

SUMMARY

The aim of the thesis is an attempt to assess whether the legal remedies functioning in the Polish law with regard to domestic violence victims constitute coherent and sufficient response instruments in the domestic violence prevention system. The key aspect of the analysis I have undertaken on the issue of domestic violence prevention shall be the response of state authorities to the domestic violence phenomenon, with particular reference to the penal legislation. Domestic violence in its broadest sense shall also be addressed through the prism of its causes and the psychological and victimological consequences thereof, taking into consideration the individual needs of victims. It is important to remember that the system of domestic violence prevention is based on national and international solutions. The following issues brought to the forefront of the analysis conducted include:

- The system of punitive instruments provided for in the Penal Code and the Code of Penal Procedure in the form of preventive measures, penal measures and probationary measures used to ensure the protection and safety of domestic violence victims,
- The forms of measures by state authorities provided for in the Act of 29 July 2005 on Domestic Violence Prevention as regards intervention in the environment of a family affected by violence under the "Blue Card" police procedure (Domestic Violence Police Intervention Protocol), and
- The use of statutory instruments to protect victims of domestic violence pursuant to the crime of abuse under Article 207 § 1 of the Penal Code.

The introduction to the analysis of legal solutions functioning in selected countries is the issue of state obligations in relation to domestic violence prevention in the light of international standards and protection of the rights of a domestic violence victim in the ECHR judicial practice. The compilation of the legal systems of the countries selected for analysis, primarily in terms of criminal liability for the crime of domestic violence, was intended to determine whether the models were characterised by the consistency of the measures applied. I focused on an attempt to assign foreign solutions in the Polish strategies for dealing with perpetrators of violence as well as on

the search for model solutions that could help create a coherent system of domestic violence prevention in Poland.

The following analysis of the penal legislation in force in Poland with regard to combating domestic violence has been conducted with reference to the crime of abuse under Article 207 § 1, 1a, 2 and 3 of the Penal Code. As part of the discussion on statutory criteria of typified crime stipulated in Article 207 of the Penal Code, I indicated a number of discrepancies in the interpretation of the formulations contained therein, such as the concept of abuse, a state of dependence, a physically or mentally challenged person and extreme cruelty. I have also supplemented the analysis of the penal measures with procedural analyses in the context of their impact on the course of pre-trial proceedings, including the interpretation made by the Supreme Court in the case of the crime of abuse with regard to the causative act and the issue of mutual abuse. Furthermore, the relevant issue is the appropriate determination of the number of acts attributed to the perpetrator when more than one person is abused at the same time.

Based mainly on the analysis of the currently existing penal legislation on the prevention of domestic violence and the use of legal instruments for the protection of domestic violence victims, it became possible to positively verify the adopted hypotheses and to formulate *de lege ferenda* postulates. Finally, it allowed the identification of possible course of work and revisions in penal legislation and non-Code regulations in the domestic violence prevention system. Furthermore, it provided a basis for indicating the justification for the intensification of the use of available measures against perpetrators of domestic violence and for the development of an optimal model for intervention.

KEY WORDS

domestic violence, occupation order, isolation, victim, perpetrator of violence, Blue Card police procedure