Attachment No. 2

The provision of Article 275a of the Code of Criminal Procedure provides for a preventive measure in the form of an injunction against the person accused of a violent crime against a person living together with them to leave the dwelling occupied together with the victim when there is a well-founded fear that the accused will repeat a violent crime against that person, in particular when they have threatened to commit such an offence. This measure shall be applied for a maximum period of three months. The court of first instance competent to hear the case, if the grounds for its application have not ceased to exist, may, at the prosecutor's request, extend its application for further periods, not longer than 3 months (Article 275a § 4 of the Code of Criminal Procedure).

In 2016, the number of suspects who were subject to the aforementioned preventive measure in the form of an order to leave the dwelling occupied together with the victim (Article 275a § 1 of the Code of Criminal Procedure) amounted to 2,965.

Number of suspects who were subject to the aforementioned preventive measure in the form of an order to leave the dwelling occupied jointly with the victim in 2010-2016



The above statistics show that this precautionary measure is applied in the prosecution's practice. Noteworthy is also the significant year-on-year increase in the number of issued decisions.

The Public Prosecutor's Office also applied to courts for extension of the order to leave the apartment occupied jointly with the victim for further periods of time (Article 275a § 1 and 4 of the Code of Criminal Procedure). In 2016, 103 applications of this kind were submitted (2015 – 72, 2014 – 64).

Available statistical data shows that throughout 2016 district courts  
 in court proceedings issued a total of 1,868 decisions on the application of a preventive measure in the form of an order to leave the dwelling, in addition to 199 decisions on the extension of the order applied by the public prosecutor or the court of the order to leave the dwelling for a further period of time. The above figures also take into account the number of preventive measures taken in court together with the indictment.

The public prosecutor, after submitting an indictment, may request the court to apply such preventive measures during the court proceedings. In 2016, a total of 792 (2015 – 583, 2014 – 444) applications were filed for an order to leave the dwelling occupied jointly with the victim.

Moreover, in 2016:

* the number of suspects of violent crimes or illegal threats against a family member under police supervision, provided that they leave the premises occupied with the victim (Article 275 § 3 of the Code of Criminal Procedure) amounted to 760(2015 - 761, 2014 - 695, 2013 - 588, 2012 - 627, 2011 - 505, 2010 - 337),
* the number of suspects of the aforementioned crimes, who were subjected to police supervision with simultaneous obligation to refrain from contacting the victim (Article 275 § 2 of the Code of Criminal Procedure) amounted to 3,427(2015 - 2,844, 2014 - 2,633, 2013 - 1,593, 2012 - 1,412, 2011- 1,280, 2010 - 891),



* number of suspects of the aforementioned offences against whom the prosecutor has requested the court to impose provisional detention – 1,862 (2015 - 1,479, 2014 - 2,285, 2013 - 1,753, 2012 - 1,745, 2011 - 2,002, 2010 - 1,800),
* number of provisionally detained persons as a result of the aforementioned applications - 1,759 (2015 - 1,398, 2014 - 2,174, 2013 - 1,635, 2012 - 1,679, 2011 - 1,895, 2010 - 1,699),
* number of provisionally detained persons in respect of whom the prosecutor applied to extend the period of provisional detention – 464 (2015 - 350, 2014 - 459),
* in 2016, prosecutors applied against individuals for alleged crimes of domestic violence: 12,759 indictments, 3,226 motions referred to in Article 335 § 1 of the Code of Criminal Procedure, 1,565 motions pursuant to Article 335 § 1 of the Code of Criminal Procedure, and 475 motions for conditional discontinuance of proceedings

For the perpetrators of crimes classified as domestic violence in 2016, the courts took into account 784 motions of the prosecution regarding provisional detention.

As mentioned earlier, as a preventive measure, the courts applied an order to leave the dwelling in 1,674 cases in total and also 200 decisions concerned the extension of the order applied by the public prosecutor or court for further periods of time (Article 275a § 4 of the Code of Criminal Procedure) – in total, the courts issued 1,874 decisions in this respect.

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| **Type of measure** | **Indicator** | | **Value of the indicator denoted**  **by common courts** |
| 3.2.2 Preventing the contact of perpetrators of domestic violence with victims of violence by requesting the courts to apply or extend preventive measures against the person using domestic violence that order them to leave the premises occupied with their family member, or to detain them in provisional detention. | number of decisions taken by the court allowing the prosecutor's requests for: | the application of an order to leave the premises occupied jointly with the victim | 1674 |
| prolongation of the order to leave the premises occupied with the victim for further periods of time | 200 |
| imposing provisional detention | 784 |