Załącznik nr 4

Dr Katarzyna Nazar

Summary of achievements presenting a description of the work and achievements of the habilitation candidate

1. **Name and surname:** Katarzyna Nazar
2. **Diplomas and academic/artistic degrees held, specifying the date and place of obtaining them and the title of the doctoral dissertation:**

   - 1998/1999 – 2002/2003 – studies at the Maria Curie Skłodowska University of Lublin (UMCS), Faculty of Law and Administration; academic major: law

   - 2003 – Master's exam at the Faculty of Law and Administration of UMCS, Lublin, passed with the mark "very good"

   - 2011 – public defence of the doctoral dissertation entitled *Crime threat offence in Polish criminal law* at the Faculty of Law and Administration of UMCS, Lublin, supervisor: Prof. dr hab. Tadeusz Bojarski, reviewers: Prof. dr hab. V. Konarska-Wrzosek, Prof. dr hab. M. Mozgawa
3. **Information on employment in academic/artistic units:**

   - since 1.10.2003 – Assistant Lecturer at the Department of Criminal Law and Criminology, Faculty of Law and Administration of UMCS in Lublin

   - since 1.10.2003 – Assistant Professor at the Department of Criminal Law and Criminology, Faculty of Law and Administration of UMCS in Lublin
4. **Indication of the achievement described in art. 16 section 2 of the Statute from the 14 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)**

Incest. A criminal - law and criminological study, Lublin 2019, Wydawnictwo UMCS, pp. 430 (publishing reviewer Prof. dr hab. R. A. Stefański).

The dissertation addresses the crime of incest under Polish criminal law and in a comparative perspective, as well as in the practice of law enforcement agencies and the judiciary. It is the first monograph on this issue in Polish legal literature. As the title suggests, the dissertation was based on two main research perspectives: dogmatic and criminological.

The main aim of the study was to carry out a comprehensive analysis of the statutory type of the crime of incest in Polish criminal law and the practice of law enforcement agencies and the judiciary in this field, as well as to familiarize the reader with the evolution of the criminal-law perspective on incest and the current regulations of this offence in selected countries. The legal and comparative method used in the study allowed for assessing the mutual influence of legal systems applicable in particular countries. The formal and dogmatic analysis was aimed at examining whether the statutory approach to the offence of incest goes in line with the *ratio legis* of the law-makers. In other words, it was to analyse whether a voluntary sexual intercourse between the individuals defined in Article 201 of the Criminal Code should be subject to a criminal law prohibition, and if so, whether this prohibition is sufficiently secured in the legislation currently in force. The purpose of the case study conducted was to determine the criminological picture of the offence discussed, its scale against the background of crime in Poland, the policy of punishment, and verification of the research theses that had been put forward: 1) incest does not occur alone, but is related to sexual violence in the family; 2) incest is a phenomenon conditioned by a dysfunctionality already existing within the family, not its cause.

The work consists of eight chapters. Chapter I is an attempt to define the term "incest", which in different historical periods and cultures has been dealt with in different ways. Starting from the etymological meaning of the term and taking into account its understanding in social sciences (especially in sociology, psychology and sexology), it has been related to the most fundamental normative approach. The purpose of comparing individual definitions was to determine whether the normative approach to incest coincides with the definitions formulated for the needs of other disciplines.

Chapter II comprises observations aimed at clarifying the origins and theories regarding the prohibition of incest. The interest of scholars in the incest prohibition is motivated by the broad and multi-faceted significance of sexuality in human life. There are many models explaining the prohibition of incest (including biological-anthropological, sociological, ethnological and psychoanalytical). All research and theories to explain the incest prohibition boil down to two layers: sociocultural and biologically motivated. Due to the close relationship between the precept of exogamy and the taboo of incest, almost all the scholars studied this relationship.

Chapter III is of a legal comparative nature. It contains reflections on the criminal-law perspective on incest in the jurisdictions of selected countries. The legal regulations of many

