

FRANET

Victim Support Services in the EU:
An overview and assessment of
victims' rights in practice

Poland, 2014

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Part A:

The information presented in this phase is primarily based on analysis of the country specific reports received in phases 1 and 2 of the project; the general overview of the situation of victim support in Member States (phase 1) and the more in depth exploration of the situation, including promising practices which offer support to victims of crime in different ways (phase 2). Information has also been taken from secondary sources such as the 2009 APAV study on Victims in Europe.¹ While phase 2 of the project was divided into two parts, focussing firstly on generic victim support services and secondly on specialised areas of victim support, this third phase of the project, comprised of Parts A and B, will focus principally on the structure or lack thereof of generic victim support services; although a limited number of questions relate to specialised areas of victim support. For this part, please provide detailed, concise answers. For guidance purposes, sample answers are often provided, which primarily draw on information provided in country-specific reports from phases 1 & 2 of the project. When returning your report to the FRA, please ensure that all sample answers have been deleted, as these are for guidance purposes only and should not form part of your response. In addition, in cases where your country is one of the examples provided, please review and revise the information as necessary, as the information provided may be outdated.

Scenarios

In the following situations, please describe the referral system (from police to victim support organisation) in the current victim support structure in your country; including whether police routinely refer the victim to a support service; where is the victim referred and who deals with the case in the end (as a guideline, keep to 2 or 3 sentences (maximum) per question within each scenario. Please choose either 'Yes' or 'No' for questions a. and c of each scenario, in addition to questions 6-13 and provide comments in the 'Description' field. For questions b and d, please provide your comments directly in the 'Description' field).

	Scenario	Questions	Yes	No	Description (max 1-3 sentences)
1	A female who has been beaten by her partner and calls the police	a. Do the police routinely refer the victim to a support service?		x	In this situation the police undertake the home-visit intervention, but do not routinely refer the victim to a support service.
		b. If yes, please name the service(s)	-	-	Sometimes the police refer the victim to social welfare services administered by the local authorities like the provincial centre for family assistance (powiatowe centrum pomocy rodzinie) or social welfare
		c. Do the police routinely contact this service on behalf of the victim?		x	The police do not routinely contact the service on behalf of the victim, but it can do so upon the request of the victim.
		d. Which support service would in the end deal with such a case?	-	-	In case the police issue the Blue Card, the municipal interdisciplinary commission will deal with the case. The police usually do not cooperate with NGOs in this matter, but with local authorities.

¹ Aa, S. van der et al. (2009), *Project victims in Europe – Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union*, Lisbon (see http://www.apav.pt/vine/images/report_vine_eng.pdf).

2	A teacher reports the sexual abuse of a child to the police	a. Do the police routinely refer the victim to a support service?		x	In this situation the police rather refer the child to the medical doctor in order to collect evidence and information about the offence.
		b. If yes, please name the service(s)	-	-	Sometimes the victim is referred to social welfare services administered by the local authorities.
		c. Do the police contact this service on behalf of the victim?		X	In case of a sexual offence, which by definition involves a great deal of intimacy violation, the practice is not to inform any other services about these facts.
		d. Which support service would in the end deal with such a case?	-	-	If the child is sexually abused by parents it is always removed from home ² to the educational and care-providing centre (ośrodek opiekuńczo-wychowawczy) or to a foster family in pursuance of the emergency order issued by the family court.
3	A person calls the police following a burglary in their apartment	a. Do the police routinely refer the victim to a support service?		x	The police rather refer the victim to an attorney in law.
		b. If yes, please name the service(s)	-	-	-
		c. Do the police contact this service on behalf of the victim?		x	The interviewed police officers answered to this question either “no” or “there is no need”.
		d. Which support service would in the end deal with such a case?	-	-	-
4	A person is the victim of a racist attack by	a. Do the police routinely refer the victim to a support service?		x	The police do not have a clear idea which organizations deal specifically with this category of victims. In fact racist attacks are not frequently reported to the police in Poland ³ .

² Regulation of the Minister of Internal Affairs and Administration of 31 March 2011 on the procedure of removing a child from home in case of a direct risk to life or health of the child resulting from domestic violence (*Rozporządzenie Ministra Spraw Wewnętrznych i Administracji z dnia 31 marca 2011 r. w sprawie procedury postępowania przy wykonywaniu czynności odebrania dziecka z rodziny w razie bezpośredniego zagrożenia życia lub zdrowia dziecka w związku z przemocą w rodzinie*), Journal of Laws 2011, No. 81, Item 448.

³ The statement that racist attacks are not frequently reported to the police in Poland was uttered by one of the interviewed prosecutors. It is also presented in country reports on racism, which explain the reasons for underreporting of racist crimes (A. Mikulska, *Ksenofobia i dyskryminacja na tle etnicznym w Polsce. Zarys sytuacji*, Helsińska Fundacja Praw Człowieka, luty 2008, p. 7).

	a gang of youths	b. If yes, please name the service(s)	-	-	-
		c. Do the police contact this service on behalf of the victim?		x	-
		d. Which support service would in the end deal with such a case?	-	-	-
5	An elderly person is mugged on the way home from collecting their monthly pension and is in urgent need of financial assistance	a. Do the police routinely refer the victim to a support service?		x	In this situation the police do not routinely refer the victim to any specific support service. Sometimes the victim is referred to the social welfare centre in order to apply for a temporary emergency assistance
		b. If yes, please name the service(s)	-	-	-
		c. Do the police contact this service on behalf of the victim?		x	-
		d. Which support service would in the end deal with such a case?	-	-	-

6a In relation to how police deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation. x The police take ad hoc special measures depending on the type of disability (use the sign language translator, provide the intellectually disabled with a psychiatrist assistance or read out the written forms for the death and sign instead of this person). In terms of physical barriers they can carry out its duties in places accessible for the disabled. According to Article 177 § 2 of the Criminal Procedure Code judges, prosecutors and police officers go to hear the immobile victim in the place of her or his stay (home, hospital, etc).

www.hfhrpol.waw.pl/pliki/Ksenofobia_i_dyskryminacja_2008.pdf; A. Mikulska, Rasizm w Polsce. Raport z badań wśród osób, które doświadczyły przemocy ze względu na swoje pochodzenie etniczne, rasowe lub narodowe, Helsińska Fundacja Praw Człowieka, 2010, http://watchdog.org.pl/4.554.rasizm_w_polsce_badania_helsinskiej_fundacji_praw_czlowieka.html). Nevertheless, the number of racist crimes is rapidly growing in Poland (<http://prawo.money.pl/aktualnosci/wiadomosci/arttykul/przestepstwa;na:tle:rasistowskim;w:polsce:coraz:wiecej:71,0,1333831.html>). In 2012 there were 473 cases concerning offences committed with racists motives investigated by the police and prosecutors and in 2006 only - 60.

