

Co-funded by the Justice Programme
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DEVELOPING DIRECTIVE-COMPATIBLE PRACTICES FOR THE IDENTIFICATION, ASSESSMENT AND REFERRAL OF VICTIMS

**Review of national legislation, literature and research on
victims' rights**

**Mapping of existing practices in the main institutions involved
in victims protection**

National Report, POLAND

Disclaimer: "This report has been produced with the financial support of the Justice Programme of the European Union. The contents are the sole responsibility of Prof. dr hab. Paweł Wiliński and can in no way be taken to reflect the views of the European Commission."

TABLE OF CONTENTS

Introduction	3
1. Legislation on victims' rights	5
2. Status and situation of victims	11
2.1. General information about status and situation of victims	11
2.2. Support Network for Victims of Crime.....	13
2.3. The Blue Card Procedure	14
2.4. A Week of Assistance to Victims, the Council for Victims of Crime.....	17
3. 'Entry points' of victims to the criminal justice system	19
4. Victim-related practices in national systems min.	23
4.1. Identification of victims.....	23
4.2. Individualized assessment of needs	34
4.3. Referral mechanisms	48
5. Synthesis: good practice, gaps and challenges	53
Reference to interviewees.....	60

Introduction

The Report presents basic information about the system of protection of the victim' rights in Poland. It contains review of national legislation, basic literature and research on victims' rights. Its essential parts includes mapping of existing practices in the main institutions involved in victims protection in Polish system. The main aim of the National Report is to present information on the level of introduction, application and developing of the system of identification, assessment of needs and referral of victims as established in the set Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.

The Report is divided into five sections. First section presents briefly findings of the national legislative analysis and focus on the legal position of the victim in Polish legal system as far as on transposition and the implementation of Directive 2012/29/EC in the national legal order.

Second section of the Report presents findings of the desktop research and systematize existing quantitative and qualitative information in relation to the status of victims, their features etc. Special emphasis is placed on available data presenting position of victims of crime identified as a group, and their role is in the criminal justice system. In subsections 2-4 special national programs devoted to victims are described, i.e.: Support Network for Victims of Crime, the Blue Card procedure and A Week of Assistance to Victims. Results of work of the Council for Victims of Crime is briefly presented also here.

Third section of the Report contains brief description of main national institutions and organizations relevant to victims' rights in

the procedure of identification, assessment of needs and referral of the victim if further assistance is needed.

Fourth section of the Report presents victim-related practices in Polish legal and social systems. It is based on interviews with representatives of main authorities and organizations (“entry points”) responsible for the identification, needs assessment and referral of victims. For this purpose eleven interviews were carried out from September to November 2016, including: two state institutions responsible for social, psychological and legal support, two representatives of NGO’s involved in victims’ protection system, one Police officers, two hospital personnel, and three prosecutors.

The fifth and last section of the Report synthesizes the previous ones and draws conclusions with regard to the existing practices at national level and the extent to which they are compatible with the Victims’ Directive and contribute to its effective implementation.

The Report is complemented with several attachments containing documents, guidelines, ordinances issued by state organs, questionnaires and leaflets which are used by state organs and NGOs’ involved in the victims’ protection system.

1. Legislation on victims' rights

The legal status of the victim (recognized also as injured person) in Polish legal system is specifically regulated in binding and applicable law. It is based on international, European and national regulations. As to international regulations United Nations contributed to the standard-setting in the area of victims' protection by adopting the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*.¹ From the European perspective it is necessary to mention *Resolution 77 (27) of September, 1977 of the Committee of Ministers of the Council of Europe on the Compensation of Victims of Crime*,² *Council of Europe's European Convention on the Compensation of Victims of Violent Crimes of 1983*.³ Council of Europe stressed the importance of basic standards related to the victim of crime in important recommendations of the Committee of Ministers to the Member States: *Recommendation No R 85 (11) of June, 1985 on the Position of the Victim in the Framework of Criminal Law and Procedure*⁴ and *Recommendation No R 87 (21) on Assistance to Victims and the Prevention of Victimization*⁵. It is important to mention also

¹ United Nations (1985): Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34, 29 November 1985, 96th plenary meeting), United Nations General Assembly, available at: <http://www.un.org/documents/ga/res/40/a40r034.htm> (27 November 2013).

² Council of Europe Committee of Ministers (1977): Resolution 77 (27) on the Compensation of Victims of Crime (Adopted by the Committee of Ministers on 28 September 1977, at the 275th meeting of the Ministers' Deputies), Strasbourg: Council of Europe Committee of Ministers, available at: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstraneImage=595033&SecMode=1&DocId=659298&Usage=2> (26 November 2013).

³ Council of Europe (1983): European Convention on the Compensation of Victims of Violent Crimes CETS No.: 116, Strasbourg: Council of Europe, available at: <http://conventions.coe.int/Treaty/en/Treaties/Html/116.htm> (26 November 2013).

⁴ Council of Europe (1985): Recommendation No R 85 (11) of the Committee of Ministers to Member States on the Position of the Victim in the Framework of Criminal Law and Procedure (Adopted by the Committee of Ministers on 28 June 1985 at the 387th meeting of the Ministers' Deputies), Strasbourg: Council of Europe Committee of Ministers, available at: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstraneImage=605227&SecMode=1&DocId=686736&Usage=2> (26 November 2013).

⁵ Council of Europe (1987): Recommendation No R 87 (21) of the Committee of Ministers to Member States on Assistance to Victims and the Prevention of Victimization (Adopted by the Committee of Ministers on 17 September 1987 at the 410th meeting of the Ministers' Deputies), Strasbourg: Council of Europe Committee of Ministers, available at: <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstraneImage=608023&SecMode=1&DocId=694280&Usage=2> (26 November 2013).

*Council Framework Decision of 15 March 2001 on the Standing of Victims in Criminal Proceedings (2001 Council Framework Decision).*⁶

Position of the victim **in Polish internal law** is regulated in number of legal acts of which the most important is the Code of Criminal Procedure. **According to Polish legal system the victim (injured party)** is a private or legal person, whose legal interest had been directly violated or threatened by an offence. It may be a state institution, a local authority or self-governing entity, a social institution, even if it does not have the status of a legal person (Article 49 of Code of Criminal Proceedings, CCP).⁷**If the injured person is a minor or is incapacitated** either totally or partially, her/his rights shall be exercised by his legal representative or by one who has custody of the injured person (art. 51 par. 2 CCP). If the injured person is a vulnerable (f.e. because of age, state of health, awkwardness) her/his rights shall be exercised by person who has custody of the injured person. If the victim dies, he/his rights may be exercised by his closest relatives or, when they are either absent or not discovered, by a state prosecutor.

A victim in criminal proceedings may retain an attorney. If she/he can duly prove that he is unable to pay the representation costs without prejudice to his and his family's necessary support and maintenance counsel ex officio will be appointed to her/him.

Victim (injured person) has a wide range of procedural rights during the criminal proceedings, including right to information, to legal representation, to translation, to compensation of damages and injury, to access to case files, to protection, to participation to the proceedings. **The victim is referred to as a party in the preparatory proceedings** while in the court proceedings the same person is referred to as a auxiliary prosecutor, a subsidiary prosecutor, a private prosecutor or if do not wish to be active part remain at the position of a witness of crime.

⁶ Council of the European Union (2001): COUNCIL FRAMEWORK DECISION of 15 March 2001 on the standing of victims in criminal proceedings (2001/220/JHA) (OJ L 82/1, 22.3.2001), Brussels: Council of the European Union, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:082:0001:0004:en:PDF> (12 November 2013).

⁷ See. P. Wiliński, Criminal procedure, in. Handbook of Polish Law, des. W. Dajczak, A. Szwarc, P. Wilinski, ParkPrawo 2011, p.201-242.

According to Polish law victim of crime (injured person) can choose whether wants to play an active role **at the trial stage of the criminal proceedings** (as an auxiliary prosecutor) or remain at the position of witness of the crime only. **The auxiliary prosecutor** is the victim (injured person) who participates in the judicial proceeding as a party thereto and who supports the indictment (Article 53 of k.p.k.). The victim, before the commencement of the judicial proceeding in the main trial, may file a statement and act as a subsidiary prosecutor. **A subsidiary prosecutor** is also a victim who independently files a so called “subsidiary indictment”. Such an indictment may be filed after the prosecutor has twice refused to institute or discontinue the preparatory proceedings, provided that the court has accepted an appeal against the first refusal or discontinuance of the proceedings. (Article 55 CCP). Being an auxiliary (or subsidiary) prosecutor the injured person (victim) enjoys full rights of the party, including participation, presence to the proceedings, access to case files, right to present motions, to take part in interrogation, to have legal representative, to appeal against the judgement.

The private prosecutor is the victim (injured person) who brings and supports the indictment for an act prosecuted under private accusation (Article 59 of k.p.k.). A private prosecutor is a party to the proceeding and has all rights available to a party to the proceedings. She/he brings a private accusation and the proceedings are conducted under special procedure. If a prosecutor joins in the proceedings, the private prosecutor becomes a side **auxiliary** prosecutor.

Special protection measures are provided in CCP and other legal acts. CCP provides special form of interrogation related to minor victims under 15 (Art. 185a-185d) including limitation of number of interrogation, special rooms for interrogation, limited access of other participants. In case of serious danger to life or health of victim being a witness institution of anonymous witness may be introduced (art. 184 CCP). Victim testifying as a witness may demand to be examined at the trial in closed session, if the contents of his testimony may expose him or his next of kin to disgrace or may decline to answer a

question, if such an answer might expose the witness himself or his next of kin to liability for an offence or a contravention (art. 183 CCP).

In the event of conviction of the accused the court is obliged to adjudicate ex officio the damages for the injured person, impose an obligation to redress the damage or a supplementary payment to the injured person (victim. Polish legal system provides however also a possibility of granting further compensation to victims of some crimes. The relevant law of 2005 on State Compensation for Victims of Certain Crimes⁸ regulates in its Art. 10 that the Public Prosecutor informs the victim about possibilities and conditions of applying for compensation. Upon request the injured party is also provided with the application form for compensation and assistance in completing it.

The strong impulse for the evaluation of victims' rights in Poland in recent years is **implementation of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime**, and replacing Council Framework Decision 2001/220/JHA⁹. The new law was introduced - The Victims and Witnesses Protection Act¹⁰ The Act introduces three specific instruments for protection and support of victim:

- Protection during procedural actions;
- Personal protection;
- Assistance in changing the place of residence.

Mentioned instruments can be applied also before opening of the criminal proceedings and last even if the proceedings is finalized.

⁸ Ustawa z dn. 7 lipca 2005 r., o państwowej kompensacie przysługującej ofiarom niektórych przestępstw [Law on State Compensation for Victims of Certain Crimes] (Dz. U. z 2005 r., Nr 169, poz. 1415 ze zm).

⁹ European Parliament and Council of the European Union (2012): Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315, 14.11.2012, pp. 57-73), Strasbourg: European Parliament and Council of the European Union, available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:01:EN:HTML> (12 November 2013).

¹⁰ Ustawa z dnia 28 listopada 2014 r. o ochronie i pomocy dla pokrzywdzonego i świadka (Dz. U. 2015, poz. 21).

These mechanisms can be used only when there is higher threat to life and health of victims or witnesses. Instruments can be imposed on victims and their families as well.

