 207 par. 1-3 of the Penal Code (data on the number of convictions in 2019-2020 is not available).



Source: Police statistics, family violence <https://statystyka.policja.pl/st/wybrane-statystyki/przemoc-w-rodzinie/50863,Przemoc-w-rodzinie.html> [access: 02.2021].

The Blue Card procedure is excessively bureaucratic, time-consuming, inefficient and, most importantly, makes it difficult to individualise the approach to victims and obtain rapid assistance. According to the Women’s Rights Centre, it has not contributed to improving the

situation of women victims. Similar conclusions were reached by the Supreme Audit Office in the course of its audit, indicating that the creation of interdisciplinary teams and working groups caused delays in obtaining assistance by the wronged. Previously, a local police officer was obliged by the police procedure to visit the family within seven days of the report of violence. Now it is up to the Intervention Team to decide what steps will be taken. It is not uncommon for the victim to meet with the Intervention Team or the working group after several weeks, and for the neighbourhood officer to visit the family two or three months after the report, or even six months after the first police intervention. Until that time, the victim usually remains without any assistance. It is worth stressing that as far as perpetrators are concerned, summonses addressed to them by the Intervention Team or working groups are often ignored. Summoners do not have any tools to enforce the summoned to come to a meeting, which may lead to strengthening the feeling of impunity among the perpetrators.

Long waiting for a reaction by the Intervention Team is frustrating for many women. Not only does it exacerbate their feelings of helplessness and loneliness but also often reduces their sense of security and confidence in the effectiveness of support. This in turn can and does in fact discourage victims from reporting further incidents of violence and seeking help.

This trend is reflected by police statistics collected under the Blue Card procedure on persons suspected of being affected by violence.

Chart 5. People suspected of being affected by violence



Source: Police statistics <https://statystyka.policja.pl/st/wybrane-statystyki/przemoc-w-rodzinie/50863,Przemoc-w-rodzinie.html> [access: 02.2021].

Given that the dark number of crimes in the case of domestic violence is exceptionally high, this is particularly worrying.

The legal and institutional solutions adopted in our country differ in many respects from the standards set forth by the Convention and the EU directive on victims of crime. They do not guarantee women and their children safety and quick access to individualised assistance adequate to their needs and expectations.

Sexual violence

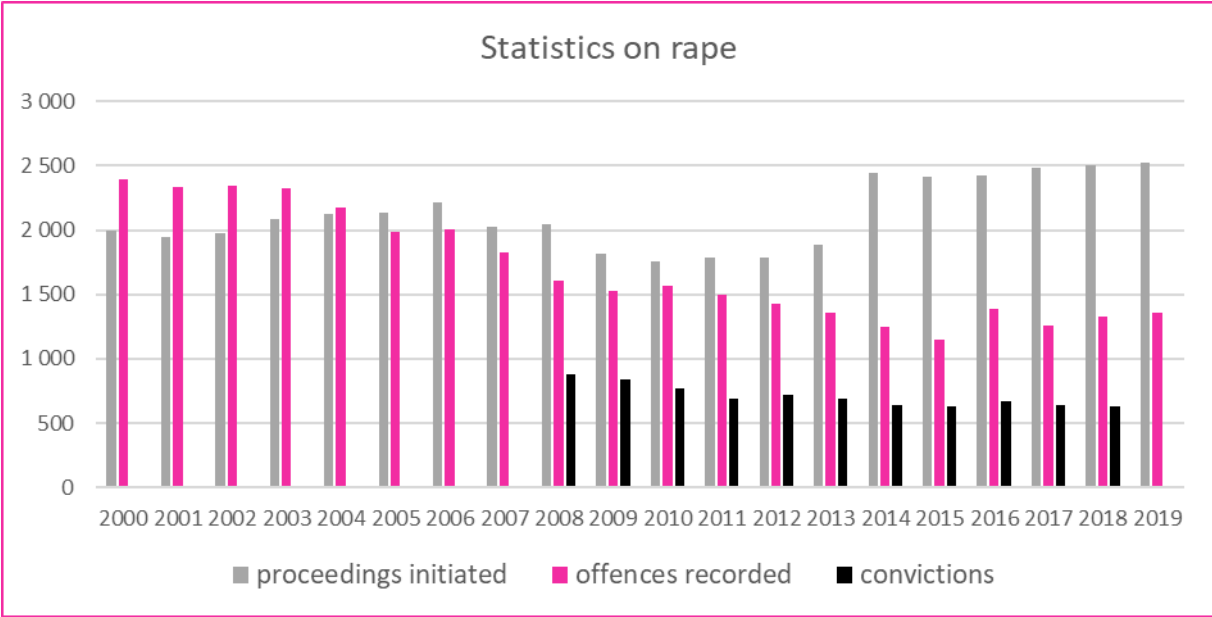
With regard to sexual violence, the government's activities in the area of creating systemic solutions look even more modest. It seemed that the initiative of Elżbieta Radziszewska, the Plenipotentiary for Equal Treatment, to create the Action Against Sexual Violence Platform in 2009 would be an important step towards developing systemic solutions and procedures for different services dealing with sexual violence cases. The platform formed by public and local authorities, medical centres and NGOs was supposed to implement educational programmes and offer support for women during their contact with the police and medical institutions, as well as provide training for enforcement agencies. As a result, the Procedures for Police and Medical Institutions on Dealing with Victims of Sexual Violence were prepared. The procedures defined investigation principles, victim protection measures and cooperation of the police and medical institutions with non-governmental organisations. In medical centres, abused women were to be able to use emergency contraception, obtain information on access to legal abortion and receive antiretroviral drugs if they were at risk of HIV infection. A few months after the announcement of the Procedure, the introduction of forensic kits for securing evidence was announced. These were to be handed by the police to doctors when a raped person was brought to a medical facility.

