*With reference to the Letter from the Special Rapporteur on violence against women, its causes and consequences, of the 15th of March 2021, the Republic of Poland hereby provides information on the questions contained therein.*

**As to the question no. 1: on information on the existence, or progress in the creation, of a national femicide watch and/or femicide observatory and/or observatory on violence against women with a femicide watch role; observatories at Ombudspersons' office or Equality Bodies; academic institutions and/or NGOs, or any plans to create one:**

*Polish authorities (The Ministry of the Interior and Administration – MSWiA; in cooperation with the National Police Headquarters) conduct monitoring of i.a. prejudice motivated crimes (a new form of a monitoring system introduced in 2015). The scope of this monitoring includes information on preparatory proceedings for hate crimes cases throughout the country (data provided by the Police). The data is supplemented by the appropriate department within the Ministry of Interior and Administration, namely the Analyses and Migration Policy Department (DAiPM MSWiA) with the information on judgments passed in individual proceedings. This system, used in its current form since January 2015, enables carrying our thorough and differentiated  analyses of collected information in order to assess the phenomenon of hate crimes in Poland, among others in terms of the types of motivation underlying these acts, types of acts (for example, threats of violence, insults), place of occurrence, suspects. In 2020 there were no hate crimes motivated by sex registered in the database.*

*The Human Rights Commissioner (the Ombsudperson) as well as academic institutions in Poland are independent from the government in their activities, including creation of additional / support mechanisms devoted to a particular topic or field of interest falling within their competences.*

**With regard to the questions no. 2 and no. 3: on other measures including research and studies undertaken to analyse femicide or gender related killings of women and girls, or homicides of women by intimate partners or family members and other femicides, and on the results of analysis of femicide cases, including the review of previous court cases and recommendations and actions undertaken in this respect:**

*Acting on the basis of a general principle of equality, which is guaranteed by the Constitution of the Republic of Poland, the measures taken by law enforcement to combat the domestic violence issues are the same regardless of the victim’s gender, age, nationality, religion, political beliefs, work or social affiliation.*

**Regarding the question no. 4: on concrete measures taken to improve support to victims of violence and to prevent femicide, (risk assessment, efficiency of protection orders), in connection with the information gathered via femicide watches or observatories:**

*One of the procedures being used is the "Blue Card" instrument, which was implemented nationwide in 1998. The “Blue Card” defines a set of concrete measures to deal with domestic violence, including responses and cooperation with and among different non-police entities. The first measure is special form, filled in by a police officer at the scene, during a domestic violence intervention, in the presence of the offender. The police officer documents the whole situation at the scene of incident and describes all  undertaken activities during the response. It is worth adding, that such  “Blue Card” form could be used as an legal evidence during a trial. When the police intervention during domestic violence is concluded, the “Blue Card” is delivered to Duty Officer from local police unit. Community police officer visits then the family during first 7 days after intervention in order to prepare a background survey (environmental / social inquiry), and to monitor the situation. After such initial visit, responsible police officer is due to follow-up with recurring control visits at a given address at least once a month.*

*In order to facilitate an effective and comprehensive support for victims of domestic violence, the following organizations and public institutions (besides the police) are obligatorily involved in “Blue Card” procedure: the social services, medical services/health protection services, educational organizations (school authorities) and the community commission dealing with alcoholic problems. Such interdisciplinary team will assess the situation, and act properly. Moreover, its needs to be underlined that not only the police is eligible to launch the “Blue Card” but also institutions mentioned above. It is also possible for the victim of domestic violence to ask for such card to be introduced with regard to one’s household.*

*Moreover, an Act of 28 November 2014 on protection and assistance to the victim and witness (Journal of Laws of 2015, item 21) introduced measures which are important with regard to providing adequate support and protection to victims who decide to press formal complaint against the alleged perpetrator. They include: (1) protection for the duration of the procedural activity; (2) personal protection; (3)  assistance in relocation and related financial assistance for basic living needs, housing needs or for obtaining health care services.*

