Załącznik nr 4

Dr Aneta Michalska-Warias

Summary of academic accomplishments

1. Name and surname: ANETA MICHALSKA-WARIAS

2. Diplomas and academic/artistic degrees held, specifying the date and place of obtaining them and the title of the doctoral dissertation:
1997 – Master's degree examination at the Humanities Faculty of the Maria Curie-Skłodowska University in Lublin, field of study: English philology, grade: very good
1998 - Master's degree examination at the Law and Administration Faculty of the Maria Curie-Skłodowska University in Lublin, field of study: Law, grade: very good
2006 public defence of the doctoral dissertation "Organised Crime and Criminal Law Instruments of Preventing It" at the Faculty of Law and Administration of the UMCS in Lublin. Promoter: Prof. Dr hab. Tadeusz Bojarski, reviewers: Prof. dr hab. Emil W. Pływaczewski, Prof. dr hab. L. Tyszkiewicz

3. Information on employment in academic/artistic units:

- from 1st October 1998 – assistant in the Unit (and after its transformation – Department) of Criminal Law and Criminology of the Faculty of Law and Administration of the UMCS in Lublin
- from 1st May 2006 – assistant professor in the Department of Criminal Law and Criminology of the Faculty of Law and Administration of the UMCS in Lublin

4. Indication of the achievement described in art. 16 section 2 of the Statute from the 14th May 2003 on Academic Degrees and the Academic Title and on the degrees and title in the field of art (Official Journal No 65, position 595)

Aneta Michalska-Warias: Marital Rape. A Criminal Law and Criminological Study,

Warszawa 2016, Wolters Kluwer, pp. 543

The book is devoted to the issues concerning marital rape in Polish criminal law, from the comparative law point of view and in the practice of the law enforcement and criminal justice organs. It is the first so extensive work devoted to such problems in Polish law since these topics have met so far only with limited interest of the criminal law scholars, which was due to the fact that – contrary to the West European countries and the Unites States – there have been no doubts about the criminality of marital rape since the entry into force of the Criminal Code from 1969.

The main aim of the book was to both conduct a complex analysis in Polish law of the statutory type of rape from the point of view of its application to marital rape cases (and in cohabitant rape cases which are quite similar) and to present to the Polish reader the tempestuous history and the present regulations referring to this offence, especially in chosen West European Countries and in the United States of America, taking however into consideration also regulation referring to marital rape in other countries all around the world and in other legal cultures and the international law documents referring to the problem of sexual violence among spouses or cohabitants. The aim of the analysis of the Polish criminal law provisions was to establish what the possible difficulties of applying art. 197 of the Criminal Code to marital or cohabitant rape cases may be, even though there is no special type of rape in marriage or concubinage and how the existence of a close intimate relation between the offender and the victim may influence the criminal law assessment of such types of behaviour.

The conducted empirical research,based on prosecutor and court files analysis, was to allow to establish the criminological picture of marital and concubinage rape. The analysed files were so numerous (they consisted of all cases in which the decision not to start or to start criminal proceedings was taken on the whole territory of Poland from 2006 to 2009), that it was possible to formulate on their basis some general remarks about what types of situations are reported to law enforcement organs as marital or concubinage rapes and what the practice of these organs and courts in such cases is.

The book consists of 6 chapters. The first one discusses the phenomenon of marital rape as a special type of family violence. It presents the results of research (conducted

mainly in the US and some West European countries) referring to the characteristic features of marital rape as a social phenomenon. The physical and psychological consequences of such rapes are also discussed as well as the results of research referring to the social perception and assessment of this phenomenon. Some surveys referring to family violence are also discussed in this chapter. It needs emphasis that rape is usually considered as one of the aspects of such violence, therefore this type of research rarely allows to estimate what the real scale of the problem is (another difficulty which needs to be stressed is the presence of differences in the legal definitions of rape in different legal systems which makes it yet more difficult to make comparisons about the scale of the phenomenon in individual legal orders). The Author also stresses the difficulties connected with precise description of the consequences of marital rape connected with the fact that the victims of this offence are often also the victims of family violence as such, therefore it is impossible to distinguish the consequences (both physical and psychological) of using both forms of violence against the victim.

Chapter II of the book refers to comparative law issues, with special attention paid to English and American regulations, which was connected with the fact that the discussed phenomenon has been there the object of scholarly reflection for many years. In case of English and American law one should also notice the influence of the feminist movement on the approach to marital rape, therefore this has also been discussed, though the ideas of the most radical feminist movement representatives about the essence of the crime of rape did not directly result in legislation changes. The legal solutions of some historically established groups of European countries were also discussed in the chapter (besides the Anglo-Saxon system, the discussion referred to the law of the so called Latin countries, German-speaking countries and Middle and East European countries which were treated as one group mainly because of the specificity of their criminal law development after the II world war). Data referring to the criminalisation of marital rape or the lack of it in chosen countries of the world were also presented (e.g. India, the Republic of South Africa or Nigeria). The chapter also comprises remarks on international law regulations which refer to the problem of sexual violence, often perceived as an element of the discrimination of women. The analysis of legal solutions applicable to marital rape in many different countries leads the Author to state that four models of criminal law reaction to such acts can at present be distinguished.