Beside the Platform, in 2011 the General Prosecutor's Office drew guidelines on dealing with abuse victims. However, the attempt to implement the guidelines ended in failure. Proposed recommendations for judges on how to treat victims of sexual violence were also prepared but the National Council of the Judiciary, citing the principle of judicial independence, did not take them up.

Similarly, the project “Rights for victims of sexual crimes – a new systemic approach, information and training”, implemented in 2013-2015 with EU funds by the Office of the Government Plenipotentiary for Equal Treatment, also failed to bring tangible results or

lasting systemic solutions. The procedure for dealing with a person who has experienced sexual violence adopted by the Polish Police Headquarters in July 2015 and the guidelines for prosecutors on dealing with the crime of rape adopted in December of the same year were viewed positively. Women victims of sexual abuse often feel mistreated by police officers, prosecutors and personnel of health and justice institutions. There is a lack of separate interrogation rooms. Testimonies are taken by policemen rather than policewomen. Women face indiscriminate and sexist comments from police officers, prosecutors, judges and lawyers. Stereotypes still prevail over the letter of the law and women are exposed to secondary victimisation. This is why more and more women refrain from reporting the crime of rape and police statistics lack important data on the number of refusals to prosecute. The number of convictions is also decreasing.

Chart 6. Statistics on rape.



Source: Police statistics <https://statystyka.policja.pl/st/kodeks-karny/przestepstwa-przeciwko-6/63496,Zgwalcenie-art-197.html> [access: 02.2021].

The Istanbul Convention in Polish politics

The Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention or the Anti-Violence Convention, was adopted in 2011. It is the most comprehensive document of international

law, which sets standards on prevention, protection and support for women experiencing violence. Poland signed it in 2012 despite loud objections from the right-wing opposition.

After waiting for more than two years, a few months before the elections (13 April) during the presidential campaign, President Bronisław Komorowski signed the document ratifying the Convention in the Women's Rights Centre office. Zbigniew Ziobro called it "feminist invention" and announced that Poland would withdraw from the Convention after Andrzej Duda's victory. He was echoed by presidential candidate Andrzej Duda, who even before the ratification appealed to President Komorowski not to sign it. He argued that the Convention was contrary to Polish tradition and culture and that the national law sufficiently protected women experiencing violence.

The victory of Andrzej Duda strengthened the voices of opponents of the Convention. In November 2016, the first proposal to denounce it was prepared. After harsh criticism from NGOs, the media and the opposition, the Law and Justice (PiS) party withdrew from the idea. It seemed that it would stop at incentives not to apply the Convention.