6b	In relation to how victim support services deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.	x		The organizations providing victim support services take ad hoc special measures to accommodate persons with disabilities (see the above examples). Usually they are located in premises which do not conform
7a	In relation to how police deal with victims, are there special measures in place for victims who are migrants with illegal residency status ⁴ ? If yes, describe them. If no, please provide a justification/explanation.	x		The police provide migrant victims with the assistance of an official translator (not just a person who knows the language) even if the victim understands the Polish language. The police also inform the voivode (regional authority) and the Refugee Office about the victim, but the deportation procedure is not automatically initiated.
7b	In relation to how victim support services deal with victims, are there special measures in place for victims who are migrants with illegal residency status ⁵ ? If yes, describe them. If no, please provide a justification/explanation.		x	The interviewed organizations providing victims support services claim that there was no need to adopt such measures because they are not approached by migrants with illegal residency status ⁶ .
7c	Are migrants with illegal residency status excluded from accessing support from victim support organisations in practice?		x	No, in principle they are not excluded, but they seem not to approach such organizations.
8	Is access to victim support services dependent on a victim making a formal complaint to competent authorities (e.g. the police)?		x	No, except in case when the Blue Card procedure is initiated - the interdisciplinary commission is in charge of solving the individual problem of domestic violence only after the victim receives the Blue
9	In practice, do victim support services afford preferential treatment to victims who have agreed to cooperate with a police investigation into the crime they have experienced (e.g. by dealing with them more rapidly than victims who are not cooperating with a police investigation)?		x	All victims have the right to access victim support services notwithstanding their lack of cooperation with the police or other authority.
10a	In reference to part 'c' of questions 1-5, in the event that police contact victim support services on the victim's behalf, is there an automatic transfer of the victim's data? ⁷	x		The victim's data are automatically transferred to the interdisciplinary commission only in case of domestic violence ⁸ .

⁴ Please note that that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

⁵ Please note that that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

⁶ See for example the response from All-Poland Emergency for Victims of Domestic Violence "Blue Line" prepared on 9 May 2013.

⁷ For example, personal data (name, address etc.) as well as any relevant details relating to the incident being transferred rather than having to be supplied again by the victim.

⁸ Regulation of the Council of Ministers of 13 September 2011 on the "Blue Card" procedure and the template "Blue Card" form (*Rozporządzenie Rady Ministrów z dnia 13 września 2011 r. w sprawie procedury „Niebieskie Karty” oraz wzorów formularzy „Niebieska Karta”*), § 7. 1, Journal of Laws 2011 No. 209 Item. 1245.

10b	If the answer to 10a above is yes, is the police obliged to obtain the victim's permission/consent for the data transfer?	x		The police is obliged to refer the victim's data to the interdisciplinary commission and the victim's consent is not required.
10c	Is there a legal basis for the communication/transfer of the victim's data? What is it?		x	The Act on Prevention of Domestic Violence of 29 July 2005, Article 9c – processing victims' data by the interdisciplinary commission and Article 9d – intervention in cases of domestic violence based on the Blue Card procedure does not require the consent of the victim.

Institutional aspects: role of state in victim support structure

In the following section, please complete/verify the information requested in the following tables, placing your country in the appropriate category, or, where information is provided, checking the accuracy of the information and revising as necessary (i.e. by moving your country name from the incorrect column to the correct column along with a justification).

2.2.1 Models of generic victim support

Generic victim support organisations are for the present purposes defined as “**not limited to helping a particular type of victim of crime**”. With the above definition in mind, please:

a) Review the list and short description of structure of generic victim support organisations operational in your country provided for in Annex 2 and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned. **Countries listed in Annex 2 shaded in green (and in category 'A' below) have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should provide a short list (in Annex 2) of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area 'Domestic violence and stalking'.**

b) Place your country in one of the following categories (A, B, C, D or E) and provide an explanation about why your country should be placed in that group. For each group, one example has been provided for guidance purposes. If your country is one of the examples provided, please review and revise the information as necessary, placing your country in a different group if the information provided is incorrect. **Please delete all examples from your response and insert your country name in only ONE column.** (Note: only country codes are listed. For full country names, please refer to Annex 1).

A: No generic victim support provider exists	B: At least one generic victim support service provider exists at national level. The main provider or structure is state run and state funded	C: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run but relies strongly on state funding	D: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run and does not rely strongly on state funding	E (OTHER) – if you cannot place your country in any of the other categories, please describe
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				PL
Explanation/justification:	Explanation/justification:	Explanation/justification:	Explanation/justification:	Explanation/justification:
				There is a number of regional and local victim support service providers within the network of victim support centres and their branches. All of them are non-governmental but they rely strongly on state funding. Additionally, victim support services are offered by local authorities within social welfare centres and other specialized units and by nationwide NGOs (including religious organizations) active in a particular area.

2.2.2 Public coordination of victim support services

Please answer the following questions by completing the tables. Two examples have been provided (for questions 1 & 2) for guidance purposes. **Please delete all examples from your response and insert your country name in only ONE column.** If your country is one of the examples provided, please review and revise the information as necessary. Please provide references to the full name of the Ministry or body in question in both English and the national language (Note: only country codes are listed. For full country names, please refer to Annex 1).

1. Please specify (by placing an 'X' in the relevant columns) which ministry or ministries have a role in victim support provision. In addition, please provide a short explanation in the comments field.						
	Ministry of Justice	Ministry of Health	Ministry of Labour/ Social Affairs	Ministry of Interior/	Any other	COMMENTS
POLAND	X		X	X	X	<p>The Minister of Justice is responsible for coordination of victim support services provided within the network of victim support centres.</p> <p>The Minister of Labour and Social Affairs is responsible for specialized support centres for victims of domestic violence.</p> <p>The Minister of Internal Affairs is responsible for coordination of the National Intervention-Consultation Centre for Victims of Human Trafficking.</p> <p>In addition the municipal and provincial government is in charge of social welfare centres and other specialized services available also , but not exclusively to victims of crimes, offered by the local support centres, the provincial centres for family assistance and the crisis intervention centres.</p>

