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1 - My rights as a victim of crime

What information will I get from the authority after the crime occurred (e.g. police, public prosecutor) but before I even report the crime?

The victim is provided with information on his/her rights in writing before the first interview which takes place after the crime is reported. Before then the authority may provide the victim with information on his/her rights that will be useful in the circumstances.

I don't live in the EU country where the crime took place (EU and non-EU citizens). How are my rights protected?

The rights of non-EU citizens are protected in the same way as the rights of EU citizens except for the state compensation for which the victims of certain offences are eligible – compensation is granted only to EU citizens.

If I report a crime, what information will I receive?

Before the first interview, the victim obtains information in writing on his/her basic rights, including his/her status in the preparatory proceedings, whether he/she can ask for certain actions to be taken (e.g. questioning of witnesses), assistance of a legal representative, including a request for a court-appointed representative, the right to refer the case to mediation, to access the file, to appeal against a decision to discontinue proceedings, the possibility of damages being paid by the defendant or of obtaining state compensation, access to legal aid, the available measures of protection and assistance, access to assistance financed from the Victim Support and Post-Penitentiary Aid Fund (*Fundusz Pomocy Pokrzywdzonym oraz Pomocy Postpenitencjarnej*), the possibility of issuing an European protection order, organisations offering support to victims and reimbursement of expenses incurred in connection with the proceedings.

Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?

A translator assists in proceedings in which a non-Polish speaking victim is participating. Letters to or from the victim are translated. The victim does not bear the costs of translations.

How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)

Children who are victims of crime are represented by their parents or by the persons caring for them. For individuals requiring assistance (e.g. the elderly), their rights may be exercised by the person caring for them. Parents or guardians should make sure that victims in their care participate in proceedings as required and, if in doubt regarding their charges' understanding of the significance of those proceedings, they may notify the authority conducting proceedings thereof.

Victim support services

Who provides victim support?

In Poland, the Victim Support and Post-Penitentiary Aid Fund accumulates financial resources for purposes such as assistance to crime victims and their closest relatives. The Fund is managed by the Minister for Justice who grants subsidies to NGOs selected by way of a competition that specialise in victim support. The aid financed by the Fund covers legal, psychological and material assistance.

Will the police automatically refer me to victim support?

The authority conducting the proceedings is required to inform the victim, before the first interview, that assistance financed by the Victim Support and Post-Penitentiary Aid Fund is available.

How is my privacy protected?

Data concerning the victim's place of residence and place of work are not available to the offender.

In relation to witnesses – in other words, as a rule, all victims – the prosecutor or court may, in especially serious cases, decide to withhold their personal data and other circumstances enabling their identification. This is possible in the event of reasonable concerns regarding a risk to the life, health, liberty or a significant part of property of that person or of that person's closest relative.

Do I have to report a crime before I can access victim support?

Access to victim support is not contingent on reporting a crime. A person wishing to access support just needs to demonstrate that a crime has been committed against him/her.

Personal protection if I'm in danger

What types of protection are available?

In the event of a threat to their life or health the victim and his/her closest relatives are entitled to:

- protection in the course of proceedings;
- physical protection;
- assistance with relocation.

Who can offer me protection?

Protection is granted by the Chief of Police with jurisdiction over the province.

Will someone assess my case to see if I am at risk of further harm by the offender?

An assessment of the need to provide and continue providing protection and assistance is performed by the Chief of Police competent for a the province.

Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?

The authority in charge of proceedings is required to conduct proceedings involving the victim in a manner which does not entail negative consequences. It should always react in a situation when the victim is not treated with due respect or when the victim does not feel safe.

In rape and similar cases, the victim is interviewed in a special room without the offender being present.

During the trial, the presiding judge may order the defendant to leave the room while the victim is testifying.

What protection is available for very vulnerable victims?

If the victim requires assistance because e.g. owing to his/her age or health problems he/she is unable to participate actively in the trial, his/her rights may be exercised by the person caring for him/her.

I am a minor – do I have special rights?

The rights of victims who are minors are exercised by their statutory representatives or the person caring for them. If the crime has been committed by the parents, the minor is represented in the trial by a guardian ad litem.

My family member died because of the crime – what are my rights?

If the victim dies, his/her closest relatives may participate in the proceedings in his/her place. They have all of the victim's rights then.

My family member was a victim of crime – what are my rights?

Victims' closest relatives are entitled to legal, psychological and material assistance financed by the Victim Support and Post-Penitentiary Aid Fund. In the most serious cases involving a risk to those persons' life or health, means of protection and assistance may be granted to them (protection in the course of proceedings, physical protection, assistance with relocation).

Can I access mediation services? What are the conditions? Will I be safe during mediation?

The case may be referred to mediation at the preparatory stage or during court proceedings subject to the consent of the victim and the defendant. Mediation proceedings are conducted by the mediator in an impartial and confidential manner. In the course of mediation, the victim may present his/her position, i.e. indicate what he/she expects from the offender. Mediation does not terminate the criminal proceedings but its outcome is taken into account both by the prosecutor and by the court.

Where can I find the law stating my rights?

The provisions governing the rights of crime victims are to be found in the Code of Criminal Procedure (*Kodeks postępowania karnego*), the Criminal Code (*Kodeks karny*), the Criminal Enforcement Code (*Kodeks karny wykonawczy*), the State Compensation for Victims of Certain Offences Act of 7 July 2005 (*ustawa z dnia 7 lipca 2005 r. o państwowej kompensacie przysługującej ofiarom niektórych czynów zabronionych*, consolidated text, Journal of Laws 2016, item 325), the Victim and Witness Protection and Support Act of 28 November 2014 (*ustawa z dnia 28 listopada 2014 r. o ochronie i pomocy dla pokrzywdzonego i świadka*, Journal of Laws 2015, item 21), the Regulation of 29 September 2015 on the Victim Support and Post-Penitentiary Aid Fund (*rozporządzenie z dnia 29 września 2015 r. w sprawie Funduszu Pomocy Pokrzywdzonym oraz Pomocy Postpenitencjarnej*, Journal of Laws 2019, item 683), and the Act of 17 June 2004 on complaints regarding the violation of a party's right to have their case examined without undue delay in preparatory proceedings conducted or supervised by the prosecutor and in court proceedings (*ustawa z dnia 17 czerwca 2004 r. o skardze na naruszenie prawa strony do rozpoznania sprawy w postępowaniu przygotowawczym prowadzonym lub nadzorowanym przez prokuratora i postępowaniu sądowym bez nieuzasadnionej zwłoki*, consolidated text, Journal of Laws 2018, item 75, as amended).

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