European countries (notably EU member states and some countries of the former Soviet Union) and selected regulations of common law countries (England and Wales, Scotland, Ireland and Northern Ireland, Australia and Canada) were analysed. In total, the study covered 44 countries. The aim was to investigate the largest possible group of legal systems in which voluntary sexual intercourse between adult family members is forbidden. In order to systematise the solutions applied, a division into three models of penalisation of incest was adopted. In the first model, voluntary incestuous relations between adult family members do not constitute a criminal offence, but there are provisions which, seemingly, may be applied to cases of sexual contact of incestuous nature (especially with minors), despite the absence of a clear statement that it is to refer to a close person, in the second model voluntary relations of incestuous nature are punishable (two groups were identified as part of this model: the first includes countries with only incest as a type of offence; in the second, in addition to incest as an independent type of offence, the conduct of incestuous nature constitutes a criterion for aggravation of the offence of rape); while in the third one such a type of offence does not exist, but sexual relations with close relatives are a criterion for aggravation of the offence of rape or other acts of sexual nature. This chapter addresses in more detail the second model, including, e.g. the location of the offence of incest in the criminal codes of each country, and the manner of its regulation. Also differences were pointed out in the models as regards the determination of who should be liable, the manner of regulation of carrying out the perpetration activity, as well as the possible limitation of liability, diversification of offence types and the statutory level of penalty imposed. The analysis shows that the prohibition of voluntary sexual relations between adult family members in the legal systems of foreign countries is quite common. Incest is punishable in 28 out of the 44 analysed countries. The most common model (according to the classification applied) is the second model (group one), which includes countries where voluntary sexual intercourse between adult family members is forbidden. Legal systems of the second group (the second model) i.e. those in which also rape of incestuous nature occurs along incest as a separate type of crime, are rare. Regulations in European countries belonging to the second model (which, according to the assumption adopted, are of the greatest importance), do not generally differ one from another. Most commonly, the object of penalization is an act undertaken between ancestor and descendant, as well as between siblings. However, the level of penalty for such acts is subject to vast differentiation. Among the European countries, the most severe legislations in terms of penalisation of incest are those of Albania, Macedonia and Iceland. Considerable differentiation of sanctions for incest offences may also be observed in common law countries. In individual states and territories of Australia, these penalties range

from relatively low (but still strict as compared to penalties in European countries), e.g. in Western Australia (3 years of imprisonment), to extremely strict, even to a lifetime imprisonment, in Queensland. The legislation of Canada, Scotland and Israel in this regard is also severe.

Chapter IV addresses historical issues concerning the offence of incest in an evolutionary approach (from antiquity, through the Middle Ages and the modern era, incest in criminal codes in force on Polish lands during the era of the partition of Poland, to the criminal legislation of the twentieth century). The knowledge on the formation and evolution of each type of offence is an indispensable element of scholarly reflection on contemporary problems of criminal law. From the earliest times, incest was commonly classified as the category of indecent deeds that harm the consistency of marriage and proper development of society. The term of incest as an indecent act was changing its meaning throughout history, depending on the current moral and social norms applicable to sexual relations that were in force in societies of a given era. In pre-Christian times, sexual relations were judged by criminal law either from the point of view of the good of the family or due to the preservation of customs and moral principles commonly accepted in a given period, confirmed by religious prohibitions and norms. Under the influence of Christianity, such conduct was reassessed from the point of view of their conformity with the precepts and magisterium of the Church. With the popularisation of the postulates of the humanitarian school of law of the Enlightenment era, such acts were still considered to be reprehensible, but not "because of the offence of divine laws" but "because of the humiliation to humanity", postulating their punishment in accordance with the rationalist philosophy "according to their nature ", therefore with penalties provided for less severe crimes, classified as misdemeanours or petty offences.

Chapter V contains an analysis of the statutory recognition of the offence of incest. Using the formal and dogmatic method, the statutory criteria of prohibited act, specified in Article 201 of the Polish Criminal Code, were analysed. The problem that raises the most controversy is the rationalisation of the penalisation of incest. There is no full agreement among scholars of criminal law as to the inclusion of the object of protection in the offence of incest and a clear indication of the *ratio legis* of the provision of Article 201 of the Polish Criminal Code. The conduct that constitutes the actus reus as well as the actor and the mens rea of the offence of incest were also analysed. These remarks and conclusions resulting therefrom were of fundamental importance for the assessment of the correctness of interpretation of the provision of Article 201 of the Polish Criminal Code. This chapter also discusses specific problems of forms of committing a crime, as well as the issue of concurrence of provisions and

offences, as well as issues related to imposing a specific punishment. The analysis of the provision of Article 201 of the Polish Criminal Code leads to the conclusion that the law-maker does not have a coherent and clear concept of the offence of incest, which undoubtedly weakens the *ratio legis* of this prohibition. Assuming that the object of protection is morality as an interest defined by moral principles, the statutory approach to the offence is incomplete, both in objective and subjective terms. In objective terms, the prohibition of incest was limited only to sexual intercourse, which is insufficient from the point of view of morality as an interest providing grounds for this prohibition. If we understand morality as basic moral principles in terms of sexual experiences and relations, deeply rooted in social consciousness, then it is impossible to accept that other (than sexual intercourse) forms of sexual involvement among family members (e.g. in the form of mutual masturbation) belong to socially accepted behaviour and fit within the limits of culturally established norms. In this context, it should be assumed that it is equally indecent as sexual intercourse when the closest family members undertake other sexual activities, which remain outside the scope of criminalization of the provision of Article 201 of the Polish Criminal Code. Serious doubts are also raised by the regulation of the offence of incest as for as the range of actors is considered. As it has been shown, also in this case the limits resulting from the provision of Article 201 of the Polish Criminal Code were set too narrowly to ensure full criminal-law protection of family members. The elimination of relatives by affinity in straight line from the circle of perpetrators offends the decency, but also adversely affects the correctness of family relationships. Objections also appear when it comes to the perspective on incest perpetrators in the case of adoption. The prohibition of incest applies only to the relation between the adopter and the adopted person, which leads to the conclusion that it does not include a situation of sexual intercourse between the adopted and biological children or other adopted children of the adopter. The analysis of the statutory criteria of the offence in question allowed the author to conclude that the existence of the prohibition of incest is justified by moral considerations, but the protection of this interest in the current legal situation is not sufficiently ensured. The provision of Article 201 of the Polish Criminal Code was developed in a highly imprecise way both in subjective and objective terms,so it is necessary to broaden it and make it more precise.

