

[Home](#) > ... > [Your Rights](#) > [Victims of Crime](#) > [Compensation](#) > [If My Claim Is To Be Considered In This Country](#)
> Poland

If my claim is to be considered in this country

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Poland



Poland

Which type of crime can I get compensation for?

You can receive compensation if you are a victim of a crime resulting in grievous bodily injury, impairment of the functioning of a bodily organ or a health disorder, lasting in each case for more than 7 days. It is irrelevant whether the crime was intentional or unintentional, or violent or non-violent. What is relevant is whether it had the effect described above.

Can I get compensation if I am a relative or dependant of a victim who has died as a result of a crime? Which relatives or dependants can get compensation?

If the victim of a crime has died, you can seek compensation if that victim was your:

- spouse or cohabitee,
- parent, grandparent or great-grandparent,
- child, including an adopted child, grandchild or great-grandchild.

It is irrelevant whether you were a dependant of the victim.

Can I get compensation if I am a relative or dependant of a victim who has survived? Which relatives or dependants can get compensation in this case?

In such a case, only the victim of a crime is entitled to compensation.

Can I get compensation if I am not a national of an EU country?

Whether you get compensation does not depend on your nationality but on your place of permanent residence. You can get compensation if your place of permanent residence is in Poland or in another EU Member State.

Can I claim compensation from this country if I live here or am from here (this is country of my residence or nationality) even if the crime was committed in another EU country? Could I do this instead of claiming compensation in the country where the crime took place? If so, under what

conditions?

You can seek compensation before the Polish deciding authority only if the crime was committed in Poland. If the crime was committed in another EU Member State, you can seek compensation only in that state. If you need assistance, you can contact the Regional Public Prosecutor (*Prokurator Okręgowy*) having jurisdiction over your place of permanent residence.

Do I have to have the crime reported to the police first, to be able to claim compensation?

The crime should be reported to the police or the prosecutor's office, because a copy of the report must be attached to the claim for compensation. You do not need to do this in person. The public prosecutor conducting the preparatory proceedings will assist you in obtaining compensation. Please remember that reporting the crime will make your claim more credible in cases where the offender is not detected.

Do I have to await the outcome of any police investigations or criminal proceedings before I can claim?

You can submit the claim for compensation before the proceedings conducted by the prosecutor's office (the police) or the court are concluded. The decision to award compensation may be taken before criminal proceedings are concluded.

Do I have to first seek compensation from the offender – if they have been identified?

Seeking compensation from the offender makes sense only when there is a realistic chance that you will receive it from them. If the offender is unable to pay compensation, you can apply for it without having to initiate an action against the offender first. In such a case, you will have to prove that you will not be receiving compensation from the offender. This may be the case if the offender does not own any property or will remain in prison without working for many years.

If the offender has not been identified or convicted, can I still qualify for compensation? If so, what evidence do I need to present to support my claim?

You are entitled to compensation regardless of whether the offender has been identified or convicted. In such a case, you should prove during the proceedings for compensation that the incident for which you are seeking compensation was a crime.

Is there a time limit within which I have to claim compensation?

When seeking compensation, please remember that you must submit the claim within 5 years of the date of the crime. Claims submitted after the expiry of this time limit will not be examined.

Which losses and expenses are covered by the compensation?

For example, will the compensation cover:

(a) For the victim of the offence:

- Material (non-psychological) damage:

- *medical costs of injury (medical treatment — outpatient and hospital treatment, recovery) yes*
- *additional needs or costs arising from injury (i.e. care and assistance, temporary and permanent*

treatment, long-term physiotherapy, adaptation of housing, special aids, etc.) yes

- *permanent injury (e.g. invalidity and other permanent handicaps)*
 - *loss of earnings during medical treatment and after that treatment (including lost earnings and loss of ability to earn or diminished maintenance, etc.) yes*
 - *loss of opportunity no*
 - *expenses linked to legal proceedings related to the incident causing the damage, such as legal fees, court costs no*
 - *compensation for stolen or damaged personal property no*
 - *Other*

- *Psychological (moral) damage:*

- *pain and suffering of the victim no*

(b) For persons entitled to compensation or relatives of a victim:

- *Material (non-psychological) damage:*

- *funeral costs, medical costs (e.g. therapy for a family member, outpatient and hospital treatment, rehabilitation) yes*
- *loss of maintenance or of opportunity yes*

- *Psychological (moral) damage:*

- *pain and suffering of relatives or entitled persons/compensation to survivors if the victim died no*

Is the compensation paid out in a single payment or monthly instalments?

Compensation is paid out in a single payment. It is paid by the court which issued the decision to award it, within 1 month of the date on which that decision becomes final.

In what way could my conduct in relation to the crime, my criminal record or failure to cooperate during the compensation proceedings affect my chance of receiving compensation, and/or the amount I receive?

Compensation will be proportionally reduced if your conduct contributed to the crime.

You will not receive compensation if you were an accomplice to the crime or if you agreed to bear its consequences.

In what way could my financial situation affect my chance of receiving compensation and/or the amount?

Your financial situation is irrelevant for compensation purposes. When your claim is examined, the primary focus will be on determining whether you can receive compensation from the offender, a social assistance institution, or under an insurance policy. Compensation will be awarded if the court finds that you will not be receiving compensation from any of the above sources.

