



European network of legal experts in gender equality and non-discrimination

FLASH REPORT

Country:	Poland
Title:	Governmental draft amendments to the law of 2005 on family violence are not in compliance with the Istanbul Convention
Date:	29 January 2019
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<u>Context</u>	
Issue at stake:	Draft amendments to the law on family violence of 2005, do not comply to the Istanbul Convention
Ground of discrimination:	Sex
Source:	Legislation
Field of application:	Other
Applicable law:	Law of 29 July 2005 on the counteracting of family violence with further changes (unified text JoL of 2015 Item 1390).

Content

Law development: On the 31 of December 2018, the governmental draft law amending the law of 2005 on counteracting family violence was published on the website of the Ministry for Family, Employment and Social Policy. The proposed amendments may be considered as a step backwards in the protection of victims of gender based violence.

Key points of analysis: The controversial amendments included; a change of the name of the Act, by replacing the term "violence in the family" (the family which is regarded as an institution that should always be protected) with term "domestic violence"; significant alterations of the definition of family (domestic) violence; and a change of the procedure for issuing the so called "Blue Card" - which could be initiated mainly by the police in the event of discovering cases of domestic violence in order to document the history of its interventions. In response to heavy criticism from experts, the Prime Minister withdrew this proposal on 3 January 2019, ensuring the public that all "dubious changes" proposed will be removed. The resignation of the deputy Minister of Family, Labour and Social Policy who was responsible for the preparation of the draft amendment, was also announced on that day.

Internet link source:

<http://wyborcza.pl/7,75398,24327192,ministerstwo-rodziny-projekt-ustawy-o-przemocy-w-rodzinie-zostal.html>;
<https://www.tvn24.pl/wiadomosci-z-kraju,3/jednorazowa-przemoc-nie-bylaby-przemoca-projekt-nowelizacji-ustawy-o-przemocy-w-rodzinie,896663.html>;
<http://wyborcza.pl/7,75398,24344225,morawiecki-zdymisjonowal-wiceminister-odpowiedzialna-za-projekt.html>; all accessed 4 January 2019.