From both the dogmatic and criminological point of view it is important to address the issue of concurrence of provisions and offences in the context of the crime of incest. This section of the chapter presents possible cases of concurrence of Article 201 of the Polish Criminal Code with other provisions and refers to a view, wrongly assumed by some scholars, that Article 201 of the Polish Criminal Code may remain in real concurrence with Article 197

of the Polish Criminal Code. *De lege lata* , there is a negligible concurrence of provisions between Article 201 of the Criminal Code and Article 197 § 3 (3) of the Criminal Code (resolved by the principle of consumption), where the consuming provision is Article 197 § 3 (3) of the Criminal Code. Also a practical problem was pointed to in the application of Article 12 § 1 of the Criminal Code and Article 91 of the Criminal Code, in case of repeated incest intercourses. It has been noted (as it results from the studies carried out) that for multiplicity of offences Article 91 § 1 of the Criminal Code is adopted only exceptionally, while the rule is to adopt the view that many acts of the perpetrator constituted one continuous act within the meaning of Article 12 § 1 of the Criminal Code. Out of the 506 acts in all the cases studied (Article 12 § 1 of the Criminal Code), they were tried as a continuous act in 156 cases in total. Only in 8 cases , the legal qualification referred to Article 91 § 1 of the Criminal Code, by adopting a view that a sequence of offences had occurred. The analysis of case files and descriptions of deeds in judgements leads to the conclusion that the courts exercise considerable discretion as to the choice of one of these options. Most often, the more acts the perpetrator had committed, the more often the courts considered this multiplicity of acts to be one continuous act. However, very rarely, in such cases, was it apparent from the grounds for the judgement on what basis the court assumed the existence of prior intent of the perpetrator. It may be said that this construct is used for a multiple conduct of the perpetrator, with a specific presumption of existence of such intent without proving it. Similar objections may be raised as to the second of the conditions for adopting the construct of continuous act, that is to say, short intervals between individual deeds committed by the offender. Perhaps this is due to the fact that both in the criminal-law scholarly opinion and judicature there is far-reaching disagreement as to the meaning of this notion. Undoubtedly, the adoption of the construct of continuous act facilitates the conviction of the perpetrator, especially in the context of incestuous relationships kept for a long time, when it is often impossible to establish a precise number of acts and the moment of committing them, which would be necessary when applying the construct under Article 91 § 1 CC. On the other hand, the concept of continuous act is more favourable to the offender, as there may be a situation that an offender who has repeatedly committed sexual intercourses, aware of the favourable consequences of adoption of Article 12 § 1 of the Criminal Code, will try to demonstrate that when committing these acts, he acted with prior intention. The committing of incest without prior intention precludes the application of Article 12 § 1 of the Criminal Code and may be a condition for punishing the offender under Article 91 § 1 of the Criminal Code, which is the basis for extraordinary aggravation of the penalty.

Chapter VI includes reflections on the consequences of incest acts of other than criminal-law nature. Such acts result in consequences in such areas of law as family law, which enumerates circumstances excluding the possibility of marriage by relatives in a straight line, siblings, relatives in affinity in a straight line and by the adopter with the adoptee (so-called obstacles to marriage – Articles 14 and 15 of the Family and Guardianship Code), and - in the same context - the canon law (canons 1091 and 1094 of the Canon Law Code). Other issues raised in this chapter include: determination whether the child was conceived in an incestuous relationship; the issue of compensation under Article 445 § 2 of the Civil Code in the case of incestuous rape; the possibility of abortion resulting from incestuous sexual intercourse in accordance with the Act of 7 January 1993 on Family Planning, Protection of the Human Foetus and Conditions for Permissibility of Abortion.

Chapter VII presents the results of the case-file based studies conducted, aimed primarily at determining the criminological picture of the offence of incest. The study covered cases under Article 201 of the Criminal Code registered in all prosecutor's offices in Poland in the period 2013-2014. These are three categories of cases: 1) cases in which a decision to refuse to institute proceedings was issued, 2) cases concluded with a decision to discontinue proceedings and 3) cases in which an act of indictment was filed with the court. The studied files of cases with initiated proceedings or refusal of commencement of such proceedings constituted such large research material (292 cases in total) that it was possible to make on their basis certain generalizations concerning both the facts reported to law enforcement agencies and the practice of law enforcement agencies and courts in this respect. The whole research material comprised 389 cases covering 506 acts in total. As regards all procedural decisions, the analysis included: the territorial distribution of criminal proceedings; the place where the act was committed; who notified the law enforcement agencies of the crime committed; what was the prohibited conduct (and what legal qualification was used); what kind of family relationship linked the participants of incestuous conduct. In the first two groups of procedural decisions, the grounds for refusal or discontinuance of criminal proceedings were defined. In the case of discontinued cases and those in which the bill of indictment was filed with the court, the issues of expert opinions were also taken into account. In the last group of cases (bills of indictment), the perpetrators were characterised in terms of education, employment, age, marital status, etc., as well as the type of preventive measures, sentences and penal measures applied, and instances of the trial were indicated. The analysis of cases under research was also aimed at characterising families in which incestuous acts took place, and thus answering the key question in this context – is incest a factor determining the so-called pathology within the