The first model fully accepts the husband's immunity from persecution for wife rape and can be observed at present e.g. in India or Nigeria and it used to be characteristic for the past legal regulations of all European countries. In the second model, marital (and possibly concubinage) rape is considered a crime but to a limited extent if compared with the general conditions of responsibility for rape. This model is represented by the regulations of some of the states in the United States of America, where it is not uncommon for state law to treat as offences only the most serious attacks on the sexual liberty of a spouse, while attacks e.g. not characterised by the use of violence cannot result in criminal responsibility. According to the third model, typical for most European countries including Poland, the general rape responsibility rules apply to marital rape as there is no formal distinction of such an offence. The fourth model in turn considers raping the offender's spouse (or other persons with whom he is connected by close intimate relations) as an aggravated type of rape, punished more severely – such a solution was accepted e.g. by the French and Italian law-makers.

Chapter III is devoted to the specificity of marital rape seen from the point of view of the statutory type of rape. Using the formal – dogmatic method the Author analyses the statutory features of the offence of rape seen from the point of view of applying the provision to marital rape cases. It is stressed that the Polish criminal law does not distinguish formally such a type of rape (which seems to be a proper approach), therefore as a rule marital rape should be treated as any other type of rape. Yet, the existence of the marital tie between the offender and the victim may influence the criminal law assessment of cases where one spouse enforces sexual contact on another. The fact that the offender and the victim are married may indirectly influence the level of social harmfulness of such an act, by making it both lower and higher. In such cases in which the infringement on the sexual liberty of the spouse was incidental and was not very brutal or cruel and after the rape the spouses remain together and have consensual sexual contacts, one may assume a lower degree of social harmfulness of the rape which would be connected with the lack of severe consequences for the victim. The exceptional brutality of the offender, his attempt to degrade the victim, to cause additional pain or his cooperation with other offenders, especially when the other participants in crime have sexual contact with the victim, should be assessed as especially blameworthy and socially harmful. Because of the existence of the marital tie the offender breaks not only the general criminal law interdiction but also the

obligation to specially care for his spouse stemming from the family law and moral rules.

Another issue specific for marital rape is the presumption of consent to intercourse which implies that the court should pay special attention to the mens rea of the offender. Each of spouses has the right to assume the other's consent to sexual contacts and when there is e.g. only weak resistance or only verbal resistance, there may appear reasonable doubts whether the offender knew the resistance was real. In cases of such weak resistance, when the spouse finally gives in "just to have it over", it is doubtful whether the offender fulfills the necessary statutory features of rape connected with the methods used to force the victim to unwanted sexual intercourse. In cases when the offender and the victim are married the court should also, as it has been emphasised in the chapter, examine carefully the situational context in which sexual contact is being enforced. In some cases the lack of clear resistance or presenting only verbal resistance may mean that the statutory features of rape have not been fulfilled as the offender did not use any of the forbidden methods of forcing another person to sexual contact described in art. 197 § 1 of the Criminal Code. On the other hand, if weak resistance is manifested by the spouse who is also the victim of maltreatment and is afraid of the offender because of the knowledge that more intensive forms of resistance would mean undertaking the risk of additional suffering, it should be possible to establish that implied threat was the method of forcing the victim to intercourse (though difficulties in proving the mens rea may arise in such cases). Is has been pointed out in this part of the book that in those cases in which enforcing sexual contacts is part of maltreatment and the proving of the fulfillment of all statutory features of rape may cause difficulties, there should be no obstacles to treating this type of behaviour as one of the manifestations of maltreatment and the court should then take that into account when assessing the level of social harmfulness of the act and imposing punishment on the offender.

There is also the possibility of the offender's mistake about the victim's consent connected with the existence of the presumption of marital consent to sexual contacts. This means that the problem should be thoroughly examined in cases where the victim presented very weak physical resistance or only came up with verbal protests. The same chapter is also devoted to the problems of forms of committing marital rape, the punishment for the offence and the concurrence of provisions. The problem of concurrence of marital rape and

maltreatment of a spouse turned out to be of most significant importance both for theoretical and practical reasons. The legal assessment of such cases can be only done taking into account the characteristics of individual cases and – as it has been stressed – there are a few possible solutions. In practice there may appear both the real concurrence of offences which leads to the imposing of combined punishment as well as the real concurrence of provisions leading to the application of cumulative legal qualification. In all those cases when rape – happening during the established time of maltreatment – can be clearly distinguished from other activities of the offender which were the manifestations of maltreatment, treating rape as a separate offence seems to be the most justified solution. Especially in those cases in which maltreatment lasted for a longer period of time and during that time one or a few attacks on the sexual liberty of the victim also took place, the proper solution is to treat rape (or rapes) as a separate offence. However, in those cases when attacks on the sexual liberty of the spouse are repeated and they constitute in fact one of the most important manifestations of maltreatment, it seem that the proper solution is to treat rape and maltreatment as one forbidden act qualified jointly on the basis of art. 197 and 201 of the Criminal Code.

In the part of the chapter devoted to issues connected with punishment, the new possibilities of criminal reaction to criminal rape, stemming from the amendments to Criminal Code introduced by the statute from 20th February 2015, have been discussed. As after the law changes it is no longer possible to impose on the offender the punishment of deprivation of liberty with the conditional suspension of its execution (which used to be very often applied before), the so called mixed punishment described in art. 37b of the Criminal Code may play a special role in the proper shaping of criminal reaction to marital rape. It was also emphasised that there exists the possibility to impose punishment with its extraordinary mitigation either on the basis of art. 60 § 2 point 1 of the Criminal Code (when the offender and victim were reconciled) or on the basis of art. 60a of the Criminal Code, when the motion to condemn the offender without trial is presented to the court.