2. Please provide a short description of which body (e.g. ministry, office for victims of crime, commission or any other body) has the overall or principal coordinating role in organising victim support services at national and federal level. If no one ministry or body has such a role, please provide an explanation/ justification.	
PL	Formally, no Ministry has the official lead in the area of organizing victim support services, but each Ministry tackles different aspects of victim protection within its competence. The official website for victims of crime www.pokrzywdzeni.gov.pl is operated by the Ministry of Justice within the Operational Programme Human Capital (European Social Fund). The most activities are undertaken by the Minister of Justice in cooperation with the Minister of Internal Affairs and the Minister of Labour and Social Affairs. Some areas like prevention of domestic violence fall within the tasks of more than one ministry – i.e. there is the Department for Prevention of Domestic Violence (in addition to a separate department on victims of crimes) within the Directorate of International Cooperation and Human Rights of the Ministry of Justice, and the Monitoring Group for the Prevention against Domestic Violence in the Ministry of Labour and Social Affairs.
E.G	
AT	Formally, no Ministry has the lead for advancing victim protection but every Ministry tackles different aspects within its competences. There is no umbrella organisation which is responsible at a political level for the coordination of the service providers.
IE	In 2008, a new executive office with the Department of Justice and Equality was established, entitled the Victims of Crime Office . In addition, the Commission for the Support of Victims of Crime (established in 2005) assists the Victims of Crime Office in the development of strategies and policies to support victims of crime with a view to improving cohesion and consistency of service and information available to victims of crime. In this way, the Commission for the Support of Victims of Crime and the Victims of Crime Office function as umbrella, funding and co-ordinating bodies.
3. What is the legal basis for the type of victim support model that exists in your country (e.g. is it stipulated somewhere in a legal instrument that victim support services be state-run; state-funded etc.?)	
	Regulation of 3 January 2012 of the Minister of Justice on the Fund for the Victims Support and the Post-Penitentiary Support (<i>Rozporządzenie Ministra Sprawiedliwości z dnia 3 stycznia 2012 r. w sprawie Funduszu Pomocy Pokrzywdzonym oraz Pomocy Postpenitencjarnej</i>)

2.2.3 Funding:

Please answer the following questions by completing the tables. Please note that countries that do not have generic victim support service providers (i.e. that fall within category 'A' under question 2.2.2) should not answer questions c & e. For questions g-k, if your country does not have a generic victim support structure in place, please respond to the question with respect to a specialised area of victim support. **Please select one of the two specialised areas of victim support you focused on in your phase 2 country report to the FRA (see annex 3 for a list). As a default, please select the area 'Domestic violence and stalking'. If you choose to take another area, provide a short justification for why you have chosen that area.**

Important for all: Whether you answer questions g-k with respect to an organisation providing generic victim support or an organisation providing specialised victim support, please choose the biggest organisation (in terms of the organisation that receives most funding, helps most victims nationwide etc.).

For the year 2012, please specify the exact amount of funding:	Amount (in EURO)
a Budgeted by the state for compensation	No exact amount is reserved for compensation in the state budget
b Paid out by the state for compensation	52 194,4 EURO
c Budgeted by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims)	In the state budget there is no amount reserved for generic victim support services. The organizations providing such services can receive subsidies from the Fund for the Victim Support and Post-Penitentiary Support. The Fund is established from penalties assessments ordered by courts, 10% of remuneration for convicted who are legally employed, disciplinary penalties, donations and inheritances or subsidies and other sources. In addition, the Ministry of Justice signed an agreement with the European Commission for the expansion of the network of victim support centres for 2012-2013 and received 729.000,00 EURO.
d Budgeted by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	There is no amount in the state budget reserved for specialized victim support services in general. The above-mentioned rules are applied. In addition, there are special government programs like the National Plan against Human Trafficking co-financed by the Ministry of Internal Affairs and the Ministry of Labour and Social Affairs. In the budget of these ministries 251.162,8 EURO was planned for the realization of the National Plan against Human Trafficking in 2012.
e Paid out by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims).	The total amount of subsidies paid to non-profit organizations in 2012 from the Fund for the Victim Support and Post-Penitentiary Support was 392.731,7 EURO.
f Paid out by the state for specialised victim support services (i.e. services restricted to a particular category or	Some of the organizations, which received state subsidies for their victim support services specialize in a particular category of victims ⁹ .

⁹ See the list of 27 organizations which received state subsidies from the Fund in 2012 (available at: <http://bjp.ms.gov.pl/pl/dzialalnosc/fundusz-pomocy-pokrzywdzonym-oraz-pomocy-postpenitencjarnej/pomoc-pokrzywdzonym/>). The particular categories of victims include: victims of road accidents (e.g. Stowarzyszenie Pomocy Poszkodowanych w Wypadkach i Kolizjach Drogowych „LEX”, Fundacja na Rzecz Ofiar Wypadków Drogowych Zielony Liść, Stowarzyszenie Pomocy Poszkodowanym w Wypadkach, Kolizjach Drogowych i na skutek błędów lekarskich „WOKANDA”), minor victims of domestic violence (e.g. Terenowy Komitet Ochrony Praw Dziecka, Fundacja Dzieci Niczyje) or victims of domestic violence (e.g. Fundacja "NON LICET" Pomoc Ofiarom Przemocy w Rodzinie).

categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.			
Reimbursement by the state of expenses incurred	Yes	No	Comments
g Are there any victim support organisations that request money from victims who benefit from services? If yes, please name one such organisation and specify (under comments) whether there is a standard fee or whether this is decided on a case by case basis.		x	
h With respect to your chosen organisation, is the organisation reimbursed by the state for expenses incurred through the provision of support to victims? If yes, please specify the criteria for reimbursement (e.g. per victim?).		x	The organizations can receive subsidies for their planned expenses concerning the provision of support to victims in an open tender organized by the Ministry of Justice twice a year for depositories of the Fund.
i If the answer to h is 'yes', please specify whether the organisation is reimbursed regardless of the victim's nationality (yes or no) and provide a short explanation in the comments field. More specifically, is a difference made between reimbursement for support provided to a) country nationals; b) EU country nationals and c) third country nationals?	-	-	No such differentiation is applied.
j Further to question i, is the organisation reimbursed for providing support to victims with illegal residency status? Please provide a short explanation under 'comments'.	-	-	No such criterion is applied.
k Are there any factors that would discourage the victim support organisation in practice from supporting third country nationals? Please specify under comments.	-	-	According to the organizations, lacking intercultural and language competence is the main barrier to giving support to third country nationals.