family or is it a phenomenon conditioned by it. Apart from quantitative research, which involved obtaining from the research material numerical data which defines the features of behaviour subject to assessment by law enforcement agencies and courts, as well as its analysis, mainly from the point of view of the relation between these features and the manner of case conclusion, this part of the paper also presents descriptions of individual cases (case studies), which undoubtedly add cognitive value to the study.

The empirical analysis shows that the fact of committing the crime (whether actual or alleged) was most often reported by the victim's mother[1] (67 cases), the victims themselves (56 cases) or the Social Welfare Centre (38 cases) were most often informed about the fact of the offence. This represents 17.49%, 14.62% and 9.92% of all cases respectively. When it comes to the relationship between the participants of incestuous conduct, the cases of sexual intercourse of father and daughter (262) were overwhelmingly predominant, and the second largest number of cases concerned relationships between brother and sister (135). These relationships represent respectively 51.78% and 26.68% of all relationships in the cases analysed. It should be stressed, however, that with regard to cases of voluntary incestuous intercourse, the number of relations brother-sister is the largest figure, while the perpetrators of non-voluntary incestuous acts are usually fathers, while daughters are the victims.

It has been pointed out that data about the place of committing the offence are not in accordance with the geographical pattern of crime in Poland, as 80% of the offences are committed in urban areas. In the case of incest, however, it is equally often committed in cities and in the countryside, with a small percentage prevalence of urban areas (52% to 48%).

The characteristics of defendants makes it possible to conclude that a typical defendant is a man (89.42%), in more than half of cases up to 40 years of age (62.5%), more likely to be a non-married person (69.23%), unpunished (65.38%), with children (69.23%). More than half of the defendants do not plead guilty (57.69%) and three-quarters of defendants are poorly educated (primary, lower secondary and vocational education – 78.85%).

The opinions of experts (502 in all cases investigated) are very often used in the cases analysed. This is understandable due to the specificities and the importance of the cases analysed (concerning at the same time crimes with a high social harm, such as paedophilia and rape). In these cases, it was often necessary to diagnose not only the perpetrators but also the

[1] It should be noted that, of course, there is no injured party in Article 201 of the Criminal Code. However, in view of the fact that, in most cases, the actual proper concurrence of provisions occurred (and cumulative qualification, e.g. under Article 201 of the Criminal Code, Article 198 of the Criminal Code or Article 199 of the Criminal Code), the use of the term "injured person" in these situations is justified.

victims. The most frequent were psychological and psychiatric opinions (a total of 362 of these opinions were prepared – which represent 72.11% of all opinions prepared in the cases under study).

The results of the studies show that the so-called "classic" incest (mutually voluntary), qualified only under Article 201 of the Criminal Code, is relatively rare in judicial practice. Most cases involving incestuous sexual intercourse occur in committing the offence of paedophilia or rape. These results allowed the author to confirm the first thesis of the dissertation, that incest hardly occurs independently, but is rather associated with sexual violence within the family. In all the cases, as noted, there were 506 acts observed, the qualification solely under Article 201 of the Criminal Code was adopted for 182 acts, representing 35.97 % of their total number. Other acts, representing 64.03%, were related to sexual exploitation of minors (Article 200 §1 of the Criminal Code), using the advantage of helplessness or dependence (Article 198 of the Criminal Code or Article 199 of the Criminal Code) or rape (including incestuous). Of course, cases brought before the court with indictment are of the greatest importance, and they should be distinguished from the total number of cases examined. This group of cases comprised 150 acts (concerning incest), of which only 38 were qualified under Article 201 of the Criminal Code, which represents 25.33% of all the acts. Other acts, representing 74.67%, were related to sexual exploitation of minors (Article 200 §1 of the Criminal Code), using the advantage of helplessness or dependence (Article 198 of the Criminal Code or Article 199 of the Criminal Code) or rape (including incestuous). Only 23 people were convicted under Article 201 of the Criminal Code (in 4 cases with the application of Article 335 of the Criminal Procedure Code, in 2 – with the application of Article 387 of the Criminal Procedure Code), while in the case of 2 people the proceedings were discontinued (pursuant to article 17 (1) (3) of the Criminal Procedure Code in conjunction with Article 1 § 2 of the Criminal Procedure Code), and 1 person was acquitted.