Chapter IV of the book discusses the procedural issues connected with the characteristic features of marital rape cases. The most important of these is the change of the prosecution mode in rape cases introduced at the beginning of 2014 and its expected minimal importance for more effective prosecution of marital rape cases because of the right

of the victim to refuse to testify when the perpetrator is the victim's spouse or cohabitant. As it has been pointed in the chapter, it may be assumed that after the abolition of rape prosecution on the victim's motion in cases referring to rapes committed on the spouse or cohabitant of the offender, the change will only result in the modification of the legal grounds for refusing to start or deciding to discontinue criminal proceedings – the lack of the victim's motion will be replaced by the lack of sufficient data indicating the commission of an offence – this is, as file analysis has clearly demonstrated, the usual result of the victim's decision to refuse to testify against her husband or cohabitant.

Chapter V, closing the strictly legal reflections, presents other than criminal law consequences of rape in marriage. Such acts can obviously lead to serious consequences mainly in the sphere of family law, but also in the sphere of obligation law as torts leading to the obligation of damage compensation and in the sphere of inheritance law. Forcing a spouse into sexual contacts undoubtedly means that the relations between spouses are not proper, since in a functioning marriage they should maintain such contacts out of their free will. The fact that one of the spouses forces the other to have such contacts using violence, threat or deceit must lead to the conclusion that the psychological and physical bonds between the spouses were weakened or even totally broken. Therefore marital rape may lead to the appearance of symptoms indicating the breaking of marital bond and in consequence to the pronouncement of separation or divorce because of the fault of that spouse who committed rape. Such a termination of marriage means that the guilty spouse has a more extensive maintenance obligation towards the innocent spouse and then the court may also, in the divorce verdict, order eviction from the common place of abode. The spouse victimised by rape has also the claims for damages, mainly those indicted in art. 445 § 2 of the Civil Code, and possibly those issuing from art. 448 of the Civil Code. Important civil law consequences of marital rape may also arise in the sphere of inheritance law, if the marriage still existed at the moment of the victimised spouse's death. First of all, the fact that the spouse of the testator was the author of sexual attacks against the testator may be the grounds for disinheriting him by the testator himself and it also may lead to the court's declaration that he is unworthy of inheritance. However, the very existence of the marriage after the rape may be understood as an indication that the victim pardoned the offender, which in turn means that he can inherit his spouse's assets under general conditions. Chapter

V discusses also the range of rights and duties of spouses in the field of marital cohabitation and the possible consequences of abusing these rights and not fulfilling the duties under the Canon law. Also the possible consequences of marital rape in the light of the statute from 7th January 1993 on planning the family, protecting the human fetus and the conditions for acceptable abortion were discussed.

Chapter VI of the book presents the results of extensive file analysis. The research comprised all marital or concubinage rape cases registered in all prosecution units in Poland between 2006 and 2009. There were three categories of such cases: those in which the decision to refuse to initiate criminal proceedings was taken, cases in which the decision to discontinue criminal proceedings was taken and finally those cases that led the prosecutor to formulating an act of indictment and sending the case to court. In this last group a subgroup of special importance was distinguished, i.e. cases which ended in the offender's conviction for rape. For this group of offences characteristic features of the offender were checked, like his level of education, employment, age, civil status and so on. The whole research material consisted of 667 cases, 176 of which ended in the directing to the criminal court. Besides quantitative analysis based on the numerical data describing the characteristic features of the acts assessed by the prosecution organs and courts and then the analysis of this data mainly from the point of view of the influence of these features on the final termination of a given case and besides analogous data illustrating the functioning of law enforcement organs, this part of the work also contains numerous case studies. The purpose of this was to enrich the cognitive aspects of the book as due to these case descriptions the reader has the chance to grasp what types of cases reach the prosecution organs and the courts as marital rape cases.

The conducted file analysis makes it possible to state that most marital or concubinage rape are acts which are characterised by the use of violence of limited intensity, rarely do the offenders use only threats, while both methods of enforcing the victim's submission are relatively often combined. This not too intense violence used by the offenders is undoubtedly connected with the fact that also the victims rarely manifest more intense resistance. Therefore a typical marital rape does not leave any visible marks on the victims's body, and where such marks appear, they are usually the traces of the used violence (most often described by art. 157 § 2 of the Criminal Code), which are not traces

directly confirming the use o sexual violence.

The conducted research demonstrated that the punishments imposed for marital rape are clearly lower than in the case of other rapes and it seems that this can be connected with the specificity of such cases: the use of violence necessary for the overcoming of the not too intense resistance of the victim and the lack (as a rule) of the intent to cause any additional harm – cases in which elements of sadism or the special intent to debase the victim or to inflict pain appeared were a minority. Such more drastic cases met with the most severe court reaction which meant the imposition of the most severe punishments. These punishments were imposed also in those cases when the courts came to the conclusion that the offender fulfilled the statutory features of another offence as well (e.g. maltreatment or causing bodily harm for the period of time longer that 7 days).

