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Confronting Domestic Violence in Poland

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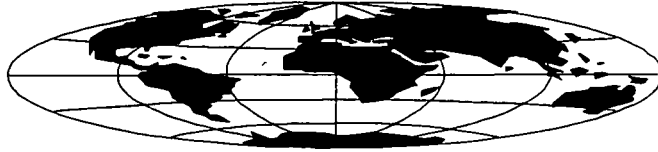
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INTERNATIONAL COLUMN

CONFRONTING DOMESTIC VIOLENCE IN POLAND

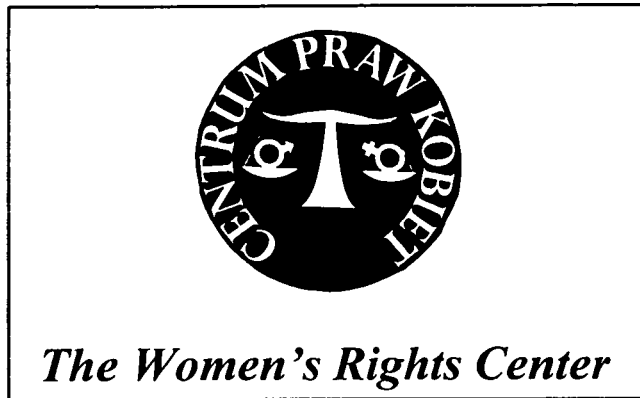
By Erin Barclay¹

The Women's Rights Center ("WRC") is a non-governmental organization committed to addressing gender equality issues in Poland and other Central European ("CE") and Former Soviet Union ("FSU") countries. The Center's goal is to combine legislative and policy work with daily client assistance in such legal matters as custody, divorce, and domestic violence. The lawyers at the WRC provide a multitude of services including legal advice, drafting letters and other legal papers to the court, assisting clients at police stations and prosecutor's offices, and testifying on behalf of the client in court. In addition to these daily client interactions, the WRC works on a global scale with other international human rights groups discussing issues such as trafficking in women, female genital mutilation, and domestic violence.

Last summer, I spent ten weeks working at the WRC. My work focused primarily on the growing social and legal problem of domestic violence in Poland and other CE and FSU countries. The WRC is in the process of developing various training materials for police, prosecutors and judges in Poland in an effort to educate these professions in effective intervention, prosecution and adjudication of domestic violence cases.

Currently, the Polish Criminal Code contains a provision outlawing domestic violence, but it is rarely invoked or effectively utilized to prosecute an offender. As a result, women are reluctant to report domestic violence, and when they do, they are unlikely to receive redress from the law enforcement or criminal justice systems. Therefore, one of the WRC's current initiatives is to draft a domestic violence law. For the

¹ Erin Barclay was a 1997 Summer Fellow at the Women's Rights Center.



first part of the summer, I spent time drafting a domestic violence law based on the Violence Against Women Act (federal legislation in the United States), the New York domestic violence laws, and the South African Constitution, in an attempt to define the broad parameters of such a law in Poland, including such concepts as orders of protection and mandatory arrest.

This process was challenging because of the cultural norms and legal concepts I brought from the United States, and the impossibility of transferring and imposing American legal concepts and social values onto the Polish system. During this period, I spent time discussing the realities of domestic violence intervention in Poland with the staff of the Center and their clients, as well as learning about the cultural barriers to confronting this growing problem. As I came to learn and appreciate, in traditional Polish society, the home is a sacred place, a refuge from the harsh circumstances of daily life under Communism and martial law. The privacy of the home and what happens between family members inside it is guarded strongly by all. As a result, piercing this veil of secrecy to address domestic violence is extremely difficult. Although domestic violence is becoming less socially accepted because of public awareness and mass media campaigns, it is still overlooked and ignored in many circles. Further, women are often unable and unwilling to call and report incidents to the police for fear of the abuser's retaliation, and because they know that the system will not work to protect them. Additionally, both victims and perpetrators generally resist discussing the violence with an outsider, and there are, in fact, very few outreach services in the community where either person can go for help. These factors, combined with geographic constraints, such as the vast rural areas in Poland, make it extremely difficult to assess the extent of the domestic violence problem, and then developing an effective strategy for intervention.

The WRC is not alone in confronting the problem of domestic violence. There are many other grassroots organizations both in Poland

and in other CE and FSU countries which are attempting to address similar issues in their regions as well. My other responsibilities last summer included facilitating e-mail communication between these organizations and various legal committees to keep them updated on WRC projects, as well as obtaining updates on what their legal committees were working on. Through this work, I learned that the general issues surrounding domestic violence were similar throughout many parts of the world. The United States, like Poland, still faces the problem of secrecy within the "private sphere" and an unwillingness to allow the state access to redress the abuses occurring within the family. Women in Belarus, Romania, and the Czech Republic, among others, are facing the same problems as women in Poland and the United States. The electronic network coordinated by the WRC allows these women instant access to one another's thoughts, insights, successes and failures in addressing domestic violence and other issues relating to gender inequality.

While realizing the importance of having legislation devoted exclusively to criminalizing domestic violence, the Center's staff knows that relying solely upon the legal system to solve this growing problem is ineffective. For this reason, the WRC is investing resources to develop training seminars and workshops for law enforcement, prosecutors, and judges on how to effectively handle domestic violence cases in their respective offices. Much of my time was spent working with the staff developing materials for presentations and workshops on the "fundamentals" of domestic violence such as the "cycle of abuse," issues dealing with why victims are unable to leave the relationship, and the effect abuse has on children. In September of 1996, the WRC successfully completed the first in a series of training programs for police officers in the Warsaw area. Based on these materials, I worked with the staff to develop future programs for other police units based on a law enforcement intervention model, and for prosecutors and judges from a legal and adjudicatory standpoint. These materials were based primarily on information collected from human rights conferences, and included information from South America, South Africa, the Netherlands, and the United States, in an effort to present a global perspective on domestic violence intervention and prosecution. The WRC plans to conduct the next workshop in early 1998.

The WRC is a vital center of information and resources for an expanding network of human rights activists and organizations in the former Communist region. The staff's deep commitment to gender equality and fundamental human rights has allowed the WRC to assist women in improving their lives, and is sharing this experience and insight

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with other women throughout the region to help them make similar progress in their own lives. This is a time of great transformation in Poland as well as throughout the region, and the WRC is making a significant contribution to positive change by providing free legal advice to women unable to otherwise afford these services, drafting legislation criminalizing domestic violence, and directly involving the resources of the Center in training those professionals most directly involved in ending this burgeoning social and legal crisis.