*In addition, the Code of Criminal Procedure (Journal of Laws of 2021, item 534) offers protection for the duration of the criminal proceedings, which can be granted by a prosecutor or a court, namely (1) police supervision, during which the person supervised should comply with the obligations imposed on him/her, which can include: prohibition to leave a specified place of residence, reporting to the supervising authority at specified intervals, notifying it of the intended departure and the time of return, prohibition to contact the victim or other persons, prohibition to approach specified persons within a specified distance, prohibition to stay in specified places, (2) a defendant charged with a violent crime committed against a cohabiting person may be ordered to temporarily vacate the premises occupied jointly with the victim if there is a reasonable fear that the defendant will again commit a violent crime against that person, especially if he/she has threatened to commit such a crime. This measure can be applied for up to three months by a prosecutor or a court. Further prolongations (for up to 3 months each) can be ordered only by a court.  If the suspect / accused person violates the conditions of the above-mentioned measures, a more severe measure (detention on remand) can be applied by the court.*

*Polish Criminal Code (Journal of Laws of 2020, item 1444) contains penal measures aimed at protection of the victims. Therefore in the judgment the court can: (1)  prohibit the sentenced person to stay in specified environments or places, to prohibit approaching specified persons or to prohibit leaving from a specified place of residence without the court's consent, (2) order the sentenced person to temporarily vacate the premises occupied jointly with the victim.*

*Analogically, if the imprisonment sentence is to be conditionally suspended, the court can oblige the sentenced person to (1)  refrain from staying in certain environments or places, (2) refrain from contacting the victim or other persons in a specified manner or approaching the victim or other persons, (3) vacate the premises occupied jointly with the victim.*

*The Code of Execution of Criminal Sentences (Journal of Laws of 2021, item 53) provides measures in case of a conditional release of the sentenced person, including ones perpetrators of domestic violence: (1) police supervision, which can include identical measures as mentioned above with regard to police supervision during the criminal proceedings, (2) obligatory revocation of the conditional suspension, if the sentenced person, who was convicted of a crime committed with the use of violence or unlawful threats against a person closest to him or her or another minor residing together with the perpetrator, during the trial period grossly violates the legal order by again using violence or unlawful threats against a person closest to him or her or another minor residing together with the perpetrator.*

*Moreover, it needs to be underlined that the court may revoke the conditional release if the released person, during the probationary period, grossly violates the legal order in other way or if he/she evades supervision, execution of obligations imposed or penal measures ordered.*

*From the 30th of November 2020, due to the significant changes in legislation, Police has been given an competence to order to the offender immediate leaving the shared place of residence (flat, house). Such order remains in force for 14 days with an opportunity to be extended by the Court of Law. During these 14 days, the victim has a time to make a decision and choose a course of further action, e. g. request for the restraining order.*

*In accordance with existing provisions, the police officer has the power to give such order either immediately during the intervention taking place at given address or in close neighborhood to the place where domestic violence has been observed or once acquiring information about an ongoing domestic violence at given household.*

**On the question no. 5: on good practices and challenges in implementing an evidence-based response to the prevention of femicide:**

*One on Police statutory duties is prevention of increase of social risks, especially those related to person’s residence. In that regard, Police initiate and organize activities aimed at preventing crimes and offences and crime-related events in cooperation with other state authorities and with local governments and social organizations. In order to prevent domestic violence and increase the potential victims’ awareness in that matter, the Police in Poland carries out several prophylactic measures and educational activities. The total number of such preventive activities carried out in 2020 is 226. Some of the programs were especially targeted for the women and children, which are the victims of domestic violence in the most common of cases:*

*1.       The Informational and educational programme “Stop the domestic violence” was carried out from October 2017 to December 2020 in cooperation with local authorities. The programme objectives were to reduce the number of cases of domestic violence, provide help to the victims and act effectively against perpetrators;*

*2.       “Be safe” seminars dedicated to the women above 15 years of age, carried out by the Police in cooperation with local authorities. The seminars indicated that passivity against domestic violence is improper acting and the help of public authorities should be used.*