The detailed analysis of case files referring to marital or concubinage rape has also led the author to the conclusion that a certain paradox can be observed in such cases. On the one hand there is the tendency to punish such offenders not too severely, though the courts rarely justify this by pointing to the existence of the marital relationship between the offender and the victim (this element used to be stressed only when the continuing of the relationship was treated as an indication that the rape was not an especially traumatising experience for the victim), on the other hand however, in some cases there were convictions referring to offenders in whose case it could be doubtful if they really fulfilled the statutory features referring to the methods of enforcing sexual intercourse from the victim who certainly did not agree to it. To put it in other words, it can be doubtful whether the offender would have been convicted for identical behaviour if he had not been in a relationship with the victim, as such a weak resistance or the lack of it towards a stranger would probably not have let the courtassume that all the necessary elements of rape appeared. So the courts sometimes take into account the close relationship between the offender and the victim and convict the offender for the attack on the sexual liberty of the wife or concubine on the basis of the fact that she obviously did not agree to the sexual contact, even though she did not present any resistance or only weak verbal resistance and this happens not only in cases in which it has been established that any attempts to defend herself would lead to the use of violence against the victim and as a result would also cause additional severe consequences, not saving the victim from the rape at the same time.

It has been stressed in the book that in case of marital rape the problem of the necessary intensity of resistance and of the violence used to overcome it becomes very visible. In some of the described cases the tolerating of the sexual demands of the husband or cohabitant by the victim was rather an element of the maltreatment of her (though only assuming the presence of the required intention), e.g. when the offender did not pay any attention to the fact that he was causing pain because of the victim's special physical state connected with her illness, pregnancy or postnatal period, yet the passiveness of the victim and her subordination to the offender's demands could be the source of serious doubts whether the offender used any violence to force the victim to have intercourse with him. In relationships which are characterised by violence as such it seems possible to consider whether the general climate of threatening the victim does not mean that the offender threatens the victim in an implied way, yet in such cases there seems to arise the difficulty of proving that the offender fulfilled all the mens rea features of rape.

The analysis of court files demonstrated the strong interdependence between the use of sexual violence and the presence of violence as such in the relationship. Among the persons convicted for marital or concubinage rape, 77% were those who were also found guilty of the victim's maltreatment. Another factor strongly related with marital rape is alcohol abuse by the offender and the perpetration of rape under the influence of alcohol. Over 84% of the persons convicted for this type of offence were those who were under the influence of alcohol when committing the offence, and especially in those cases in which the offender was the author of many attacks on the sexual liberty of his wife or concubine, the offenders were often characterised by a constant alcohol abuse problem. In many cases some other characteristic motives appeared, such as: the offender's obsessive jealousy of his partner, information indicating the offender's contact with pornographic materials and information about a strong ongoing conflict between the offender and the victim connected with the deterioration of their relationship or with controversy over who should take care of the couple's children.

It has also been emphasised in this part of the book that the analysis of all the files could lead to the conclusion that some of the cases in the three examined groups were in fact quite similar, i.e. the only evidence of rape was the testimony of the victim and factors which are impossible to detect in file analysis determine the further course of proceedings

after the prosecution organs have been informed about the alleged rape. In each of the three groups there were cases in which the victim was reporting the history of many years of violence in the relationship, including sexual violence, and in such cases the further course of the proceedings in the maltreatment case did not determine the belief of the procedural organs about the possibility of conducting proceedings referring to the rape(s) as well. In some of such cases, when the information about rape appears, the decision to refuse to initiate criminal proceedings follows almost immediately, based on the lack of sufficient data indicating the possibility of offence commission and the prosecution organs, not even trying to find some evidence, assume that, as there are two contradictory versions of the event, it will be impossible to prove the offender's guilt. In some similar cases the decision to initiate criminal proceedings is taken, yet for the same reasons the decision to discontinue the criminal proceedings is finally taken, though it should be also considered that some of these decisions are clearly justified by the victim's refusal to testify. Finally, there are similar cases in which the only evidence is the victim's testimony and first the prosecution organs and then the courts find the victim credible and condemn the offender only on the basis of that testimony.

The conducted file analysis also revealed some quite serious discrepancies in the practice as far as the treatment of similar cases is concerned, which refers specially to the applied legal qualification. There is no unified practice as far as the concurrence of rape and maltreatment is concerned, though it is most common to treat such cases as the real concurrence of offences and to impose the combined punishment on the offender. One can have serious doubts about the observed practice of considering one or a few rapes as a fragment of maltreatment which lasted for a longer period of time and applying the cumulative legal qualification then. It has been emphasised that in all those cases in which rapes can be distinguished as separate attacks on the victim, distinct from the acts which are the manifestations of maltreatment, the offender should meet with separate charges referring to these offences and if he is found guilty, the court should impose the combined punishment on him. However in those cases in which the repeated attacks on the sexual liberty of the victim were the most blameworthy manifestations of the offender's improper treatment of his wife, the right solution seems to be to apply the cumulative legal qualification based on both art. 197 and 207 of the Criminal Code. As the file analysis has

revealed, in part of the cases maltreatment of the victim was strongly connected with the fact that she was refusing sexual contacts with her husband or cohabitant and maltreatment was in fact a method of forcing her to have intercourse with the offender, therefore it would be difficult to accept the multiplicity of criminal acts.