Taking into account the length of the sentence imposed on perpetrators of acts consisting only in consensual incest, it must be stated that the courts are not severe in this respect. In such cases, the most frequent sentence was deprivation of liberty with conditional suspension of its execution, mostly oscillating around the lower limit of the punishment level provided for in Article 201 of the Criminal Code. The highest of the imposed penalties was the sentence of 2 years of imprisonment (with conditional suspension of execution for 5 years) – 4 times, while the lowest penalty was a sentence of 3 months of imprisonment (also 4 times – twice the probation period was 2 years, twice - 3 years). Three (from 23) perpetrators were sentenced to unconditional imprisonment (two for 1 year and one for 6 months of deprivation of liberty).

In the case of the cumulative qualification under Article 201 of the Criminal Code with other provisions of the Criminal Code, the sentence of unconditional imprisonment was more often imposed. This is understandable, since in the case of a real concurrence of provisions, the length of punishment was based on the provision of a much higher sanction than that for incest. In this group of cases the length of punishment varied. However, the most common penalty was 3 years of imprisonment. In cases in which sentences of imprisonment were imposed with conditional suspension of execution, also their length was of a diversified level. For 4 (out of 10) convicts it was a penalty of 1 year of imprisonment (in 2 cases with conditional suspension of its execution for 5 years, in 1 case for 4 years and in 1 case for 3 years). Three perpetrators were sentenced to 2 years of imprisonment with conditional suspension of its execution for 5 years.

In the case of a real concurrence of offences, it is difficult to draw any conclusions regarding the amount of punishment due to the multiplicity of acts, which very often remain in a real concurrence of provisions. The basis for imposition of punishment in these cases is the provision with a more severe sanction than that provided for in Article 201 CC. For this reason, the analysis of these matters does not add much and does not allow us to explicitly define a criminal policy regarding the crime of incest.

The results of the research made it possible to confirm the second thesis that incest is a phenomenon conditioned by the already existing dysfunctionality of the family, not its cause. Based on the analysis of files of the examined cases in which the indictment was brought before the court, it can be stated that almost half (46.15%) of the cases of families in which incestuous acts occurred had not functioned properly. The dysfunctionality of the family consisted of a whole range of factors that very often occurred together. These include: poor social and family situation, causing the family to be assisted by welfare assistance; educational failure; alcoholism; mental retardation of people entering incestuous relationships; conflicts between spouses/cohabitants (often after divorce, splitting up). Often, such families were characterised by abuse (mental, physical).

Based on these factors, it can be concluded that the cases of endemic incest in the cases under research were associated with both family pathology (disturbed family relationships occurred in 21 cases) and were conditioned psychopathologically (addiction to alcohol, mental disability or immature personality of the perpetrator). Psychopathological disorders were found based on opinions issued for 42 defendants (these were: mental retardation, sexual preference disorder, abnormal personality, addiction to alcohol). Such factors occurred in 40% of the defendants. In total, 67 opinions were ordered, in which the specialists in the field of sexology

spoke. In cases where there was no paedophilia or other sexual preference disorder found, it was indicated that this was an act qualified as a substitute contact.

In cases where a decision to refuse the initiation of proceedings was issued, it was not possible to establish how the families, in which the reported behaviour took place, functioned, since in most cases the files only contained a decision to refuse to initiate the proceedings. But such possibility existed in cases where the criminal proceedings had been discontinued. The analysis of these cases allowed the conclusion that in more than half of cases (107 cases – 51.19%) dysfunctionality of families had been reported. Although these cases were concluded with discontinuation, "pathological family relationships" constitute their background and confirm the second thesis of the dissertation.

In view of the above, it can be concluded that of the total number of 300 cases (discontinuations and those filed with the court) in 149 cases dysfunctionality was found in the family, which represented almost half of the total number of cases in which the above indicated procedural decisions were issued (more specifically 49.67%).

Chapter VIII contains deliberations on the theme of incest in literature and art. As strongly as it has been rooted in the context of the taboo, it has always been an inspiration for many artists. It was addressed both in literature, film and music. It seems that what normally causes indignation and even abomination, is not shocking in the art and it can be even intriguing. A certain phenomenon is that despite such a large stigma attached to incest, this motif often inspires great creators (including such outstanding artists as T. Mann, M. Puzo, J. Eugenides, V. Nabokov, V. Sjöman).

5. 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 specific nature of the field of study – Polish criminal law – I do not have publications in the journals included in this list. This is due to the fact that English-language journals there are devoted to English and U.S. law, and the specific nature of common law results in that, as a rule, they do not publish studies on the dogma of Polish law.

b) Evaluation criteria for academic and research achievements in fields of knowledge including:

1. **Authorship or co-authorship 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**

Due to the fact that some of the publications may meet the criteria of both the above mentioned paragraphs, the achievements in this respect will be discussed together.

