



The issue of domestic violence towards women in Poland and Europe

Problematyka przemocy domowej wobec kobiet w Polsce i Europie

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Abstract

Introduction and objective. Domestic violence is an issue constantly present in Europe, including Poland, despite it being condemned in our societies and creating special legal regulations. The violence may take the form of multiple different behaviours, from physical violence to the less obvious, such as sexual or economic, hence the need for it to be carefully monitored and awareness of society improved. The aim of the study was to examine the scale of this problem in Poland and Europe by analysing available data.

Materials and method. The study was prepared based on available literature on domestic violence, police registries and official statistics from the European Union.

Results. Creating statistics on the percentage of incidences of domestic violence towards women is complicated by legal and social differences in Europe. Currently, data on cases of domestic violence towards women in Poland is collected based on the number of the initiations of the 'Blue Card' procedures, and in the last 10 years it has not dropped appreciably. The most recent study reporting the scale of this issue in Europe was conducted in 2014 and explicitly shows that domestic violence is a problem affecting all European countries.

Conclusion. Domestic violence towards women is an issue deeply connected to the patriarchal standards of society and results from gender-based discrimination. This problem seems to be ignored considering the lack of changes in its scale and the deficiency of data representing the actual state is just making it worse. All European countries should make effort so ways of combating this issue could realistically help its victims.

Key words

domestic violence, violence towards women, intimate partner violence, patriarchy, counteracting violence

Streszczenie

Wprowadzenie i cel pracy. Przemoc domowa wobec kobiet to zjawisko wciąż powszechnie występujące w Europie, w tym w Polsce, mimo potępienia takich zachowań przez społeczeństwo i tworzenia odpowiednich regulacji prawnych. Celem pracy było zbadanie skali występowania tego problemu w Polsce i Europie poprzez porównanie dostępnych statystyk. **Metody przeglądu.** Publikacja została przygotowana na podstawie dostępnej literatury dotyczącej zjawiska przemocy domowej oraz danych statystycznych z oficjalnych rejestrów policyjnych oraz Unii Europejskiej.

Opis stanu wiedzy. Tworzenie statystyk obrazujących odsetek występowania przemocy domowej wobec kobiet jest utrudnione ze względu na różnice w prawie oraz świadomości społecznej na tle Europy. Obecnie dane dotyczące incydentów przemocy domowej wobec kobiet w Polsce zbierane są tylko na podstawie liczby rozpoczętych procedur „Niebieskie Karty” – na przestrzeni ostatnich 10 lat liczba ofiar nie zmniejszyła się znacząco. Ostatnie dostępne badanie ujawniające występowanie zjawiska przemocy domowej wobec kobiet w skali europejskiej zostało przeprowadzone w 2014 roku i jednoznacznie wskazało, że problem ten występuje w każdym kraju europejskim.

Podsumowanie. Przemoc domowa wobec kobiet jest problemem głęboko zakorzenionym w patriarchalnej strukturze społeczeństwa oraz wynika z dyskryminacji na tle płciowym. Problem ten wydaje się ignorowany, zważając na brak zmian w skali jego występowania, a brak danych oddających realny stan rzeczy jeszcze go pogłębia. Każdy europejski kraj powinien dołożyć starań, aby stosowane były takie metody zwalczania przemocy domowej wobec kobiet, które faktycznie będą w stanie pomóc ofiarom.

Słowa kluczowe

przemoc domowa, przemoc wobec kobiet, przemoc w relacjach intymnych, patriarchy, zapobieganie przemocy

INTRODUCTION

Although domestic violence is a term known commonly used in everyday language, its definition varies locally and globally, which is problematic in itself. The emotional background of

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this issue, the legal differences across countries and a whole spectrum of social and cultural factors defined by history, also cause it to be a very complex problem. Domestic violence is also considered to be a problem for public health as it strongly interferes with the mental and physical well-being of the victims, and the damage caused may induce generational trauma and pass on aggressive patterns of behaviour, thus making it a social issue. While discussing the diversification of definitions and their interpretations may seem bizarre, considering that all that the victims desire is just help, especially from public institutions specifically established for the purpose, one thing would certainly be able to push this forward; inclusivity for their experiences. The aim of this study was to analyse the scale of domestic violence in Poland and Europe based on available data.

Looking at the problem from a local perspective, using Poland as an example, according to the Act on Counteracting Violence in the Family of 29 July 2005, domestic violence is a one-time or recurring deliberate act of infringement of the victim on a psychological, physical or sexual level, with the victim being defined as a spouse, relative in the ascending or descending line, relative by affinity in a direct line or up to the same degree, sibling or a person in cohabitation [1]. In 2016, the Supreme Court of Poland declared that this may also apply to same-gender relationships (within the law) [2].