2.2.4 Capacity:

For the year 2012, please specify the number of victims of crime that:	No of persons:
a Applied for compensation from state sources.	153
b Received compensation from state sources.	45 applicants received compensation in 2012. Other applications were dismissed, rejected, returned, dismissed or proceedings discontinued.

c Approached generic victim support services (i.e. services not restricted to a particular category or categories of victims)	<p>21,119 victims received psychological and legal assistance within the network of victim support centres.</p> <p>8098 persons received support from organizations, which received subsidies from the Fund for the Victims Support and Post-Penitentiary Support¹⁰.</p> <p>8485 persons received support from the specialized support centres for victims of domestic violence. More data about this category of victims to be retrieved from the Ministry of Labour and Social Affairs after 30 September 2013¹¹.</p>
d Approached specialised victim support services (i.e. services not restricted to a particular category or categories of victims)	No data available.

2.2.5 Official/academic studies on victims

Have any official or academic studies been published in your country in the last 5 years on the following (note: please provide a full reference for the study (following the FRA style guidelines) and provide a link if available online):

	Yes	No	Reference	Short description of the study's objectives and findings (2-3 sentences)
Studies on under reporting of crime?		x		
Other national studies related to victims of crime (specify)	x		<p>1) The situation of the victim of crime in the criminal proceedings, with the emphasis of the role of the subsidiary prosecutor and the civil plaintiff / Sytuacja pokrzywdzonego w procesie karnym, ze szczególnym uwzględnieniem roli oskarżyciela posiłkowego i powoda cywilnego - prof. nadzw. dr hab. Katarzyna Dudka, dr Grażyna Artymiak</p> <p>2) Sentencing without a trial in the context of victim's rights / Skazanie bez rozprawy w kontekście praw pokrzywdzonego – prof. nadzw. dr hab. Teresa Gardocka</p>	<p>All studies were conducted within the Justice System Institute in 2012.</p> <p>Study no. 2 is available at: www.iws.org.pl/index.php?id=18_raporty</p> <p>In this study the author considers the impact of the victim on cases of consensual sentencing (sentencing without a trial). Under the Polish Code of Criminal Procedure there are two possible scenarios which resemble the US institution of plea bargaining. In the first scenario the sentence is agreed between the prosecutor and the accused. According to Article 335 § 1 of the Criminal Procedure Code "the state prosecutor may, with the consent of the accused, attach to the indictment a motion to convict the accused for a contravention imputed to him, subject to a penalty not exceeding 5 years deprivation of liberty, without conducting a trial and impose a penalty with an extraordinary mitigation, or decide on a penal measure specified in Article 39 subsections 1 through 3 and 5</p>

¹⁰ Information provided by the Department of International Cooperation and Human Rights in the Ministry of Justice on 7 May 2013.

¹¹ Information provided by phone from the Department of Support and Social Integration in the Ministry of Labour and Social Policy in July 2013.

				<p>through 8 of the Penal Code, or waive the imposition of a penalty or adopt a conditional stay of execution of the penalty -- if circumstances surrounding the commission of the misdemeanour do not raise doubts, and the attitude of the accused indicates that the objectives of the proceedings will be achieved despite of lack of a trial". In the second scenario the accused files a motion for the court decision convicting and sentencing him or her at the first hearing. According to Article 387 § 1 of the Criminal Procedure Code "until the conclusion of the first examination at the first-instance hearing, the accused who is charged with a misdemeanour subject to a penalty of deprivation of liberty not exceeding 8 years, may submit a motion for a decision convicting him and sentencing him to a specified penalty or penal measure without evidentiary proceedings; if the accused has no defence counsel of his choice, the court may, on his motion, appoint a counsel. § 2.</p> <p>The court may grant the motion of the accused to issue a decision convicting him only when the circumstances surrounding the offence have not given rise to doubt, the state prosecutor and the injured party concur, and the objectives of the proceedings are to be achieved, in spite of the hearing not being conducted in full". The research assumed that the victim who is usually motivated by the interest to punish the perpetrator will use the statutory mechanism for consensual sentencing in order to receive justice for incurred damage or harm. With regard to the application of Article 335 119 court files were analysed, in which 140 persons were convicted. Only in 8 cases the victims challenged the court decision to convict and sentence the accused without the trial based on the prosecutor's indictment motion. The author concluded that the impact on the sentencing and the activity of victims with regard to the analysed procedure is insignificant. They usually do not appear at the court hearings. Their activity concerns mostly the severity of sentence or the duty to compensate damage. In the context of analysed cases the author viewed this procedure as a quicker and cheaper way to sentence the accused, while other aims of the criminal process than the punitive one are rather not</p>
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				<p>achieved. With regard to the application of Article 387 - 239 court files were analysed, in which 292 persons were convicted. In 61% cases the victims (or their representatives) appeared at the hearing, but they did not question or were not heard on the occasion of the voluntary submission to the penalty. Importantly to note, in this procedure the victim has the right to object the motion of the accused for conviction and sentencing without a trial. In most of the cases the courts did not justify their decision to subject the accused to self-sentence. It was also observed that mostly repetitive criminals took advantage of this institution.</p>
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2.3 Victim Helplines

Please complete the information in the following table, providing details on whether the country has a national victim support helpline, who funds it, operates it etc. Where the answer is 'no', please provide a short justification or explanation of the situation in the comments field. For example, for question 3, if the helpline does not operate 24 hours a day, 7 days a week, place an X in the 'No' column and specify the operating hours under 'Comments'. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-15), please answer the question directly in the 'Comments' field. Please provide information for 2012. Where this is not possible, please provide a justification and give data for the latest year possible.

		Yes	No	Comments
1	Is there a helpline? If yes, please provide the name of the helpline and the contact details for the helpline (including the name of the body who runs it, contact phone number etc.) under 'Comments'.	X		<p>Warsaw Helpline for Victims of Domestic Violence "Blue Line"</p> <p>The All-Poland Emergency for Victims of Domestic Violence "Blue Line (<i>Ogólnopolskie Pogotowie dla Ofiar Przemocy w Rodzinie Niebieska Linia</i>)</p> <p>Run by the Institute of Health Psychology of the Polish Association of Psychology (<i>Instytut Psychologii Zdrowia Polskiego Towarzystwa Psychologicznego</i>)</p> <p>www.niebieskalinia.pl/pomoc/poradnie-pogotowia/poradnia-telefoniczna</p> <p>Monday-Friday (12.00-18.00)</p> <p>According to the tariff 22 668-70-00¹²</p> <p>Helpline for Victims of Domestic Violence "Blue Line"</p> <p>The Association for Prevention of Domestic Violence Blue Line (<i>Stowarzyszenie</i>)</p>

¹² The Warsaw Helpline operates a nation-wide emergency service. It is not institutionally related to the helpline operated by the Association for Prevention of Domestic Violence Blue Line.