It should be started with the monograph *Crime threat offence in Polish criminal law* (Warszawa 2012, p. 269), based on my doctoral thesis. This book is an in-depth analysis of criminal threatening, defined in Article 190 § 1 of the Criminal Code. The monograph presents both criminal-law and civil-law aspects of criminal threats. The book comprises twelve chapters. Introductory considerations contained in Chapter I concern the notion of threat in the general, lexical and criminal-law sense. The psychological aspect of the discussed issue was also pointed out, and a problem which raises many doubts in criminal law, i.e. the relationship between threat and violence, was addressed. Chapter II presents the historical development of protection of individuals against various forms of threats since the earliest times, i.e. Roman law, through the penal legislation of the middle ages and solutions contained in the penal legislation of some European countries at the turn of the eighteenth and nineteenth centuries. The considerations presented in the book include an analysis of the notion of criminal threatening and the statutory features of criminal offence of unlawful threat on the basis of three Polish criminal codes (of 1932, 1969 and 1997), as well as other laws in force in addition to the criminal code of 1932. The considerations contained in Chapter IV relate to the notion of the concept of threat in particular sections of applied law, such as criminal procedural law or civil law, and in other legal acts, e.g. in the Act of 26 January 1984 – Press Law. Chapter V of the book addresses the issue of the protected value of the offence of criminal threatening as compared with other crimes against freedom in the context of the three Polish criminal codes. An important part of the discussion is the analysis of the statutory criteria of the offence of criminal threatening under the current Criminal Code of 1997, which is presented in Chapter VI of the book. Chapters VII, VIII and X discuss specific issues related to criminal threatening, i.e. stages of committing the crime and forms of complicity, circumstances excluding criminal liability and the issue of concurrence of provisions and offences. Criminal threatening occurs

as a way of action of the perpetrator in the set of statutory features of many provisions of the Criminal Code, which is why this issue is addressed in separate Chapter IX. Chapter XI presents issues related to the statutory limit of penalty and the judicial administration of punishment in the area of criminal threatening. For this purpose, the author used data from the Statistics Department of the Ministry of Justice on convictions under Article 190 § 1 of the Criminal Code in the period 2004 - 2008, according to the division into sex and age of the perpetrator, as well as data on punished cases of criminal threatening in the period 2002 - 2008. Chapter XII contains comments on the prosecution procedure. The observations contained in the book include, first of all, an analysis of the statutory features of the offence of criminal threatening in Polish criminal law, but they also contain comments on liability for this offence in the criminal codes of other countries, including the German, Austrian, Swiss, French and Italian codes.

The issues of crimes against freedom is one of the main areas of my research interests, which was reflected, apart from the above mentioned monograph, in the following publications on offences under Chapter XXIII of the Commercial Code: *Evolution of perspectives on crimes against freedom in Polish criminal codes* (in:) Theoretical and practical problems of contemporary criminal law. A jubilee book in honour of Professor Tadeusz Bojarski, A. Michalska-Warias, I. Nowikowski, J. Piórkowska-Flieger (eds.), Lublin 2011, pp. 469-480; *Offences against freedom in Polish criminal codes – evolution of perspectives and proposed amendments* (in:) Ideas for the amendment of the Criminal Code, M. Lubelski, R. Pawlik, A. Strzelec (eds.), Kraków 2014, pp. 221-237 (co-authored with M. Mozgawa); *The problem of attempted offence of criminal threat* (in:) Professor Marian Cieślak – the person, work, continuation, W. Cieślak, S. Steinborn (eds.), Warszawa 2013, pp. 383-392; *Fixing or distributing of image of a naked person – art. 191a CC (criminal-law analysis and prosecution practice)*, Prawo w Działaniu 2014, nr 19, pp. 7 – 40; (co-authored with M. Mozgawa); *Statutory features of the offence of criminal threat in Polish criminal law*, proceedings of the international conference *Kriminalnyi procesualnyi Kodeks Ukrainy 2012r.: kriminalno-pravovi ta procesualni aspekty*, Lviv 19 – 20 September 2013, pp. 101-110; *Criminal-law evaluation of harassment before the entry into force of art. 190a § 1 CC* (in:) Stalking, M. Mozgawa (ed.), Warszawa 2018, pp.13-38. Publications in English on this subject matter: *Scope of the concept of a criminal threat in accordance with article 115 § 12 of the criminal code*, Ius Novum 2014r., no. 2, pp. 36-52 (co-authored with M. Mozgawa); *The offence of stalking in Polish criminal law (art 190a § 1 of the Criminal Code)*, Юридичний Висник, Київ 2016, 3(40), pp.163-169 (co-authored with M. Mozgawa); *Crime of coercion (article 191 CC)*