Are there any other criteria that could affect my chance of receiving compensation and/or the amount?

The only condition for awarding compensation is the impossibility of obtaining compensation from the offender, a social assistance institution, or under an insurance policy.

How will the compensation be calculated?

You will be required to demonstrate what costs you have incurred in connection with the crime. If you seek lost earnings, you should present a document showing how much you earned. Costs associated with treatment and rehabilitation as well as funeral costs are best demonstrated by presenting bills. If you do not have bills, you can request that witnesses be examined or experts be appointed.

If the court finds that in your case it cannot be definitively proved that you are entitled to the amount you requested, it may award an amount it deems appropriate, after considering all the circumstances.

Is there a minimum/maximum amount that can be awarded?

Compensation cannot exceed PLN 25 000, or PLN 60 000 if the victim has died. There are no provisions specifying a minimum amount of compensation.

Am I expected to quote the amount in the claim form? If so, do I get any instructions on how to calculate it or on other aspects?

Yes, you should indicate the requested amount in the claim form. There are no special instructions, but you can find some information in the *'How will the compensation be calculated?'* section.

Will any compensation I receive for my loss from other sources (such as my employer's or a private insurance scheme) be deducted from compensation paid by the authority/body?

If you have received funds - from the offender, a social assistance institution, or under an insurance policy - towards funeral costs, lost earnings or other means of subsistence (e.g. maintenance allowance), or costs associated with treatment and rehabilitation, the court will deduct them from your compensation.

Can I get an advance on the compensation? If so, under what conditions?

Before the claim is examined, you can apply for a specific sum (a security) to cover the necessary costs associated with treatment and rehabilitation or funeral costs. You can submit this application before submitting the claim for compensation or together with that claim.

Can I get complementary or additional compensation (following e.g. a change in circumstances or worsening health etc.) after the main decision?

As a rule, compensation is awarded on a one-off basis.

What supporting documents do I need to include with my claim?

You should attach to the claim for compensation: a copy of the report of the crime, copies of decisions issued in criminal proceedings (e.g. a decision to discontinue criminal proceedings), copies of medical certificates or expert opinions on the damage to health, bills and other documents confirming the information provided in the claim.

If you are claiming compensation for the death of a next of kin, you should attach that person's death certificate and documents confirming the relationship between you and the deceased (such as a birth certificate or a marriage certificate). If that person was your cohabitee, you should attach a declaration, under penalty of perjury, that you lived together.

Are there administrative or other charges to be paid when the claim is received and processed?

When seeking compensation, you will be fully exempt from court costs. This means that you will not bear the expenses associated with the submission or examination of the claim (e.g. fees for expert opinions).

Which authority decides on compensation claims (in national cases)?

In national cases, compensation claims are examined by the district court (*sąd rejonowy*) having jurisdiction over your place of residence. This is usually the district court located in your locality or closest to your locality.

Where do I send the claim (in national cases)?

In national cases, the claim should be sent to the address of the court that will examine the case.

Do I need to be present during the procedure and/or when my claim is being decided?

The court examining the claim will decide whether you need to be present at the session. The court will inform you whether your presence is mandatory when it notifies you of the date when the claim is to be examined.

How long does it take (approximately) to receive a decision on a claim for compensation from the authority?

There is no time limit provided for in the applicable provisions for issuing a decision on compensation claims. How long it takes will depend not only on how complex the case is and what evidence the deciding authority needs to take, but also on the number of cases currently being examined by the deciding authority.

If I'm not satisfied with the authority's decision, how can I challenge it?

If you are not satisfied with the decision of the court, you can appeal to the regional court (*sąd okręgowy*). If you are not represented by a lawyer before the court, you will receive information on how to lodge an appeal.

Where can I get the necessary forms and other information on how to claim?

The public prosecutor conducting the preparatory proceedings relating to the crime for which you are seeking compensation will give you the necessary information on compensation, give you a claim form template and explain how to fill it in.

Is there a special helpline or website I can use?

Basic information about compensation, and the claim form template can be found on the website of the [Ministry of Justice](#).

Can I get legal aid (assistance from a lawyer) when preparing the claim?

Legal aid is provided to people who demonstrate that they cannot afford a lawyer. Please remember: when seeking compensation, you can expect assistance from the public prosecutor conducting the proceedings relating to the crime for which you are seeking compensation.

Are there any victim support organisations that can help me claim compensation?

In Poland, there is the Victim Support and Post-Penitentiary Assistance Fund (*Fundusz Pomocy Pokrzywdzonym oraz Pomocy Postpenitencjarnej*), which collects funds allocated for, inter alia, helping crime victims and their next of kin. The fund is administered by the Minister for Justice. The support is organised in such a way that the fund administrator selects, in an open tender procedure, the organisations whose tenders it deems best and grants them earmarked subsidies for measures for crime victims. As a rule, in each province there is at least one entity providing support to crime victims.

The funds are used to finance legal, psychological and material aid. Legal aid may cover assistance in seeking compensation.

If you wish to benefit from the aid, you should contact a non-governmental organisation that has received a subsidy from the Minister for Justice for this purpose, and demonstrate that you are a victim of a crime. A list of such organisations, together with their contact details, can be found on the website of the Ministry of Justice – <https://www.funduszsprawiedliwosci.gov.pl/pl/>

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