There are also great differences in the way individual courts treat multiple rapes committed by the same offender. In such cases, besides the rarely applied institution of the real concurrence of offences or its special form – the sequence of offences from art. 91 § 1 of the Criminal Code, the most popular solution is to treat such acts as one forbidden act in the meaning of art. 12 of the Criminal Code. Such practice is however quite controversial, especially if one considers the presence of the a priori intention to commit many rapes. It seems that the application of this solution indeed reflects the fact that applying the institution of the concurrence of offences in such cases would lead to some difficulties connected with the need to establish the exact number of rapes and the time when they were committed while in many cases it is quite typical that the victims only indicate the time span of the illegal acts but they are unable to indicate their precise number and dates. The way art. 12 of the Criminal Code is applied in such cases seems to demonstrate that the institution of the continuous offence is used in cases in which the offender did not so much have an a priori inetenion as was making use of a repeatable occasion, which might indicate that de lege ferenda it would be worth considering returning to such understanding of the continuous offence (though it should be stressed that at present such application of the provision is done contra legem).

Generally however, rape in marriage, as it has been emphasised in the summary of the book, is not the source of major controversies in the practice of Polish criminal justice organs and courts and prosecution organs, even if some of their decisions indicate special treatment of such cases, treat them as one of the variants of rape, rarely emphasising in the justification motives of their decisions the elements connected with the fact that the offender and the victim were spouses or cohabitants. Also the punishment hight, though generally lower than in the case of other rapes, does not differ from the average to such an extent that one could detect some mistakes in the legal assessment of such cases. Punishments for rape in Poland are generally not very severe, so the same applies to marital rape, in whose case some of the factors indicated in the book may additionally influence the quite mild

punishments for some offenders who committed this type of attack on sexual liberty.

Discussion of other academic, research and artistic achievements

a) Authorship or co-authorship of academic publications in journals included in the Journal Citation Reports (JCR) database

Due to the specificity of my field of study – Polish criminal law - I have no publications in the journals that can be found in that data base. This is caused by the fact that the English-language journals that can be found in that database are devoted to English and American criminal law and the specificity of the common law results in the fact that such journals do not publish as a rule papers devoted to the dogmatics of Polish criminal law.

b) Evaluation criteria for academic and research achievements in fields of knowledge including:
1) Authorship or co-authorshil of monographs, academic publications in international or domestic journals in the given field of knowledge other than those included in the database or on the list mentioned in § 3; 2) authorship or co-authorship in the given field of knowledge of: collective works, collection catalogues, documentation of research works, expert opinions, works and artistic works;

Since some of the publications may meet the criteria from both above mentioned categories, achievements in these fields shall be discusses together. As first I should mention two monographs, which were prepared on the basis on my doctoral dissertation. The first one "Organised Crime and Criminal Law Instruments of Preventing It,", Lublin 2006, pp. 480 contained reflections corresponding to the most important problems discussed in the doctorate and it was a comprehensive work referring to the criminological and criminal law problems of organised crime. The book consists of 4 parts, each divided into chapters. In the first part, chapter I is devoted to the discussion of criminological and other definitions of organised crime, while chapter II contains reflections on the genesis and historical

development of mafia type criminality on Sicily and in the USA until the middle of the XX century. Part two of the book discusses contemporary trends of organised crime – it contains a detailed description of the development of the Italian and U.S. forms of organised crime after the second world war until contemporary times and also the most important mafia organisations functioning all around the world at the end of the XX century (chapter III), while chapter IV reflects the Author's attempt to recreate the picture of Polish organised crime on the basis of existing literature and official statistical data, including court statistics. Part III of the book, which is also the core part of the work, refers to the problems of fighting organised crime on the basis of binding Polish criminal law regulations. Chapter V is devoted to a detailed dogmatic analysis of the solutions found in the general part of the Criminal Code which can be used to fight organised crime (preparation, perpetration by directing of commanding the offence, extraordinary aggravation of punishment, special regime of applying the probation measures, extraordinary mitigation of punishment and seizure of criminal assets).

Chapter VI is devoted first of all to the dogmatic analysis of the statutory features of the offences described in art. 258 of the Criminal Code (here the detailed discussion concerned, among others, the concept of organised criminal group and criminal association, types of such groups and associations distinguished by Polish law, the specificity of the actus reus of each of the offences from art. 258 of the Criminal Code, the problem of concurrence of provisions and offences, the possible punishment and retreating from participation in an organised structure out of the offender's free will). Chapter VII in turn discusses chosen offences that are characteristic for organised crime, such as hostage taking, money laundering and the so called drug offences. This part of the book is closed by chapter VIII which presents a concise characterisation of chosen procedural and investigative forms of reacting to organised crime (such institutions as, among others, the crown witness and the anonymous witness and chosen operational and reconnaissance activities have been discussed). Part IV of the book is devoted to the instruments of fighting organised crime on the international level (including the UN Convention against transnational organised crime and the European Union documents referring to such problems) and to the criminal law regulations of other countries – here some comparative law remarks can be found.

The second monograph whose origins can be traced in the doctoral dissertation is

entitled: "„Fighting Organised Crime Forms on Polish Territory in the XIX and XX centuries". Lublin 2008, pp. 168. This book consists of four chapters. The first one discusses the development of political organised crime in Europe in the XIX and XX century, with special attention paid to terrorist-type criminal organisations. The following chapters contain reflections referring to the history of criminal law – chapter II presents the shape of anti-organised crime regulations in the codifications of the countries occupying Poland binding in the XIX and at the beginning of the XX century, chapter III discusses such regulations according to the Polish Criminal Code from 1932, while chapter IV is devoted to the criminal law regulations referring to organised crime forms which came into force after the II world war, with special attention paid to the solutions of the Criminal Code from 1969.