Prior to another attack on the Convention, a draft amendment to the Law on Prevention of Domestic Violence emerged in late 2018 and early 2019, which contained threatening proposals, e.g. an amendment to the definition of domestic violence associated with one-off violence decriminalisation. Another change was the announcement of the establishment of a commission that would decide whether the case was an act violence or family conflict. Following a wave of criticism in the media, further work on the project was suspended.

In the spring of 2020, in the midst of the pandemic, attacks on the Convention took a turn for the worse. Voices against the Convention reappeared in Andrzej Duda's presidential campaign. At the same time, the Law and Justice party came up with a long-awaited legislative initiative that would allow for a quick isolation of the perpetrator from the victim. The choice of the date of its submission was not accidental. It was supposed to help Andrzej Duda gain the support of some voters and soften the public perception of the attacks on the Convention and prepare the ground for its denunciation.

Another open announcement of the denunciation of the Convention came in May 2020, just after the law allowing the isolation of the perpetrator from the victim was passed. Deputy Justice Minister, Marcin Romanowski, announced on his Twitter account that United Poland (Solidarna Polska) party "wants to denounce this gender gibberish". In doing so, he invoked a false argument that the Convention spoke of religion as a cause of violence against women. The opinion that the statement was an element of a well-prepared strategy was

confirmed by the support expressed by Marlena Małag, the Minister of Family, Labour and Social Policy shortly after the presidential election won by Andrzej Duda. At the same time, Ordo Iuris and Marek Jurek's Christian Social Congress announced collecting signatures for the civic legislative initiative project “Yes to family, no to gender”. Its aim was to denounce the Istanbul Convention and replace it with the Family Rights Convention.

In July, shortly after the presidential election, the Minister of Justice Zbigniew Ziobro made an official request to denounce the Istanbul Convention. In justification, he argued that the Convention stroke against the interests of women and the family and was unnecessary, since the Polish legal order not only fully respected the provisions of the Convention but went even further. The low rate of domestic violence in Poland was supposed to be the proof that the Polish approach to combating family violence was better than the one in the West. However, the above-mentioned classified report of the Ministry of the Family, Labour and Social Policy on domestic violence showed a completely different reality.

All these initiatives coincided with the publication of the Ordo Iuris report “Why should Poland denounce the Istanbul Convention?”, which is a kind of bible for its opponents. Listening to and reading the statements of politicians from the United Right, and in particular from the United Poland party, it is clear that the Ordo Iuris report is a guide of sorts for them. Many of them directly quote the formulations used in it.

In response to the protests in order to calm the atmosphere around the Convention, Prime Minister Mateusz Morawiecki sent a request to the Constitutional Court to examine its compliance with the Constitution, stressing that he shares Minister Ziobra's doubts. It is bizarre that the question concerning the translation of the word “gender” and the Prime Minister's “concern” about the compatibility of the Convention with the Constitution in terms of, among other things, the impartiality of the state in world-view issues and the right of parents to bring up their children in accordance with their own conscience should be referred to the Constitutional Court. Adam Bodnar, the Ombudsman, expressed his criticism of the initiative. Despite the Ombudsman's allegations and criticism expressed by many societies, the President of the Constitutional Tribunal, Julia Przyłębska, said already in September that the Tribunal was checking the compatibility of the Convention with the Constitution.

The attacks on the Convention in Poland and the announcements of its denunciation are part of a broader strategy and actions of Ordo Iuris in the international arena. In this context, Prime Minister Morawiecki's announcement about giving the Ministry of Foreign Affairs “a clear task” to work out new solutions at the international level, in cooperation with other countries (the United Kingdom, the Czech Republic, Hungary, Lithuania and Latvia)

that have not yet signed the Convention and the statement that the new solutions should not be “saturated with content and worldview doubts” related to “the revolution of customs that others want to impose on us”, sounded threatening. Shortly after the Prime Minister's speech, Deputy Foreign Minister Pawel Jablonski tweeted that the Foreign Ministry, in accordance with the Prime Minister's instructions, had begun diplomatic efforts to adopt a convention protecting family rights.

