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**EXPERTISE:  
POST-SEPARATION VIOLENCE - IDENTIFICATION AND INTERVENTION**

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## INTRODUCTION

Post-separation violence is a serious social and public health problem. However, despite this, it is an issue that is poorly recognized in Poland, taking into account the current state of knowledge, the availability and importance of data, existing legal regulations and the general level of public awareness. Therefore, it seems necessary to conduct systematic empirical research focused on the exploration, description and explanation of the indicated phenomenon. On this basis, it is possible to design solutions useful in the process of prevention, intervention, remediation and to undertake other supporting activities (e.g. campaigns and advocacy activities) aimed at eliminating threats directly and indirectly resulting from post-separation violence. This process requires expert knowledge generated in relation to theoretical findings, applied research and professional helping practices. The advantage of this knowledge is its functionality, which means the availability of processed data, its usefulness in developing new services and creating strategic documents, projects and anti-violence policies. Developing integrated action strategies requires setting priorities in relation to the specific nature of the phenomenon, with particular emphasis on the socio-cultural, legal, political, economic and religious conditions that constitute the framework for these actions. For the implementation process of these strategies to proceed in an optimized manner, they should be adequate to the needs and interests of groups affected by the problem of violence (and therefore created and implemented with their participation), taking into account their current status, capabilities and resources (including: competences, attributes, abilities, capitals).

The submitted expertise concerns post-separation violence in terms of recognition, analysis and identification of methods and solutions effective in preventing, counteracting and reducing it. The conclusions are based on empirical research (focused group interviews and individual in-depth interviews), desk research and information obtained from Norwegian entities during bilateral meetings, during which experiences related to eliminating violence in society were exchanged. The aim of the expert opinion is to generate specialist knowledge about the phenomenon, provide recommendations regarding procedures for dealing with victims, and catalog good practices. The expert opinion provides interested entities with key information and data on post-separation violence, with particular emphasis on its genesis, course and components. The extracted information makes it possible to provide guidelines for identifying and defining the components of this violence. They are necessary to determine the directions of institutional activities on the part of entities responsible for providing assistance services, creating anti-violence policies and non-

institutional activities undertaken within informal self-help groups. The expert material obtained in this way constitutes added value and can be used by law enforcement agencies, public and government administration units, and medical personnel.

The expert opinion was prepared as part of the project entitled "Untangled from violence - safe" implemented between October 2022 and March 2024. The entity conducting the project was the Intro Association in cooperation with the Polish informal group "Untwisted from Violence" and with Norwegian partners: the University of Stavanger and a non-governmental organization from Bergen - Beatus Cras. Activities undertaken in the project focused on the issues of domestic violence, violence against women, violence in intimate relationships, with particular emphasis on violence occurring after separation. The aim of the project "Untangled from violence - safe" was to diagnose post-separation violence against women, raise social awareness of the issue, and provide victims with targeted help and support. Achieving this goal involved taking several coordinated initiatives (including scientific, research, therapeutic) whose beneficiaries were people affected by violence in close relationships. The expert opinion takes into account the following issues: 1) the current situation of women affected by post-separation violence; 2) factors determining violence; 3) needs that require fulfillment, expectations and interests of the injured parties; 4) directions of changes (including social and legal); 5) catalog of good practices, including Norwegian proposals.

The project conducted as part of the "Active Citizens" program met the requirements regarding "strengthening civil society, civic activity and empowering groups at risk of exclusion" ([aktywniobywatele.org.pl](http://aktywniobywatele.org.pl)). The indicated strategic goals can be achieved by identifying the main problem areas resulting, in particular, from gross social inequalities, violence, discrimination, marginalization and exclusion. The project opens the possibility of developing and implementing individual solutions or complex programs that serve to eliminate identified problems, as well as enable the gradual inclusion of disadvantaged or minority groups into the mainstream public sphere. These are comprehensive and long-term activities that should result in a lasting change in attitudes and social norms, as well as the expansion of theoretical knowledge and practical skills useful for eliminating violence in society. The project was funded by Iceland, Liechtenstein and Norway from the EEA Funds and Norwegian Funds under the Active Citizens Program - Regional Fund.

## **POST-SEPARATION VIOLENCE AS A SOCIAL PROBLEM**

Post-separation violence is a serious and extensive problem. Nevertheless, it is underestimated and insufficiently documented due to the lack of in-depth research and comparable data, as well as the "conspiracy of silence" around this issue or a clear tendency to treat it as a cultural taboo. It is therefore a hidden problem - that is, an undesirable phenomenon, inconsistent with the declared values and interests of certain social classes or groups, although at the same time unrecognized as such (Merton 1976, cited in: Miś 2007: 56). The topic is sometimes trivialized and invalidated due to ingrained stereotypes, prejudices, myths or other manifestations of "false consciousness" (Nowak 2011: 452). A narrative that privatizes violence seems to be common, presenting abuses and harm committed in the private sphere as individual issues and assigning full responsibility for one's fate to the individual. Meanwhile, post-separation violence is structural, not individualized. Therefore, anti-violence activities are not mainly about correcting individual cases, but about recomposing the social structure (with particular emphasis on the configuration of gender roles and positions) and transforming the processes taking place within it.

Post-separation violence should be classified as a subtype of domestic violence or violence against an intimate partner, when the closest person (within the meaning of the Penal Code, Article 115 § 11), living together in the household, uses violence to cause suffering and harm to the victim. It occurs in a dysfunctional and inefficient family system that does not fulfill its basic functions related to meeting the needs of the participants of this system (family members), respecting their rights, maintaining personal boundaries and healthy relationships. It arises as a result of separation, which is a significant life event (a breakthrough moment) because it radically changes the existing intra-family arrangement. The decision to separate, take legal action, or a court ruling on separation in a procedural or non-procedural manner may induce brutal attacks, aggressive and usurpatory actions, extortion and all other forms of abuse on the part of the partner. Contrary to simplistic beliefs, separation does not end pre-existing violence, but often extends and intensifies it. It repeatedly triggers extreme aggression and hostility, leading to the death of the woman and her children (Jaffe, Cambell, Reif, Fairbairn, David 2017). Definitely ending a relationship is a very complicated process, especially since the perpetrator tends to exhibit controlling and usurping behavior or mobilizes other people who are manipulated by him to do so. Post-separation women are at a very high risk of further physical, psychological, sexual violence and other controlling behaviors from their former partner (Rezey 2020). The risk of violent and

fatal assault is highest in the first two months after separation, and when women seek to end the relationship through legal and institutional avenues. Women claim that they "have never been more terrified than in the days, weeks or months after moving out" (DeKeseredy, Dragiewicz, Schwartz 2017: 7), which indicates a very high degree of anxiety and fear of their partner. This is because post-separation violence includes the most dangerous acts leading to death (Johnson, Dawson 2011).