*According to Act of the 13th of June 2003 on granting protection to foreigners within the territory of the Republic of Poland, the Head of the Office for Foreigners is i.a. obliged to ensure medical care, social assistance and safety for foreigners seeking for international protection. The strategy adopted by the Office for Foreigners (OFF) in the field of counteracting violence in centers for foreigners is based on prevention, education, disseminating knowledge and undertaking action to minimize the risk of violence. As a result of preventive measures, there have never been any cases of homicide or gender homicides in the OFF centers. The Office for Foreigners reacts and counteracts violence on the basis of existing procedures. These procedures are focused on following elements: (1) dealing with security threats, (2) dealing with foreigners who require special treatment in terms of social assistance; (3) ensuring effective proceedings when obtaining information on possibility of a forced or child  marriage; (4) introducing the policy for protection of children against abuse in centers for foreigners and (5) placing foreigners under an alert.*

*With regard to procedure on dealing with foreigners requiring special treatment, during the medical examinations carried out within the framework of "epidemiological filter" and in the scope of providing social assistance and proper medical care, each foreigner who reported to an OFF reception center is identified as to whether he/she requires special treatment. Such special treatment is provided by default to minors, pregnant women and single parents. The necessary measures are then taken to provide them with appropriate assistance and care. Within their stay in the reception centers, foreigners take the orientation courses, during which they are informed about the provisions of law and social norms in force on the territory of the Republic of Poland. They also receive information materials in languages they understand, concerning among others the prevention of violence and marriages to minors.*

*On the 25th of March 2008 an inter-institutional agreement on establishing standard operating procedures for identifying, preventing and responding to cases of sexual or gender-based violence  against foreigners residing in centres for persons seeking an asylum status has been adopted.  On the basis of this document, Local Cooperation Teams consisting of officials and experts of various affiliations and fields operate at centers for foreigners seeking international protection. Apart from the OFF the parties to this agreement are the Commander-in-Chief of the Police, the Office of the United Nations High Commissioner for Refugees, non-governmental Foundation "La Strada"  and the Halina Nieć Centre for Legal Aid.*

*The basic form of cooperation between the Local Cooperation Teams are meetings organized at least every quarter, which include experts of the Office for Foreigners performing their duties in the center for foreigners, territorially competent representatives of the Police and Border Guard, representatives of non-governmental organizations and other institutions and organizations invited to cooperate. For example, within the framework of the Local Cooperation Teams, police officers organize meetings and discussions with residents of the centers about safety and existing laws in Poland, and representatives of NGOs (such as the Polish Migration Forum) organize meetings about protection from violence. The Local Cooperation Teams analyze, monitor and counteract all cases of violence which occur at the centers, with particular emphasis on violence against women and violence against children.*

*At the meetings with women residing in the centers, they are provided with information and presentations which aims at familiarizing them with women's rights, making them aware of the notion of physical and psychological violence and where and how to seek assistance shall such act occur.*

*A key element of the activities of social assistance provided by OFF is also cooperation with key partners (Police, Border Guards, social assistance and other). For example, OFF cooperates with the police in the procedure of issuing the "Blue Card" instrument  - which is to  ensure safety of a person subjected to domestic violence, isolate the offender from the victim and ensure comprehensive approach of authorities towards family affected by violence.*

*Collaboration with the Warsaw Centre for Women and Single Mothers is very important for preventive activities undertaken by the Office for Foreigners. This facility is also dedicated for victims of domestic violence, who with thanks to such Centre can be safely separated from the aggressor.*

*Action is also taken to meet the medical, psychological and social needs of the victims of violence and of their relatives, mostly by providing medical assistance and access to psychological consultations. If necessary, also legal assistance is being provided in order to initiate criminal proceedings against the aggressor.*

**About your question no. 6: on data, if available, on femicides or intimate-partner and family-related homicides of women and men in the past 3 years, including during the Covid-19 pandemic (indicating the time period e.g. since March 2020 to the end of December 2020) and its comparison with such data before the COVID-19 pandemic:**

*Police in Poland does not conduct specific statistics concerning the gender-related killings of women. At the same time, the statistical data covering the period from 2018 to 2020 indicate that in 2018, there were 536 homicides in Poland. In 182 cases, the victim was woman and 3 of them were committed with sexual motivation. In 2019, there were 531 homicides in Poland. In 163 cases, the victim was woman and 4 of them were committed with sexual motivation.  In 2020 the number of crimes increased and there were 645 homicides committed in Poland. In 212 of them, the victim was woman and 10 were committed with sexual  motivation.*