after amendments of 10 september 2015, Ius Novum 2016, nr 2, s. 44-62 (co-authored with M. Mozgawa); *The offence of identity theft in the Polish criminal law (article 190A § 2 of the criminal code (part one)*, Юридичний Висник, Київ 2018, nr 4, s. 189-194 (co-authored with M. Mozgawa); *The offence of identity theft in the polish criminal law (article 190A § 2 of the criminal code (part two)*, Юридичний Висник, Київ (co-authored with M. Mozgawa) accepted for publishing. My interest in these issues was also reflected in the analysis of case law: *Commentary on the judgement of the Court of Appeal in Lublin of 26 June 2012, AKa 136/12*, Prokuratura i Prawo 2013, no 10, pp. 187-192 (the judgement commented concerns the meaning of the criterion "whoever threats" used in art. 190 § 1 CC); *Commentary on the judgement of the Supreme Court of 12 January 2016, IV KK 196/15, not published*, Palestra 2016, no. 7-8, pp. 176-182 (the judgement commented concerns persistent harassment – art. 190a § 1 CC, and more specifically the grounds for finding that the feature of material violation of the right to privacy is fulfilled and for the assessment of persistent nature of conduct of the perpetrator); *Commentary on the decision of the Supreme Court of 12 December 2013, III KK 417/13*, Prawo w Działaniu 2016, no 26, p. 241-248 (the commented decision concerns the issue of the offence of persistent harassment, specified in art. 190a § 1 CC and criminal threatening forming one of perpetrator's methods of coercion); *Commentary on the decision of the Supreme Court of 29 March 2017, IV KK 413/16*, Prokuratura i Prawo 2018, nr 2, s. 133-151 (the commented decision concerns the issue of the offence of persistent harassment – art. 190a§ 1 CC); *Gloss on the Supreme Court ruling of 14 September 2017, I KZP 7/17* (the commented judgement concerns the issues related to the meaning of the phrase „threatening referred to in art. 190", contained in art. 115 § 12 CC"), Ius Novum 2018, no. 3, pp. 194-204.

Regarding other aspects of the special part of the Criminal Code, a considerable part of my post-doctoral work covers the issues of crimes against sexual freedom and morality. My interest in the offence of incest, primarily related to the monograph mentioned above, has also resulted in publication of the article entitled *Analysis of statutory features of the offence of incest* (in:) Incest, M. Mozgawa (ed.), Warszawa 2016, pp.1362. As regards this subject matter, I am also a co-author of the article entitled: *Impelling another person to prostitution (art. 203 CC)* (in:) Prostitution, M. Mozgawa (ed.), Warszawa 2014, pp. 95-118 (co-authored with P. Kozłowska-Kalisz).

My interests in the subjects of the special part of the Criminal Code covered also the offence of euthanasia. This topic was also addressed by the article: T*he concept and types of euthanasia* (in:) Euthanasia, M. Mozgawa (ed.), Warszawa 2015, s. 13-28 and *Commentary on the judgement of the Court of Appeal in Łódź of 6 August 2013, II AKa 118/13*, Prokuratura i

Prawo 2016, no. 6, pp. 175-184 (in the judgement the Court of Appeal addressed the interesting problem related to compassion caused by psychical suffering and euthanasia). I am also the author of the report on the 8th Lublin Criminal Law Seminar entitled *Suicide*, held on 5 December 2016 at the Faculty of Law and Administration in Lublin (Państwo i Prawo 2017, no. 6, pp. 118-119).

In my scientific work, I addressed also selected problems of the general part of the Criminal Code. I am the author of publications on this subject: *Mixed punishment – a new construction in Polish criminal law*, Proceedings the 6th International Scientific and Practical Conference in Kyiv 2016, pp. 263-266; *Commentary on the judgement of the Court of Appeal in Katowice of 19 February 2015, II AKa 513/14*, Prawo w Działaniu 2015, no. 23, pp. 398-404 (the judgement concerns issues related to so-called combined punishment offences); *Current Approach to Self - Defence under the Polish Criminal Code*, Journal of the State University of Internal Affairs in Lviv 2018, no 4, pp. 317-326. Next article refers to chosen defences excluding unlarfullness in the context of breach of domestic peace, and it has been submitted for publication and will be published in the monograph *Breach of domestic peace*, ed. M. Mozgawa, publ. Wolters Kluwer. I also published a review of the monograph *Identity of the Polish criminal law*, S. Pikulski, M. Romańczuk-Grącka, B. Orłowska-Zielińska (eds.), Olsztyn 2011, pp. 735, Ius Novum 2012, no. 2, pp. 180 – 189 (co-authored with J. Piórkowska-Flieger).

Apart from the papers mentioned above, I also aprticipated in three projects of a comprehensive nature. Together with A. Michalska-Warias, A. Nowosad and J. Piórkowska-Flieger , I developed tests for students in the area of general part of the substantive criminal law (*Criminal law, Tests*, ed. T. Bojarski, Warszawa 2010, 1st edition pp. 223; Warszawa 2012, 2nd edition pp. 216). I participated also in the development of two commentaries on non-code offences against health *Non-code offences against health. A commentary*, ed. M. Mozgawa, Warszawa 2017, pp. 111-208 and non-code offences against natural resources and the environment; *Non-code offences against natural resources and the environment. A commentary*, ed. M. Mozgawa, Warszawa 2017, pp. 217-273. As regards the first of these items, I have developed a commentary on the Infertility Treatment Act of 25 June 2015. In the second commentary I addressed the issue of crimes under the Hunting Law of 13 October 1995.