Data obtained in the General Social Survey clearly indicate that separation does not end previously experienced violence, but may even intensify it - in 24% of cases it becomes more severe, while 40% of women in violent relationships claim that violence appeared after separation (Hotton 2009). It can also be argued that women are particularly vulnerable to all forms of sexual violence after separation, even if they did not experience it before. This is especially true of sexual assaults and forced sexual intercourse - in the group of women attacked by a former partner, 20% were raped (Fleury, Sullivan, Bybee 2000). The highest risk of violence against women (especially physical attacks) is recorded immediately after the decision to leave, as well as during the first two months of separation (DeKeseredy, Schwartz 2009). Women's fear of leaving and panic attacks are visible - in their testimonies they claim that they "have never been more terrified than in the days, weeks and months after the move" (Stark 2007: 116). Separation is a significant factor triggering and exacerbating violence, which increases the likelihood of attempted murder and total murder. Death at the hands of an intimate partner is the leading cause of premature death among women in these circumstances. The risk of a woman being intentionally killed increases ninefold when a cohabiting couple separates and the perpetrator is highly controlling (Campbell et al. 2003: 1090). Separation, as a motivational context, triggers uncontrollable anger, the will to take revenge, aggressiveness, and an increased need to vent aggression. Tina Hotton reports that violence after separation becomes more serious, taking on a lethal trend - 39 women per million couples have been killed by a former partner; for comparison: 5 women per million couples have been killed by their current husband (Hotton 2001). Victims are most often killed by a male perpetrator (husband, partner, biological father) using a firearm or a portable barrel weapon (Sillito, Salari 2011). Death may also be the result of stabbing or strangulation - a higher mortality rate is recorded in the case of strangulation or choking of the partner than when the perpetrator used other types of violence (Glass et al. 2008). Crime is most often motivated by jealousy, which is confirmed by 44% of respondents; for this reason, the next or simultaneous victim is the woman's new partner (Hotton 2009). The number of female victims has increased over the years and reaches 72%, even though women report this violence to the police more often - 55% of women

compared to 30% of men (Hotton 2001). The vast majority of homicides (67%-80%) are a continuation of physical abuse of the woman before she was killed (Campbell et al. 2003). Based on longitudinal interviews conducted with women staying in hospitals and health centers due to abuse, it can be argued that trying to end a relationship or leaving a partner increases violence to an extreme extent. Women who had experienced this violence in the previous 12 months and at the same time sought formal intervention to stop it experienced continued severe violence (Block 2000). The situation surrounding separation often becomes the occasion during which a woman is murdered. The lethal nature of this violence is visible when a woman independently takes effective steps towards separation, without waiting for institutional proceedings, and when third parties are involved in the separation procedures (Ellis, Stuckless, Smith 2015: 82). Their interventions and the help offered may trigger aggression as a reaction to the sequence of events during the separation proceedings, and also as an expression of rage, allowing the victim to regain independence and agency, build adequate self-esteem, and strengthen mental resilience and coping skills.

Post-separation violence covers all harmful, dangerous and hostile actions undertaken intentionally, which pose a direct threat to the health and life of an individual. The consequences of post-separation violence are massive and numerous - they take the form of chronic physical pain, moral and material damage, mental suffering, feelings of inferiority and inadequacy, poor well-being, loss of vitality, insomnia, chronic stress, emotional and sensory deprivation, and cognitive and behavioral limitations. All of the above are usually interconnected and show synergism (mutually strengthening), which inhibits the proper psychosocial development of the individual, achieving well-being and general satisfaction, and maintaining an appropriate quality of life. Post-separation violence is a threat not only on an individual level, but also on a collective level - it generates new forms of hate crimes on a global and transcultural scale. It constitutes a gross violation of human rights - which are inherent, universal and inviolable (with particular emphasis on the right to life, the right to protection and security, the right to happiness, the right to be free from degrading and inhuman treatment, the right to be free from torture and punishment bodily). Post-separation violence is also a public health problem because it results in trauma, damage and injuries that cause permanent damage to health, disability or lead to death. Victims need immediate hospitalization, surgery, therapy, and implementation of additional medical and rescue procedures, which results in high financial and social costs. These are also costs lost as a result of deterioration in the quality of functioning, loss of fitness, inability to perform work, long-term indisposition at the place of employment or in the household. At the psychological level, the experience of this violence may lead to various disorders (e.g. personality, anxiety,

neurotic, obsessive-compulsive), eating disorders, and addiction to psychoactive substances.

The dynamics of post-separation violence is variable because it is shaped by social, emotional, cognitive and behavioral factors (emotions, attitudes, actions, communication and interactions) expressing the male desire to possess and appropriate a woman. Analyzes should therefore take into account that it has its origins in the patriarchal social system and the resulting collective beliefs about having a wife as property, the indissolubility of marriage, the colonization of the female body, control of her sexuality and fertility, and the subordinate role of a woman in an intimate relationship. The above-mentioned beliefs are based on the principles of male domination (Bourdieu 2004), hierarchical and exclusionary interpersonal relations, and masculinized power structures - and are manifested in everyday social practices. However, it seems that, above all, the framework of collective life and the social system have a decisive influence on the process of emergence and accumulation of violence. This is about institutions, policies and practices that dominate the reproductive system (including the family, partnership, intimate relationship, household), leading to the exploitation, enslavement and appropriation of women. Submission is given and forced, also through cultural clichés about female passivity, passivity, and the willingness to submit to a man's will. Violence becomes a tool of male domination - invisible and unrecognized as oppressive. Major social institutions (particularly marriage and family) are constructed and function based on patriarchal models that enable the use of violence to control, supervise, discipline and punish women, both within and outside of relationships. Power mechanisms develop in the family, serving mainly male interests, and violence may be a response to the possibility of losing this power. Similarly, masculinity is organized and implemented through power and supremacy, which also means that a "real" man should represent characteristics consistent with the gender stereotype: aggressiveness, combativeness, toughness, aggressiveness, offensiveness, stubbornness, building an advantage.

Kathryn Spearman, Jennifer Hardesty, Jacquelyn Cambell point out that post-separation violence is based on an intentional pattern of behavior including threats, harassment, persecution, discrediting, manipulation, economic and legal abuse, and putting loved ones in danger. The source of this violence is the need for power and control, and the factors that may cause it are: the occurrence of violence before separation, pre-separation, having children, personal characteristics and characteristics of the perpetrator, generally applicable patriarchal norms and discriminatory cultural customs (2023). As Patrizia Romito writes, typical behaviors during post-separation violence include "physical and sexual violence, psychological abuse, threats, control, great jealousy, isolation of the wife, as well as the use of children for these purposes, for example forcing them to

spy on their mother or threatening his wife that he would take away her children or even kill them - in the event of separation" (2011: 98). The perpetrator acts consciously and deliberately, carrying out his intentions aimed at destroying the victim with great precision, often deriving satisfaction from it. His behavior is intentional, long-term, often thought out in every detail, well prepared and organized (in terms of arranging the situation, providing himself with an alibi, establishing agreements with other people acting on behalf of the perpetrator, collecting the necessary information or resources). A clearly defined and predetermined intention to harm, injure, exploit, humiliate, degrade, harass or torment another person is, in this case, a prepared, directed crime with a specific subjective aspect. The intentional and premeditative nature of a prohibited act may therefore determine its qualification and determine its criminal law assessment during a criminal trial.

