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***Commune in the system of counteracting  
domestic violence***

*(Gmina w systemie przeciwdziałania przemocy w rodzinie)*

**SUMMARY**

Doctoral dissertation prepared in  
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The subject of the doctoral dissertation is *Commune in the system of counteracting domestic violence*.

The phenomenon of family violence is one of the most significant social problems. This violence has many negative consequences, both for the individual, the family and the community as a whole. Women and children are particularly affected by this violence. People with disabilities and older people are also frequently affected. Men are also increasingly becoming victims. Addressing this problem requires effective interdisciplinary action by a wide range of parties, not only the public sector.

The aim of this dissertation is to present the specific role of the community in the broader system of domestic violence prevention and to suggest possible ways to address the problem of abuse of relatives.

The dissertation consists of an introduction, four chapters, a conclusion and a list of source materials used.

The introduction states, in particular, the aim of the dissertation, outlines the scope of the considerations carried out in the dissertation, formulates the theses put forward, and refers to the research methods used in the dissertation.

The first chapter of the dissertation is devoted to the introductory issues. The first subsection of this chapter clarifies the concept of the family, its functions and risks. It outlines the meaning attributed to the term "family", alongside the term "family members". The term "family" has evolved over the decades. Its origins go back to ancient Rome and its prevailing patriarchal family model, in which the father had unlimited power. Over time, the Roman family model became less important and was replaced by relationships in which men and women were equal. The traditionally understood family is increasingly being replaced by so-called partnerships. The discussion of the changing concept of family takes into account numerous views of representatives of science, including those of the eminent ancient philosophers, e.g. Plato and Aristotle, as well as those of the modern philosophers G.W. Hegel and M.A. Krapiec. The clarification of the concept of family is of interest to many representatives of various scientific disciplines, including law.

The concept of family is a legal and juridical concept. The legal definitions of the term cited in the study differ from each other. These differences arise from the different subject matter and purpose of a particular legal regulation. In the following sections of this subsection, reference is made to the functions that the family should fulfill. A number of such functions can be enumerated here. There are many classifications of these functions in the literature. The most important functions usually include the reproductive function and

the educational function. The former satisfies the need of a man and a woman to have offspring and ensures the continuity of the family. The educational function, as the name suggests, refers to the educational process between parents and children. Its main objective is to prepare children adequately for life in society by providing them with appropriate role models and norms of behaviour for the proper performance of social roles. This subsection also deals with the threats to the family. Its proper functioning is threatened by a variety of causes, including poverty, unemployment, drug addiction and alcoholism. Other threats arise, among other things, from changing living conditions or the departure from the traditional family model due to changes in civilisation.

One of the threats affecting the family is also domestic violence. Therefore, the second subsection of the first chapter was dedicated to the concept of domestic violence and the closely related concept of domestic violence, discussing the symptoms, forms, extent, causes and consequences of violence. The phenomenon of domestic violence has been around almost forever, but with the changing reality, it takes different forms. Due to the particular nature and extent of this violence, it is increasingly criticised by society, and public entities and various non-governmental organisations are taking numerous measures to combat the phenomenon. Family violence occurs not only in low social status families, but also in high social status families. As mentioned above, this violence takes various forms. Among the most common are psychological, physical, sexual and economic violence. Nowadays, so-called "white glove violence", which is difficult to detect, is also becoming more common. The actual extent of abuse of relatives still cannot be estimated. Sometimes victims of violence, do not want to report information about an act of violence they have experienced, e.g. from their partner or husband, out of fear for their safety. It is also still possible that myths or stereotypes prevail in society that specifically justify domestic violence. Despite the observed slight decrease in the extent of this violence, its magnitude unfortunately still remains high. The dissertation discusses the numerous factors that contribute to the acts of violence studied, as well as a number of their consequences which are serious not only for those directly affected. The third subsection of the first chapter contains considerations aimed at portraying the profiles of victims and perpetrators of domestic violence.

The second chapter of the dissertation deals with the legal norms that regulate the prevention of domestic violence and the forms of support for those affected – an overview of the problem. The first subsection of the second chapter is devoted to a general presentation of the legal norms of different rank – international, European and national – that regulate the

prevention of violence in the family (and domestic violence in general). Among the European legal acts, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, adopted in Istanbul on 11 May 2011 (Journal of Laws 2015, item 961, as amended), deserves special attention. This is the first European legal act setting minimum standards against domestic violence for related countries. The second subsection of this chapter describes the legal forms of support for persons affected by domestic violence. These are specifically defined in the Domestic Violence Act of 29 July 2005, which is crucial to this dissertation, (i.e. Journal of Laws 2021, item 1249, as amended).

The third chapter of the dissertation contains a general characterisation of the tasks of the institutions working in the field of domestic violence prevention. This violence is a very complex phenomenon. Due to its specific nature, its prevention and combating requires interdisciplinary, legally defined measures carried out by different interconnected bodies. The first subchapter describes the tasks of bodies that are not local authorities, including the Council of Ministers, the Minister responsible for social security, the Minister for internal affairs and the Voivode. The second subchapter of the third chapter contains a description of the tasks of the units of the voivodeship government and the poviats government. The third subchapter is devoted to the general characteristics of the tasks of communes, which (among other things due to the principle of subsidiarity and social solidarity) are the main element in the complex system of subjects performing tasks in the field of combating domestic violence.

The fourth chapter contains reflections on specialised communal institutions for preventing and combating violence in the family. The first subsection of this chapter deals with the institution of the communal programme for the prevention of violence in the family and the protection of victims of family violence. These programmes can be considered as a kind of determinant of the tasks of the commune. The second subchapter deals with interdisciplinary teams and working groups, as well as with one of the most important instruments for counteracting domestic violence, the 'Blue Cards' procedure. The main objective of the interdisciplinary team is, in particular, to integrate and coordinate the activities of the representatives of the different institutions that make it up (organisational units of social assistance, the commune commission for solving alcohol problems, the police, education, health protection and non-governmental organisations) in the field of preventing violence in the family, diagnosing the problem of this violence and taking action in the affected area. The "Blue Cards" procedure, on the other hand, is a coordinated system of

assistance for persons suffering from domestic violence, thanks to which these persons can receive, among other things, assistance in ensuring their safety and help in resolving a difficult situation.

The conclusion of the doctoral dissertation presents the results of the research conducted, which, among other things, confirm the primary role of the commune in the domestic violence prevention system.

The dissertation reflects the legal status as of 30 April 2023. Considering the importance of the recent changes in the regulation, attention was drawn to the comprehensive amendment of the aforementioned Act of 29 July 2005 on combating violence in the family by the Act of 9 March 2023 amending the Act on combating violence in the family and some other laws (Journal of Laws of 2023, item 535).