According to The Victims and Witnesses Protection Act **protection of victim during criminal proceedings involves special protection measures** used by the police. Personal protection can be based on permanent or temporary presence of police nearby victim or witness. The farthest-reaching measure is assistance in changing the place of residence. It can be applied on subsidiary basis, if two other measures are insufficient. Financial support for accommodation in a new place is also provided (up to 3.500 zł). The Victims and Witnesses Protection Act brings also additional mechanism which is psychological support to a victim, witness or their families. Police is the authority responsible for execution of these instruments and Commanders of the Voivodeship Police Headquarters play the role of coordinating bodies.

Victims of crime (injured) and their families are entitled to receive **medical assistance, psychological assistance, rehabilitation and material assistance** in the Support Network for Victims of Crime (Sieć Pomocy dla Osób Pokrzywdzonych Przystępstwem) consisting of Assistance Centers for Victims of Crime (Ośrodki POMocy dla Osób Pokrzywdzonych Przystępstwem), maintained in large part from state funds, in that from Victims Assistance Fund, as stated in art. 43 par. 8 p. 1 Criminal Execution Code of 1997.¹¹

In order to increase the effectiveness of prevention of domestic violence the Act of 29 July 2005. on the prevention of domestic violence was also introduced¹² According to art. 6 of the act obligations to counteracting domestic violence are implemented by government bodies and local government units. They are obliged to develop and maintenance support centers for victims of domestic violence and crisis intervention centers at the territory of Poland.

¹¹ Ustawa z dn. 6 czerwca 1997 r., Kodeks karny wykonawczy [Criminal Execution Code] (Dz. U. z 1997 r., Nr 90, poz. 557 zezm.).

¹² Ustawa z dnia 29 lipca 2005 r. o przeciwdziałaniu przemocy w rodzinie, Dz. U. 2005, nr 180, poz. 1493.

The injured party has important rights also at the **last stage of proceedings - execution proceedings**, about which she/he must be instructed. For example, Art. 168a the *Code* stipulates that the injured party has the right to submit an application to be notified each time the convicted person leaves the penitentiary. According to Art. 253 § 3, *CCP* similar stipulations exist about notifying the injured party about each change, concerning the temporary detention of the alleged perpetrator or other preventive measure. However, a duty on the authorities to inform the victim about his/her entitlements in the execution proceedings is lacking, but the general duty from the *Criminal Procedure Code* can be applied accordingly. The injured party has a possibility of influencing the execution of the court resolution only concerning claims, related to property rights. Under Art. 196 § 1 of the *Criminal Execution Code* the court sends to the victim its decision *ex officio*, if it contains obligations concerning property claims. However, it is up to the injured party to file a motion for execution (Art.107, *CCP*), including forwarding the sentence to the bailiff for execution.¹³ However, a specific obligation of informing the injured party of such possibility is missing.

¹³ W. Sych: Wpływ pokrzywdzonego na tok postępowania przygotowawczego w polskim procesie karnym, Krakow 2006, p. 139.

2. Status and situation of victims

2.1. General information about status and situation of victims

Legal system in Poland traditionally recognizes the victim as an important subject. **Polish** criminal law however does not use the term ‘victim of crime’, but ‘injured party of the crime’. Differences between these two are not just terminological,¹⁴ so they cannot be used interchangeably.¹⁵ It is agreed upon that the most accurate term to use would be ‘potentially injured party’ as introduced in victimological studies.¹⁶ The normative definition of ‘injured party’ is found in Art. 49 CCP.¹⁷

Provisions, granting the injured party the right to use the help of a professional representative have appeared since the adoption of the current CCP in 1997, previously only Civil Code provisions were in place. Art. 87 § 1 of the Code states that any party, different from the accused, may have a legal representative. The 1997 Code also defines for the first time the expenses for a legal representative as procedural expenses (Art. 616 § 1). A number of other regulations have also been implemented, including such in relation to Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.

Important for the protection of victims’ rights in practice are **obligations to inform the victim about all relevant rights** from the first appearance before state organs. According to Art. 306 § 4 *CCP* postulates that the person or institution having submitted the

¹⁴ C. Kulesza (2005): Rola pokrzywdzonego w procesie karnym [The Role of the Victim in the Criminal Process], Białystok, p. 21 et seq.

¹⁵Scholarly literature emphasises that using term ‘victim of crime’ prejudices the fact of committing the crime on victims’ damage before a legally valid decision about the criminal liability of the person prosecuted. C. Kulesza (2011): Projekt Europejskie Dyrektywy z dnia 18 maja 2011 r., w sprawie wsparcia i ochrony ofiar w świetle prawa polskiego [The draft European Directive of 18 May 2011 on support and protection of victims under Polish law], Prokuratura i Prawo 2011, nr 12, p. 5; P. Hofmański, E. Sadzik, K. Zgryzek (2007): Kodeks postępowania karnego, Komentarz [Code of Criminal Procedure, Commentary], 2007, t. I, s. 308.

¹⁶ J. Goodey (2005): Victims and Victimology. Research, Policy and Practice, Essex, p. 10.

¹⁷ Polish Parliament (1997): Ustawa z dn. 6 czerwca 1997 r., Kodeks postępowania karnego [Code of Criminal Procedure] (Dz. U. z 1997 r., Nr 89, poz. 555 ze zm.), available at: <http://www.lex.pl/akt-prawny/-/akt/dz-u-97-89-555-u> (29 November 2013).

crime report, including the injured party, must be informed about starting the proceedings or rejection thereof within 6 weeks after submitting the report. If that obligation is not met, the person may lodge a complaint to the Prosecutor General or the authority, supervising the one which has to send the notification. The injured party is also informed of the sending of the indictment to the court (Art. 334 § 1, *CCP*). Before her/his first interrogation the injured party is advised by the authorities about rights and obligations.¹⁸ The injured party receives her/his briefing in writing. State organs are additionally obliged to clarify the contents of the pre-prepared instruction.¹⁹ As part of the information before the first interrogation the injured party is also instructed about the possibility of lodging an application or giving consent to conduct mediation proceedings between him/her and the accused (Art. 23, *CCP*). However, mediation is not an alternative to criminal proceedings, but is only regulated as a way of communication between the accused and the injured party, while obligations to clarify the idea and rules of mediation to parties are missing.

The degree of legal awareness of society in Poland still remains very low,²⁰ hence the importance of informing the injured party about his/her procedural entitlements. The subsidiary use of the *Code of Civil Procedure* is not always adequate, relevant provisions in the CPC are sparse and some regulations fall outside it. Regarding the most important matters, the legislator has imposed the duty of informing the injured party on the authorities conducting the proceedings. The *Code* imposes a general duty on the authorities to inform participants in proceedings about their rights and obligations and this includes the injured party. Respondents approached are generally satisfied with the sufficiency of information, given to injured parties, including the caution the party is given at the beginning of proceedings, before his/her first interrogation.

¹⁸ See § 167 of the Prosecutors' Office Regulation and § 19 of the Guidelines of the Commander in Chief of Police – Commander in Chief of Police (2012): Wytoczne nr 3 Komendanta Głównego Policji z dnia 15 lutego 2012 r. w sprawie wykonywania czynności dochodzeniowo – śledczych przez policjantów [Guidelines of the Commander in Chief of Police on Conducting Police Investigation] (Dz. Urz. KGP z dnia 16 lutego 2012).

¹⁹ E. Bieńkowska, L. Mazowiecka (2012): *Uprawnienia pokrzywdzonego przestępstwem*, Warszawa, p. 24.

²⁰ P. Karlik, P. Libertowski: The role of criminal proceeding in shaping legal awareness of the society, in D. Czajkowska – Ziobrowska (ed.) (2011): *Academic areas of scientific knowledge*, Poznań, p. 90 et seq.

If we look to the **statistical data, official numbers from yearbooks** we can observe a very surprising factor explaining actual position of victim in the assessment of the official bodies. Almost none of them contain direct indication of the number of victims of crime. We will find detailed information about number of crimes committed in specific period, region, district. Without much effort we can get information about specific types of crimes committed in given year or period, detailed information on the amount of damages, etc. There will be a lot about offender, suspect, accused, his/her age, vulnerable groups, etc. But no information how many victims faced those crimes and how their interests are protected. For example in Poland, in 2013 there have been 1.063.906 crimes reported (identified) and 438.820 suspects. In 2012 it was 1.119.803 crimes reported and 500.539 suspects identified. However in the same data there is no given number of victims of those crimes. It is similar, with some exceptions, in all EU countries. As it is presented in data available in the internet f.e. in 2014 Police identified 105 thousand victims of home violence and 78 thousand suspected. Almost 78 thousand Blue Cards have been filled and 2300 evictions to suspected of home violence has been issued by courts. More recent data are difficult to collect as they are not complete, but the number of victims is not lower in any case. In the research carried out by the Ministry of Family, Labour and Social Policy (including cases reported from January 2014) from 20 to 40 percent interviewed victims of violence said they had received proper assistance. However, given the scale of the phenomenon, this result should not be satisfying.²¹

2.2. Support Network for Victims of Crime

Important meaning to ensure protection to victims of crime has the **Support Network for Victims of Crime (Sieć Pomocy dla Osób Pokrzywdzonych Przystępstwem)** It was established in 2008 by Ministry of Justice as a result of implementation of *Council Framework Decision of 15 March 2001 on the Standing of Victims in Criminal Proceedings* (2001 Council Framework Decision) and

²¹ See www.nik.gov.pl.

recommendations of the Committee of Ministers to the Member States: *Recommendation N° R 85 (11) of June, 1985 on the Position of the Victim in the Framework of Criminal Law and Procedure and Recommendation N° R 87 (21) on Assistance to Victims and the Prevention of Victimisation* in cooperation with European Commission. The Support Network is a network providing assistance to victims in 16 **Assistance Centers for Victims of Crime (Ośrodki Pomocy dla Osób Pokrzywdzonych Przestępstwem)**. Some of them opened branches in smaller towns of each province. Centers provides support in reserving free legal assistance and psychological assistance, social assistance and other forms of support to victims of crime. From the special website www.pokrzywdzeni.gov.pl list of centers providing support for victims in all 16 voivodships (województwo, basic territorial unit of Poland) in all country can be found. The network consist of different institutions and organization, like f.e. specialist support centers and crisis intervention, health care centers, Municipal Social Welfare Centres and Family Specjalistyczne ośrodki wsparcia I interwencji kryzysowej, zakłady opieki zdrowotnej, Miejskie Ośrodki Pomocy Społecznej, Municipal Centres for Family Assistance, NGO's involced in protection of victims rights, womens rights, childrens rights. They all provide information about type of assistance, working hours, web sites, contact information.

2.3. The Blue Card Procedure

Important tool for the protection of victims of crime in practice is the **procedure of Blue Card**. It was firstly introduced as a pilot programme in 1997 and introduced widely in 1998. 13 September 2011 The Council of Ministers issued a regulation on the procedure for "Blue Card" and the model forms "Blue Card", which entered into force on 18 October 2011. Effectiveness of the Blue Card is a subject of media interest and discussion ²²

The idea of the procedure is the cooperation between the services (social organizations, Police, health care institutions, schools) working to combat domestic violence, and for the protection of

²²

http://wiadomosci.gazeta.pl/wiadomosci/1,126765,6260112,Masz_niebieska_karte_Spodziewaj_sie_patrolu.html

victims of crime. The procedure begins when the form "**Blue Card-A**" (see the form: attachments CECL.Poland.Report.Att.3.BlueCard) is filled in by a police officer, a social worker, a representative of the municipal committee alcohol problems, health or education. This should be done in the presence of a person, as to which there is a suspicion that it is affected by domestic violence, and when the contact is impossible without the participation of this person. It is a record of the fact interventions related to violence and can provide evidence in the trial proceedings when the victim decides to report the offense. If a victim is transported to the health care institution (f.e. hospital) form A is filled by the doctor. The victim (both child and adult) have a right to know what action will be taken, where they can turn for help, how to continue this procedure will look like. The conversation with the person on which there is a suspicion that it is affected by domestic violence, should be carried out in conditions that guarantee freedom of expression and respect for the dignity of the person and ensure her safety.