In December 2020, Ordo Iuris managed to collect 150,000 signatures in support of its legislative initiative “Yes to family, no to gender” envisaging the denunciation of the Council of Europe Convention on preventing and combating violence against women and domestic violence and its replacement by the Convention on the Rights of the Family. The Polish Episcopate supported the project, referring to the earlier position of the Central European Bishops' Assembly, which called for the rejection of the Istanbul Convention. At the time of publishing the report, the Ordo Iuris project is awaiting its first reading in the Sejm.

In defence of the Convention

The announcements of the denunciation of the Anti-Violence Convention caused a wave of protests despite the pandemic restrictions. Many organisations and institutions dealing with women's rights and violence against women protested, publishing their positions, after the scandalous statements by, among others, the Deputy Minister of Justice Marcin Romanowski. The Grand Coalition for Equality and Choice has launched an appeal alerting the European Commission to plans by the Polish government to denounce the Istanbul Convention. In response to the Coalition's appeal, European Commission President Ursula von der Leyen expressed criticism of the Polish government over its plans to denounce the Convention. In response to the Coalition's demand for the EU to accede to the Convention, Vera Jourowa, on behalf of the Commission President, informed that the decision on this matter was taken by the Council of the European Union after the European Court of Justice had issued its opinion on the compatibility of accession to the Convention with the EU Treaties. The Court has still not pronounced itself on this issue.

On 24 July 2020, “No to legalisation of domestic violence” protests began in Warsaw in front of the Ordo Iuris headquarters and in many other cities, with thousands of women and men taking part. The organisers of the protest included: Nationwide Women's Strike, Women's Rights Centre, Warsaw Girls, Great Coalition for Equality and Choice. Near the headquarters of Ordo Iuris in Warsaw, a performance prepared by the Centre for Women's

Right dedicated to women murdered in connection with domestic violence took place. Stories about the deaths of women murdered in consequence of domestic violence were played out, and the figures symbolising the murdered women were accompanied by women dressed in costumes from *The Handmaid's Tale*. The Warsaw protest ended with a march in front of the headquarters of the Ministry of Family, Labour and Social Policy

Although a poll conducted by SW Research for the Rzeczpospolita daily revealed that support for Poland's withdrawal from the Istanbul Convention is very low (15%), and there are many more opponents of this step (62%), the threat that this will happen is still high.

Although those in power often appeal to the will of the sovereign, experience shows that they do so only on those issues that are in line with their policies and plans. The only hope is that this archaic vision, based on patriarchal values, of the social roles of man and woman, of the family and of society as a whole will radicalise public sentiment and lead to changes in women's rights and in the fight against gender violence.

Selected recommendations on preventing violence against women

- Development - in cooperation with NGOs and experts and representatives of women experiencing violence - of a comprehensive National Strategy and Programme for Combating Violence against Women based on the Istanbul Convention standards;
- Establishment of a team - consisting of representatives of NGOs, experts and women experiencing violence – with the aim to prepare a model of legal and institutional solutions taking into account the perspective and standards enshrined in the Convention and a draft of a comprehensive law on counteracting and combating violence against women;
- Ensuring assistance to women and children experiencing domestic violence and other forms of violence referred to in the Convention, including sexual violence, based on specialised facilities; recognition of the leading role of experts in preventing violence against women; coordination of cooperation with the various services whose roles and remits are wider;
- Ensuring stable sources of public funding for specialist facilities whose mission and standards of operation are in line with the Convention on the Prevention of Violence against Women and Domestic Violence and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime;

- Developing comprehensive tools to estimate the risk of serious harm, escalation of violence and homicide in domestic violence cases and put in place procedures to minimise this risk;
- Amendment of the definition of the crime of rape in line with the Convention standards;
- Amendment of provisions aimed at rapid isolation of the perpetrator from the victim by, inter alia, extending the restraining order to other places of frequent residence of the victims and introducing a ban on contact with the victims.