Post-separation violence is a pattern of intimate terrorism (Johnson, Leone, Xu Y 2014), the key element of which is the need to control and dominate the partner (Eckstein 2017). Control is primarily psychological, although it may be accompanied by physical and sexual violence (Johnson 1995). Post-separation violence affects all genders, but women are ten times more likely to suffer from it than men (Hardesty 2002; Hotton 2009; Tjaden, Thoennes 2000). It is therefore a gendered problem, probably typical of androcentric societies and patriarchal cultures. Extensive research conducted in Canada illustrates the scale and intensity of the phenomenon. According to them, 172,000 women experienced violence during the year, of which 37% believe that it began only after separation, 22% believe that the intensity of this violence substantially increased after separation, and 40% claim that the severity and scope of this violence are identical to when they were in a relationship ([numerique.banq.qc.ca](http://numerique.banq.qc.ca)). Another round of random surveys revealed only slight differences in the dimension of the phenomenon: 24% of the population say that violence increases after a breakup, 37% rate it at a similar level, and 39% notice it for the first time (it was not present before). The women participants in this study were multi-victimized, injured and injured: 60% of them needed medical attention, compared to 25% of men (Statistics Canada, 2001). Other findings indicate that women in a divorce situation are up to nine times more likely to experience physical violence from ex-partners than married women in a stable relationship. However, women who have not yet obtained a divorce and are still separated are thirty times more likely to experience violence (Brownridge 2006). The National Crime Victimization Survey (NCVS), the primary information agency on criminal victimization in the United States, shows that rates of violence against separated women are three times higher than for divorced women and twenty-five times higher than for married women (Bachman & Saltzman, 1995) . A separate study



conducted on a random sample of 16,000 American men and women showed that 4% of women and 0.5% of men had been harassed by a former or current partner (Tjaden, Thoennes, 2001). In the case of the group participating in the national study - National Violence Against Women Survey: 18.3% of women reported allegations of harassment, stalking and stalking. Most stalkers were ex-partners - stalking began after the end of the relationship. Importantly, the police did not make this act the subject of an accusation - the charge was based on harassment or violation of a restraining order (Tjaden, Thoennes, 2000). The discretion in perceiving and classifying abuse is also confirmed by other qualitative research, in the light of which both threats of violence and actual post-separation violence are more often used against women who are mothers. The reason is the prevalence of patriarchal discourses and narratives about motherhood, misogynistic attitudes, rigidity of gender roles, economic inequalities resulting from differences in earnings, and underestimation of women's domestic work. The role of mother in most societies seems important and implies a number of features related to imagined femininity. This social role influences the power dynamics in the custody dispute. Women are often given the negative label of an "unrelentingly hostile mother" who needs urgent psychiatric help, isolation or severe punishment. The label built in opposition to the stereotype of a "true, good, self-sacrificing mother" is a manipulative strategy of depreciating a woman so that, through established contacts, a man can still exercise power and maintain control not only over his children, but also over his ex-wife (Elizabeth, Gavey, Tolmie, 2012).

## **COMPONENTS OF POST-SEPARATION VIOLENCE – DULUTH MODEL**

Post-separation violence is a serious social and public health problem. It can manifest itself in various forms - physical, mental, sexual, economic and neglect abuse, but it is usually complex and a combination of all of the above. The Duluth Model's Post Separation Wheel seems to be an adequate tool for assessing and estimating the scope of post-separation violence. Based on this model, the following components of the described problem can be distinguished: physical, mental and sexual violence, obstruction of proper parenting, alienation, parental neglect, isolation, coercion, harassment and persecution, financial and legal abuse, coversive control. The usefulness of the Duluth Model in examining the phenomenon of violence seems important for at least two reasons. Firstly, the circle is an effective tool for diagnosing post-separation violence, and then it facilitates the creation of prevention and intervention programs. Secondly, it shows both the areas of post-separation violence, but also the types of behaviors, actions and interactions that constitute it, which enables the identification and taxonomy of individual acts of violence. Based on the Duluth Model, they are described below.

The first component of post-separation violence is counter-parenting (opposing parenting) - these are actions that sabotage a healthy model of parenting, oppose it or are completely contrary to it. To be more specific, it is about the following actions: a) imposing on the child a worldview, principles and rules that are contrary to the preferred, previously shared value system of the other parent; b) failure to consent to the child's medical and therapeutic procedures (including diagnosis and treatment), which may result in loss of health and life; c) questioning the knowledge, competences, meaning and reasonableness of decisions made by the so-called a safe parent (i.e. a person who has parental authority over a child and exercises it in a manner consistent with a recognized social norm - is interested in the child, takes care of it, takes responsibility for it, protects it against threats, is available and helpful). The above-mentioned counter-parental activities may be caused both by competition for participation in the care of the child, but above all by anger, reluctance and hatred towards the ex-partner. The will for revenge is so great that the perpetrator harms his own child, wanting to hurt and discredit the other parent, provoke him into an outburst of anger or other rash behavior that may negatively affect his image and social evaluation.

The second component of post-separation violence concerns insinuating parental

alienation (separation from the guardian) and limiting contacts. Typically, these insinuations are made by the abusive parent when the child does not want to meet him or be in his company. This is accompanied by perverse argumentation, distortion of facts, providing false and unjustified information about the other parent - which is part of a manipulative strategy of presenting him in a bad light, weakening his authority and credibility. Alienation accusations occur in court proceedings to slander, accuse, damage a person's reputation, and even deprive someone of parental authority. In this case, the biggest victim is the child, because the parents try to stand their ground and prove their point, without taking into account the child's feelings and experiences. "Tug of" child between the two parents and regular indoctrination leads to many destructive effects: a sense of guilt and internal conflict, low self-esteem, emptiness and loneliness. A child participating in this process during adolescence has problems with creating a healthy bond, attachment and trust, and involvement in a mature relationship. He may experience depression, suicidal thoughts, as well as severe somatic symptoms: abdominal, back and muscle pain, chronic fatigue, vomiting, migraines, chest tightness, heart palpitations, etc.). Although the concept of parental alienation remains questionable in scientific, research and therapeutic terms (it is not recognized by the World Health Organization and the American Psychological Association), for the sake of reliability of the argument, it is worth adding that the activities mentioned within this concept may occur during post-separation conflict and should be stigmatized. It is unacceptable to abuse the parental role and functions just to isolate the child, limit contacts and prevent meetings with the other parent, intentionally disturb the relationship (by: arousing negative emotions, hostile attitude, slandering the other parent, bribing the child, forcing declarations). attachment or devotion). This is conduct that is contrary to the duty of care and supervision towards the child and constitutes psychological violence. Of course, a different interpretation occurs in a situation where the parent has used violence and his behavior is dangerous, harmful or insulting to the child.

The third component of post-separation violence concerns psychopathological activities that pose a direct threat to the child - his mental health, well-being, and spiritual harmony. The component collectively referred to as "abusive parenting" involves consciously exposing children to trauma and danger resulting from participation in dangerous events, contact with deviant groups, surrounding the child with harmful content or products (including computer games, television programs, films intended for adult viewers) that are inadequate for his or her level of personal development. As a result, the child becomes afraid, panics, terrified and emotionally destabilized. A safe parent also feels anxiety, fear and dismay when worrying about their child. The aggressor

thus achieves a "double victory". This is accompanied by toxic communication, emotional blackmail, threats, intimidation and blame, which means that the child often does not report the violence committed against him. The child's well-being is of little importance to the attacking parent - he is ready to sacrifice the child for particular interests and acts for selfish reasons aimed at harming his ex-partner.

