



Submission to the Special Rapporteur on Femicide Watch initiative

1. On additional steps taken to create 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, as applicable.

At the Women's Rights Center as a leading women's rights NGO we have been working on preventing and combatting gender based violence and discrimination since our inception in 1994. The scope of our activities includes: provision of comprehensive services to women whose rights were abused, advocacy for legal and institutional changes, education of women, decision makers and the society at large about gender based violence and discrimination its causes and consequences. Femicide has become important and integral part of our work over 20 years ago.

This year (2021) thanks to the Norway Grant, WRC launched its new project called "Femicide Observatory" which will certainly play an important role in raising social awareness about femicide and its prevention. It will also contribute towards counting women who lose their lives and prevent femicide through developing recommendations and concrete proposals for legal and institutional changes. Our main goal is to diagnose the scale of the phenomenon in Poland, provide support to the families of murdered women in seeking justice and recovering after the trauma they have experienced. We plan also to develop recommendations and concrete proposals for comprehensive and gender sensitive system of collections statistics as well as implementation of the legal and institutional changes at the regional and national aimed at preventing femicide.

It is important to stress that we're starting our project in a really difficult time in Poland - country is facing a serious human rights crisis both with regards to the situation on the EU and Polish-Belarusian border (migrants deaths) as well as related to attacks on women's reproductive rights (practical abortion ban and deaths of women who were refused abortion). Notwithstanding the above mentioned, in the time of COVID pandemic we observe increase of women seeking help and we assume that the rate of femicide may increase in Poland and need to be urgently and adequately addressed as mentioned in the appeal of the UN Special Rapporteur on violence against women (VAW), Ms Dubravka Simonovic in 2015.



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2. On new measures taken 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. If available, please share a copy of such studies.

In Poland there are hardly any new measures including research and studies analyzing femicide or gender related killings of women and girls, or homicides of women by intimate partners or family members as well as on other femicides.

It will not be an exaggeration to say that Women's Rights Center play a leading role in raising the issue of femicide in Poland by organizing since 1995 Tribunals on Violence against Women devoted to this issue. Tribunals on Violence against Women were based on similar international initiatives organized among others during UN conference on Human Rights in Vienna in 1992 and UN Conference on Women in Beijing in 1995. The purpose of those events was to give the voice to women victims of violence and to family members and friends of women who were killed by their violent partners. Representatives of law and policy makers as well as those who apply the law were invited to listen tragic stories of women victims of violence and those who lost their life because state did not succeeded to secure their basic human rights. Another WRC initiative was to organize occasionally silent witness exhibitions (figures dedicated to dead women with information how they died) in various public spaces including court, governmental buildings and street in front of Polish Parliament etc. Another public event organized by WRC which played important role in raising public awareness about femicide was Roll Call Ceremony of Remembrance (based on military ceremony devoted to those who lost their lives during wars) during which we call names of women who were killed by men, mainly their partner to remember and pay homage to them as a victims of ineffective system of preventing and combating gender based violence.

In 2012 – 2013 WRC carried its first research on homicide related to domestic violence. It was based on interviews of men imprisoned for femicides and of women who killed their violent partners as well as on examining court records and judgments. The results of the research were published in the report “ Stereotypes over the law in homicide cases”¹ One chapter of the report was dedicated to the issue of femicide, one on women who killed their perpetrators another one was examining. We estimated that in Poland each year approximately between 400 and 500 women may lose their lives due to previous history of domestic violence. We took into consideration cases of women

¹ https://cpk.org.pl/wp-content/uploads/2020/05/STEREOTYP_raport.pdf



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murdered by their partners classified as homicides, as well as those of beatings with a fatal result and suicides committed by women as a reaction to the experience of domestic violence. In our calculation we did not take into account cases of women who were listed in police statistics as missing. It is unquestionable that among the "missing" there are in fact numerous victims of femicide- of women whose bodies have not been found yet. We underline the role of gender stereotypes and their impact on approach to homicide cases and judgments of women and men who committed this crime. It is worth mentioning that women get very high sentences and men relatively law taking into consideration gravity of the crime and previous history of domestic violence. Final part of the report contained recommendation for legal and institutional changes aimed at protecting women victims of domestic violence from femicide.