When reaching for legal acts with a more global range, in Europe the most important Act which is also the most specific, is the Council of Europe Convention on preventing and combating violence against women and domestic violence, also called the Istanbul Convention of 2011, which was adopted by Poland in 2015 [3]. The biggest difference between this document and the Polish version lies in inclusivity, as it extends to the behaviours of domestic violence to relationships where there is no factual cohabitation, e.g. former partners. Additionally, it places great emphasis on the aspect of gender inequality, hence specifying violence against women in its title, as world-wide statistics explicitly show which gender most commonly falls victim to domestic violence. Another definition worth exploring and heavily promoted in Europe is the one adopted by the United Nations which define domestic violence as any behavioural pattern in any form of relationship used to gain or keep control and dominance over the victim [4]. The World Health Organization also complies with this definition. Both of these organizations use the term 'intimate partner violence' practically interchangeably with domestic violence [4, 5], as it's usually the partner who is responsible for these acts. With the exception of including former partners as a potential threat, the three above-mentioned organizations also distinguish one more form of domestic violence that is missing from the Polish Act – economic violence. Additionally, both definitions from United Nations and the European Council accentuate that domestic violence can concern anyone, regardless of their race, gender, religion, age or sexual orientation.

It is worth noting how the nomenclature and context differ between the definition used in Poland and that adopted by global, non-governmental organizations. It can be observed how much emphasis is being placed on the word 'family' in Polish law. The regulations do not mention domestic violence, it is violence in the family, used towards family, although it is quite obvious that this problem can touch a much wider group of victims, regardless of their blood ties. Because of this, it would be much wiser to use the definitions practiced

by European Union, United Nations and the World Health Organization.

TYPES OF VIOLENCE

Moving forward, to clarify even more exactly what domestic violence actually is, the different ways in which it may be manifested should be defined.

Physical violence is an intentional act of causing injuries to the victim's body or other physical trauma and/or pain, including threats of such acts [6]. The United Nations also considers physical violence as preventing a person from leaving the house or forcing the victim to do so, aggressive interactions with surrounding objects (throwing the victim around, punching them) and driving vehicles in way threatening to health or life.

Psychological violence in Polish literature is considered to be *inter alia* violating human dignity, manipulating, degrading, mocking [6], lying and arguing [7]. Threatening the victim or the family/friends, isolating from loved ones or school/work. Abusing a position of power also falls under this definition. Additionally, the United Nations, in contrary to Polish law, distinguishes emotional violence from psychological violence, with the latter being defined mostly as acts in which someone uses their position of power and considering the remaining behaviours as psychological.

Sexual violence is rape, incest, paedophilia and every sexual contact without consent from one of the parties [6]. Forcing a partner to wear more revealing clothes that may be considered more sexual, accusations of infidelity and ignoring the partners feelings regarding sexual contacts, are all acts of sexual violence. The United Nations also adds circumcision to this category. Forcing abortion, becoming pregnant, taking contraceptives, or any other actions related to the victims reproductivity, are also acts of sexual violence. Considering the times we currently live in, which are full of internet activity, online sexual harassment, including the distribution or publication of pictures or other kinds of multimedia with a sexual context without consent from concerned parties, cannot be ignored.

Economic violence happens when the abuser uses money or other material assets or tools in order to show his position of power. Limiting the victims access to mentioned goods, rationing them out or taking them away, controlling expenditures, bribing or preventing from working, are all forms of economic violence.

Understanding the above definitions is crucial for conducting further analysis of the prevalence of domestic violence. Domestic violence aimed at women is a violation of human rights arising from gender discrimination.

PREVALENCE

As of 2021, the most recent and comprehensive document illustrating the gravity of domestic violence in Europe is the EU-wide survey conducted by the European Union Agency for Fundamental Rights (FRA) in 2014 on violence against

women, though the authors themselves claim it is still not an actual depiction of such incidents as the number of women surveyed is not as big on the scale of the whole Europe and, as mentioned previously, the definition of domestic violence varies across different countries. The survey included 42,000 women aged between 18–74, with at least 1,500 from each country of the EU (except Luxembourg). The questions were constructed according to local law. The results were, to say the least, alarming: 13 million women were victims of domestic violence and 3.7 million were sexually abused in the 12 months prior to the survey. It was also concluded that 1 in 3 women had been affected by domestic or sexual violence before their 15th birthday. The highest percentage of these women were found in Denmark (52%), Finland (47%) and Sweden (56%), while the lowest numbers were found in Slovenia (22%), Hungary (21%) and Poland (19%) [8].