Together with Blue Card-A also the **Blue Card-B** is used and give to the person involved to the procedure (victim). It consist of instruction for the person affected by violence of all her rights, obligations of the Police and other institutions, includes also information about all institutions and organizations in the nearest area (town, region) supporting victims of crime, with contact details.

There are two situations in which usually the form A is filled in: the home of the victim or the institution. In both these cases, it is necessary to create such conditions (eg. to ensure that access to such information is limited to only those individuals who will carry out the procedure) to the person affected by violence that she/he could safely talk about the situation in which she/he found herself. If the person experiencing violence is a child, the steps in the procedure "Blue Card" is carried out in the presence of a parent, guardian or actual. In a situation where the parents, legal guardian or actual are suspected of violence against a child, these activities are carried out in the presence of an adult person nearby (within the meaning of Art. 115 § 11 of the Penal Code), Grandparents, great-grandparents and siblings (if possible also in the presence of a psychologist). The presence of a psychologist is not a prerequisite in the situation, as it

often happens that such a person is not in the staffing of the institution or locality.

Blue Card A part after being filled in should be passed immediately, but not later than 7 days from the date of the initiation to the Interdisciplinary team. A copy of the form remains in initiating the procedure. Chairman of the interdisciplinary team forward form "Blue Card-A" other members of the interdisciplinary team or straight to the working group immediately, not later than within 3 days of its receipt. At the meeting of the working group or interdisciplinary team, the victim is invited and with her/his presence and active participation the form "**Blue Card C** is filled in by analysis of the situation. The meeting of the person experiencing violence is very important for the possibility to decide upon proper measures to be implemented and their effectiveness. The victim has a place and time to determine what are her/his needs, what are expectations and what kind of support she needs. Working Group formulates with the person experiencing violent plan for individual assistance. Thus, a person experiencing violence has an impact on the situation and chosen solutions. If the victim will not appear it doesn't stop the work of this interdisciplinary team or working group. Children are not invited at the meeting.

Blue Card D members of the interdisciplinary team or workgroup fill in the presence of a person against whom there is a suspicion that uses violence in the family. The regulation does not specify, however, whether this has to take place, however a meeting with a victim and the person suspected of the use of violence can not be organized at the same place and time. The activities of the team or group should be continued regardless of presence of the perpetrator. All activities of the interdisciplinary team or working group are documented through forms "Blue Card" and in the manner determined by the team members and stored in the rules of team work. This documentation is passed to the police or the prosecutor's office upon a request if a criminal investigation is in progress. The tasks of the various institutions and bodies like social worker, Police officer, a representative of the municipal committee for alcohol problems, health care represented by doctor, paramedic, or nurse are listed in Regulation.

Termination of the procedure followed in the case of either a) cessation of violence in the family and a reasonable supposition to stop further violence in the family, and after the completion of an individual support plan or b) the decision of the interdisciplinary team that there is lack of legitimacy of action. End of the procedure shall be documented in the form of a protocol signed by the chairman of the interdisciplinary team. The end of the procedure shall be notified to the entities involved in the procedure afterwards.

2.4. A Week of Assistance to Victims, the Council for Victims of Crime

From 2000 by the initiative of Ministry of Justice every year “**A Week of Assistance to Victims of Crime**” is organized. The idea to pay particular attention to the needs and rights of crime victims is implemented by national and regional conferences about victims rights and above all free legal advises given by judges, prosecutors, attorneys, NGO’s. This year – the 16th Week was organized from 22nd to 27 February 2016. 3053 person received free legal assistance from NGO organizations (like The Child in the Center, Blue Line), ab 900 in prosecutors’ offices.²³

Another good practice example is a series of trainings “**Together against the violence**” (Razem przeciwko przemocy) organized for the public in Poland with active participation of the Police.

Recently in Polish Legal System we can observe a real breakthrough in approach to victims of a crime.²⁴ It is a result of introducing The Victims and Witnesses Protection Act as a result of implementation of of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Since 2014 till December 2015 **the Council for Victims of Crime** established by the

²³ See <https://ms.gov.pl/pl/dzialalnosc/pokrzywdzeni-przestepstwem/tydzien-pomocy-ofiarom-przestepstw/>.

²⁴ P. Karlik, Protections and Support to Victims and Witnesses in Polish Criminal Proceedings, in.

Ministry of Justice acting for implementation of the Directive in cooperation with Ministry of Internal Affairs, Ministry of Foreign Affairs, Prosecutor General and Chief of the Police, developed special tools – **questionnaires to assess the needs of victims of crimes** that should be useful in work of state organs and NGO organizations, supporting victims of crime (see two attachments – CECL.Poland.Report.Att.1.Assesment Questionnaire.StateOrgans and CECL.Poland.Report.Att.1.Assesment Questionnaire.NGO).

The questionnaire for Individual Assessment of Victims’ Rights for State Organs consists of: identification data, reasons for individual assessment, questions for assessment of need for special interrogation methods; assessment of need for protection instruments; activities to be taken; update of victims’ needs (see attachment CECL.Poland.Report.Att.1.Assesment Questionnaire.StateOrgans).

The questionnaire for Individual Assessment of Victims’ Rights for NGO consists of: identification data; PART 1: basic information about the victim; assessment of personal risk factors; threats and fear of further victimization; update of information; PART 2: detailed assessment of situation and needs of the victim (assessment of situation, previous incidents, perpetrator); sum up and risk assessment, propositions of support activities, update of information about the witness.

As to the fact that the **Council for Victims of Crime** finished its activities at the end of 2015 those instruments were not implemented as a basic tool for institutions and organizations responsible for assistance to the victim.

3. 'Entry points' of victims to the criminal justice system

- 1) **Specialist Support Centers and Crisis Intervention Centers** (Specjalistyczne ośrodki wsparcia i Interwencji Kryzysowej Centra Interwencji Kryzysowej), **Municipal Social Welfare Centers for Family** (Miejskie Ośrodki Pomocy Społecznej), **Municipal Centres for Family Assistance** (Miejskie Ośrodki Wsparcia Rodziny) – are national institutions funded by local governments established in every of 16 voivodships in Poland, main cities with branches in smaller towns. They are a part of the system of Support Network for Victims of Crime (Sieć Pomocy dla Osób Pokrzywdzonych Przystępstwem) as Assistance Centers for Victims of Crime (Ośrodki Pomocy dla Osób Pokrzywdzonych Przystępstwem). They are competent to deliver psychological assistance, social assistance and other forms of support to victims of crime, including reserving free legal assistance, searching premises, jobs, schools, etc. They are involved in the Blue Card procedure, very often they administer the system of Blue Card in the in district or region. They work on regular basis, information about working hours is available from other institutions working with victims, in internet, in other local government offices, Police, prosecutors offices, schools, etc. **These are most common (together with NGO's) entry points for victims to receive information and support in criminal justice system.** In further section 4 of the Report experience of two of these institutions - Crisis Intervention Center (in Poznan) and Municipal Center for Family Assistance (in Warsaw) will be presented and discussed.

- 2) **Non-Governmental Organizations (organizacje pozarządowe, NGO's)** – foundations and associations whose statutory objectives are to support victims of crime (violence). These are organizations funded from different sources, may and often are also participating - on the basis of contract with local authorities - to the system of Support Network for Victims of Crime (Sieć Pomocy dla Osób

Pokrzywdzonych Przystępstwem) working as Assistance Centers for Victims of Crime (Ośrodki Pomocy dla Osób Pokrzywdzonych Przystępstwem). They create the network that do not cover the whole territory of the Country, but are most visible in biggest cities. They provide specialist assistance to victims of crime, including psychological assistance, social assistance, they provide housing, support in changing job, school, assist in obtaining independence from the perpetrator, create support centers. They create network of different organization, most of them with a narrow specialization – f.e. protection of children’s rights (f.e. Child in the Center), protection of women (f.e. Center for Womens’ Rights), delivering free legal assistance (Legal Clinics, see the network. <http://www.fupp.org.pl/en/>). One of best examples is the the NGO concentrated on preventing violence (see Association for the Prevention of Violence in the Family “Blue Line” <http://www.niebieskalinia.org/onas/>). In further section 4 of the Report experience of two of these NGO organizations – one protecting women’s rights and working as Assistance Center for Victims of Crime (in Warsaw) and second protecting children’s rights and being in close cooperation with a Crisis Intervention Center (in Poznan) will be presented and discussed.

- 3) **The Police office.** Police is responsible for receiving and registering notice of an offence from victims or other persons, initiating criminal proceedings. **Access to the Police station is probably the most common route (together with Support Centers and Intervention Centers – see point 1) for victims to access the criminal justice system.** The Police stations are available practically with no serious limitation in the whole territory of the Country, very often even in the countryside. Police officers are usually first representatives of authorities that contact the victim, identify them and provide them information and support. Police is also the institution that opens the procedure of Blue Card for victims. District police officers are responsible for cooperation with support centers, crisis intervention centers, other institutions and organizations supporting victims. This is a crucial institution for delivering to the victim proper

assistance and support. In further section 4 of the Report experience of officer from Poznan department of investigation will be presented and discussed.

- 4) **Health care centers** (zakłady opieki zdrowotnej) plays also important role as entry points for victims. They cover the whole territory of the Country, and are working in practically every city in the country. Small health care centers are also present in small towns and sometimes even in bigger villages. Their responsibility is related specially to identification of the victim procedure and assessment of victims needs. They admits patients among whom there are many person affected by violence. They are very numerous in the country, which makes them easily accessible for victims and results in need to have clear procedures how to recognize and support victims. In further section 4 of the Report experience of two health care institutions: Praski Hospital and Banacha Hospital will be presented and discussed.

- 5) **The Prosecutors Office** (prokuratura) is an essential element of the state institutions system involved in the protection and support to victims of crime during criminal justice system. Units of the prosecutors' office are established in every district of the country (cities and towns). It is the leading body conducting most serious investigations and supervising all other pre-trial proceedings. Victims are usually important source of evidence during the proceedings and may play a role of a witness or be active as a party of investigation. In further section 4 of the Report experience of three prosecutors: one from district procuracy in Poznań and two from regional procuracy (Warsaw and Poland) will be presented and discussed.

- 6) **Courts, curators, schools, other education institutions.** It have to be noticed that important role in protection of victims' rights play courts – both criminal and family courts, responsible i.a. for use of temporary detention against the

perpetrator, other forms of coercive measures, conduct special forms of interrogation. The same can be said in relation to curators responsible for monitoring of victims situation and perpetrators behavior, or education institutions like schools that may play important role at the stage of identification of victims and referral procedure. Courts are established in practice in every district of the Country (most cities and towns). Courts are not very often used by victims as entry points for the protection of their needs, but they indicate their needs during trials or other court activities.