References:

1. Gruszczyńska B., *Violence against women in Poland: criminological and legal aspects*, Warsaw 2009.
2. The European Union Agency for Fundamental Rights, *Violence against women, an EU-wide survey*, <https://fra.europa.eu/pl/publication/2020/przemoc-wobec-kobiet-badanie-na-poziomie-unii-europejskiej-wyniki-badania-w-skrocie> [access: 02.2021].
3. CBOS, *Research communication no. 48/2019. Violence and conflicts at home*. https://www.cbos.pl/SPISKOM.POL/2019/K_048_19.PDF [access: 02.2021].
4. CBOS, *Research communication no. 82/2012. Violence and conflicts at home*. https://www.cbos.pl/SPISKOM.POL/2012/K_082_12.PDF [access: 02.2021].
5. CBOS, *Research communication no. BS/35/2009. Violence and conflicts at home*. https://www.cbos.pl/SPISKOM.POL/2009/K_035_09.PDF [access: 02.2021].
6. CBOS, *Research communication no. BS/27/2005. Violence and conflicts at home*. https://www.cbos.pl/SPISKOM.POL/2005/K_027_05.PDF [access: 02.2021].
7. CBOS, *Research communication no. BS/156/2003. Conflicts and violence in family – opinions of Poles and Hungarians*. https://www.cbos.pl/SPISKOM.POL/2003/K_156_03.PDF [access: 02.2021].
8. CBOS, *Research communication no. BS/42/2002. Violence in family – facts and opinions*. https://www.cbos.pl/SPISKOM.POL/2002/K_042_02.PDF [access: 02.2021].
9. TNS OBOP, *Diagnosis of Family Violence in Poland against Women and Men Part I - Report from National Research - TNS OBOP research results commissioned by the Ministry of Labour and Social Policy November 2010*. https://archiwum.mpips.gov.pl/gfx/mpips/userfiles/_public/1-2010_%20Raport-ogolnopolski_K-M_01-03-11.pdf [access: 02.2021].
10. *Research results: WYG PSDB for the Ministry of Labour and Social Policy (2014) within the Project entitled "Polish Family Free from Violence" for the Operational Programme PL 14 "Counteracting family violence and gender-based violence", co-financed by the Norwegian Financial Mechanism for the years 2009-2014. Diagnosis and comparison of the scale of family violence phenomenon and assessment of the effectiveness of actions taken to counteract family violence* <https://www.gov.pl/web/rodzina/diagnozy-zjawiska-przemocy-w-rodzinie> [access: 02.2021].

11. Kantar, *Nationwide diagnosis of domestic violence. Kantar Poland, Report for the Ministry of Family, Labour and Social Policy, October 2019*, <https://static.img.pl/im/5/26198/m26198755,WYNIKI-BADANIA.pdf> [access: 02.2021].
12. The Ster Foundation for Equality and Emancipation, *Break the Taboo. Report on sexual violence*, <http://www.fundacjaster.org.pl/upload/Raport-STERu-do-netu.pdf> [access: 02.2021].
13. Warylewski J. *Offence against sexual freedom and morality, Chapter XXV of the Penal Code. Commentary*, Warsaw 2001.
14. *Statistical data on the implementation of the National Programme for Prevention of Family Violence 2014-2020 for the period from 1 January to 31 December 2019*, <https://www.gov.pl/attachment/13f16b65-0dd3-4512-b891-dc596243a8bc> [access: 02.2021].
15. *Statistical information on family violence according to the data from the Provincial Police Headquarters and the Warsaw Metropolitan Police Headquarters on the implementation of the "Blue Card" procedure in the years 2003-2007 and the first half of 2008 and the scale of child sexual abuse*
www.policja.pl%2Fdownload%2F1%2F35662%2FInformacjastatystycznadopakietuDaphneIII1.pdf&usg=AOvVaw1fBCILJDeJFO1DXJqPb_Pe [access: 02.2021].
16. Police Headquarters, *Report on the implementation of the "Blue Cards" procedure by police organisational units in 2012*.
<https://statystyka.policja.pl/download/1/141755/sprawozdanieNK2012r.pdf>.
17. The Act of 30 April 2020 on amending the Code of Civil Procedure and certain other acts, Journal of Laws of 2020 item 956.
18. Women's Rights Centre, *Domestic violence and the justice system*, Warsaw 2005.
19. Women's Rights Centre, *Stereotype over law - justice in domestic violence homicide cases*, Warsaw 2013.
20. Women's Rights Centre, *Themis under the magnifying glass - stereotypes in court in cases involving violence against women*, Warsaw 2016
21. The Act of 29 July 2005 on Counteracting Violence in the Family, Journal of Laws of 2005. No 180, item 1493.
22. *Fourth World Conference on Women, Beijing 1995 Platform for Action. A selection prepared by the Social Committee of NGOs*, https://www.karat.org/pliki/wp-content/uploads/2016/06/Platforma_dzialania.pdf [access: 02.2021].
23. *Declaration on the elimination of violence against women*
<http://libr.sejm.gov.pl/tek01/txt/onz/1993.html>
24. Ordinance of the Council of Ministers of 13 September 2011 on the 'Blue Card' procedure and 'Blue Card' form templates Journal of Laws No. 209 item 1245.
25. Polish Police, *Crime against family and care (206-211)*,
<https://statystyka.policja.pl/st/kodeks-karny/przestepstwa-przeciwno-7/63507,Znecanie-sie-art-207.html> [access: 02.2021].
26. Supreme Audit Office, Assistance to persons affected by domestic violence,
<https://www.nik.gov.pl/kontrola/P/15/046/> [access: 02.2021].
27. Polish Police, *Violence in family* <https://statystyka.policja.pl/st/wybrane-statystyki/przemoc-w-rodzinie/50863,Przemoc-w-rodzinie.html> [access: 02.2021].
28. Government Plenipotentiary for Equal Treatment, Minister of Foreign Affairs, *The 8th Periodic report of the Government of the Republic of Poland on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women covering the period from 1 June 2002 to 31 May 2010*.
http://www.siprp.pl/wp-content/uploads/2012/03/cedaw_do_konsultacji.pdf [access: 02.2021].

