

## Domestic Violence

**Submitted by:** The Advocates for Human Rights and Women's Rights Centre (Centrum Praw Kobiet)

### MECHANISM

Universal Periodic Review (UPR)

### SESSION

Twenty-seventh Session of the Working Group on the UPR

### DATE OF REVIEW

9 May 2017

**Summary:** Violence against women is a serious problem in Poland, annually affecting around 800,000 women. Approximately 400 to 500 women die each year as a result of domestic violence (including femicides and severe violence resulting in the death or suicide of victims of domestic violence). The government does not collect reliable statistics on femicides. Although Poland has made changes to its legal system related to its ratification of the Istanbul Convention, significant substantive and procedural shortcomings limit access to justice for victims of domestic violence.

## The justice system fails to protect victims and punish perpetrators.

- Prosecutors do not conduct timely and effective investigations in domestic violence cases.
- Perpetrators remain unpunished and, as a result, victims are less likely to report violence.
- In criminal cases, only prosecutors and criminal court judges can issue restraining orders or eviction orders. Prosecutors rarely seek these measures, judges rarely impose them, and offenders often breach them without legal consequences.
- System actors lack training and tools to conduct proper risk assessments.
- In civil proceedings for eviction measures, courts do not comply with their obligation to hold hearings within one month. The Polish Ombudsman reports that these proceedings can last up to nine months, in extreme cases.

## Shelter accommodation is insufficient, unsafe, and underfunded.

- The number of specialized shelters is insufficient to ensure safe accommodation and support for all victims of domestic violence. Warsaw has only one shelter, and the 34 State-run domestic violence shelters do not serve exclusively women; some also accommodate men and conduct programs for perpetrators of domestic violence on the shelter's premises.
- Specialized NGOs that provide services for women and children affected by domestic violence are not able to receive certain public funding. In 2016, the Ministry of Justice stated that organizations that provide services only to women and children cannot receive funds from the special Fund for Victims of Crimes. This stance violates Poland's obligation under Article 22 of the Istanbul Convention, which requires provision of specialized support services to all women victims of violence and their children.

## Protections under the Istanbul Convention are under threat.

- Withdrawal from the Istanbul Convention has been discussed at the ministerial level.
- Members of the governing party and religious representatives have openly criticized the Istanbul Convention as undermining traditional family values.

## Police responses are insufficient.

- Women are afraid to report domestic violence to the police, so if they have nowhere else to go and shelter space is not available, they remain with their abusive partners.
- Police officers are not adequately trained to identify different forms of violence against women.
- Police may detain perpetrators for up to 48 hours, but they cannot issue immediate restraining or eviction orders to protect the victim when the perpetrator is released from custody.

## Recommendations

- Authorize police to issue emergency restraining and eviction orders and train police on how to issue them.
- Provide adequate and stable funding to specialized shelters and support services for domestic violence victims, including to shelters and support services that serve only women and children, and adopt legislation to guarantee that funding.
- Provide fair access to public funds for all NGOs to enable them to continue to provide services to victims of domestic violence.
- Fully implement Poland's obligations under the Istanbul Convention, including by fully funding specialist support services to all women victims of violence and their children.
- Direct the Ministry of Interior and Ministry of Justice to collect and publish data on an annual basis concerning the number of reports of domestic violence, the number of arrests, prosecutions, and convictions for domestic violence, and the number of femicides.
- Create specialized units within police and prosecutor offices to address all forms of violence against women and provide these specialists with ongoing training in best practices for responses to violence against women.
- Require regular trainings for police, prosecutors, judges, and social workers on all forms of violence against women and ensure that the trainings are adequately funded and conducted in collaboration with NGOs that work with victims of gender-based violence.
- Develop a comprehensive risk assessment tool for domestic violence cases, and train police, prosecutors, judges, and social workers on its effective use.