4. Victim-related practices in national systems.

This section presents the practices followed by authorities ('entry points') for the identification, needs assessment and referral of victims on the basis of the data collected through field research that have been carried out from September till November 2016. Eleven interviews have been conducted: two among state institutions responsible for social, psychological support, two among representatives of NGO's involved in victims' protection system, one among Police officers, two among hospital personnel, and three among prosecutors. All interviews were conducted in two cities – Warsaw and Poland, apart ab 300 kilometers to receive comparable information but from distance locations. All interviews but one were recorded. Recording of the interview was a factor that discouraged some potential interlocutors and in few situations was a reason of refusal to answer questions from the questionnaire. In 2 situations interlocutors changed the opinion and during the meeting agreed to be recorded, one finally agreed to answer questions without recoding. Another obstacle was observed in Police offices and hospitals. Number of approaches to organize a meeting have been made, most of recipients of proposal of the meeting refused to participate for different reasons. Further information presented by interlocutors about the practice of the victims' supporting system will be grouped and analyzed per theme and by entry points.

4.1. Identification of victims

Social Welfare Center Warsaw (SWC, Ośrodek Pomocy Społecznej, Prevention of Violence Unit is usually involve in the victims' support procedure after recognizing a person a victim of crime. Most of clients are referred by the Police within the Blue Card procedure. Sometimes however victims are referred by other institutions (f.e. schools, hospitals).

Even if a person is recognized as a victim and the Blue Card procedure is initiated the SWC always verifies the situation, as Blue Cards are sometimes open during the Police intervention at victims'

house, not always filled properly or entire. The **Part A of the Blue Card** is usually ten filled by other institution (f.e. Police, hospital, school) but have to be revised (template of the A Part attached to the report). Victims receives **Part B** that include all relevant information about victims status, rights and obligations (see template attached to the report).

Crisis Intervention Center, Poznań (CIC, Punkt Interwencji Kryzysowej, Miejskie Centrum Interwencji Kryzysowej w Poznaniu). Identification of the victim at the CIC is usually perform during the first contact or meeting with the person. Crisis Intervention Center works as a first contact institution. Usually it is phone contact, and initial information given by the person allow to recognize if it is any suspicion that the person may be a victim of crime. Sometimes the person only informs about life problems but do not identify itself as a victim of crime. Workers of the CIC – only psychologists and lawyers are specially trained to recognize symptoms of victimization. Sometimes, upon information from friends, other victims person gets the information about the CIC and come personally to the Center. The person is always invited to visit the CIC. According to binding procedure after any such contact either by phone or personal note in writing must be prepared.

First personal contact is usually organize with the psychologist. This allows to get more information from the victim. Shortly after meeting with psychologist there is a meeting with a lawyer, sometimes even the same day. There are usually two psychologists at the same time on duty. Any decision regarding identification of a victim or assessment is consulted with the second psychologist and a lawyer if needed. The personal characteristic of the victim, i.a. age, sex, special features, reason of the meeting, are always carefully reconstructed. Information about the crime given by the victim is registered in computer program. If a person in serious crisis arrive and even there is problem with contact to the person, or a person is in posttraumatic stress/reflexes it is a problem to deliver proper support to the victim. There is not a specialist clinic for this kind of hard cases in Poznan. Children do not arrive by themselves but usually is brought by parents or adult relatives to whom they trust.

Sometimes it can be noticed that person can mislead the CIC – if there is a crisis in the family, divorce procedure and parents fight for children some false reports have been reported. Second situation is if there is a person with personal mental disorder. Trainings – most common practice is that new staff members were trained by those more experienced, also volunteers could be employed in the CIC

Sometimes during first interrogation arises information about victimization of children by the same perpetrator, but the person (being the victim itself is not always interested in reporting that crime. Some lack of sufficient information about existence of the CIC can be noticed, and the whole system of support for victims is not enough known to society. Cooperation with psychiatrists should be very useful, especially for victims of long violence, traumatic stress. Victims of rape, long home violence – need for specialist clinics and psychiatric assistance for a long term.

MOPR Poznań There are no specific regulations for the identification of victims introduced by MOPR Poznań. Most of victims of crime are referred by other state or NGO organizations. Victims are already identified by other institutions, social organizations, health care organizations, Police, prosecution. They receive basic information about the victim and the crime collected. It is the same for all groups of victims, including vulnerable, children and minors. For this reason and according to the model adopted, most of its efforts are concentrated on second and third stage of victim assistance, ie. individual assessment of needs and referral mechanism.

Women's Right Center, Specialist Support Center, Warsaw (WRC, Centrum Praw Kobiet) The Center for Women's Rights is an organization committed to ensuring the equal rights of men and women in the public and private spheres. **WRC** is involved in the procedure of identification of victims from the very beginning. Victims are informed about the WRC by other women, victims of

crime, receive information from internet, Police, media programmes (radio, TV). The procedure of identification starts from the first moment of contact – whether persona or by phone. It is conducted by social workers of the WRC, who have regular office hours answering phone calls and meeting person coming. In case of phone calls personal meeting date is always set.

Meeting takes place either at the WRC headquarters or in **Specialist Support Centre for Victims of Domestic Violence** (*Specjalistyczny Ośrodek Wsparcia dla Ofiar Przemocy w Rodzinie*, hereinafter SpecSuppCenter). Identification procedure is done by the social worker during the interview with the victim. First step of procedure is based on document called **“Information Card”** (Karta Informacyjna, see template attached) which is a kind of questionnaire enabling to collect all relevant information about the person, personal and family situation, features of the crim. Decision upon further steps of support and instruments to be delivered is made after the consultation with the coordinator. The same procedure is followed when it applies to sexual abuse victims, children (usually present with parent), victims of vulnerable groups. In case of foreigners usually translation is provided by translators working as volunteers.

The procedure observed in WRC is professional and includes 30 years of experience of the WRC with victims' of crime. It is efficient and allows victims of crime being properly recognized as a victim. The main challenge is however to make the system being general and applicable not only in Warsaw, other main cities but everywhere in the country. So far many victims of crime from other places outside Warsaw are coming to the WRC.

Child in the Center Foundation. Poznan. (ChICF Poznan, also as The Center, Fundacja Dziecko w Centrum). Victims are usually identify by well trained and educated personnel involving psychologist and legal experts. The procedure is twofold, at the beginning persons are questioned by specially trained psychologist whose main task is to get the basic information about the problem, classify it, define the possible stage of trauma and decide about the

further methods of psychological support. During this meeting psychologist also ask if a person is ready to undertake legal actions or if any legal actions were already done. This is called “the first contact”. Afterwards, if person declared will of receiving the legal aid, legal specialist is being appointed to the person. Before the meeting with the person, legal specialist has access to data gained by the psychologist, so person doesn't have to describes the problem once again. During the meeting lawyers ask some additional questions necessary to provide full legal evaluation of the problem. Person receive information about his/hers legal situation and possible solutions and actions.

The first contact is done by psychologist who have to conduct the recognition of the problem. Later, if necessary, person is being directed to legal specialist. It is understood that especially at the beginning stage, psychological assistance is much more important. Legal actions comes later, if person is ready to do so, but of course one have to remember about the procedural limitations such as elapsing terms. As soon as person comes to ChiCF aid may be granted only if someone wants to receive it. People can contact the Foundation directly, just by coming to the office, or via phone, mail, etc. ChiCF sets the day of “the first contact” as soon as possible. Commonly person meets psychologist within the week after contacting.

Identification usually takes place in the office in the center of the city. ChiCF have specially adapted rooms where “the first contact” and further legal aid can take place. Nevertheless in some cases, when people cannot move ChiCF decide to visit them in their homes. The decision is done according to individual situation. “The first contact” is based on quiet and peaceful conversation during which the psychologist tries to get as many information as possible. It is very important to listen to the person rather than to give solutions at the very beginning. Sometimes it takes longer to get to the person, he/she needs more time to open in front of psychologist and share with his/hers problems. Conversation is the milestone and the clue.

Psychologist are well trained and each and every one of them has it's unique methods of working. What more important, every case is different and requires individual approach. What worked with one

person may doesn't work with the other, it is very fragile and delicate matter. The only thing that psychologist has to remember is – find out as many as possible – because there are some questions that could not be asked by legal advisors.

ChiCF organizes regular trainings in various areas. There is an expert in group of psychologists and group of legal advisors, whose task is to conduct trainings regarding new methods of working, how to deal with particular cases, etc. Cross-trainings are also implemented - legal expert has regular training for psychologist regarding elements of crime, new procedures and etc., and psychological experts trains legal advisors on best methods of working with traumatized person.

Personal features of the victim are a serious factor taken into account during identification procedure. Support that is provided is always personalized that means it is adjusted to personal capabilities of communication. “The first contact” gives the information about educations, disabilities (including mental ones), and other limitations in communication. According to received data ChiCF can provide tailored help.

ChiCF team is 100% English speaking, if necessary they can also provide translator or interpreter to assist non-Polish and non-English speakers. Foundation has additional funds for that kind of help – we are not leaving anyone.

During “the first contact” psychologist gathers as many information as possible also regarding a possible crime. If during this conversation comes out that they might deal with a victim of a crime, or a person needs legal aid, lawyer is appointed. During the meeting with the legal advisor further question are being asked. All information are recorded by legal advisor in personal portfolio, where they also collect all documents, motions and other files. All personnel involved in contact with specific person have permanent access to those portfolio and update it after every single meeting.

In CHiCF understanding children needs special and different approach. Foundation has specially designed room for them, which is full of toys, colorful walls and other “kids’ staff”. Among psychologists are those who specialize in work with children. There are also

lawyers aware of special needs of children. They also work – if there is no limitations - with parents or legal guardians to prepare them for situations and how to help children to find the way out of the negative experiences.

During the interview/conversation person tells only that the information that she/he wants to share. Also scope of the given aid depends totally on them. ChiCF respect person wishes and tries to adjust to them as good as possible. The main task – mostly in legal area – is to show person the possible solutions. Outcomes are rather obvious – ChiCF receive an image as well of the person and the problem she/he comes with. Receiving those information help to prepare tailored assistance for everyone that needs assistance. Updating this data also help to monitor progress made by single person.

Good practice is to helping victims from two sides simultaneously, from psychological and legal point. One also should remember that everyone is different and has different needs, skills and etc. That is way it is so important to have open mind and do not make presumptions.

The main challenge for the Center is to open for on-line assistance so people that have to commute to the office could get assistance via Internet. They are working on special program.

The Police office. (Wydział Dochodzeniowo-Śledczy Komenda Miejska Policji w Poznaniu) Police is by no means one of the leading institutions in the identification of victims of crime. There are different possible procedures of identification of victim in practice. One of most common starts with arrival of the victim to the Police station. The notice of an offence is received from the victim directly upon his arrival. It takes place at the Police station and the police officer on duty is responsible for receiving the notice. It is done by filling in the special form (attached to the report) **Protocol of oral notification of the offense**. It is very detailed instruction to be followed by the Police officer and includes questions regarding the person, circumstances of the offence, place, time, etc., persons involved, perpetrators, etc. During filling the protocol and following

regulation of art. 49 CCP Police officer assesses whether the person could be regarded as a victim upon the description of circumstances and assigns the status of the victim to her/him. Any formal decision on this regard is not required. Protocol is signed by the victim and the police officer. It is normally not recorded, in special circumstances recording may be applied by the decision of the Police officer. All the documents from the case are filled in electronic version and kept in electronic files. Special electronic register of investigation and inquiry (Elektroniczny Rejestr Czynności Dochodzeniowo – Śledczych) was introduced few years ago.

Another possibility is **receiving information from witness about the crime committed**. The same type of Protocol is filled, and among other issues the identification of possible victims is very important.