				<p>Stowarzyszenie na Rzecz Przeciwdziałania Przemocy w Rodzinie Niebieska Linia) www.niebieskalinia.org/ Mo-Sat (8.00-22.00), holidays (8.00-16.00) Paying for the first impulse 801 120 002</p> <p>Police Helpline for Prevention of Domestic Violence</p> <ul style="list-style-type: none"> - <i>Policyjny Telefon Zaufania ds. Przeciwdziałania Przemocy w Rodzinie</i> - Run by the Police - Mo-Fri (9.30-15.30) - Free of charge - 800 120 226 <p>Helpline for victims of human trafficking Run by the La Strada Foundation (<i>Fundacja La Strada</i>) www.strada.org.pl/ Mo-Fri (9-19), on Wednesdays (14-19) in Russian 22 628 99 99</p> <p>Helpline of the Human Rights Defender for Victims of human rights violations Run by the Human Rights Defender (<i>Rzecznik Praw Obywatelskich</i>) Mo (10.00-18.00), Tue- Fri (8.00-16.00) 800 676 676</p> <p>Helpline of the Commissioner for Rights of the Child Run by the Commissioner for Rights of the Child (<i>Rzecznik Praw Dziecka</i>) Mo-Fri (8.15-20.00) Free of charge</p> <ul style="list-style-type: none"> - 800 12 12 12 <p>Helpline for Children and Adolescents</p> <ul style="list-style-type: none"> - Foundation Nobody's Children (<i>Fundacja Dzieci Niczyje</i>) - www.116111.pl - All week (12.00-20.00) - Free of charge - 116 111
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				<p>Helpline for Victims and Offenders of Sexual Violence</p> <ul style="list-style-type: none"> - Run by the Foundation for Promotion of Sexual Health (<i>Fundacja Promocji Zdrowia Seksualnego</i>) - www.funpzs.org.pl - Tue and Wed (15.00-18.00) - According to the tariff - 22 828 11 12 <p>Helpline for persons in emotional crisis Run by the Institute of the Health Psychology (<i>Institut Psychologii Zdrowia</i>) www.psychologia.edu.pl/telefon-zaufania/tel-zaufania-dla-doroslych-w-kryzysie-116-123.html All week (14-22) Free of charge 116 123</p> <p>Helpline for persons with behavioural additions Run by the the Institute of the Health Psychology (<i>Institut Psychologii Zdrowia</i>) www.psychologia.edu.pl/telefon-zaufania/tel-zaufania-dla-osob-uzalenionych-behawioralnie.html All week (17-22) According to the tariff 801 889 880</p>
2	Does it operate 24/7? (If no, specify the days and times of operation under 'Comments').	X		<p>The only helpline operating 24/7 is available for searching for missing persons and for missing persons.</p> <ul style="list-style-type: none"> - Run by the Foundation ITAKA, Center for Searching of Missing Persons (<i>Fundacja ITAKA, Centrum Poszukiwań L Udz i Zaginionych</i>) - www.zaginieni.pl - Free of charge - 116 000
3	Does it operate nationwide? (If no, name the city or federal state in which it operates).	X		See above
4	Is the helpline free of charge?		X	See above
5	Does the helpline target all victims of crime? If no, please specify (under comments) which categories of victims can approach the helpline.	X		In general all victims of crimes can use the above helplines, although they usually specialized in helping victims of domestic crimes.

6	Is the helpline state run (if no, describe the non-state actor(s) who runs it under 'Comments')		X	See above
7	Is the helpline funded by the state?		X	The state is involved in financing the operations of the above helplines.
8	Is the international EU victim support telephone number 116-006 available? ¹³ If no, provide a justification and/or specify whether plans to implement this are underway.		X	The Ministry of Justice confirms the plan to make the number available also in Poland but the precise date of this plan implementation is not known yet.
Comments				
9	Please give a brief description (1-2 sentences) of the services provided by the helpline.	The following answers regard the Warsaw Helpline for Victims of Domestic Violence "Blue Line" called the All-Poland Emergency for Victims of Domestic Violence "Blue Line (<i>Ogólnopolskie Pogotowie dla Ofiar Przemocy w Rodzinie Niebieska Linia</i>) run by the Institute of Health Psychology of the Polish Association of Psychology (<i>Instytut Psychologii Zdrowia Polskiego Towarzystwa Psychologicznego</i>). It is at the same time one of the victim support centre within the network. The Helpline offers psychological support and legal counselling for victims of domestic violence in particular, but also for other categories of victims.		
10	What was the operational budget (in EUR) for the helpline in 2012? Please specify under 'Comments'	The budget for operating the Helpline is covered by among others from the Fund. Sometimes the organization does not have the means to pay its staff for their working hours on a permanent basis and they work on a voluntary basis.		
11	How many people were employed to run the helpline in 2012?	10 employees and a few volunteers.		
12	What form(s) does the helpline take? E.g. just phone-line; email, web forum, walk-ins	Phone-line, email and walk-ins.		
13	Of the possible ways to access the helpline, what is the most frequently used by persons contacting the helpline?	Approx.. 4000 calls/year and 4000 mails/year In addition 400-500 walk-ins.		
14	Who operates the helpline? (e.g. Professional staff such as psychologists or lawyers; volunteers etc.)	Psychologists and lawyers.		
15	Please specify the number of times the helpline was contacted in applic. If this information is not available, please provide a reason under 'comments'.	See above no. 14.		

2.4 Obligation of police to provide information

	Yes	No	Comments (max 2-3 sentences)
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¹³ In 2010 the EU introduced an EU harmonised phone number (116 006) designated for use by victims of crime who need assistance in EU countries.

