BLUE CARD - B

INSTRUCTION FOR PEOPLE WHO ARE VICTIMS OF DOMESTIC VIOLENCE

What is domestic violence?

Domestic violence is either a one-off or repeated intentional action or omission that violated the rights or personal interests of family members or other persons who share the same household, in particular by exposing those persons to the risk of losing their life or health, insulting their dignity, harming their physical integrity, breaching their freedom, including sexual freedom, causing physical or mental damage, and causing moral suffering and harm to the victims.

Who can fall victim to domestic violence?

* spouses
* partners in informal relationships
* children
* elderly people
* persons with disabilities

The most frequent forms of domestic violence are:

Physical violence:

* beating, shoving, kicking, strangling, hitting with objects, scalding, slapping...

Mental violence:

* ridiculing, deriding, insulting, showing disrespect, criticising all the time, controlling and restricting contacts with loved ones...

Sexual violence:

* forcing a sexual intercourse, forcing unaccepted sexual acts, forcing sex with third parties...

Other types of behaviour:

* forcing a person to part with his/her earnings, preventing someone from taking up employment, refusing to satisfy someone's material needs...
* destroying someone's personal belongings
* smashing one's flat
* taking away and selling household appliances
* leaving unattended a person who due to his/her illness, disability or age cannot satisfy his/her needs by himself/herself
* forcing to consume alcohol
* forcing to take intoxicants, psychotropic substances or medications

REMEMBER!!!

**The law forbids harming or using violence towards one's close relations. If you or any of your loved ones are victim of violence from your close relation, do not be ashamed to ask for help. The law is on your side!**

If you are subject to such behaviours, notify:

* the Police by calling 997 or 112,
* the prosecutor's office.

A Police officer has a duty to:

* **ensure safety** (Article 15a of the Act of 6 April 1990 on the Police — when performing their official activities, Police officers have the right to detain perpetrators of domestic violence who pose direct threat to human life or health);
* **provide information about the intervening police officers** (the name, rank and ID number, as well as the name and headquarters of the unit in which they serve);
* **when ordered by the court or prosecutor's office, provide the Police documentation** as evidence in the proceedings;
* **when ordered by the court, participate in the criminal proceedings as witnesses**.

In the course of investigation, the prosecutor has the right to:

* submit the suspect to Police supervision with a prohibition to contact the victim;
* submit the suspect to Police supervision instead of provisional detention, provided that the accused timely leaves the premises shared with the victim and specifies his/her place of stay;
* order the suspect to leave the dwelling shared with the victim — if there are reasonable grounds to believe that the accused will commit another offence with the use of violence towards the latter, particularly where the former threatened to do so.

**Under Polish law, perpetrators of offences against close relations are prosecuted for:**

* physical or mental abuse of a close relation or another person remaining in a permanent or temporary relationship of dependency with the perpetrator, or of a minor or a person who is incapable due to his/her mental or physical condition — Article 207 of the Criminal Code;
* hitting a person or otherwise violating his/her physical integrity — Article 217 of the Criminal Code (the offence is prosecuted by private prosecution);
* depriving a person of liberty — Article 189 of the Criminal Code;
* threatening to commit an offence against another person or a close relation it the threat gives the threatened person reasonable grounds to believe that it will be carried out — Article 190 of the Criminal Code (prosecuted at the request of the victim);
* causing another person to feel insecure in the prevailing circumstances or violating his/her privacy by persistent harassment — Article 190a § 1 of the Criminal Code (prosecuted at the request of the victim);
* using violence or unlawful threats to force a person to a specific action, omission or to accept a specific condition — Article 191 of the Criminal Code;
* recording an image of a naked person or a person during a sexual activity through the use of force, unlawful treat or deceit, or disseminating an image of a naked person or a person during a sexual activity without his/her consent — Article 191a of the Criminal Code (prosecuted at the request of the victim);
* leading another person to a sexual intercourse through the use of violence, unlawful threat or deceit (rape), and using the same to lead another person to submit to other sexual activity or perform such an activity — Article 197 of the Criminal Code (prosecuted at the request of the victim); /NOTE! The offence is committed also by a spouse who rapes his/her spouse!/;
* causing serious injury in the form of making a person unable to see, hear, speak or procreate, or causing severe disability, a serious incurable or long-lasting illness, a life-threatening illness, permanent mental illness, complete or significant incapacity to work professionally or a permanent and significant disfigurement or deformation of one's body — Article 156 of the Criminal Code;
* disrupting the activity of a bodily organ or causing a health disorder to a close relation — Article 157 § 1 and 2 of the Criminal Code (prosecuted at the request of the victim);
* persistent evasion of meeting a statutory or court-imposed duty of care by not providing means for maintenance of a close relation or another person, thus making him/her potentially unable to satisfy his/her life needs (evasion of the maintenance obligation) — Article 209 of the Criminal Code (prosecuted at the request of the victim, a social care institution or another competent authority);
* a theft or burglary against a close relation — Articles 278 and 279 of the Criminal Code (prosecuted at the request of the victim);
* destroying or damaging someone else's property, or making that property unfit for use — Article 288 of the Criminal Code (prosecuted at the request of the victim);
* abandoning, despite a duty of care, a minor below the age of 15 years or a person who is incapable due to his/her mental or physical condition — Article 210 of the Criminal Code;
* kidnapping or retaining a minor below the age of 15 years or a person who is incapable due to his/her mental or physical condition against the will of a person authorised to exercise care or supervision — Article 211 of the Criminal Code;
* sexual intercourse with a minor below the age of 15 years or performing another sexual activity with respect to such a person, or leading that person to subject or perform such activities — Article 200 of the Criminal Code;
* inducing a minor to drink alcohol by providing him/her with alcoholic beverages, facilitating consumption thereof, or encouraging him/her to drink such beverages — Article 208 of the Criminal Code.