Very often the procedure of identification of a victim is carry on as a result of **call for intervention**. Police arrive to the place of intervention – usually house, private place, public place called by social institutions responsible for contacts to the society, to the accident by the ambulance, witnesses of the situation. In such a case protocol of the intervention is always filled. The Police officer present at the place of intervention fills the protocol and assesses whether there is a victim of crime present. Interventions are usually carried out by Police officers from prevention service. All of them are trained in first contact with victim and received also the **practical handbook (questionnaire) of risk assessment** f.e. for recognition of violence on person (in family f.e.). It consists of 13 questions in two parts: 1-3 and 4-13. This questionnaire allows the police officer assesses whether the person is a victim of crime. If a person is a victim further procedure is involved. Most of interventions are the cases of family violence, also violence against children and violence caused by alcohol.

Having received notice of an offence, the Police (or other agency authorised to conduct the preparatory proceedings) is obliged to react immediately (the principle of legalism) by: a) issuing a decision to instigate proceedings, or b) refusing to institute an investigation, or c) verifying the facts. The last of these is conducted by means of verification proceedings that involve demanding additional

information about the offence committed as indicated in the notice, or verification of the facts (Article 307 CCP). The verifying proceedings may last up to 30 days and they are excluded from the period of criminal proceedings.

Banacha Hospital (Samodzielny Publiczny Centralny Szpital Kliniczny, ul. Banacha, Warsaw) Most of victims of crime that arrive to the hospital are victims of traffic accidents, home violence or other kind of violence. First contact to the health care is the registration at the emergency room. All patients are registered there and have contact to the medical personnel. If during first examination of the patient doctor considers that a person is a victim of crime always contacts the Police by phone and inform them about the situation. This procedure is independent of the will of the victim unless it is crime investigated on victims motions only (as it was rape before 2015). Identification of the victims is conducted by a doctor during the medical examination at the hospital. Doctors are sensitive to injuries that arise unusual way or with third party participation.

In some cases also Police address questions to the Hospital asking for reported patients with specific injuries if a crime has been reported but the victim is unknown to the Police. If rape or other sexual crimes are reported by a patient Hospital refers the victim to the specialist health care institution (Lindelay Hospital) for the autopsy.

Praski Hospital (Szpital Praski pw. Przemienienia Panskiego, Al. Solidarności 67, Warsaw). Procedure of identification of victim takes place during interviews bot at the arrival to the hospital and during treatment. Usually the doctor of first contact – on emergency room – while first examination is conducted is able to recognize traces of violence. Usual cases at the Hospital are victims of home violence, beatings, road accidents, gunshot wounds, knife wounds, fractures, also victims of abuse of the elderly, disabled and children. Identification of victim always take place at the hospital and is a result of examination. No special trainings or instructions are needed as doctors may easily recognize traces and wounding's caused by

violence. Information about features of the crime are collected in description of patient state of health and results of different medical examination results (tomography, roentgen, etc.).

As a result of identification of a crime and a victim the procedure includes direct contact to the nearest Police Station and information about victim registered and recognized. In urgent cases (danger to life or serious injury) information obligation may be postpone until all necessary treatments are conducted by the doctor. If death occurs before 12 hours of the arrival to the hospital procedure demands information of a prosecutor about the death. The Hospital refer the case of a patient to the Police always also if identification of a patient/victim is not possible and the patient is anonymous.

If a person demanding abduction and recognizing her/himself as a victim arrives to the hospital but don't require medical treatment it is referred by registration of the Hospital to one of forensic medicine institutions from the list available to them.

District Prosecutor's Office in Poznan (Prokuratura Rejonowa w Poznaniu) Prosecutors' office is not involved in main procedures for the identification of victims. It is conducted by other different authorities, institutions, organization, eg. NGO. In usual cases victims are already referred to the prosecutor after being recognized as a victim of crime for the purpose of conducting actions described in the Code of criminal proceedings, i.a. interrogation of a victim. It is only limited number of cases in which such a procedure of identifications of a victim is implemented. It may take place if a victim will approach prosecutors during regular duty, organized for citizens in every unit of the Prosecutors' office. If the victim approach the prosecutor the meeting always take place at the Prosecutors' office in working hours. One prosecutor is present during the meeting. Initial interrogation is conducted and if prosecutor finds that the person should be regarded as a victim or the victims of crime wants to present a motion about crime committed such a motion is accepted and registered. There can be both oral and written motion in this matter, both are accepted. Special protocol of receiving the motion is prepared and signed by a victim. Victim has a right to present all the

information she/he finds important and relevant to the situation. If there are grounds to find that the crime has been committed and it meets conditions of the art. 297 of the CCP preparatory criminal proceeding shall be open upon the prosecutors order (postanowienie). The victim of the crime receive position of the injured person and is a party of the proceedings.

Regional Prosecutor's Office in Warsaw and Regional Prosecutors' Office in Poznan do not participate to the identification of victims proceedings as it is mostly the procedure carried by Police, social organizations and sometimes also by District Prosecutors Office. In usual cases victims are already referred to the prosecutor after being recognized as a victim of crime for the purpose of conducting actions described in the Code of criminal proceedings, i.a. interrogation of a victim.

In small number of cases victims of serious crime come to Regional Prosecutor's Office directly and then a procedure of identifications of a victim is implemented. These are crimes related to organized crime, crimes against life, human or drug trafficking. In such cases prosecutor interrogate the victim and fill the protocol of interrogation. Victim may present the motion to start the investigation and the motion can be accepted either oral or written. Victim present all the information she/he wish to give and it is recorded or saved in protocol. Witness signed the protocol. All procedural rules specified in the Code of Criminal Proceedings are followed. If there is a need to interrogate the victim of sexual crime the prosecutor of the same sex is usually participated in the proceedings. In case of sexual crimes against children also the presence of the psychologist is provided.

The problem with terms of interrogation of specific groups of victims: sexual crime victims and children sometimes occur. In such cases interrogation is led by the court on the prosecutors' motion, a hearing of a victim may be postponed for 1 month or more. Special rooms for interrogation are provided in each court however decision of the court is not always rapid, victim may not arrive or the psychologist.

4.2. Individualized assessment of needs

Social Welfare Center Warsaw Individual assessment of needs by the SWC procedure starts with the visit of the social worker to the victims' house and the assessment of the situation at the natural habitat conditions. Also the interview of the environment and nearest neighborhood is conducted, opinion of the local Police officer are taken into account. Information from school, psychologist are also collected (visit to the victims' place of residence). The procedure of assessment of needs in such a situation usually lasts about one month. The basic purpose is to establish if violence actually takes place, and if the situation of conflict can not be solved with the support of family resources (nearest members of the family, parents, children). In urgent cases, if the violence is brutal, there is a threat to life or health the procedure is very quick and lasts one-two days.

The important step of the assessment of needs is the report presented by the social worker to the **Interdisciplinary Team**, that have its subassemblies every week, and the main assembly once a month in the seating of the SWC. Procedure and documents produced are described in the Blue Card Procedure. The Interdisciplinary Team fills the form **Diagnostic Opinion Card (Karta Diagnostyczna Opinii**, see the template attached to the report). Each Card should be filled for every person, even if members of the same family. The card is a questionnaire including following groups of questions: information about the person, description of the situation, threats and previous situations, risk assessment. After that the **Working Group** is established. The main task of the Working Group is the further assessment of needs and assistance to the victim. The working Group consists of curator, social worker, Police representative, pedagogue (if needed), psychologist. In the district of town where the SWC is active currently 60 Blue Cards are open, but more cases are at first stages of the proceedings (identification of the situation, victim).

Further assessment and assistance to the victim is also connected with two other procedures. It is the **Part C of the Blue Card**, that is usually filled in by the coordinator of the working group or other social worker at the SWC with the victim. Part C of the Blue Card (see template attached to the report) includes: It includes all the expectations and opinions of the victim, together with her/his opinion on the expected effectiveness of measures and willingness to implement them. It is in practice the base for further activities and support to the victim. Also another document **Part D of the Blue Card** is filled, but usually without participation of the victim.

SWC is the system administrator of the Blue Card procedure in the District. Therefore is also responsible in some way for the final quality of documents included in the Blue Card (Part A, Part B, Part C, part D). Blue Card should be open for the victim for no more than a year usually. In case of need it can be prolonged however it is understood that violence situation should be solved within this period of time. If there are no satisfactory results often it is the signal that Family Court or other State institution should be further involved with the situation. Working Group prepares also the document **Support Plan (Plan pomocy)** that is a subject of evaluation during regular meetings of the working group.

Crisis Intervention Center, Poznań. The assessment of needs of victim is conducted during the interrogation. Internal regulations demand use of theory of crisis intervention – basic demand is to ensure personal and internal safety. The CIC concentrates therefor on assessing what kind of support is needed – to provide housing, food, isolation from perpetrator, etc. The assessment is made by workers, usually at the Center, or if it is a Police intervention at victim's place. Interrogation of the victim to assess her/his needs are based on experience of many years of acting as a crisis center. Trainings are provided but usually upon internal requests of workers, supervisions for psychologists are also provided. Sometimes CIC is invited for trainings outside. Questions asked are not formally limited or strictly regulated. New internal initiative is to extend the support for foreigners but such a support system is not introduced yet.

If a identification of victim comes to the conclusion that there have been a home violence CIC opens' the Blue Card procedure and initiates the assessment of needs in this procedure. Detailed information is gathered and the questionnaire is filled in with the victim. CIC staff member is included to the Interdisciplinary Team and participate to the Working Group for a victim.

In case of cruel crimes, discrimination, sexual crimes against children there is faster reaction of all institutions involved – the Police, prosecutor, etc. But sometimes also in case of rape crimes victim referred to the hospital for examination are waiting many hours for a doctor.

Data collected is kept secret and it is shared upon a written request to other institutions.

MOPR Poznań Basic importance for the legal procedure for individual assessment of the victims' needs has the "Blue Card" procedure. Proper identification of victims of crime based on Blue Card procedure is a core of the system. It is therefore very important to receive the questionnaire of the "Blue Card" properly filled. Activity of the victim and her/his collaboration is essential at this stage. Very often it can be notice that shame, fear or pressure from home or local society influence the victims behavior in a negative way, reducing her/his ability to active participation. Need for special social campaigns showing victim of crime as average members of society, neighbors', family members, should be noticed.

The assessment of victim of crime needs is conducted by special Working Groups (grupy robocze) created in Sections of Interdisciplinary Teams (Zespoły Interdyscyplinarne). The working group shall consist of: social worker, police officer, health security officer, education officer (in case of children), child curator, adult curator, officer of municipal center for alcohol problems (miejski ośrodek walki z problemami alkoholowymi). Psychologists are usually members of Working Groups, but not always. It is usually based on the written application filled during the first victim

identification meeting, on information given by the victim. The whole Working Group is involved in the procedure. The assessments takes place during the meeting that can take place at the MOPR residence, Police station, association or foundation or any other place in urgent place. The tasks of the members of the interdisciplinary team or working group within the framework of "Blue Card" are to assist a person experiencing violence, take action against the abuser (informing about the consequences of actions, motivation to take care, develop an individual support plan (which may be subject to change with the development of the situation).

If the victim is able and willing to participate in the assessments procedure her/his expectation are a subject of special concern. There are not unified at the territory of the State internal guidelines or written rules regarding questioning victim of crime as a part of assessment of needs. However such internal guidelines or written rules are prepared and proceed. They are based on local officers experience and their ability and willingness to produce such materials. Poznan municipality (representatives of organizations and institutions involved in the assessments of victims needs procedure) prepared and introduced Standards of Working Groups Activities (**Standardy pracy grupy roboczej**).

The individual assessment is conducted by members of the **working group acting together**: social worker, curator, police officer, representative of therapy center. During the individual assessment the personal characteristics of the victim; the type or nature of the crime; and the circumstances of the crime are taken into account. If the working group is not able to decide upon proper support for the victim at the choice of the aid measures it refers the case to the Section of the of Interdisciplinary Team, that have to decide.

