

Table of Contents

Introduction	11
1. General and terminological issues	13
2. Domestic violence	39
2.1. Available statistical data	40
2.2. Conclusions that can be drawn from the statistics	52
2.3. Normative analysis	61
2.3.1. Persistent harassment (stalking) – Article 190a CC	61
2.3.2. Rape – Article 197 CC	63
2.3.3. Sexual abuse of a relation of dependency – Article 199 CC	64
2.3.4. Incest – Article 201 CC	65
2.3.5. Abuse – Article 207 CC	66
2.3.6. Breach of personal inviolability – Article 217 CC	68
2.4. Analysis of the state of practice in Poland	68
2.5. Proposals for changes	70
3. The situation of women with disabilities and having health problems – Article 198 CC	75
3.1. Available statistical data	75
3.2. Conclusions that can be drawn from the statistics	79
3.3. Normative analysis	81

3.4.	Analysis of the state of practice in Poland	82
3.5.	Proposals for changes	83
4.	Human trafficking – Article 189a CC	87
4.1.	Available statistical data	88
4.2.	Conclusions that can be drawn from the statistics	91
4.3.	Normative analysis	93
4.4.	The analysis of the state of practice in Poland	94
4.5.	Proposals for changes	96
5.	Cybercrime	99
5.1.	Available statistical data	99
5.2.	Conclusions that can be drawn from the statistics	104
5.3.	Normative analysis	107
5.3.1.	Punishable threat – Article 190 CC	107
5.3.2.	Persistent harassment (stalking) – Article 190a CC	109
5.4.	Analysis of the state of practice in Poland	110
5.5.	Proposals for changes	111
6.	Violence and harassment in the workplace	115
6.1.	Available statistical data	116
6.2.	Conclusions that can be drawn from the statistics	120
6.3.	Normative analysis	123
6.3.1.	Rape – Article 197 CC	123
6.3.2.	Sexual abuse of a relation of dependency – Article 199 CC	123
6.3.3.	Malicious or persistent violation of employee rights – Article 218 CC	123
6.4.	The analysis of the state of practice in Poland	124
6.5.	Proposals for changes	126

7. Selected crimes against life and health	129
7.1. Available statistical data	130
7.2. Conclusions that can be drawn from the statistics	136
7.3. Normative analysis	138
7.3.1. Homicide – Article 148 CC	139
7.3.2. Infanticide – Article 149 CC	140
7.3.3. Assisted suicide – Article 151 CC	140
7.3.4. Abortion with consent – Article 152 CC	141
7.3.5. Abortion without consent – Article 153 CC	141
7.3.6. Death of a pregnant woman - Article 154 CC	142
7.3.7. Grievous bodily harm – Article 156 CC	142
7.3.8. Prenatal bodily harm – Article 157a CC	142
7.3.9. Summary	143
7.4. The analysis of the state of practice in Poland	143
7.5. Honour killing	145
7.6. Proposals for changes	146
8. Selected crimes against sexual freedom and decency	151
8.1. Available statistical data	152
8.2. Conclusions that can be drawn from the statistics	157
8.3. Normative analysis	158
8.3.1. Rape – Article 197 CC	158
8.3.2. Taking advantage of vulnerability – Article 198 CC	158
8.3.3. Sexual abuse of a relation of dependency – Article 199 CC	159
8.3.4. Sexual intercourse with a minor – Article 200 CC	160
8.3.5. Seduction of a minor under the age of 15 with the use of an ICT system or telecommunications network – Article 200a CC	160
8.3.6. Pornographic crimes – Article 202 § 3–4c CC	161
8.3.7. Summary	161
8.4. The analysis of the state of practice in Poland	162
8.5. Proposals for changes	162

9. Discrimination – Article 119 CC	165
9.1. Available statistical data	165
9.2. Conclusions that can be drawn from the statistics	167
9.3. Normative analysis of discrimination (Article 119 CC)	168
9.4. The analysis of the state of practice in Poland	169
9.5. Proposals for changes	169
10. Chosen crimes against freedom and forced marriages	171
10.1. Available statistical data	171
10.2. Conclusions that can be drawn from the statistics	176
10.3. Normative analysis	177
10.3.1. Illegal imprisonment – Article 189 CC	177
10.3.2. Punishable threat – Article 190 CC	177
10.3.3. Persistent harassment – Article 190a CC	178
10.3.4. Force – Article 191 CC	179
10.3.5. Taking a nude image without consent – Article 191a CC	179
10.3.6. Medical treatment without consent – Article 192 CC	180
10.3.7. Conclusions	181
10.4. Forced marriages	182
10.5. Proposals for changes	184
11. Selected procedural issues – general remarks	187
11.1. The victim in a criminal trial – definition, changes of status	188
11.2. The aggrieved party as a party to the proceedings	190
11.3. The victim as a witness and as a source of evidence in a criminal trial	193
12. Procedural safeguards for the aggrieved party	197
12.1. Informational obligations towards the aggrieved party included in the CCP	197
12.2. Protection and assistance provided to the victims upon the Victims and Witnesses Protection and Assistance (Aid) Act	199

13. Measures imposed on the perpetrator to protect the interests of the aggrieved party	201
13.1. Arrest of a person	201
13.2. Preventive measures	202
13.3. Punitive (penal) measures	206
14. Corrective measures	209
14.1. Compensatory measures	209
14.1.1. Obligation to remedy the damage or compensate for the injury suffered – Article 46 § 1 CC	209
14.1.2. Punitive damages upon Article 46 § 2 CC	211
14.2. Compensatory probation duties	211
14.3. Voluntary forms of compensation	212
14.3.1. Voluntary redress of the damage	213
14.3.2. Reconciliation of the parties versus non-material compensation	214
14.3.3. The role of mediation as an approach to procedural compensation	214
14.4. Institution of civil claimant in criminal proceedings (until 2015)	215
15. Final remarks	217
Bibliography	225