The problems of organised crime fighting in the broad sense of the term (not only referring to mafia-type organised crime but also to terrorist organised activity) has since been the object of my scholarly interests and such problems were discussed in publications referring to the interpretation of art. 258 of the Criminal Code and to other provisions, also from the general part of the code, which can be important instruments of fighting this type of crime: „Criminal responsibility for Participating in Organised Criminal Structures under the Solutions of the Polish Criminal Code from 1997 [in:] T. Bojarski et al. (ed.), Changes of Polish Criminal Law under the Polish Criminal Law from 1997, Lublin 2006, pp. 343-353, „Criminalisation of terroristic acts in the criminal law of chosen countries, Studia Iuridica Lublinensia 8/2006, p. 29-48, „Commentary to the resolution of the full Supreme Court Criminal Chamber from 4th April 2005, I KZP 7/05, Prokuratura i Prawo 7-8/2007, pp. 200-206, „Fighting Terrorism and Organised Crime in the light of the Polish Criminal Code from 1997 [in:] S. Pikulski M. Romańczuk-Grącka, B. Orłowska-Zielińska (eds.), The Integrity of Polish Criminal Law, Olsztyn 2011, pp. 159-173, „Obligation to confirm statements before the court by a key witness in sua causa, Prokuratura i Prawo 9/2012, pp. 68-82, „Fighting Terrorism in Polish Criminal Law – the Influence of EU Legislation", „Białostockie Studia Prawnicze, Zeszyt 10, Legal And Criminological Aspects of Terrorism. Local and Global Perspective", ed. E. W. Pływaczewski, Białystok 2011, s. 157-170, „Organised criminal group in case law, Prokuratura i Prawo 12/2013, pp. 100-116, „Chosen problems of imposing punishment for participation in organised criminal structures" [in:]

M. Bojarski, J. Brzezińska, K. Łucarz (eds.), "Problems of contemporary criminal law and criminal policy. Professor Zofia Sienkiewicz's jubilee book", Wrocław 2015.

Besides publications referring to the offence of participating in criminal organised structures, I was also interested in offences against public order as such, which resulted in my authorship of: commentary to chapter XXXII of the Criminal Code in the book "Criminal Code. Special Part. Vol. II, Art. 222-316, M. Królikowski, R. Zawłocki (eds.), Warszawa 2013, pp. 282-409, the article „Offences against public order in the Criminal Code from 1932 and at present [in:] A. Grześkowiak, K. Wiak, M. Gałązka, R.C. Hałas, S. Hypś, D. Szeleszczuk (eds.), The Criminal Code from 1932, Lublin 2015, pp. 229-248 and a court decision commentary referring to the problem of concurrence of art. 252 of the Criminal Code with art. 190 or 191 of the Criminal Code - „Commentary to the Wrocław Appellate Court decision from 19th September 2013, II AKa 270/13", Prokuratura i Prawo 5/2015, pp. 188-192.

An important place among the problems to which I devoted my attention after obtaining the doctor's degree was occupied by the offence of money laundering. I devoted the following publications to that problem: the article „Problematic issues of Money Laundering, Studia prawnoustojowe 10/2009, pp. 129-141, a chapter in a monograph: „Money laundering in international and European Union law [in:] E. W. Pływaczewski (ed.), Money laundering and its implications, Warszawa 2013, pp. 43-70 and „Commentary to the Wrocław Appellate Court decision from 21st February 2012, II Aka 338/11, Wojskowy Przegląd Prawniczy 3/2013, pp. 109-114. I was also writing about the offence of money laundering in the commentary to Criminal Code edited by T. Bojarski, in which I am the author of the commentary to chapter XXXVI which contains offences against economic operations („Criminal Code. Commentary, T. Bojarski (ed.), 7th ed., Warszawa 2016 – earlier editions were appearing from 2006, co-authors: T. Bojarski, J. Piórkowska- Flieger, M. Szwarczyk). The historical development of economic offences was the topic of the article „The evolution of responsibility for economic offences [in:] T. Bojarski, K. Nazar-Gutowska, A. Nowosad, A. Michalska-Warias, J. Piórkowska-Flieger, A. Sośnicka, M. Szwarczyk, D. Firkowski (eds.), The development of penal sciences 60 years after the foundation of the Faculty of Law and Administration of the UMCS, Lublin 2009, pp. 67 – 81.

As far as other criminal code special part problems are concerned, in the above mentioned Commentary edited by T. Bojarski, I prepared also the commentary to some of the terms from art. 115 of the Criminal Code (§ 8 – 12, 20) and, besides the offences against economic operations, to most of the offences against the Republic of Poland (art. 130 – 139 of the Criminal Code), to some offences against the country defence (art. 143 and 144) and to some offences against personal liberty defined in art. 190, 190a and 191 of the Criminal Code. The offence of stalking, before it had been introduced into the Polish legal system, was the topic of an article: „Criminal law aspects of stalking in Polish criminal law (co-author: K. Nazar-Gutowska), Studia Iuridica Lublinensia, Vol. XIV z 2010 r., pp. 61-76. Moreover, together with J. Piórkowska-Flieger I wrote the article „Protection of the witness in Polish criminal law [in:] I. Nowikowski (ed.), Probelems of court law application. A book offered to Professor Edward Skrętowicz, Lublin 2007, pp. 54-66. I am also the author of an article referring to euthanasia killing entitled: „Statutory features of euthanasia killing [in:] M. Mozgawa (ed.), Euthanasia, Warszawa 2014, pp. 121-155.