In case of child victims always the issue of representative of a child is discussed and decided. If the child can not be represented by a parent (f.e. perpetrator of a crime) curator of the family have to be selected upon the working group decision.

It is not recorded but the report shall be produced after the meeting, including basic findings of the group, including decisions regarding assistance provided. Sometimes some delay in the procedure is observed due to the fact that most members of working groups are

overworked or participation to this procedure is only a part of her/his professional work. The report from the working group assessment is included to the files of the victim.

If the Blue Card procedure is not introduced due to the fact that the victim of crime is not willing to open the procedure OGO organizations as associations or foundations are involved. They provide basic information about the possible support and refer the victim to the proper institution/organization for further procedure.

Among social staff there are trainings provided on how to identify vulnerability, special needs to how to communicate with victims. There is always lack of sources to keep the training procedure available for all involved. Trainings are provided separately for social worker, curator, police officer, representative of therapy center. They do not always receive the same trainings and set of information.

Special protection provisions apply to children and sexual crime victims. Special rooms for interview with such a victim is usually provided. In case of foreigners translation is provided, but such cases are not often.

The system of MOPR/MOPS institutions are not covering the full territory of the country. They exist in most of cities and municipalities, but are not in all minor cities and villages. In such a situation Police station, education centers are involved in the procedure of introducing the Blue Card procedure. However usually it is not that developed.

It can be noticed that the exchange of information is not developed at the satisfactory level. Usually it is the local community that share experience and information, introduce its own standards and procedures. They are not united in the whole country. There is not a united and widely known platform of exchanging information and sharing experience.

Procedures for the individualized assessment of needs introduced in Poland are effective if are applied. Lack of special centers for children as victims of crime is a problem noticed among respondents. There are cases reported that child victims have been carried by a police patrol throughout the night due to lack of proper placement. There

are also reported lack of jobs dedicated fully to victims protection service. Many social staff members, all police representatives are sharing their time among different tasks and are not concentrated only on this job. Large number of Blue Card procedures pending the same time (f.e. Poznan Jezyce 120-140 pending the same time). Increasing number of written reports and document that have to be filled is considered as a duty reducing the efficiency of the protection system. Expectations to have funds for maintenance of special rooms and places for Working Groups meetings, meetings with victims excluding Police stations whenever it is possible.

Women's Right Centre, Specialist Support Center, Warsaw.

Individual assessment of needs is based in WRC on three steps of procedure. The beginning is the **“Initial Interview”** and its results. The second step, focused strictly on the individual assessment of victims needs is the procedure based on the document **“Family Diagnosis”** (“Diagnoza Rodziny”, see the template in the attachment). It is filled by the social worker with the victim. The psychologist also meet the victim. It always includes the personal data, address, information about children, description of the situation, evaluation of the psychological situation of a victim by the psychologist, expectations of a victim.

The WRC is also managing the center for women, victims of crime **Specialist Support Centre for Victims of Domestic Violence** (Specjalistyczny Ośrodek Wsparcia dla Ofiar Przemocy w Rodzinie). The Center is financed by the State (województwo) and managed by the WRC. Its address is secret, and offers 30 places for victims of crime for residence. Stay may last up to 3 months, and in individual circumstances it can be prolonged. There are 36 Support Centers of that kind dedicated to women, victims of crime in Poland. Most of them are managed by authorities of local government.

The most important step of the individual assessment of needs for victims is the document called **Individual Support Plan (Indywidualny Plan Pomocy**, see the template in the attachment). It is filled by the social worker personally devoted to the victim and responsible for contact to the victim. Individual Support Plan

includes: information about the victim, assessment of the situation of live of the victim – reasons of stay at the Support Center, possibilities of the victim and her relatives to solve the situation, limitations or barriers in the society reducing possibility to solve the problem, tasks and way of their conduct taking into account needs, aims, methods, and time of work to be done. It is always signed by the victim and the social worker together, together with the signature of the supervisor of the worker. Last part includes sum up of activities taken and their results signed by social worker and supervisor.

The permanent monitoring of the victims' situation and evaluation of the assessment of needs is lead by the same social worker and based on Family Diagnosis and Individual Support Plan. Evaluation of the Support Plan is permanent. If the victims do not stays in the Support Center there is an obligation to monitor the situation and have contact with the victim not less than once a month, and more often in cases if it is necessary.

Child in the Center. Poznan. There is no existing procedure for NGO regulating individual assessment of the victims' needs. ChiCF doesn't recognize any binding regulations of such kind. However NGOs does it in order to runs properly. Without individual assessment provided aid could not be effective and might be miscarried.

Individual assessment is applied every time a person comes to the Centre to get assistance. At the beginning psychologist estimates scope of necessary help basing on person age, gender, level of education, wealth and type of committed crime. Taking that kind of information together allow to prepare the best possible aid for each and every one.

Mainly the individual assessment is done by the psychologist during "the first contact". The Center team is highly trained to pay attention to every detail that might be helpful during the further work. Individual assessment is done commonly in the office, where they can provide all necessary tools, and – what is very important – the very special atmosphere which allow victims to share with their problems.

Assessment takes place at the beginning of the work with victim. After setting the date, person comes to the office and start “the first contact” during which they conduct the assessment of person’s needs. It is recorded in personal portfolio which is established for every person incoming the Center. Thanks to that they have permanent access to those files and information and can update every single change of the person’s situation.

The assessment is based on conversation conducted by specialist. Every conversation is different. At the beginning the Center use personal questionnaire, where they gain basic information. In personal questionnaire following questions are asked: name; age; phone; e-mail address; marital status; children; source of income, other relevant information. The paper questionnaire is attached to personal portfolio. There are no further rules or guidelines regarding conversation. The most important thing is to have a full scope of the present situation of the person.

Next step of the assessment is exchanging information among psychologists and lawyers. Psychologist share this information with legal advisors if legal aid is necessary. The Centre does not report this information to anybody.

Following criteria are used to make decisions on individual needs: health situation; wealth situation; possessing children; criminal proceedings requirements. The Centre provides also trainings for the psychologist how to identify crimes and possible victims from the legal point of view. Simultaneously psychologist train legal advisors on how to communicate with victims without the threat of double victimization. They also participate in trainings prepared by Adam Mickiewicz University Faculty of Law and Administration and the District Prosecutor’s Office in Poznań, which are held approximately once a year.

If during the conversation of further steps of procedure it will come out that person needs a special treatment like special protection the Center alarms proper authorities. The Center provides leaflets with phone numbers and addresses to the Center and other places where one can get assistance and help. All other information are given during direct meetings.

Victim decides about every undertaken action. The Center cannot act without permission granted by the victim. Sometimes ChiCF decide about financial support when situation of the person is critical. ChiCF can also refund medicines or adopting new flat to special requirements of the person. In particular cases the Center also participate in criminal proceedings as social representative where special care about the interests of the victims is required.

In some cases as domestic violence there is a high risk that repeat victimization might occur. Therefore ChiCF advise to set a motion to prosecutor or court to provide preventive measures during the proceedings which will guarantee the safety of the victim. This subject is included in the internal trainings procedure.

Personal characteristics of the victim in the assessment of needs is developed mainly with the use of personal questionnaire. Other factors, type and nature of crime and it's circumstances are being established during the conversation where the situation is identify. Questions are concentrated also on alcohol and drugs issues, violence problems, its frequency and undertaken actions.

All the data are being kept in special room where access have only certain group of people. There is no possibility of losing some information or to make it public. Victims also have permanent access to those data. The Center is also obliged to abide the policy of privacy as it deal with fragile data.

Special procedure applies to children. The Center provide help for children in specially designed rooms and by specially trained specialists. During a session with children psychologist assets if there is need of any further, special intervention. When necessary The Center informs authorities about the existing situation. The Center provides mainly psychological assistance for children and legal aid for their parents and legal guardians.

Victim has regular meetings (once a week) with psychologist working in individual or group therapy, and if necessary she/he might contact with his personal legal advisor who monitor hers/his case. We are totally on their disposal.

The main challenge in this area from the Center perspective is to create the national system of information regarding possible aid and assistance.

The Police office. The procedure used by the Police for assessment of victims needs is formalized. It is applied at the first contact to the victim – so during receiving oral or written notification of the crime (offence), in a result of intervention and recognition of a victim, as a result of Police verifying procedure stated in art. 307 CCP. Individual assessment is conducted during formal interrogation of a victim. It is always led in formal way and special protocol of interrogation is filled. It can be a part of the protocol of notification of an offence, or separate protocol.

During interrogation victim of crime receives the document – **letter of victims' rights** - written instruction of basic rights in the further procedure. The form of the letter of rights is regulated in legal act – **Regulation of the Minister of Justice from June 3 2015 on the definition of the model instructions on rights and duties of a victim in a criminal proceedings** (Dz. U. 2015, nb 848, see the attachment). It is given in written form to the victim. She/he receives all the relevant information about rights to legal aid, psychological help, places of special support to victims, NGO organizations, places of residence for victims of crime, centers for Crisis Intervention.

In urgent cases when it is necessary to secure traces of the offence and other evidence against loss, deformation or destruction, procedure of art. 308 CCP is introduced – the Police (or prosecutor) may conduct actions such as examination and search, including taking blood and excretory samples for tests (so called necessary actions, interrogation of witnesses, search of event place.

The Police may use tools included in Special electronic register of investigation and inquiry (Elektroniczny Rejestr Czynności Dochodzeniowo – Śledczych). There is also rich database of relevant instructions of victims protection, special needs, special forms useful

during contact with victim. Access is however limited only to the police and limited to those police officers that conduct investigations or supervise those actions.

If the Police assesses that the victim may be aware of its life or security the procedure of security instruments may be introduced. The procedure is based on the **Act of November 2015 on the the protection and assistance for victims and witnesses**. It may include protection of person, place of residence, change of such place, financial support, other forms of support. The motion to the Police commander is filled by the victim with support of police officer. Decision should be taken within 14 days. Depends on the source of threat and needs different instruments will be applied. All the procedure is secret.

Banacha Hospital Hospital is at the process of adopting special procedure of conduct with specific groups of patients. According to the draft version of the procedure special treatment is overseen in case of victims of rape or other sexual crime. If a patient posing as a victim of such crime arrive to the reception it is “essential to ensure privacy and intimacy during all medical treatment. Examination as to the patient nad her/his body must be conducted in presence of doctor and nurse. If the patient is a minor presence of adult indicated by the minor is required during the examination. From all procedures conducted at the emergency room (examination as to the person and body, all diagnosis, laboratory tests, treatments a documentation must be drawn up by a doctor. If a person being victim of rape or other sexual crime is adult upon her/his approval Police is informed immediately (proper address and phone of the station is previously fixed and delivered to the doctor). If a victim is minor doctor informs the Police and parents independently of the will of minor. For further specialist medical procedures victim is transported to the specialist hospital by the medical transportation upon prior information to the specialist hospital.

Praski Hospital Existing procedure of identification of victims needs is mostly concentrated on delivering proper medical treatment. If a patient were/was already recognized as a victim of crime and

depends on a type of crime special procedure may be introduced. It is always the obligation a doctor and nurse to secure victims needs and if a victim is able to speak to receive information about her/his needs. It is usually done at the emergency room or in case of specialist medical procedures involved in other parts of the hospital.