The fourth component of post-separation violence is coercive control, which involves creating a climate of fear and contempt towards the ex-partner through her systematic and ostentatious criticism and expressing disapproval relating to various aspects of her life, e.g. appearance, way of being, thinking and speaking, education and qualifications, job performed, religion, ethnicity, origin, etc. The perpetrator humiliates, embarrasses, ridicules the victim through words or gestures; he repeatedly promotes false narratives to embarrass her or make her lose contact with reality, the ability to discern and make a critical assessment. As a result, the victim loses confidence in himself, his knowledge of the world, his beliefs, and his cognitive abilities. The perpetrator, on his own and through his immediate environment ("flying monkeys"), spreads rumors about his ex-partner, slanders and insults her, tells fictitious stories, and spreads lies, e.g. about her private life and professional achievements. Coercive control applies to the ex-partner, children and other family members, especially if they oppose violence and defend themselves against the aggressor's attacks. The perpetrator confuses the environment to maintain power, control and advantage. He deliberately causes conflicts with a safe parent, ridicules, depreciates and humiliates him, wanting to provoke a strong reaction, which he could then use and turn against him. A frequently used means of influence is gaslighting, which involves causing the victim to lose contact with reality - he or she loses the ability to logically view the matter, recreate events, and recognize facts. The perpetrator manipulates the victim's impressions and perceptions by false narrative, telling him something, redirecting his attention, questioning his memory and other cognitive abilities.

The fifth component is stalking, which involves persistent harassment and persecution of the victim by "bombarding" him with a huge number of messages, letters, messages, notes, and telephone calls, which are most often offensive, abusive and terrifying. The perpetrator follows his ex-partner, stands under her place of residence, and monitors her daily activities, including: using spyware, satellite navigation, detective devices. He unexpectedly appears on her path, comes to the apartment, e.g. under the pretense of seeing a child or offering an unwanted gift. He uses terror tactics - intimidation and threats of suicide, for example, to evoke sympathy and care. A stalker usually operates at the border of the law, which is why there are no effective responses to

his behavior from law enforcement agencies. However, the victim feels enslaved and intimidated, especially since the ex-partner seems unpredictable and the threats suggest that he is planning revenge and is capable of anything.

The sixth component is treated as fraud and fraud. The perpetrator makes every effort to worsen the economic situation of his family: he delays the payment of alimony, blocks the woman's access to savings, a bank account, and a credit card. Similarly, it prevents the partner from finding employment, promotion, and career development, so that she cannot prosper. The perpetrator's goal is to cause as much damage as possible resulting from the inability to meet basic needs related to buying food or clothing. If the perpetrator has financial resources, they become an instrument of control and supervision (he allocates money, pays for purchases only when he feels like it, manipulates rewards - e.g. buys toys or computer equipment for the child).

The eighth component is legal abuse that takes place within the justice system, often in the courtroom. The perpetrator deliberately brings about further court proceedings in order to harass, torment and control his partner, thereby causing her to lose financial resources and time that she could spend on other activities. He submits false reports to the prosecutor's office, postpones court proceedings, uses legal threats (e.g. threatens to take away children, seize property). He gets satisfaction from playing a grueling "court game", especially if, having a financial advantage, he has hired effective lawyers. He has hostile intentions - he is primarily interested in obtaining satisfactory judgments, even at the cost of the health and well-being of his children.

## **POLAND AND NORWAY – ORIENTATIONS, APPROACHES, ANTI-VIOLENCE POLICIES**

The subject of the study is the approach to post-separation violence presented in relation to patterns replicated in Poland and Norway. The choice of the indicated countries is intentional and aims to present various models of anti-violence policy towards harm, abuse and acts of persecution that constitute this type of violence. Poland and Norway are fundamentally different when it comes to formal and legal solutions and safeguards in the field of protection, support and assistance for victims. The differences between individual countries are: a) social - they are determined by the structure of a given society (e.g. inequalities and class divisions, institutions and organizations); b) cultural - they are a derivative of tradition, customs and broadly understood cultural rules in force in a given community (with particular emphasis on gender roles and positions); c) economic - are directly related to the level of GDP, the wealth of societies, the quality of life of citizens; d) religious - depend on the values and norms recognized by the majority, the religion professed and the degree of religiosity, e) political - are a derivative of liberal or conservative national policy, f) legal - result from the level of punitiveness or permissiveness of the adopted penal system. Even though both countries differ in terms of the above-mentioned variables, their comparison seems interesting and justified for at least three reasons. Firstly, Norway's strategic approach to combating violence may constitute a valuable reference point for Poland in designing anti-violence solutions and other instruments for eliminating violence. Secondly, Poles constitute the largest national minority in Norway (in 2024 - their total number is 111,074), which makes it necessary to take into account the needs and interests of this part of the population in creating multicultural programs to prevent and reduce violence in society, as well as to develop a universal position towards existing social problems. Thirdly, both countries have similar obligations regarding the creation of anti-violence policies, which is a consequence of signing transnational documents and the unification of legal solutions, as well as the resulting obligations and agreements. Therefore, it is worth asking questions about the scope of respect for legal acts and the correct transposition and incorporation of individual directives and regulations into national legislation.

In Poland and Norway, at the juridical level, it is possible to point out the existence of comprehensive legal norms, standards and regulations in relation to domestic violence, which can be contextually applied to other types of abuse and cases of violence. Similarly, both countries are signatories of international documents on this matter (e.g. the Convention on the Prevention and

Prevention of Violence) and optional protocols that influence the shape and operation of national law. Moreover, Poland and Norway have decided to include in their national legislation the international legal framework expressed in the United Nations documents: DEVAW, DEDAW, CEDAW, VDPA, which may give the impression of unification of methods and means of implementing the provisions contained therein. However, in terms of understanding, implementing and implementing the guidelines resulting from the above-mentioned documents, Poland and Norway remain fundamentally distant from each other. Therefore, we can talk about the existence of different identification, prevention and intervention models for the problem of domestic violence, violence against an intimate partner and post-separation violence. Significant differences in the structure and organization of the family system additionally mean that marriage, partnership, parenthood, as well as the social problems occurring within them, are not understood in an identical and static way.

Post-separation violence in Poland and Norway is not thoroughly recognized and described. Therefore, it remains a partially hidden problem, which makes these issues invisible in the public debate. The Group of Experts on Counteracting Violence against Women and Domestic Violence (GREVIO), as an independent body monitoring and evaluating the implementation of individual provisions of the Istanbul Convention in society, draws attention to the omission of the problem of post-separation violence in the reporting by Poland and Norway. In both countries, there is a lack of research and scientific analyzes that could show the phenomenon in quantitative and qualitative terms. We can only point to a few publications on this topic (Sosnowska-Buxton 2023; Tomczyk 2024; Bjørnholt 2024), which allow us to claim that this problem is present in both countries in great intensity and scale, carrying huge social, psychological and financial costs. (to which the so-called lost costs should also be added). These costs are not only a burden on the state budget, but also become an additional (often unplanned) expense for the Community countries, which may threaten their financial stability. Post-separation violence is a crime - and should be classified as such under the Penal Code. It is also a social and public health problem because it causes dangerous effects that threaten the health and life of victims of this violence, their family members and witnesses. Therefore, its occurrence requires urgent preventive, intervention and prophylactic actions, which will be coordinated and carried out by specialized agencies. Preventing and eliminating violence should be treated as a task of the highest priority, especially due to its lethal nature.