1	Are police legally obliged to provide all victims with information concerning victim support services? If yes, what is the legal basis for this obligation (e.g. name of the law)?		X	In practice the police inform victims about relevant support services depending on the category of the offence – shelters, social welfare centres, provincial centres for family assistance, etc. The police do not usually refer victims to victim support centres or non-governmental organizations specialized providing support services.
2	Are police legally obliged to provide all victims with information concerning compensation? If yes, what is the legal basis for this obligation (e.g. name of the law)?		X	The Act of 7 July 2005 on the national compensation for victims of several crimes does not provide an explicit basis for such an obligation. The police are obliged to inform victims about the possibility to make a claim for the court order to redress damages in total or in part until the end of the first hearing at the criminal trial providing that the civil lawsuit has not been initiated (Article 49a of the Criminal Procedure Code).
3	Are police legally obliged to provide all victims with information concerning their rights and role in criminal proceedings? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		All rights of the victims are listed in the Instruction on the aggrieved party's principal rights and obligations. The Instruction is handed to, read to and signed by every victim. The police must make sure that it is understood by the victims as well.
4	Are victims who do not understand or speak the language provided with free of charge interpretation in the language of their choice (e.g. during any interviews or questioning of the victim by the police)	X		During all interviews and questioning of the victim who is a foreigner the police uses the official interpreters even if the person understands the Polish language.
5	Are victims notified about their right to receive information about:			
	(a) any decision not to proceed with or to end an investigation or not to prosecute the offender;	X		The application may be withdrawn during preparatory proceedings with the prosecutor's consent and in court proceeding with the court's permission – until the beginning of court proceedings on the first main trial. This does not apply to crimes defined in art. 197 of penal code (art. 12 § 3 of c.p.c)
	(b) the time and place of the trial, and the nature of the charges.	X	X	The victim is not informed by the time and place of the trial, however the prosecutor informs the victim about the indictment, but not about the nature of charges.
	(c) any final judgment in a trial	X		The court informs victims who are parties to the criminal proceedings about the end of a trial but does not send the judgment.

Training of practitioners on dealing with victims of crime

Please complete the information in the following table, selecting either 'yes' or 'no' and providing a short explanation in the comments field. Where 'Yes' or 'No' answers are not applicable, 'NA' has been inserted. In these instances, please answer the question directly in the 'comments' field.

With respect with how to deal with victims of crime, Is systematic training of the following categories of professionals who come into contact with victims of crime carried out (if yes, please indicate under 'comments' the nature of the training and whether it is on dealing with all victims or just certain categories of victims (e.g. victims of domestic violence):

		Yes	No	Comments (max 2-3 sentences)
1	Police	X		<p>There are following types of trainings organized by the Police Headquarters –1. Specialized trainings for front desk police officers, 2. Specialized trainings concerning prevention of domestic violence, 3. Specialized trainings concerning the juvenile criminal procedure, 4. Specialized trainings concerning prevention of human trafficking, 5. Specialized trainings concerning hate crimes.</p> <p>The Police Headquarters did not specify the number of police officers who take part in the above-mentioned trainings and the training hours in order to ascertain that they have a systematic character.</p>
2	Prosecutors	X		<p>Trainings are organized by the Prosecutor's Office, the Ministry of Justice, the National School for Judges and Prosecutors, and victim support organizations. For example the National School for Judges and Prosecutors organized several editions of trainings on criminal and psychological aspects of domestic violence in 2011 and 2012 and a training on crimes against family, custody, sexual freedoms and public morality in 2010.</p> <p>However, the prosecutors say that trainings are offered only to selected prosecutors and are not systematic.</p>
3	Judges	X		<p>The Ministry of Justice provided 10 trainings (3 days long) on the methods of work with victims addressed to 1000 professionals, among other to judges, in 2010. 11 trainings are planned for 1100 professionals in the end of 2013. Additional trainings are organized by the National School for Judges and Prosecutors (in 2010 on crimes against family, custody, sexual freedoms and public morality; in 2011 and 2012 on criminal and psychological aspects of domestic violence).</p>

4	Court staff			<p>Court probation officers are taking part in trainings organized by the Ministry of Justice or the National School for Judges and Prosecutors (in 2009 on minor victims of crime, addressed to 160 persons; in 2010 and 2011 on selected aspects of work of the probation officers; 2012 on prevention of domestic violence).</p> <p>No information is available about trainings for other professional groups among court staff organized by the Ministry of Justice.</p>
5	Are Victim Support Organisations involved in this training? If yes, how are they involved? (e.g. they provide input through lectures; they fund the training; they organise and run the training themselves etc.)	X		Victim Support Organizations offer trainings to police, prosecutors and judges - for example on hearing minors in so-called blue chambers or provide input as lecturers.
6	Is systematic training of victim support staff carried out on how to deal with victims of crime? If yes, please indicate the nature of the training,	X		See above - the training on the methods of work with victims of crime.
7	Please briefly list any other category of officials coming into contact with victims that receive systematic training on how to deal with victims of crime (e.g. lawyers, restorative justice services etc.)	NA	NA	There is also a number of trainings organized locally by various institutions which could be addressed to other categories of professionals (like social workers).

2.6 Rights of victims in criminal proceedings

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary.

2.6.1 Definition of victim

Please provide a definition of the term victim in your country:

	Description	Explanation (max word count 200)
1	What is the main or generic legal definition of the term 'victim' (as provided for in national legislation)?	In accordance with the Article 49 of the Criminal Proceeding Code a victim is a person or a legal person whose right has been violated or threatened by a crime or an offence.
2	Is there a separate definition of 'vulnerable victims' (as separate from the main or generic definition of 'victim')?	There is a separate definition of victim for the purpose of receiving the national compensation (see below 2.7).
3	Are parents, children, other family members, same sex partner & first responders included under the main	No, they are not in under the main definition of victim in the Criminal Procedure Code but in the law on national compensation (see below 2.7.).

	<p>definition of the term victim? If not, are they included as 'indirect' victims or similar?</p>	<p>Article 51 § 2 of the Criminal Procedure Code: In case the aggrieved party is a minor or totally or partly incapacitated person, his/her rights are executed by a statutory representative or a person under whose constant care he/she remains.</p> <p>§ 3 In case the aggrieved party is handicapped due to old age or poor health, his/her rights may be executed by a person under whose care he/she remains.</p> <p>Article 52 of the Criminal Procedure Code In case of the aggrieved party's death the rights that he/she would be entitled to may be executed by next of kin and in their absence or lack of disclosure – a court appointed prosecutor.</p>
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2.6.2. Decision not to prosecute

With regard to victims' rights to review a decision not to prosecute, please answer the following:

	Yes	No	Comments (Max word count 80 words)
<p>If the prosecutor decides to discontinue a case, does the victim have the right to file for a review of the decision not to prosecute?</p>	X		<p>In Poland the public prosecutor is obliged to prosecute <i>ex officio</i> when there is sufficient evidence to support a prosecution. The victim must be notified of the institution, refusal to institute or discontinuance of a criminal investigation or inquiry has the right to appeal against these decisions of the Public Prosecutor to the court. The victim has the right to inspect the case-file of the investigations.</p>
<p>Who undertakes this review?</p>			<p>The court – regional or district. If the court upholds the decision of the prosecutor, this is final and not subject to any remedy.</p>
<p>Does the victim have the right to institute private prosecution in cases where the prosecutor drops charges? If yes, under what circumstances?</p>	X		<p>In cases where the court has quashed a decision to discontinue the investigation but the prosecutor does not find grounds to continue the investigation and issues a new decision to discontinue, the victim may by way of private prosecution summon the defendant directly to the competent court acting as a subsidiary prosecutor.</p> <p>Article 55 of the Criminal Procedure Code: The aggrieved party may press charges of offence prosecuted by the public prosecutor in case of repeated refusal to commence or discontinuation of legal proceedings. The deadline for pressing charges is one month from the date of notifying the aggrieved party about the decision. The indictment should be prepared and signed by a lawyer</p>
<p>Does the prosecutor's office have a dedicated hotline or mechanism whereby victims can inquire about the progress of a case?</p>			<p>The victim has the right to call the prosecution office and inquire whether the preparatory proceedings are open in her or his case, but no information concerning personal data will be available on the phone.</p>

2.6.3. Right to be heard

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Some examples have been provided.

EXAMPLE: Germany	Yes	No	Comments (Max word count 80 words)
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Do victims have a right to be heard during criminal proceedings?	X	Hearing of a victim is obligatory during criminal proceedings. Article 177 of the Criminal Procedure Code: The aggrieved party is obliged to turn up at each summons of the organ conducting the proceedings
Do victims have a right to supply evidence during criminal proceedings?	X	Articles 315 § 1 and 325a of the Criminal Procedure Code: The aggrieved party may apply for conducting acts of inquiry or investigation. Article 316 §3 of the Criminal Procedure Code The aggrieved party, in the course of inquiry or investigation may approach the court with a demand that a witness be interrogated, if there is a danger the witness could not be interrogated during the trial. Article 446 of the Criminal Procedure Code: The aggrieved party as an auxiliary prosecutor has the right to submit motions as to evidence, be present during the entire trial, direct questions to persons under interrogation, and launch an appeal. If the sentence was pronounced by the district court – the appeal must be prepared and signed by a lawyer
Is there a right for vulnerable victims to be questioned & testify in court in a protected manner – e.g. are screens in place when victims testify/video link available or other measures to separate victim from accused? Please specify whether this applies to all victims or just certain categories of victims (please specify):	X	Article 171 § 3 of the Criminal Procedure Code: If the aggrieved party is below 15 years of age, the proceeding with his/her participation should be, as far as it is possible, performed in the presence of a statutory representative or actual guardian, unless it is against the interest of the proceeding. Article 185A § 1 of the Criminal Procedure Code: In cases concerning crimes specified in chapter XXV of the Penal Code (against sexual freedom and decency) the aggrieved party who at the time of crime is under 15 years of age should be interrogated as a witness only once, unless essential circumstances emerge which call for renewed interrogation, or the interrogation is requested by the suspect who did not have his defence lawyer during the first hearing. In practice quite often such hearings are conducted in the child friendly room called ‘blue chamber’. Children older than 15 years old are heard in the regular mode.

2.6.4 Rights of victims at trial

The International Criminal Court (ICC) has created a special unit for victims and witness to provide support before, during and after the trial. Services are delivered by professionals who are often salaried employees of the court, and includes persons with expertise in trauma, including trauma from sexual violence. When providing testimony victims may also have support from family members, psychologists or legal representatives. These specialists are also able to advise prosecutors on appropriate security arrangements for victims and the court must take measures to protect the safety, physical and psychological well-being, dignity and privacy of victims. The statute allows for identities not to be made public, testimony to be provided by electronic means and the hearing to be confidential. The statute also calls for the court to establish principles relating to “reparations to victims, including restitution,

compensation and rehabilitation” and to establish a trust fund which “works for victims by mobilizing people, funding opportunities for the benefit of victims and implementing court-ordered reparations awards.”

With the example of the ICC special victims’ unit in mind, please answer the following questions, choosing ‘yes’ or ‘no’ and providing a short description. If the answer is no, please provide a justification. Where ‘Yes’ or ‘No’ answers are not applicable (i.e. questions 2-4), ‘NA’ has been inserted. In these cases, please answer the question directly in the ‘Description/justification’ field.

		Yes	No	Description/justification (max 1-3 sentences)
1	Looking at your own criminal court system, is there a special unit or service for victims of crime providing support?		x	Not applicable.
2	Is there a separate waiting area for victims at court?		x	According to the Regulation of the Minister of Justice on terms of office of ordinary courts (<i>Rozporządzenie Ministra Sprawiedliwości Regulamin urzędowania sądów powszechnych</i>) a separate waiting area for victims should be provided if possible. However in practice quite often there is no separate waiting area for victims or accused at the court and they are waiting for the hearing next to each other.
3	Is special seating reserved for victims at trial?			If the victim acts as an auxiliary prosecutor she or he takes place on the prosecutor’s bench. If the victims does not act as such she or takes place at the audience in the courtroom.
4	What other services are available?		x	NA
5	Who provides the services (e.g. professional or specialised staff; volunteers etc)?		-	
6	In reference to question 5, do the service providers provide advice to prosecutors with respect to the safety, physical and psychological well-being, dignity and privacy of victims?		x	N/A

7	Do they provide advice to judges with respect to the the safety, physical and psychological well-being, dignity and privacy of victims?		x	NA
8	Are the rights and protections that should be afforded to victims mentioned in the founding law (e.g. a statute) establishing the court?	x		According to the Regulation of the Minister of Justice on Terms of office of courts (<i>Rozporządzenie Ministra Sprawiedliwości Regulamin urzędowania sądów powszechnych</i>) the victim's personal data must not be released unless it is justified by the best interest of the victim and upon the victim's consent.
9	Do victims have the right to be accompanied by support persons during the trial?	x		<p>The victim has the right to be accompanied by a lawyer. Additionally a non-governmental organisation may join the criminal proceedings according to Article 90 and 91 of the Criminal Procedure Code.</p> <p>Article 90. § 1. In judicial proceedings, prior to the commencement of the judicial examinations the right to participate in the proceedings may be petitioned by a representative of a social organisation, if there is a need to defend a social interests within the statutory purposes of such an organisation, especially in matters pertaining to the protection of human rights and freedoms.</p> <p>§ 2. In their petition on this matter the social organisation shall designate the person who is to represent such an organisation, and the representative should file his power of attorney in writing.</p> <p>§ 3. The court shall admit a representative of a social organisation if it finds that his participation in court proceedings will be in the interests of justice.</p> <p>Article 91. The representative of a social organisation who has been admitted to participate in court proceedings, may participate in the trial, make statements and submit motions in writing.</p>
10	Can victims access & copy trial records?			<p>Article 157 § 3 of the Criminal Procedure Code: The aggrieved party has the right to prepare a copy of the record of proceedings in which she or he participated or was entitled to participate, as well as the documents coming from her or him or prepared with her or his participation.</p> <p>Article 147 § 4: The aggrieved party has the right to obtain at her or his own expense one copy of audio or video recording of legal proceedings.</p> <p>Articles 156 §1 and 159: The aggrieved party with the consent of the person conducting the proceedings, may during the preparatory proceedings look through the records and make copies, and also she or he may submit a</p>