Last year (2020) we organized a nationwide campaign dedicated to the issue called #StopFemicide which main goal was to raise awareness about this specific and the most extreme form of gender-based violence². Integral part of the campaign was collection of signatures under the petition stop femicide calling decision makers to introduce legal and institutional measures which will better protect women's life's.

Moreover, we're now closing the special winter issue of our Law & Gender Journal that will be dedicated to the issue of femicide and existing femicide ; observatories/ watches around the world. The issue will be published on the 10 of December – the day ending 16 days campaign against gender-based violence. The main slogan for our 2021 campaign is "Violence is not a tradition" built around the art. 12 of the Istanbul Convention. By this campaign we would like to challenge arguments of those who are for Poland's withdrawal from the Convention arguing that it is against our tradition and traditionally accepted social roles of women and men. Important message of our campaign directed to decision makers and the society at large is that without eradicating prejudices, customs, traditions and all other practices based on the idea of the inferiority of women or on stereotyped gender roles we cannot effectively prevent and combat gender based violence and femicide

3. On recent developments related to good practices and challenges in implementing an evidence-based response to the prevention of femicide.

In Poland we hardly can refer to any good practices as they do not exist. In our opinion we cannot recognize as a good practice even the implementation by the National

² <https://cpk.org.pl/stopkobietobojstwu/>



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Police Headquarter in 2014 of Risk Assessment forms to be used during intervention in domestic violence cases as they were not followed by any further specific procedure how to work with high risk victims. This form is not even recommended to be used by policemen in charge of investigations in domestic violence cases.

As concern data on homicides that is published by national institutions, such as the National Police Headquarters or the General Statistical Office, concerns homicides without the gender-based distinction of both the perpetrator and the victim and for example possible connections to domestic violence. At the same time, statistics on domestic violence are compiled in a completely separate way, assuming the number of so called open Blue Card³ procedures as a criteria or are connected with specific art. of criminal code. As none of the article referee only to domestic violence cases it is impossible to have access to reliable statistics. This dissonance and the lack of a holistic approach to the problem of violence against women and femicide results in difficulty to asses real scale of the phenomenon and examine jurisprudence in cases of femicide.

In Poland there is no legal definition of femicide. However, this type of cases may fall under the following provisions of the Polish criminal code: articles 148 (homicide), 155 (manslaughter) and 156 § 3 (Grievous bodily harm resulting in death), art. 207 § 3 (attempt to commit suicide as a result of domestic violence)⁴.

The fact that we do not have statistics and femicide identification system in Poland and cases of femicide are classified as different crimes make it even more difficult to monitor and count those kind of cases. Our experience from monitoring femicide and homicide cases and funding's included in the report⁵ show that stereotypes on gender based roles and prejudices harmful to women have a strong impact on proceeding with that kind of cases and final judgments and punishment. Our observation from the above mentioned project indicated that judges very often change the legal qualification of the act and adapt more lenient approach to the perpetrator completely ignoring the

³ Blue Card Procedure based on the Act of 29 July 2005 on prevention of violence within the family constitutes a significant element of the domestic violence prevention system in Poland. It was introduced into Polish law because the existing protection under the criminal law was believed to be insufficient in situations where violence was used by an immediate family member, often living with the victim. According to the police records in 2020, 72 601 Blue Card forms were completed. <https://statystyka.policja.pl/st/wybrane-statystyki/przemoc-w-rodzinie/201373,Przemoc-w-rodzinie-dane-od-2012-roku.html>

⁴ EIGE Measuring femicide in Poland, 2021

⁵ https://cpk.org.pl/wp-content/uploads/2020/05/STEREOTYP_raport.pdf



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fact of the existing history of violence in the relationship. Similarly, in many cases Polish courts are being guided, thus indirectly contribute to secondary victimization. In this way they unconsciously become perpetrators of institutional violence.

As part of the #StopFemicide campaign, in addition to our spot⁶ the Women's Rights Center make an attempt to popularize risk assessment measures by publishing online Risk Assessment form for Women. Until now, we have received over 50 reports of Polish women who experienced various forms of violence. In the light of the above, and in view of the pandemic conditions that increase the risk of intimate-partner violence and femicide, the Women's Rights Center decided to strengthen its efforts to collect and document of fatal violence against women cases by creating a national observatory - Femicide Observatory which will hopefully be important step forward in creating effective prevention of femicide system in Poland in the longterm.

⁶ <https://www.youtube.com/watch?v=ZhBaskpnNTw> &t=93s