I am the co-author of the publication: „Petty Offences Code. Commentary, T. Bojarski (ed.), 5th edition, Warszawa 2015, earlier editions were appearing from 2007 (co-authors: T. Bojarski, J. Piórkowska- Flieger, M. Szwarczyk), in which I am the author of commentary to some of the petty offences against public peace and order (art. 60^1 – 63) and some petty offences against the safety and order in traffic (art. 94 – 97), as well as to all petty offences against health (art. 109 – 118), against consumers' interests (art. 133 – 139b) and all the petty offences from the chapter "Forest, field and garden damages" (art. 148-166).

My interest in the offence of rape, the main outcome of which is the above described monograph, has also resulted in the following publications: „Statutory features of the offence of rape [in:] M. Mozgawa (ed.), The offence of rape, Warszawa 2012, pp. 31-60, „Chosen problems of the offence of rape [in:] A. Adamski, J. Bojarski, P. Chrzczonowicz, M. Leciak (eds.), Penal sciences in face of the fast social and cultural changes. A jubilee book offered to Professor Marian Filar, Vol. I, Toruń 2012, pp. 400-413, „Rape by deception in Polish law and in English and American law, Studia Iuridica Lublinensia, Vol. XXI, Lublin 2014, pp. 129-144 and „Commentary to the Katowice Appellate Court decision from 15th May 2013, II AKa 90/13, Palestra 7-8/2014, pp. 150-154, which refers to the problem

of concurrence between art. 197 and 198 of the Criminal Code.

After obtaining the doctor degree I was also devoting some of my attention to chosen problems connected with reforming the proceedings referring to juveniles, which can be visible in the following publications: „Planned changes in the executive procedure in proceedings referring to juveniles [in:] T. Bojarski, K. Nazar-Gutowska, A. Nowosad, A. Michalska-Warias, J. Piórkowska-Flieger, A. Sośnicka, M. Szwarczyk, D. Firkowski (eds.), The problems of reforming the procedure in juvenile cases, Lublin 2008, pp. 175-185, „The draft bill of „Juvenile law" - basic principles of the reform [in:] Z. Bartkowicz, A. Węgliński, A. Lewicka (eds.), Obligations and competences in the upbringing of persons who are socially maladjusted, Lublin 2010, pp. 343-357 and „The proposed changes in the model of proceedings in juvenile cases (co-author: J. Piórkowka-Flieger) [in:] T. Bojarski et al. (eds.), Theoretical and practical problems of contemporary criminal law. Materials of the conference held in Lublin on 26-27 September 2011, Lublin 2011, pp. 259-272.

My long lasting cooperation with the Faculty of Pedagogics and Psychology, where I have lectures in criminology and legal basis of rehabilitation for students of rehabilitation pedagogics and lectures about court mediation on post-graduate studies in mediation, resulted in two publications referring to the institution of mediation: „The institution of mediation in Polish law with special attention paid to mediation in juvenile, criminal and civil cases [in:] A. Lewicka (ed.), Professional mediator. Become one. Methodological guide, Lublin 2008, pp. 11-33 and „Mediation as an alternative for the traditional justice system? [in:] Z. Bartkowicz, A. Węgliński (eds.), Effective rehabilitation. Experiences and propositions, Lublin 2008, pp. 393-405.

During my scientific work I devoted some attention also to chosen problems connected with the general part of the Criminal Code. My interest in the institution of renouncing to impose punishment resulted in a monograph, in which, besides the theoretical analysis, I presented the results of court file analysis and statistical data analysis, thus trying to demonstrate how this institution functions in criminal law justice practice „Renouncing to impose the punishment in the light of court statistics and file analysis, Lublin 2013, pp. 96. Moreover I devoted two articles to this institution: „Renouncing to impose the punishment according to the Criminal Code from 1997 – chosen aspects [in:] A. Michalska-Warias, I. Nowikowski, J. Piórkowska-Flieger (eds.), Theoretical and practical

problems of contemporary criminal law. A jubilee book offered to Professor Tadeusz Bojarski, Lublin 2011, pp. 237-252 and "Renouncing to impose the punishment in the law on petty offences" [in:] A. Błachnio-Parzych, J. Jakubowska-Hara, J. Kosonoga, H. Kuczyńska (eds.), Problems of administering criminal justice. Professor Jan Skupiński's jubilee book, Warszawa 2013, pp. 702-719.

I published also articles referring to various problems of the general part and to the mutual relations between criminal law and criminology, such as: „Criminal law consequences of psychopathy", Palestra 9-10/2009, s. 56-66, „Deterring effect of the capital punishment in the light of the newest American research (co-author: A. Taracha), Wojskowy Przegląd Prawniczy 3/2009, pp. 96-106, „Mutual relations of chosen criminal law and criminological concepts [in:] V. Konarska-Wrzosek, J. Lachowski, J. Wójcikiewicz (eds.), Crucial problems of criminal law, criminology and criminal policy. A book offered to Professor Andrzej Marek, Warszawa 2010, pp. 773-786, and – referring to the problem of concurrence of different basis of extraordinary aggravation and mitigation of punishment - „Commentary to the Supreme Court decision from 4th February 2008, III KK 363/07, Państwo i Prawo nr 2/2010, pp. 130-135.

I am also the author of a publication presenting the profile of Professor Jerzy Śliwowski (1907 - 1983) [in:] A. Przyborowska-Klimczak (ed.), Professors of the Faculty of Law and Administration of the UMCS 1949-2009. A jubilee book on the 60th anniversary of the Faculty of Law and Administration of the UMCS in Lublin, Lublin 2009, pp. 288-301.