If it is a victim of rape or other sexual crime special procedure applies, including special diagnostic set (Blue Box, Niebieskie Pudełko). This diagnostic set allows to take samples for testing and as evidence for further criminal proceedings. It includes also special support procedure, psychological support, protection of clothes, blankets and other things necessary to the victim.

In some cases – if a doctor finds a person as a victim of violence procedure of Blue Card may be introduce. The doctor fills in the Part A of the Blue Card and give the Part B to the victim. In such a case usually more information from the victim is collected and is drawn down to the Card.

District Prosecutor's Office in Poznan have also some important role in the process of individual assessment of needs and application of support mechanisms to victim. In both situations, i.e. when the victim is referred to the prosecutor by Police, social organizations, MGO or other institution responsible for identification of the victim, or when the person appears individually and is identified as a victim of crime interrogation of a victim shall take place. During the procedure victim is obliged to present the information to the prosecutor with all necessary or possible detailed. During this stage of proceedings the assessment of victim's need is conducted.

It takes place at the prosecutor's office, usually in working hours. However for urgent cases in every unit of Prosecutors' office special duty of prosecutors are organized. If there is an urgent need prosecutor can proceed at any time (night time, weekends, holidays, etc.).

The assessment of victims needs proceed by the prosecutor is in practice limited to instruments that can be introduced by the prosecutor. They include first of all procedural instruments, including initiation of security for the victim procedure, referring to the Police, using special interrogation technics to protect the victim or avoid double victimization, to impose on a perpetrator special orders (order to leave the house if parties are leaving together) or using coercive measures as stated in CCP.

In case of special crimes committed against minors, with special cruelty, sexual crimes special procedure have to be implemented by a prosecutor. As stated in art. 185a and art. 185b of the CCP victim can be interrogated only by the judge in special conditions. Prosecutor is obliged to inform the court and Police and procedure is implemented. Interrogation of victim takes place in "Blue Room" with presence of psychologist and the judge only. Prosecutor, police officer and technic staff are present in different room (in Poznań District Court, special entrance to the Room). Interrogations are organized in such cases in one day, or even the same time. It is always recorded as it can be used as an evidence to the court instead of demanding next interrogations that may have double victimization effect. Also in other cases prosecutor use the list of psychologists to provide psychologist presence to the interrogation if it is necessary due to the mental state of the victim.

Psychologists shall be selected and have specialization. Specially in case of child victims child specialization is essential for the proper psychological care. There are also cases reported that psychologists reject participation to the procedure with children victims if are not specializing in this specific group. In urgent cases it is essential to have a list of more than 2-3 psychologists available and able to support the victim and participate to the proceedings. If psychologist takes part to the proceedings, i.e. interrogation decisions and final assessment of needs is always discussed among prosecutor and psychologist.

In its assessment of needs prosecutor may use information from the Blue Card if such a status is already implemented to the victim.

Prosecutors' office has not direct access to the system and information but receive them prof Police or social workers.

Prosecutors from district prosecutors' offices attends also Interdisciplinary Teams, but takes no part in final decision, supporting Teams with basic information about the procedure, legal situation, legal qualification of the crime, etc.

Every year Prosecutors' office organize special Week of Support to the victim" devoted to victims of crime. Some trainings of special technics of interrogation of victims, child victims, sexual abuse victims are organize by KSSiP but there is limited number of participants and it should have more practical approach. Special information cards for victims are presented to every victim during first interrogation. Victim is informed about her/his rights and obligations

Regional Prosecutor's Office in Warsaw and Regional Prosecutor's Office in Poznan. In cases of criminal proceedings that the Regional Prosecutor's Office is involved process of individual assessment of needs is related strictly to the procedural safeguards given to the victim of crime. It is always the problem of proper interrogation. If during the interrogation of the victim important information will be disclosed to the prosecutor he/she is obliged to assess if any special need/protection instruments should not be imposed.

Special instruments and technics shall be considered to protect the victim and the family. In case of interrogation of foreigners prosecutor decides to call a translator. The same procedure applies if there is vulnerable victim and need for translation from sign language. Procedure of interrogation in presence of the psychologist is also implemented if there is an assessment of such need. Medical assistance is secured in urgent cases. Assessment is made by the interviewer, at the office and during the procedure. If the victim is child subjected to sexual abuse, other victim of sexual crime, crimes for racial reasons prosecutor shall limit the number of interrogation

to one, if possible. Information collected in the Blue Card are also requested from Police and used in the assessment of victims needs from prosecutors' perspective. Victim is informed about her/his rights and duties. Special form with the instruction is presented to every victim during first interrogation.

4.3. Referral mechanisms

Social Welfare Center Warsaw Effectiveness of the SWC activities related to the victims' needs and support is based on close cooperation with other State institutions, organizations, associations, foundations dedicated to specific type of victim. The referral procedure is based on the Blue Card procedure, as it describes institutions and situations of referral. SWC is both the referring body and the one that receives referrals. The Police is usually involved in the first step of procedure and refers victims to the Center. Information about the victim and the situation is included in Part A of the Blue Card and also referred by the Police. It is then reported in Part A and recorded in the electronic system. In case of special protection needs Center refers the case to the Police by written information or contact the Police by phone. It is the decision of the management of the Center after the consultation with the social worker and the victim. If the case is not urgent it is also discussed during weekly subassemblies of the Interdisciplinary Team. In case of special protection needs related to specific groups of victims the Center have contacts with specialized institutions. If case of child victim it is f.e. Fundacja Dajemy Dzieciom Siłę (We Give the Strength to Children Foundation), Fundacja Pomocy Dzieciom. The Center also refers victims to the Critical Intervention Point (Punkt Interwencji Kryzysowej). If the place for residence is necessary the victim (sometimes with the family) is referred to house of social assistance, f.e. Daily Nursing Home Social Welfare Centre or House for Lonely Mother. The Center refers also victims to the Center for Womens' Rights, Blue Line, specialist psychological clinics. Lists of places of support to victim are available. It includes also the list of free legal assistance organizations and contacts.

Crisis Intervention Center, Poznań. CIC is a state institution involved in the support system to victims. It cooperates with Specialist Support Centre for Victims of Domestic Violence (Specjalistyczny Ośrodek Wsparcia dla Ofiar Przemocy) and most of victims of crime protection institutions.

Victims are often referred to the CIC by the Blue Line phone system. If a victims call the Blue Line the case is redirected regionally to the place of living. The Municipal Crisis Intervention Centre in Poznan (Miejskie Centrum Interwencji Kryzysowej w Poznaniu) which manage the Blue Line system in Poznań directs the person to the CIC, where the support is delivered.

It may be reported that victims sometimes do not wish to do anything and after interrogation refuse to cooperate. However if there is a crime reported information is always referred to the Police. Sometimes victims are referred by other institutions if they are overcrowded and f.e. psychologists can not help the victim. There is not any coordination in that procedure of referral of victim.

MOPR Poznan. The referral procedure is in fact a part of the essence of Blue Card procedure. Introduction of Blue Card is based on Working Groups activities. One working Group is created for separate victim. It consists of different institutions and organizations representatives: social worker, police officer, health security officer, education officer (in case of children), child curator, adult curator, officer of (miejski ośrodek walki z problemami alkoholowymi. In such a system referral mechanism is an integral part of the whole mechanism. Decisions taken by the Working group includes also decision on measures and support desire for the victim, and referral of the victim if needed.

Women's Right Center, Specialist Support Center, Warsaw. The WRC is deeply involved in the procedure of referral mechanism, as its effectivity is based mostly on co-operation with other institutions and organizations. The first step is connected with the first stage – identification of the victim, when the victim is referred to the WRC by the Police, other organizations, state institutions.

Support program for victims and results of the assessment of needs procedure often results in need to refer the person to other institutions and organization. Most frequent are the Family Court, the prosecution, foundations specializing in supporting victims (f.e. Dzieci Niczyje, Aslan), teaching clinics. It is often necessary to find a new school, kindergarten, co-operate with schools, support in find new job. Other institutions of referral are Houses for Lonely mother, Centers for Crisis Intervention. There is a need to extend the supporting system and make it last longer, also to increase number of contacts with victims.

Child in the Center. Poznan. The Center provides complex aid for victims, and usually do not have to refer anyone somewhere else. However, if something goes beyond our competencies, ChiCF suggests contact with criminal proceedings authorities, prosecutor or Police officer. Also if the victim is not satisfy with the support she/he receives in the Center or cannot wait for help form ChiCF suggests other *pro bono* organization but without pointing out any particular. However referral system in some situation might be useful, so creating one should be a main task for the upcoming years.

The Police office. The referral mechanism is a part of wider procedure of cooperation between Police and other institutions. Referring to victims situation Police cooperate with state agencies, NGO organizations, institutions of different type. Is both the authority that refer victims and the authority that receives referrals.

Important part of the referral procedure from the Police point of view and point of interest is connected to the Blue Card procedure. Part A is filled by the police and includes information about the crime and victim, but part B includes important information for the victim

and is delivered to victims hands immediately after filling the part A of the Blue Card. This includes also information about referral institutions – city social security institutions, NGO organizations, houses for lonely mother, places for residence for victims of family violence, etc. According to guidelines of the Main Police Commander (*Wytyczne nr 2 Komendanta Głównego Policji w zakresie postępowania z procedurą Niebieskiej Karty*) Police officer is responsible for referral of the Blue Card (and victim) to social organizations responsible for victims further assistance. District Police officer have obligation to participate to the Working Group established by social institutions to support the victim.

The Police collects information from different institutions including medical documentation, from state agencies responsible for victims protection.

Banacha Hospital (Samodzielny Publiczny Centralny Szpital Kliniczny, ul. Banacha, Warsaw) Some victims arrive to the Hospital requesting the autopsy of injuries as a result of crime. But the Hospital do not perform such service. At the registration patients receives a list of private medical institutions that provide such service. The Hospital refers patients being victims to the Police and social institutions from list available at the Hospital.

Praski Hospital Referral mechanism of the victim of crime includes cooperation with criminal investigation bodies – Police and prosecutor, social service institutions. In most cases victims are referred by the Hospital as a result of identification as a victim during the medical examination.

District Prosecutor's Office in Poznan There are several possibilities of referral of the victim for the prosecution. Usually victims of crime are at some stage referred to the prosecution by other state of NGO organization for dealing with formal procedure demanded by the law. Therefore prosecutor is a subject of referral of

the victim by other institutions, such as Police, NGO, MOPS/MOPR, Center of Crisis Intervention.

Prosecutor have also procedure of referral if finds that the victim need support that can not be delivered by the Prosecutors' office. It is related to: place of stay, protection measures, legal aid, health care. Main institutions that are involved in the referral mechanism with Prosecutors' office are: police, health care institutions, social inst., Centers for Crisis Interventions, NGO's, psychologist and the Court (Family Court), curators.

Regional Prosecutor's Office in Warsaw and Regional Prosecutor's Office in Poznan. The referral mechanism is used by the prosecution during all stages of proceedings with the victim. There are authorities like Police that refers victims to the prosecution. Prosecution receive referrals of victims also from NGO's, social agencies, schools, and other institutions. But prosecution also refers the victim is during the investigation or further steps of proceeding prosecutor finds a need to extend the support over procedural instruments. Most common are social needs, protection of privacy, search for residence, access to legal aid. Prosecution refers women victims of crime to organization like La Strada working with sexually abused victims. There are not specific procedures of such referral but it is based on the experience and previous cooperation of institutions. The same applies to organizations supporting child victims.