## NORWAY – APPROACH TO THE PROBLEM OF DOMESTIC VIOLENCE

In Norway, domestic violence, violence in close relationships (*vold i nære relasjoner*) is defined as a specific act of violence or the threat of such an act expressed in relation to persons who are/have previously formed a marriage or civil partnership, or remain in a joint family system (parents, parents-in-law, siblings, grandparents, foster and adoptive families). According to data provided by the Norwegian police, women constitute the vast majority of victims of violence by a former partner ([www.politi.no](http://www.politi.no)), being particularly exposed to the risk of death as a result. The crime of violence in close relationships is included in Article 282 of the Penal Code and is expressed as follows: "Whoever commits serious or repeated abuse through threats, coercion, deprivation of liberty, violence or other violations shall be subject to the penalty of imprisonment for up to 6 years." The addressees of the provision are: a current or former spouse or cohabitant, a direct relative, a person living in the same household, a person under the care of the family. It is worth adding that the rest of the article provides that being found guilty of a crime in accordance with the above-mentioned article means that the court must assess whether a contact ban should also be imposed on the convict pursuant to Art. 57 of the Penal Code.

We can point to a number of horizontal actions aimed at reducing the level of violence, undertaken by law enforcement agencies, state administration bodies (including the Ministry of Justice, police, crisis intervention centers), as well as scientific communities and non-governmental organizations. These activities are based on four main pillars: 1) strengthening intersectoral cooperation and increasing the knowledge of medical staff; 2) speaking openly about violence and highlighting the problem in public debate; 3) guaranteeing victims help, protection and support; 4) expanding the treatment offer for perpetrators in order to effectively (on both sides) break the spiral of violence. The main goal of the Norwegian government is to increase personal and collective security and to ensure legal protection for all citizens, as well as other persons legally residing in the territory of the country. In connection with this specific goal, a special action plan (Handlingsplanen) was created, which is regularly updated to reliably diagnose risks and respond to the current needs of the population. The currently applicable Plan, adopted for the years 2021-2024, is a continuation and supplement to the previous document entitled "Life Without Violence" (*Et liv uten vold*) and the Plan against the escalation of violence and harassment. The above-mentioned action plans are reference points for the implementation of the Council of Europe Convention on preventing and combating violence against women and violence in close relationships and constitute necessary conditions for Norway to achieve the goals set by the



United Nations in the field of sustainable development by 2030 (Handlingsplan, Frihet fra vold 2021-2024). According to the UN Agenda 2023, the following should include: “1. Eliminate discrimination against women and girls in all forms everywhere; 2. Eliminate all forms of violence against women and girls in public and private spheres, including human trafficking, sexual exploitation and other forms of exploitation; 3. Eliminate all harmful practices, such as early and forced marriage, child marriage, and female genital mutilation” (<https://www.un.org/pl/cel5>). Achieving gender equality and empowering women and girls are important elements in the fight against violence.

Norway has developed a welfare state model that maintains the rules of the welfare state in individual areas of its operation. Therefore, it declares care and support for all residents in need, offering them access to assistance services, including: in the field of health care, financial and legal assistance, social protection, protection against violence. The preserved guarantees in the above-mentioned aspects are treated as evidence of the state's political stability and social development. In relation to the problem of violence, special attention is paid to prevention, therapy, available assistance, combating abuses in all ethnic groups present in the country, creating ready procedures for dealing with crisis situations, maintaining close international cooperation in the process of prosecuting crimes of violence and detecting perpetrators. In Norway, there are a number of crisis centers, which are facilities providing assistance services (including therapy, rehabilitation, treatment). The first crisis center was opened in Oslo in 1978 (based on the British model) intended for raped and abused women and their children, later also victims of incest could benefit from the offer of help. Over time, the number of centers has substantially increased, simultaneously expanding the group of potential and actual beneficiaries. Currently, the centers serve those who report being in need and harmed, without creating exceptions or additional restrictions for receiving free help (in the form of a doctor's certificate, referral, entry on a waiting list, etc.). Most of them are open every day, 24 hours a day, all days of the year. Customers and patients remain anonymous and have the right to full protection of their personal data. If they do not speak Norwegian or English, an interpreter is ordered to the center. Translating is very important for migrant women to be able to present a full picture of the violence that has affected them, with particular emphasis on the cultural context of their country of origin. Assistance services can be provided stationary as well as part-time and mobile via hotlines, text messages, chats, and other automated communication systems that optimize access and provision of services. The offer of assistance includes psychological, informational and material support (including temporary accommodation), counseling and coaching (including parental guidance),

protection during the transition period, support equipment, and a school for children ([www.krisesenter.com](http://www.krisesenter.com)). It is worth adding that the offer also includes care for pets that victims of violence take with them when they run away from the perpetrator. In urgent cases of violence, you should call the police by calling 112 - police employees have the knowledge and experience necessary to recognize violence, conduct investigations and act in the event of a crime of abuse against family members. The police treats the problem of domestic violence as a priority, although shortcomings in the implementation of this task can be identified resulting from insufficient cooperation of the authorities in this matter (weaknesses in monitoring the problem and the lack of stimulating individual municipalities to become more involved in eliminating the problem are visible) ([www.stortinget.no](http://www.stortinget.no)).

Institutional support can also be obtained through the following websites, institutions and voluntary organizations:

- VO hotline (116006) – Norwegian hotline for victims of domestic violence and sexual harassment. You can get psychological and information support free of charge and anonymously. The hotline is open 24 hours a day (chat - Monday to Friday, 9:00 a.m. - 8:00 p.m.).
- Dinutvei.no – the website contains information about violence against an intimate partner, sexual and psychological violence, coercive control, cyberviolence. It becomes possible to obtain legal aid along with a comprehensive offer of help and support for women and children. The information is translated into 13 languages, which increases the reach and circle of beneficiaries.
- Hotline to counteract violence against older people (80030196) – intended for people who are over 62 years of age and have experienced physical, sexual, mental, economic violence and various types of neglect. Seniors can get support, as well as care, training and advice.
- Support center for crime victims (80040008) - offers help and support for victims at every stage of experiencing violence - from filing a police report, ending with resolving the case and seeking compensation for the losses suffered. It also becomes possible to obtain support for witnesses participating in the court process.
- TryggEst program - aimed at identifying and preventing violence against people who do not have the ability to defend themselves. The program, created and supported by local authorities, involves the establishment of a team of specialists whom adults affected by violence can contact.
- The Alternative to Violence (ATV) program – involves the implementation of a treatment

program for perpetrators of domestic violence and for other adults, adolescents and children who cannot cope with their own aggression. ATV has offices located in 15 cities - in each of them you can access the appropriate therapeutic offer.