A confusing pattern emerges from the findings of the survey. In countries that are assumed to be the most progressive, when it comes to social issues, and where the Gender Equality Index is the highest [9] (bearing in mind that gender equality is tightly connected to domestic violence), the percentage of abused women is at the top of the list. This is considered to be a result of their speak-up culture, trust in authorities and no taboo around the subject of violence. Victims do not feel ashamed and report their suffering immediately. Yet new studies explaining the Nordic Paradox phenomenon show that besides cultural reasons, women who are more educated, have financial security and are generally independent (improving the Gender Equality Index) may actually be at higher risk of intimate partner violence [10, 11, 12]. This may be associated with the patriarchal standards maintained among society, and liberated women are not extremely well received in such societies [13, 14].

Focusing on Poland alone, victims of domestic violence are assigned 'Blue Cards' which are equivalent with initiating a legal procedure, and a sort of surveillance system over the household [15]. Since 2012, official police statistics have been created based only on incidents where the Blue Card was assigned, but not taking into account any data from other institutions fighting against domestic violence or supporting the victims. This is a serious problem as there are multiple sources acknowledging that the number of the Blue Cards is merely the tip of the iceberg. In 2012–2019, approximately half a million women were the victims of domestic violence [16]. This is equal to around 64,000 women per year. In previous years, 2005–2011, without the Blue Card procedure, these numbers were similar, reaching around 573,000 women in those 6 years – 81,000 per year [17]. Checking even older data from 1999–2004, the issue seems to be surprisingly smaller – 72,000 cases per year [17].

It is of great concern that Poland is at the very end of the FRA Report on violence against women because, theoretically, this type of violence should be decreasing simultaneously with the rise of gender equality [19]. However, Poland is 4th from the bottom according to the European Gender Equality Index (GEI). A significant conclusion that cannot be ignored is that the three countries with the lowest percentage of domestic violence across the EU are all countries that have suspiciously raised concerns regarding the Istanbul Convention, and are on their way to defeating this bill in complete disregard for the values it holds. Their GEI's are also one of the lowest in Europe. Why are the governments of these countries against the Convention if women in their society are clearly not in an

advantageous position? It might be stated that the Convention became a toy in the playground of politics and ideologies. Unfortunately, women still remain victims instead being the interested parties. In 2021, the Polish government also announced plans to withdraw from the Convention, claiming it promotes 'gender' ideology. In which case the question arises: are human rights also an ideology?

CONCLUSIONS

In Poland, there is no tendency when it comes to the statistics on domestic violence. If only the police statistics are taken into consideration, theoretically, the percentage has slightly decreased. However, it remains unclear whether this is a result of introducing the Blue Card procedure, or whether reporting such crimes has become more complicated due to the paperwork involved. This is an issue which has been raised multiple times by social and non-profit organization employees who actually witness these women's nightmares every day. Looking at the current reality, was domestic violence really a smaller issue 20 years ago (according to the police), when the patriarchal family model was much more common? Has the shame and taboo around domestic violence not faded, at least slightly, throughout these years with the help of mass-media? These numbers should be decreasing dramatically, yet there were no changes implemented in the ways of combatting domestic violence. It resembles a fight against the results more than the causes, thus creating a vicious circle. This is a problem for all European countries, as there is not even one country that could actually set a good example. Is this because of the nature of this issue that there is no complete, reliable or objective data in any of the countries?

The truth is, although we do have access to some data on the prevalence of domestic violence across Europe, it is usually old or flawed in some way, through the methodology or the small size of the surveyed groups. Both the United Nations and organs of the European Union agree that it is very challenging to collect this kind of data, at the same time highlighting the importance of improving surveillance systems and internal methods of collecting such information in order to finally have an accurate representation of the issue of domestic violence. In order to do so, every country should work on an internal system of data collection and supervision, as in Italy or the United Kingdom [8, 18]. There are simply too many factors which impact on the official numbers: local law, investigation procedures, social awareness, or the view of the public on women in general. This can be easily shown on the example of rape, in which the crime and its characterization differs according to legal and cultural views. If a wife is raped by her husband, she might not be aware that it was actually rape, considering it was her spouse who committed the act. Additionally, rape victims need to personally report the crime to the authorities, which is very dependent on their trust in public institutions. The process in court can also complicate the situation, as it usually takes a long time to complete. Sometimes, sadly, victims of rape decide to remain silent. Considering the whole psychological, emotional, cultural and economic background of domestic violence, the elements influencing any statistics regarding this may be endless. Therefore, none of the data can be regarded as hard evidence and the only source of truth.

Violence towards women, including domestic violence, is a pressing issue in all the countries of Europe, and because of its complexity it needs constant, precise supervision and control on all levels. This potentially could be achieved if data collection methods were to be improved, which is strongly suggested by all parties. Intensified engagement from government agencies in each country and their cooperation on an international level seem to be necessary to finally address the problem of domestic abuse, and to end it once and for all.

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