5. Synthesis: good practice, gaps and challenges

1. The analysis of the legal regulations and practice of state institutions and NGO institutions involved in the system of victims protection show that following the Directive (Art. 22), **victims are generally assessed individually in the light of their personal characteristics and the nature and circumstances of the crime committed against them.** Such an assessment is usually carried out in order to identify the specific needs in terms of protection and determine whether and to what extent victims during criminal proceedings in Poland will benefit from special measures, due to their specific exposure to a repeated, secondary victimisation, intimidation and retaliation.
2. Polish system generally recognizes **vulnerable victims** – ‘victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive – following recommendations of the Directive. There are specific procedural instruments (like special interrogation technics, limitation of interrogation of the victim, protection instruments). Special interest of state organs is placed on victims whose relationship to and dependence on the offender make them particularly vulnerable - child victims, sexual violence victims, organised crime victims, human trafficking ... victims of terrorism.
3. It is a general conclusion drawing from research that **effectiveness of the victims’ support system at all stages – identification, assessment of needs and referral procedure depend at the very first stage on ability of the victim of crime to active participation in the support procedure.** Specially in small societies (small towns, villages, families) pressure from the society increase the feeling of shame or fear. Therefore special social campaigns - presenting victim of crime as people worth to be supported - can have a big positive effect.

4. **Some interest should be payed on homogeneity, systematic nature and consistency of the practices across entry points.** Although the system of victims protection exists and involved a great many efforts to support victims it is still based on too many different methods of introduction of the victim to the system, victims identification and especially assessment of victim's needs. Practices vary in different entry points or are a result of different experience, attitude or position. Sometimes standards vary significantly.
5. **Identification procedure** is usually based on different procedures followed by different state organizations and NGO. **But in practice it can be seen that they all include the same set of information about the victim, the crime and the nature of the situation (the case).** The Blue Card procedure is a base for the identification procedure in most of state organizations, f.e. Police, hospitals, social welfare centers or municipal centers for family assistance. Non-governmental organization are usually base on their own forms/questionnaires or use the descriptive report for any new case. The issue of creating a single and common to all NGO is a matter of discussion but should be a result of common belief and consent.
6. **There are not unified at the territory of the State internal guidelines or written rules regarding questioning victim of crime as a part of assessment of needs.** Only unification can be observed within the Blue Card procedure and within its scope and purpose. However such internal guidelines or written rules are prepared and proceed in practice of every observed institution. They are based on local officers experience and their ability and willingness to produce such materials.
7. **Assessment of needs procedure** is in practice connected with the identification of victim of crime. As it arise from questionnaires and the practice of all institutions - identification of victim and assessment of her/his needs are not separated but usually perform at the same time or immediately after each other. Therefore it could be reasonable to

8. **The referral system works well in general and is based on local contacts among institutions and organizations.** It is a result of proper cooperation within interdisciplinary teams and working groups, cooperation between social welfare centers, crisis intervention centers and Police, NGO and Police and involvement of all these institutions in the Support Network of Victims of Crime. It comes obvious from the observation of the practice that effectiveness of the referral system depends on good cooperation and contacts among main players. It is worth to notice the participation of Police officers in weekly meetings at the Center of Crisis Intervention, interdisciplinary teams, special local commissions responsible for crime prevention.
9. **Good practices can be observed in the practice of interdisciplinary teams** and working groups. Creating teams consisting of representatives of so many professions: psychologists, social workers, police officers, lawyers, pedagogues gives a synergy effects.
10. The most valuable element of the systematic support for victims is the existence of **the Support Network of Victims of Crime** creating a network providing assistance to victims in 16 Assistance Centers for Victims of Crime in all 16 voivodships in Poland. Some of institutions and organizations being questioned and participating to the questionnaire for the Report (f.e. Social Welfare Centre Team in Warsaw, Women's Right Center, Specialist Support Center, Warsaw) are a part of that network.
11. Another good practice is the initiative of **"A Week of Assistance to Victims of Crime"** which is a that gives an opportunity to meet police officers, prosecutors, attorneys giving free legal advice and receiving people reporting problems arising from crimes committed.
12. Valuable are results of **the Council for Victims of Crime** work. It should be noticed that the document developed by the Council – i.e. **questionnaires to assess the needs of victims of crimes**, separate for NGO and separate for state organs could be a ground for common standard among all institutions and organizations in Poland. Unfortunately the Council was

disbanded last December and effectiveness of their work were not introduced into practice.

13. **The most valuable element of the system are people** involved with their work and dedicated to the mission they fulfil. Success of the whole identification procedure is a result of their hard work, based on experience and enthusiasm.
14. **Trainings** are very often provided separately for social worker, curator, police officer, representative of therapy center, lawyers, psychologists. They do not always receive the same trainings and set of information. Some lack of resources for trainings could be observed. In some NGO organizations good practices of cross-training among psychologists and lawyers can be observed. It could be regarded as the most effective system of education, as it is based on experience and knowledge coming from understanding of the problem. Good practice example is a series of trainings “Together against the violence”.
15. It is essential to **provide trainings** for members of state institutions and NGO **for the assessment of victims needs procedure**. Special interest should be given to train the ability to identify signs and symptoms of violence.
16. It can be noticed that **the exchange of information is not developed at the satisfactory level** among institutions and organizations involved with the victims protection system. Usually it is the local community that share experience and information, introduce its own standards and procedures. They are not united in the whole country. Lack of flow of information among institutions is a big problem reducing efficiency of the system – takes time, information are lost, etc. There is not a unite and widely known platform of exchanging information and sharing experience. It could be a good practice to share the information among all actors in the country.
17. Observing the practice of activities of state organs some criticism may concern **cooperation between organizations protecting women’s and children’s’ rights and courts**

(criminal, family courts) and the delay with undertaking actions by the court (sometimes reported delays in interrogation of victims of sexual crimes, delays in abandon order for the perpetrator).

18. For the high score deserves the **Blue Card procedure**, introduced in the whole territory of Poland in last 10 years, involving the Police, social state organs, schools, other institutions into the system of protection of victims of home violence. Observations of practice and opinion of practitioners shows high effectivity of this instrument. Limitation that may be observed in application of this procedure should be referred to limited possibility of separation of the perpetrator (problem with proper implementation and execution of eviction) from the victim (victims), limits in access to specialist support (number of specialist institutions) and lack of effective methods of solicitation of victims to participate to the Blue Card procedure. Sometimes in practice are also reported cases of not well trained Police officers that are not properly informed about the procedure or do not want to fill the Card.
19. There is a significant number of situations when the **delay of proceedings with the victim can be observed**. Some of this situations are connected with the prosecutors activities - victims wait long time for the formal interrogation. Another is that legal instruments are not always used in proper way – for example eviction (nakaz opuszczenia lokalu) of the offender from jointly inhabited house is not used in many cases when it is necessary. In result victims of crime have to leave the house and the offender stays there.
20. It may be raised that if the case of **crimes against child victims** Police refers children to children oriented organizations, not only state organs but very often also NGO, like Child in the Center. If children are victims special procedure to contact the Family Court and child psychologist are introduced with good results.
21. **In practice of health care institutions** two contradictory tendencies can be observed: one that doctors tend to report crimes somehow exaggerated - even if there is a

little suspicion of possibility of crime it is always reported to the Police as a suspicion of a crime. As a result Hospital received information from the Police and prosecutors office that the number of cases reported which do not include any trace of crime is too big and should be recused. Second is that doctors are not very willing to open the Blue Card procedure and usually decide to refer the victim to the Police for doing so. Doctors receiving patients at the emergency room do not always want to be called as a witness to the criminal case and for that reason they do not always ask questions about the nature of the injury. However if it is a serious injury, f.e. break, marks of beatings cases are referred to the Police.

22. It is sometimes noticed that injuries that look as a result of violence or crime if they relate to drunk or intoxicated persons **are not reported to the Police** – as the patient denies the crime or violence as a source of injury.
23. Some problems with **cooperation with social security institutions** (MOPR) can be observed. Since the system of health care has been separated from social care such coordination problems may be observed. Usually social security workers are however better qualified to recognize victims of crime from not only physical injuries or traces but also from other symptoms like behavior of a person.
24. Some problems arise from **victims position, they change the willingness to cooperate**, to testify, it is not rare situation that parents influence children no to testify even if crime has been already reported and Blue Card was introduced. It is specially serious in sexual abuse against children cases.
25. Some **victims of crime that remain in custody or temporary detention** may have problems with reporting fact of crime commission. The assessment of their needs from the very beginning must include security instruments and support of the psychologist. The procedure of identification of the

crime, the perpetrator is usually longer in such conditions. Access to the victim by different than police or prison staff is limited due to legal regulations and other security reasons.

26. Victims of crime often rise the problem of **lack of knowledge of places** where they can go to find help. Outside big cities system is not working with the same quality and efficiency. Support Network for Victims of Crime do not cover the whole country with the same efficiency.

Reference to interviewees

1. **Social Welfare Centre Team. Prevention of Violence;** ul. Paca 42, Warsaw, Marzena Wierucka, Position: psychologist, coordinator of social workers, member of Interdisciplinary Teams; Age: 12 years of experience; Gender. Female
2. **Crisis Intervention Center, The Municipal Crisis Intervention Centre in Poznan Poznań** (CIC, Punkt Interwencji Kryzysowej, Miejskie Centrum Interwencji Kryzysowej w Poznaniu, Anita Łakoma, psychologist, 7 years of experience, Female;
3. **MOPR Poznań - Municipal Center for Family Assistance in Poznań.** Izabela Miętkowska, 23 years of experience, social worker, Cześnikowska 18, 60-101 Poznań.
4. **Women's Right Center, Specialist Support Center, Warsaw** (WRC, Centrum Praw Kobiet Specjalistyczny Ośrodek Wsparcia) Wilcza 60, 00-001 Warszawa, Magdalena Pietrowska, 10 years of experience, social worker with education in resocialization, Female
5. **Child in the Center Foundation. Poznan. (Fundacja Dziecko w Centrum),** Piotr Karlik, lawyer, legal adviser, 6 years of experience, male, ul. Zeylanda 9/3, 60-808 Poznań
6. **The Police office. Investigation Department, Municipal Police Headquarters** (Wydział Dochodzeniowo-Śledczy Komenda Miejska Policji w Poznaniu) Tomasz Szafran, podkomisarz, 12 years of experience, Male
7. **Banacha Hospital (Samodzielny Publiczny Centralny Szpital Kliniczny, ul. Banacha, Warsaw:**
 - a) dr n. med. Ewa Opęchowska – Pacocha, head of Admissions Secion in Hospital; **Age:** 25 years of experience; Gender. Female
 - b) Position: Izabela Kaczyńska, Plenipotentiary for Patients' Rights; Age: 15 years of experience; Gender. Female
8. **Praski Hospital** (Szpital Praski pw. Przemienienia Panskiego) Position: Dr n. med. Igor Radziewicz-Winnicki, director for medical treatment, Age: 20 years of experience, Gender. Male

9. **District Prosecutor's Office in Poznan** (Prokuratura Rejonowa Poznań Wilda w Poznaniu) ul. Solna 10, 61-736 Poznań, Małgorzata Fajske, prosecutor, Age: 9 years of experience as a prosecutor, Female
10. **Regional Procuracy of Poznań (Prokuratura Regionalna w Poznaniu)**, ul. Solna 10, 61-736 Poznań, prok. Marek Rote, responsible for coordination of assistance to victims of crime, Age: 36 years of experience as a prosecutor, Male
11. **Regional Procuracy of Warsaw (Prokuratura Regionalna w Warszawie)**, ul. Krakowskie Przedmieście 25, Warsaw, Ewa Krasnodębska-Dybiec, Age: 23 years of experience as a prosecutor, Female