- The Aggression Management Program based on the Brøset Model - involves providing help and selecting therapy for perpetrators of domestic violence and for young people struggling with feelings of anger. The treatment regimen and protocol is standardized and available to people in need in many parts of the country.

Local authorities have a statutory obligation to provide care and support for victims of violence (adults and children) by providing shelter and day services and counseling. It is the duty of each commune to conduct internal supervision and control over the operation of the aid center in relation to the adopted act<sup>1</sup> as a source of law (but the legislator does not specify the method and frequency of such control). Assistance should be tailored to previously used activities and measures that make it easier to cope with difficult situations and coordinated with the activities of other institutions and social services. In Norway, 45 shelters available for victims were created, located throughout the country. Most of them operate at a secret address so that people affected by violence remain beyond the control and influence of the perpetrators and feel safe. Financing comes from the state budget, as well as from the resources of individual municipalities and voluntary contributions and donations ([www.bufdir.no](http://www.bufdir.no)). 2023 is a record year in terms of the number of people applying for help - "cases of violence are more severe and more complex, but fewer people decide to report it" ([www.vg.no/nyheter/i/XbWgGE/rekordaar-paa-krisesenteret-hjelper-veldig-mange-flere](http://www.vg.no/nyheter/i/XbWgGE/rekordaar-paa-krisesenteret-hjelper-veldig-mange-flere)). 2023 was also a record year in terms of the number of murders of female partners - most of the murdered women died in their own home, killed by a former or current partner, nine out of ten perpetrators were men, 82% of the perpetrators had Norwegian citizenship ([www.nrk.no](http://www.nrk.no)).

In the context of post-separation violence, family and guardianship law should also be taken into account, as the violence refers to the entire family system, with particular emphasis on the children functioning within it. By law, children must be protected in the event of domestic violence, knowledge or suspicion of such violence by third parties. The child's well-being and interests are a protected value, so the state is obliged to protect children against all forms of violence and to constantly monitor their situation if there is a justified suspicion of violence in the family environment. In the light of the report entitled "Children's right to protection against

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1 <https://lovdata.no/dokument/NL/lov/2009-06-19-44>

violence, abuse and neglect" clearly shows that violence has serious consequences and is a gross violation of human rights. Therefore, the state undertakes to protect persons under 18 years of age against violence based on instruments recognized in Norway derived directly from the Constitution, the UN Convention on the Rights of the Child (including an additional protocol), the European Convention on Human Rights, the Istanbul Convention, the Convention on Lanzarote. Anti-violence activities should remain consistent with the provisions contained in the above-mentioned. files and documents, and be based on the following principles: non-discrimination rule; the well-being of the child as a fundamental value; the child's right to life and development; the child's right to express his or her opinion and be heard (<https://www.nhri.no/rapport/vold-og-overgrep/sammendrag/>). In the context of protecting children's rights, a particularly important institution is the Ombudsman for Children, who was the first in the world to be established in 1981 - which consequently became an exemplary practice. It is also worth paying attention to the office for the protection of children's rights (Barnevernet), which supervises the process of socialization and upbringing of children and the manner of exercising parental care in relation to the standards provided for by Norwegian law. The Office operates at the local level under the Act on the Protection of Children's Rights and the Act on Administrative Procedure and Public Administration. The role of the Office for Children, Youth and Families and, above all, the Ministry of Children and Family should also be emphasized.

The Norwegian state - through legislation and practices replicated in society - guarantees the protection of children against violence, regardless of its type. The state's obligations include: 1) criminalization of all forms of violence against children; 2) implementation of preventive measures through training, information, activities raising public awareness, treatment programs for perpetrators; 3) quick and effective interventions and initiation of explanatory investigations; 4) guaranteeing the victim of violence the right to a fair trial and the possibility of filing a claim for compensation (<https://www.nhri.no/rapport/vold-og-overgrep/sammendrag/>). The Norwegian legal system pays great attention to the child's empowerment in the court process - he or she has the opportunity to speak freely and present his or her opinions, and has the right to a lawyer (other than a lawyer representing one of the parents).

## **POLAND – APPROACH TO THE PROBLEM OF DOMESTIC VIOLENCE**

In Poland, there is quite an extensive assistance offer for people affected by violence, but assistance seems to be more available in large cities, where there are specialized units providing social, psychological, legal and financial assistance. Reporting domestic violence can be done in various ways: orally or in writing, in person (at a police station) or by phone (by calling the emergency number 112 or 997; the number of the Blue Line - National Emergency Service for Victims of Domestic Violence 800 120 002; the number of the local an institution providing assistance to victims of violence - e.g. a social welfare center, a crisis intervention center or other specialized centers for victims of violence). After detecting violence, a procedure called Blue Cards, which assumes cooperation between representatives of various public institutions (e.g. policeman, doctor, psychologist, social worker) in order to help the injured person.

The legal basis defining the procedure in the event of domestic violence is the following legal acts: Act of July 29, 2005 on counteracting domestic violence (from June 22, 2023 - Act on counteracting domestic violence); Act of 6 June 1997 - Penal Code; Act of 6 June 1997 - Code of Criminal Procedure; Act of November 17, 1964 - Code of Civil Procedure; Act of February 25, 1964 - Family and Guardianship Code; Act of 12 March 2004 on social assistance.

Among the above-mentioned normative acts, the key act initiating the discourse on the topic of violence against close relatives is the Act on Counteracting Domestic Violence of July 29, 2005. The purpose of the Act, expressed in the first article, is to: counteract domestic violence, conduct educational and corrective activities in relation to the causes and effects of this violence, indicate rules of conduct both towards people affected by this violence and using it ([isap.sejm.gov.pl](http://isap.sejm.gov.pl)). The Act defines domestic violence as "a single or repeated intentional act or omission violating the rights or personal rights of the persons mentioned in point 1 [i.e. closest person within the meaning of Art. 115 § 11 of the Act of June 6, 1997 - Penal Code, as well as of another person living or farming together], in particular exposing these persons to the risk of loss of life and health, violating their dignity, bodily inviolability, freedom, including sexual freedom, causing damage to their physical or mental health, as well as causing suffering and moral harm to people affected by violence" ([isap.sejm.gov.pl](http://isap.sejm.gov.pl)). In the light of the above Acts, domestic violence may have various forms and manifestations: firstly, these are active activities - intentional and directed actions; secondly, omissions consisting in failure to take necessary actions. However, regardless of the form, all of the above are harmful actions causing moral harm or physical suffering to the closest person, when the perpetrator's advantage over the injured party is clear

and unquestionable, and the injured party is unable to repel the attack and effectively defend himself. Then violence understood in this way can be classified as a crime of family abuse regulated in Art. 207 of the Penal Code (Journal of Laws 1997). The indicated Article has been amended to read:

*§1. Whoever physically or mentally abuses a close relative or another person who is in a permanent or temporary relationship of dependence on the perpetrator, or a minor or a person who is helpless due to his or her mental or physical condition, shall be subject to the penalty of imprisonment from 3 months to 5 years.*

*§2. If the act specified in § 1 is combined with the use of particular cruelty, the perpetrator shall be subject to the penalty of imprisonment from one to 10 years.*

*§3. If the act specified in § 1 or 2 results in the injured party taking his own life, the perpetrator shall be subject to the penalty of imprisonment from 2 to 12 years.*