My interest in the issue of non-code crimes against health, and in particular in the Infertility Treatment Act was expressed in three other publications: *Crime of trafficking in gametes or embryos* , Ius Novum 2017, no. 4, pp. 58-73; *Some remarks on the Infertility Treatment Act* (in:) Liability in healthcare, E. Kruk, A. Wołoszyn-Cichocka, M. Zdyb (eds.),

Warszawa 2018, pp. 53-65. Another publication on this subject, entitled *Legal aspects of medical procedures in the field of management of reproductive cells and embryos in the context of Article 78 of the Act of 25 June 2015 on infertility treatment* has been accepted for publishing and will be issued as part of the monograph Law in medicine.

In the years 2014 – 2015 I cooperated with the Justice Institute, as part of which I developed together with M. Mozgawa a report based on case file studies, entitled *Fixing or distributing of image of a naked person – art. 191a CC (criminal-law analysis and practice of prosecution)*, Prawo w Działaniu 2014, no. 19, pp. 7 – 40. I participated in the conference organised by the Justice Institute (13 April 2015) where I delivered a paper entitled *New offences against freedom*. The cooperation also involved other research topics.

It should be noted that out of the above published publication, nine were published in English, while the evidence of my interest in court case-law is the preparation and publication of 7 different commentaries on varied topics.

3. **Heading international or domestic research projects or participation in such projects - none**
4. **International or domestic awards for academic or artistic activity:**

Individual award of the Rector of the Maria Curie Skłodowska University of Lublin for the book *Crime threat offence in the Polish criminal law*, Warszawa 2012.

5. **Papers presented at domestic or international thematic conferences:**

1. *Statutory features of the offence of criminal threatening in the Polish criminal law*, International Scientific and Practical Conference *Kriminalnyi procesualnyi Kodeks Ukrainy 2012r.: kriminalno-pravovi ta procesualni aspekty*, Lviv 19 – 20 September 2013.
2. *Impelling other person to prostitution (art. 203 CC)*, 5th Lublin Criminal Law Seminar, "Prostitution", Lublin 9 December 2013, UMCS, international conference.
3. *The concept and types of euthanasia*, 6th Lublin Criminal Law Seminar, "Euthanasia", Lublin 8 December 2014, UMCS.
4. *Offences against freedom in Polish criminal codes – evolution of perspectives and proposed amendments*, nationwide conference "Main ideas for the amendment of

the Criminal Code in the 80th anniversary of Poland Reborn", Kraków 16-18 June 2013.

5. *New offences against freedom*, conference of the series Law in Action, Justice Institute, Warszawa 13 April 2015.
6. *Analysis of statutory features of the offence of incest*, 7th Lublin Criminal Law Seminar, "Incest", Lublin 7 December 2015, UMCS.
7. *Criminal-law evaluation of harassment before the entry into force of art. 190a § 1 CC*, 9th Lublin Criminal Law Seminar, "Stalking", Lublin 4 December 2017, UMCS, international conference.
8. *Breach of domestic peace and selected exculpating circumstances*, 10th Lublin Criminal Law Seminar: "Breach of domestic peace", Lublin 10 December 2018, UMCS, international conference.
9. *Aggravated types of the offence of rape in the Polish criminal law*, international conference "Criminal liability for the offence of rape in the Polish and Ukrainian criminal laws", organised by the Department of Criminal Law and Criminology of UMCS, Lublin 16 April 2018.
10. *Excess of the limits of self - defence due to breach of domestic peace*, international conference "Self - defence in the Polish and Ukrainian criminal laws", organised by the Department of Criminal Law and Criminology of UMCS, Lublin, 5 November 2018.

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 or doctoral students as a scientific supervisor or support promoter**

Support Promoter of the doctoral thesis prepared by R. Sosik *Self-defence in Polish and American criminal law. A legal comparative study* (promoter: dr hab. A. Michalska-Warias).

8. **academic internships in foreign or domestic scientific or academic institutions:**

1. July 2007 – a monthly scholarship at the Max Planck Institute for Foreign and International Criminal Law in Freiburg i. Br. (Germany);
2. 21 – 27 October 2014 – Visiting Professor at the State University of Internal Affairs of Lviv. During 15 hours of lectures (conducted in Polish, Russian and English) on criminal law, with particular stress on selected issues of the special part of the Criminal Code, I introduced students to issues such as crimes against life and health, crimes against freedom, crimes against sexual freedom and morality, as well as crimes against property. The lectures met with great interest among students, as evidenced by lively discussion on the topics addressed.

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

Preparation for the Ministry of Justice as part of work of the Justice Institute (in cooperation with M. Mozgawa) of a report based on case file studies, entitled *Fixing or distributing of image of a naked person – art. 191a CC (criminal-law analysis and practice of prosecution).*

https://iws.gov.pl/analizy-i-raporty/raporty/#prawokarne2014

10. **participation in expert or contest committees** – none.

Lublin 22.03.2019 r.

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signature