

4 - Compensation

What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)

Crime victims can claim damages from the offender in the following ways:

1. they can bring an action against the offender before a civil court; civil proceedings are contingent on payment of court fees; civil proceedings may be opened regardless of whether an indictment has been lodged with the court but they may be suspended until a final ruling is handed down in the criminal proceedings; if the action brought by the victim is successful, enforcement is handled by the enforcement authority, i.e. the bailiff (*komornik*);
2. in the course of criminal proceedings, victims may apply for a compensation measure (*środek kompensacyjny*) to be imposed on the defendant – an obligation to make good damage or provide compensation; instead, the court may order payment of supplementary damages (*nawiązka*); the victim's request will be granted only if the offender is convicted;
3. if the offender is convicted and receives a suspended prison sentence, the court may order him/her to make good the damage resulting from the crime;
4. if the proceedings are conditionally suspended, the court must order the offender to make good the damage in full or in part.

The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?

1. If the court orders the offender to make good the damage and the offender does not comply voluntarily, the victim may resort to enforcement proceedings conducted by a bailiff.
2. If the offender is given a suspended prison sentence by the court or proceedings against him/her are conditionally suspended and he/she fails to make good the damage, measures may be taken to enforce the sentence or resume proceedings. These measures, especially the real threat of imprisonment, tend to galvanise offenders who, even if enforcement is ineffective, will somehow find funds to meet victims' claims. For such measures to be taken, it suffices for the victim to notify the court or probation officer (*kurator sądowy*) that the offender has failed to meet his/her obligation.

If the offender does not pay, can the state pay me an advance? Under what conditions?

If the offender fails to make good the damage, the victim cannot obtain that payment from the state.

The victim may benefit from emergency assistance financed by the Victim Support and Post-Penitentiary Aid Fund offered by organisations specialising in aid to crime victims.

Am I entitled to compensation from the state?

Victims of the most serious crimes or their next of kin are entitled to special benefits paid by the Treasury. This applies to individuals domiciled in Poland or in another EU Member State who, as a result of an offence, have suffered serious injury or deterioration of health lasting more than seven days and to the next of kin of individuals who have died as the result of an offence.

Am I entitled to compensation if the offender is not convicted?

You are also entitled to compensation if the offender is not convicted.

Am I entitled to an emergency payment while I wait for the decision on my compensation claim?

Victims entitled to compensation may obtain security, i.e. a one-off payment made before the case is concluded. That amount may be used in part to cover the costs of treatment, convalescence or burial.

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