In the light of Article 207 of the Penal Code, cited above, the crime of violence is a prohibited act punishable by imprisonment - the penalty and punitive measures depend on the fulfillment of the criteria specified in the Act. The level of punitiveness (including legal provisions regulating the penalty, execution of the penalty, the content of other judgments issued in similar cases) corresponds to the type of rules violated and the degree of their violation. The penalty is higher if additional circumstances can be proven (e.g. excessive cruelty in causing suffering) or resulting consequences in the form of successful suicide or a suicide attempt made by the victim as a result of abuse. Moreover, it should be emphasized that in relation to Article 207 of the Penal Code other premises are also taken into account: the intentionality of the act (i.e. the previously undertaken intention to cause bodily, mental and material damage to the victim); repetition or multiple acts understood as abuse; social standards that provide an external and objective framework for classifying an act as criminal. The crime is prosecuted *ex officio*, which means that proceedings are initiated without the need for a request or private prosecution. The fact that prosecution is not conditional on the victim filing a complaint does not rule out a situation where the victim files such a complaint and then withdraws it, e.g. due to the well-being of the children, emotional involvement and belief in the improvement of the perpetrator's behavior, economic or religious reasons, as a result of threats and intimidation ([www.web.archive.org](http://www.web.archive.org)). Following the withdrawal of a complaint, the prosecutor usually discontinues the proceedings.

The Act on Counteracting Domestic Violence has been amended several times - the amendment from 2010 should be considered important, as it strengthened the protection

measures for victims by introducing a contact and approach ban, an order for the perpetrator of violence to leave the shared apartment, as well as obligatory therapy for perpetrators. Free autopsy and safe shelter in a center providing support have also become possible ([isap.sejm.gov.pl/](http://isap.sejm.gov.pl/)). It should be added that this amendment aroused particular controversy - the allegations concerned allegedly excessive state interference in matters of family life, including the process of raising children (an absolute ban on the use of corporal punishment was introduced).

Another important amendment was introduced relatively recently - on June 22, 2023, the last change entered into force, according to which the Act in its final form was named: the Act on Counteracting Domestic Violence. This nomenclature change (replacing the expression "domestic violence" with "domestic violence") clearly broadens the semantic scope of the phenomenon - violence applies not only to the family as a legally sanctioned social institution, but also to the entire home environment, which may be created by unrelated people, not in a formal relationship, but living together and running a common household. It includes spouses or partners, but also children and seniors, between whom a relationship can be distinguished resulting from co-residence, cohabitation of household members, shared family habitus and interpersonal relationships resulting from settlement. The novella seems relevant and useful in the context of the dynamics of changes in family and intimate life, because it refers to the current social, political and cultural conditions, and, above all, highlights the main needs of people harmed by crime and the ways of implementing them. The Act defines domestic violence as "a single or repeated intentional act or omission, taking advantage of physical, mental or economic advantage, violating the rights or personal rights of the person suffering domestic violence, in particular: a) exposing that person to the risk of loss of life, health or property, b) violating the person's dignity, bodily integrity or freedom, including sexual freedom, c) causing damage to the person's physical or mental health, causing suffering or harm to the person, d) limiting or depriving the person of access to financial resources or the possibility of taking up work, or obtaining financial independence, e) significantly violating the privacy of that person or causing him or her to feel threatened, humiliated or tormented, including those undertaken via electronic means of communication" ([isap.sejm.gov.pl](http://isap.sejm.gov.pl/)). Moreover, the Act precisely defines persons who may be subject to domestic violence, while extending the subjective scope to include former spouses, cohabitants or partners, regardless of whether they currently live together or separately. The legislative change in this area seems particularly important in the analysis of post-separation violence, because it provides the basis for conducting proceedings in this matter. In the light of the Act, the group of persons to whom the problem of domestic violence applies should include: "a)

the spouse, also in the event that the marriage has ended or been annulled, and his ascendants, descendants, siblings and their spouses, b) ascendants and descendants, and their spouses, c) siblings and their ascendants, descendants and their spouses, d) a person in adoption and his or her spouse and their ascendants, descendants, siblings and their spouses, e) a person currently or in the past cohabiting and his ascendants , descendants, siblings and their spouses, f) a person living and running the household together and his ascendants, descendants, siblings and their spouses, g) a person who is currently or in the past in a lasting emotional or physical relationship, regardless of living and running together, h) a minor ” (isap.sejm.gov.pl). It should be emphasized that this concerns both the person subjected to domestic violence and the witness of this violence.

In the regulations, the legislator also pointed out the need for help and protection against further harm, and similarly emphasized the necessity of various types of support adequate to the living needs and current life situation, including: material, psychological, information, which should be provided by specialists in a given field (e.g. including psychologists, therapists, lawyers, social workers, coaches). The Act, together with its implementing acts, also regulates the procedure for isolating the victim from the perpetrator of violence in a situation where his presence threatens the maintenance of home peace. A person affected by domestic violence is guaranteed safe shelter in a center that can offer at least basic therapeutic, supportive and intervention services. The Act also provides for educational and corrective measures for perpetrators of violence in order to stop it by raising awareness of what violence is, what its consequences are, how to control anger and impulses that cause aggression, and how to build healthy partnerships. Moreover, the area of indicated violent activities is also expanded to include economic violence and cyberviolence. In this form, the Act remains coherent with the assumptions of the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

The Act with its accompanying implementing acts creates a system of generally applicable law (in particular official law), which is based on the Constitution of the Republic of Poland, ratified international agreements, derivative acts and regulations. The Act (Article 9(1)) emphasizes the need for cooperation between individual public administration entities and other institutions (including churches, religious associations) in efforts to eliminate domestic violence and provide assistance to people affected by it. The need to take all anti-violence measures comes from the belief that domestic violence grossly violates human rights, and that it is the de jure duty of state authorities to ensure peace and security of all citizens and protect their personal rights and freedoms, especially if they themselves do not have such an opportunity or lack effective legal, social and economic means to defend yourself effectively.



Particular attention should be paid to the situation of children in the context of their parents' separation and divorce. Firstly, a particularly disturbing large-scale phenomenon is the failure to fulfill the alimony obligation - the alimony debt to the Alimony Fund, which is financed by the State Treasury, is constantly growing (in 2023, this debt amounted to PLN 14.7 million). The report entitled Financial morality of Poles 2023 shows that 27.8% of respondents justify not paying alimony; 41% say that alimony is not awarded fairly. Secondly, the issue of alternating care seems problematic and is not clearly regulated in the regulations. The Family and Guardianship Code (the main normative act defining parental authority and family relations in Poland) has not been extended to include the definition and conditions of alternating care, which means that it does not have a legal basis that would specify the rights and obligations arising from its provision. Therefore, it is a semantically empty concept, which, in simple terms, also means that the concept is not useful for the addressees of legal norms (citizens), courts and public administration. The only legal acts where the term "alternating care" appears is the Act on State Aid in Raising Children and, indirectly, the Act on Family Benefits. However, both of the above-mentioned acts do not contain definitional criteria for alternating care, nor do they suggest a legal norm (either general or abstract) established by the legislator, with respect to which a legal relationship arises. Paradoxically, however, despite the lack of appropriate regulations, alternating care is ordered by the courts. This is done on the basis of separate provisions of the Family and Guardianship Code - namely articles 58 and 107. They read as follows:

*Art. 58. § 1. In a divorce judgment, the court decides on parental authority over a common minor child of both spouses and on the parents' contacts with the child, and decides on the amount of each spouse's obligation to bear the costs of maintaining and raising the child. The court takes into account the spouses' written agreement on how to exercise parental authority and maintain contact with the child after divorce, if it is consistent with the child's best interests. Siblings should grow up together, unless the best interests of the child require a different decision.*

*Art. 107 § 1. If parental authority is vested in both separated parents, the guardianship court may, for the best interests of the child, determine the manner of exercising it and maintaining contact with the child. The court leaves parental authority to both parents if they have presented a written agreement on the manner of exercising parental authority and maintaining contact with the child that is in the best interests of the child (<https://isap.sejm.gov.pl>).*

## RECOMMENDATIONS IN THE LIGHT OF EMPIRICAL RESEARCH RESULTS

The qualitative research conducted (individual in-depth interviews) made it possible to learn about the problem of post-separation violence in terms of its types, genesis, effects, dynamics and course. On this basis, it was possible to develop recommendations that allow for the design of new approaches to solving the problem of post-separation violence and the development of good practices. The recommendations are of a formal and legal nature, and their direct addressees are government and local government institutions, non-governmental organizations, representatives of business, media and science.

Recommendations:

- Building professional knowledge based on empirical research and expanding collective awareness about various forms of violence, with particular emphasis on domestic violence, violence against an intimate partner, and post-separation violence. Awareness of the threats resulting from this violence among various social groups may change social beliefs and attitudes, resulting in the crime of violence being more frequently reported and prosecuted.
- Exposing the massive consequences of post-separation violence - as it poses a threat to health and life (it is lethal). In order to reduce the number of deaths as a result of post-separation violence, information about its occurrence or suspicion should be treated with the utmost attention, without repeating the opinion that leaving an aggressive partner is equivalent to leaving a toxic relationship and freeing oneself from the perpetrator.
- Giving a voice in the public sphere to victims of violence who understand violence best and are able to precisely determine its causes and effects. Victims, lacking sufficient representation and an active advocacy group, are not seen and heard in the political mainstream - their needs, aspirations and interests are poorly articulated, less visible or completely drowned out.
- Distinguishing conflict from domestic violence (with the highly probable assumption that conflict may turn into violence at any stage); expanding the repertoire of concepts and meanings through which violence can be described.
- Empowering the child during the court process (a child in the event of separation and divorce of his parents should receive a court-appointed lawyer who will help him find his way in the situation of the "court battle" fought by his parents). Providing the child with special mental health support (reducing stigma and guilt).

- Granting alimony by specially established, highly formalized institutions (examples: Child Support Agency; Work & Welfare Agency; Inland Revenue Child Support) or local government agencies. They operate based on established models and procedures (e.g. regarding the calculation of monthly payments for the child - in comparison with the parent's income, current market prices, general standard of living).
- Detailing the legal provisions (interpretation of the provision and its subsumption); regulating post-separation violence directly in the regulations (currently, legal solutions resulting from the Act on Counteracting Domestic Violence are used). The new rules should be formulated clearly enough to be applicable. Further amendments to the above-mentioned legal act are needed to precisely define post-separation violence, which will enable: identification of the phenomenon, collection of evidence, and prosecution.
- Supplementing the description of the crime of post-separation violence (typing in the Penal Code) in relation to the crime of abuse of a close person and extending the scope of the provision to include coercive control.
- Defining the criminality of the crime, the procedure for its prosecution (indicating the basis on which the legislator qualifies this crime as a prosecution mode, taking into account additional circumstances (e.g. special cruelty), motivations that deserve special condemnation, effects caused (injuries and fatal casualties).
- Simplifying the methodology of conduct when a crime victim reports to assistance centers in order to eliminate restrictions and access barriers (including minimizing the number of forms to complete, documents presented, securing the necessary needs as quickly as possible).
- Maintaining an atmosphere full of empathy and understanding in situations of direct contact with the victim; providing it with favorable operating conditions and a friendly, aesthetic space; confidentiality of the addresses of shelters and centers for victims of violence.
- Developing and introducing standards for recognizing and responding to situations of violence, harassment, persecution and abuse.
- Adaptation of tools for measuring and analyzing violence (e.g. the VCL violence scale) to create effective models of prevention and intervention on this basis. Development of indicators thanks to which entities responsible for monitoring the phenomenon will obtain a more accurate picture of it.
- Creating a system for notifying about post-separation violence adequate to the needs and

capabilities of people injured or at risk of this violence (e.g. special signals, codes, passwords enabling immediate risk identification).

- Selecting the appropriate offer of social and living benefits (to make it possible to leave the perpetrator of violence and become independent) and the appropriate selection of the assistance model in the field of therapy and psychological support.
- Dispelling stereotypes, myths, false beliefs about women, marriage, family, partnership, because post-separation violence is rooted in culture and society through norms, values, stereotypes, repeated beliefs, foundation myths; it is similarly reinforced by patriarchy, androcentrism, and male privileging.
- Equality education aimed at implementing gender egalitarianism, equal treatment and the prohibition of any discrimination.
- Training offer for social services, medical staff, public administration and representatives of the justice system and emergency groups (police officers, prosecutors, lawyers, judges) aimed at recognizing "hidden" forms of violence and understanding the dynamics of post-separation violence.
- Strengthening the activities of facilitators and trainers who disseminate knowledge in local communities, remote rural areas, and among uneducated groups.
- Development of teaching aids and toolkits for working with people affected by violence (manuals, posters, leaflets, information boards).
- Development of comprehensive violence reduction programs dedicated to perpetrators (e.g. aggression replacement training).
- Developing a coordinated system of help, care and support for victims and their relatives that will prove effective in the process of permanent recovery from violence.
- Designing a guide for health care system employees (e.g. a set of standardized questions and answers) to facilitate the diagnosis of domestic violence and direct the patient to a safe place where she can obtain further help.
- Increasing the competences of doctors, nurses, teachers and social workers in informing and disclosing domestic violence.
- Designing anti-violence policies, with particular emphasis on the scope of prevention, intervention activities, effectiveness of data collection, simplification of procedures and acceleration of court proceedings.
- Sensitizing important social, political and business actors to this problem who can trigger legislative changes and implement them in particular areas of functioning of injured

persons.

- Strengthening civil society and non-governmental organizations that play a key role (especially in Poland) in providing aid services and combating violence against women.
- Monitoring and evaluation of activities related to the effectiveness of anti-violence policies, conducting crisis interventions, providing therapeutic, corrective, legal, material assistance, etc.

Given the problem of post-separation violence, an effective, tailor-made anti-violence policy is necessary. When planning, implementing and implementing this policy, it is necessary to verify the assumptions with the achieved results and to check the compliance of these assumptions with the actual activities and expected results (which prevents the spread of violence or its appearance in another form). Monitoring and evaluation should occur periodically, both on the part of law enforcement agencies, authorities and authorities, as well as on the part of advocacy groups and victims' representatives.

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