29. Guidelines of the Prosecutor General of 18 December 2015 on the rules of procedure in cases of the crime of rape, <https://sip.lex.pl/akty-prawne/akty-korporacyjne/zasady-postepowania-w-sprawach-o-przestepstwo-zgwałcenia-286700540> [access: 02.2021].
30. The Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 11 May 2011. <http://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20150000961/O/D20150961.pdf> [access: 02.2021].
31. Ombudsman, *Statement by the Ombudsman on plans to denounce the Istanbul Convention*, <https://www.rpo.gov.pl/pl/content/oswiadczenie-rpo-ws-planow-wypowiedzenia-konwencji-stambulskiej> [access: 02.2021].
32. Łukaszewski J., *Przyłębska: "The CT has already taken up the anti-violence convention. Despite Bodnar's appeals and Ziobro's fears* wyborcza.pl/7,75398,26326611,tk-juz-zajmuje-sie-konwencja-antyprzemocowa-wbrew-apelom-bodnara.html [access: 02.2021].
33. Ciobanu C., *Law and Justice government assembles coalition in region against Istanbul convention [Balkan Reporters investigation]* <https://oko.press/pis-montuje-w-regionie-koalicje-przeciw-konwencji-stambulskiej/> [access: 02.2021].
34. Sobczak K., *Premier: Let the CT say whether to denounce the Istanbul Convention* <https://www.prawo.pl/prawnicy-sady/wypowiedzenie-konwencji-stambulskiej-premier-kieruje-pytanie-do,502039.html> [access: 02.2021].
35. Rutniewicz P., *'Yes to family, no to gender'. Conservatives' bill submitted to the Parliament* <https://warszawa.wyborcza.pl/warszawa/7,54420,26781989,sejm-zadecyduje-czy-mozna-bic-zony.html> [access: 02.2021].
36. *President of the European Commission Ursula von der Leyen criticises the Polish government for plans to denounce the Istanbul Convention* <https://www.wielkakoalicja.pl/przewodniczaca-ke-krytykuje-polski-rzad/> [access: 02.2021].
37. *Government wants to denounce the anti-violence convention. A protest was held in Warsaw. "This is war".* <https://wiadomosci.gazeta.pl/wiadomosci/7,114884,26157025,rzad-chce-wypowiedziec-konwencje-antyprzemocowa-w-warszawie.html> [access: 02.2021].
38. Mikulski J., *Survey: Only 15% of those surveyed want the Istanbul Convention to be terminated*, <https://www.rp.pl/Polityka/200729715-Sondaz-Wypowiedzenia-konwencji-stambulskiej-chce-tylko-15-proc-ankietowanych.html> [access: 02.2021].