**You also have the right to submit a report to the Police or prosecutor's office regarding an offence committed by the person who is hurting you or your family.**

REMEMBER!!!

**When feeling the sense of impunity, the perpetrator of violence towards his/her close relations is unlikely to change his/her behaviour and will continue to use violence regardless of promises made. Next time, it can get much worse.**

However, should you trust his/her declarations about changing his/her behaviour towards you/your family and want to back out, you need to remember that the statements you have made so far can no longer be used by legal institutions that are there to help you. Therefore, before you make that decision, think and consult a psychologist, therapist or any other person who assists victims of domestic violence, e.g. at a specialised support centre for victims of domestic violence or a crisis intervention centre.

REMEMBER!!!

Stopping domestic violence is possible — you can fight it and get help for yourself and your loved ones.

How is it possible?

**Take two steps:**

1. Step One — note down the course of the incident (your memory can fail you):

Who hurt you? (forename and surname)

What is the relation between you and the perpetrator of domestic violence? (Specify — husband, wife, partner, father, mother, brother, sister, son, daughter, someone else)

When did it happen? date time location

What did the violent behaviour involve? (a row, shouting, insulting, beating, kicking, throwing objects, destroying objects, beating children, threatening to beat someone up, threatening to kill someone, throwing out of home, other behaviours — please specify)

Who saw or heard the incident?

Who intervened? (the Police officer's forename and surname, his/her service number, unit)

Was it the first Police intervention at your home in an incident like that?

YES □ NO □

How often does violence happen at your home? (monthly, weekly, more often)

When did it happen last time?

Is domestic violence accompanied by drinking alcohol?

YES □ NO □

Are always hurt by the same perpetrator?

YES □ NO □

Has the perpetrator been sentenced for a similar act?

YES □ NO □

Has the perpetrator been put under supervision of a court-appointed probation officer?

YES □ NO □

1. Step Two — who can you approach for help?

Have you ever used assistance from an institution or organisation obliged to provide assistance?

YES □ NO □

If "YES", what institutions or organisations were they?

If "NO", below you can find the names of institutions and organisations you can approach for help:

* **Social assistance centres** — they will assist you in social, living and legal matters.
* **County family assistance centres** — they will assist you in legal, social and therapeutic matters or provide information about local institutions providing such services in your neighbourhood.
* **Crisis intervention centres** — they will provide you and your family with shelter when you are a victim of domestic violence, assist and support you in overcoming the crisis situation, and prepare a help plan.
* **Support centres** — they will provide you and your family with shelter when you are a victim of domestic violence, and assist and support you in overcoming the crisis situation.
* **Specialised support centres for victims of domestic violence** — they will provide free-of-charge shelter to you and your family when you are a victim of domestic violence, and give you specialist assistance, including psychological, legal, social, therapeutic and medical assistance, as well as support in overcoming the crisis situation, and prepare a help plan.
* **The prosecutor's office, the Police** — you can report to them about an offence involving abuse to you or your loved ones' detriment, and request basic legal information.
* **Family and guardianship court** — you can file a lawsuit regarding family matters there or an application on guardianship matters regarding your children.
* **Health care** — you can obtain a medical certificate there regarding your injuries, request medical aid, and ask about addresses of specialist medical clinics.
* **Commissions for solving alcohol-related problems** — if domestic violence at your home is accompanied by alcohol consumption, you can apply to them for sending the perpetrator of violence to alcohol rehabilitation treatment or obtain any other assistance regarding alcohol abuse.

In your neighbourhood, there are the following entities that provide assistance to victims of domestic violence:

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| **#** | **Name of institution/organisation** | **Address of institution/organisation** | **Telephone number** | **E-mail address** |
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You can also call the following hotlines:

* **Nationwide Emergency Service for Victims of Domestic Violence "Blue Line" (*Ogólnopolskie Pogotowie dla Ofiar Przemocy w Rodzinie "Niebieska Linia"*) Tel. 801 12 00 02** (the first impulse is charged, the line is open from Monday to Saturday between 8.00 am and 10 pm, and on Sundays and holidays between 8.00 am and 4 pm), **Tel. (22) 666 28 50 — legal watch** (a toll line open on Mondays and Tuesdays between 5 pm and 9 pm), **E-mail counselling service:** niebieskalinia@niebieskalinia.info.
* **Police Helpline, Tel. 800 120 226** (a toll-free line for calls from landlines, open daily between 9.30 am and 3.30 pm; pre-recorded voice information is on between 3.30 pm and 9.30 am).

NOTE

With the "Blue Card" procedure initiated, information about your family situation will be transferred to the head of the interdisciplinary, who will take further actions.

You can always request Police intervention, notify the prosecutor's office and request assistance from an entity/organisation that acts for countering domestic violence.

You can also ask your district constable to visit your home and provide adequate assistance and necessary information.