In the period to be assessed I published as well three book reviews, two of them referring to English-language publications: „Review of the book by W. Cebulak and E. W. Pływaczewski: *Prostitution in the United States and Poland. A Cross-Cultural Criminological Study From a Religious Perspective*", "Państwo i Prawo" 8/2007, p. 120-122, "Review of the book by Barbara Kunicka-Michalska: *Basic Spanish criminal law*, Państwo i Prawo 5/2010, pp. 118-120 and "Review of the book: *Current Problems of the Penal Law and Criminology (Aktualne problemy prawa karnego i kryminologii)*, edited by Emil W. Pływaczewski, Białystok 2009, Prokuratura i Prawo 5/2011, pp. 168-173.

Together with K. Nazar-Gutowska, A. Nowosad i J. Piórkowska-Flieger I prepared tests for students preparing for the examination in the general part of the criminal law:„Tests. Criminal law", T. Bojarski (ed.), 1st ed. Warszawa 2010, pp. 223, 2nd ed.

Warszawa 2012, pp. 216 and a "Report from the conference „Theoretical and practical problems of contemporary criminal law", Lublin 26-27 September 2011 (co-author: J. Piórkowska-Flieger), Państwo i Prawo 5/2012, pp. 122-124.

3. Heading international or domestic research projects or participation in such projects - none

4. International or domestic awards for academic or artistic activity:

- 2007 – level II UMCS Rector's individual award for outstanding work in the academic year 2006/2007
- 2009 - Rector Seidler's scholarship for special academic achievements
- 2011 - level III UMCS Rector's individual award for outstanding work in 2010
- 2015 – bronze medal for long-term service

5. Papers presented at domestic or international thematic conferences:

1. Mediation as an alternative for the traditional justice system?, Conference: Effective rehabilitation. Experiences and propositions, Lublin 6-7 November 2006
2. Planned changes in the executive procedure in proceedings referring to juveniles, Conference: The problems of reforming the procedure in juvenile cases, Lublin 18-19 September 2008; international conference,
3. Criminal law aspects of stalking in Polish criminal law (co-author: K. Nazar-Gutowska), Conference: "Infatuation or endangerment? Psychological and legal aspects of stalking, Recognising the phenomenon and its diagnosing, Lublin 3-4 October 2008; international conference
4. Problematic issues of Money Laundering; Conference: Contemporary problems of criminal law, Olsztyn 20-21 November 2008
5. The draft bill of „Juvenile law" - basic principles of the reform, Conference: Obligations and competences in the upbringing of persons who are socially maladjusted, Kazimierz Dolny 5-6 December 2008
6. The evolution of responsibility for economic offences, Conference: The development of

penal sciences 60 years after the foundation of the Faculty of Law and Administration of the UMCS, Lublin, 23-24 Lublin 2009; international conference

7. The proposed changes in the model of proceedings in juvenile cases (co-author: J. Piórkowska-Flieger), Conference: Theoretical and practical problems of contemporary criminal law. Materials of the conference held in Lublin on 26-27 September 2011, Lublin, 26-27 September 2011

8. Fighting Terrorism and Organised Crime in the light of the Polish Criminal Code from 1997, Conference, The Integrity of Polish Criminal Law, Olsztyn 17-19 October 2011

9. Statutory features of the offence of rape, Conference: III Lublin Criminal Law Seminar - The offence of rape, Lublin 12th December 2011

10. Chosen problems of the offence of rape (as the author was ill, the paper was presented by dr J. Piórkowska-Flieger), Conference: Penal sciences in face of the fast social and cultural changes, Toruń 8-9 October 2012

11. Statutory features of euthanasia killing, Conference: VI Lublin Criminal Law Seminar – Euthanasia, Lublin 8th December 2014, international conference

12. Criminal law measures to react against sexual violence between spouses, Conference: Criminal law protection of family violence victims, Stalowa Wola, 19th October 2015

13. Rapes in marriage, Conference: Rape. Definition, reaction, support for the victims, Warsaw, Attorney General's Office, 1-2 December 2015

14. Incest and legal and biological affinity, Conference: VII Lublin Criminal Law Seminar – Incest, Lublin 7th December 2015, international conference

c) Evaluation criteria referring to achievements in the field of didactics and learning popularisation and international cooperation:

1) participation in European programmes or other international or domestic programmes – none
2) participation in international or domestic academic conferences or participation in the organisational committees of such conferences (Appendix no. 8)
3) heading projects conducted in cooperation with scholars from other Polish or foreign institutions, and in case of applied research – with entrepreneurs – none
4) participation in editorial committees and academic boards of journals – none

5) membership in international or domestic academic organisations or societies – none

6) achievements in the field of didactics and learning or art popularisation – Appendix no. 7

7) academic tutelage of students or physicians during specialisation – none

8) academic internships in foreign or domestic scientific or academic institutions:

- 2004 – scholarship in the Max Palnck Institute for Foreign and International Criminal Law in Freiburg im Breisgau (Germany)

9) preparing expert opinions or other works for public authorities, territorial administration organs, units carrying out public works or entrepreneurs

- in 2009 I prepared conclusions referring to legislation problems connected with fighting organised crime for the Ministry of Internal Affairs and Administration

10) participation in expert or contest committees – none

Lublin, January 12, 2016

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