				complaint if the records of the proceedings are made unavailable. Articles 156 § 2 and 5: The aggrieved party may apply, at her or his own expense, for photocopies of the records and with the consent of the person conducting the preparatory proceedings he/she may obtain certified copies or photocopies.
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2.6.5 Legal aid for victims:

Experts consider provision of legal advice the area where there is most room for improvement in the area of victim support activities, with significant advances needed to ensure free and easily accessible legal advice for all victims. With this in mind, please answer questions 1 -5 in the table below selecting only **one option** (a, b, c or d) for each question and providing a description under 'comments'. **Please specify what criteria, if any, entitle a victim to avail of certain categories of legal aid. There may be several criteria (as in the example below – please be as detailed as possible. If none of the descriptions match the situation in your country, please choose 'd' and provide a short explanation of the situation.**

Categories of legal aid		A: Available to all victims of crime as a fundamental right of victims	B: Available to certain categories of victims; e.g. only victims of serious crime, only victims who are nationals of that country etc. (please specify which victims are entitled to such advice):	C: Subject to other criteria; e.g. an economic 'means test' (please specify):	D: Other (please specify)
	Place X in appropriate column			X	
1. Free legal advice	Comments:			Organizations within the network of victim support centres, other non-governmental organizations or family counselling centres (poradnie rodzinne) established by the local authorities provide legal advice free of charge. However, some institutions like social welfare centres or even legal clinics or pro bono lawyers offer free legal advice for clients who cannot afford a	

				legal representative.	
2. Free legal representation	Place X in appropriate column			x	
	Comments:			Article 87 § 1 and 88 § 1 of the Criminal Procedure Code: The aggrieved party may apply to the prosecutor (in preparatory proceedings) or the court (in court proceedings) for appointment of a court appointed plenipotentiary if she or he appropriately proves his/her inability to bear the cost associated with power of attorney without harm to indispensable maintenance of his/her family.	
3. Exemption from court fees	Place X in appropriate column			X	
	Comments:			The victim can request the exemption from the court fees if her or his situation does not allow to bear them.	
4. Exemption from or reimbursement for expenses related to interpretation and/or translation	Place X in appropriate column	X			
	Comments:	No fees are required for interpretation or translation.			
5. Reimbursement for loss of	Place X in appropriate column	X			

earnings, travel and accommodation costs with regard to role in criminal or civil proceedings	Comments:	In accordance with the Article 618a of the Criminal Procedure Code the victim has a right to obtain a reimbursement for travel to court costs if she or he testifies as a witness.			
	The state	A victim support service	Both	Other (explain)	
2. Who provides legal aid? place 'X' in one column only)			X The victims can alternatively receive legal aid from the VSO if the court refuses to appoint the legal representative.		

2.7 Compensation

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer: e.g. for question 2.7 (2), please select 'Yes' or 'No' and under comments, specify what measures victims can ask for during criminal proceedings. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary; i.e. by moving your country from the 'Yes' column to the 'No' column and vice versa.

	Victims' rights with regard to compensation	Yes	No	Comments and sources (max 2-3 sentences)
1	Do victims have the right to ask for compensation during criminal proceedings?		X	The victim, her or his close relative or the prosecutor can initiate a separate non-adversarial proceedings to claim compensation for damages. For the purpose of the national compensation for victims of several crimes "a victim is a person who suffered from intentional or unintentional crime resulting in death, impairment of the functioning of the bodily organ or disturbance to health".
2	Aside from compensation, do victims have the right to ask for other measures during criminal proceedings (e.g. return of property, reimbursement of expenses, measures for physical protection)?	X		<p>Article 49a of the Criminal Procedure Code: If the civil action was not brought forward, the aggrieved party may, until the end of his/her first interrogation at the main hearing, apply for pronouncing the obligation to repair the inflicted damages completely or partially. The aggrieved party (or another authorized person) has the right to come with the same motion to court in case the perpetrator was sentenced for the act defined in art 46 § 1 of the Penal Code.</p> <p>Article 39 of the Criminal Code: The penal measures are: (...) 5) obligation to redress the damage, (...) (7) pecuniary consideration (...).</p> <p>Article 72 § 2 of the Criminal Code: The court may obligate the perpetrator to redress the damage in whole or in part, unless it has adjudicated a penal measure as specified in Article 39 section 5, or a payment of consideration as specified in Article 39 section 7.</p>

3	Is compensation paid by the offender?	X	X	With regard to the national compensation paid to several categories of victim, the answer is 'no'. With regard to the compensation for damages ordered by the court in the criminal proceedings or separately in the civil proceedings, the answer is 'yes'. However, there are practical problems with the execution of damages from the offender.
4	Is there such thing as a 'victims of crime fund' that convicted persons must contribute to?	X		The Fund for Victim Support and the Post-Penitentiary Support.
5	Does compensation paid by the offender under a 'victims of crime fund' go towards victim support services?	X		See above – answer to 2.2.3.c.
6	Is compensation paid by the state?	X		
7	Will the State advance payment of the compensation if the offender does not pay? Under which conditions?		X	
8	Does a compensation order exist?	X		See Article 39 section 5 and Article 72 § 2 of the Criminal Code.
9	Do prosecutors have the power to mediate between the offender and the victim?	X		The prosecutors (court or the victim) may initiate the mediation between the offender and the victim only with the consent of the offended and the victim (Article 23a § 1 of the Criminal Procedure Code).
10	Do prosecutors have the duty to attempt to obtain compensation from the offender?	X		Article 291 of the Criminal Procedure Code § 1. In the event of the commission of an offence subject to a fine or forfeiture of material objects, or to imposition of the obligation to redress damage or to pay supplementary payment to the injured or for a public purpose; these penalties may be secured by levying on the property of the accused. § 2. If an offence is committed against property, or if it causes damage to property, the claims for the reparation of damages may be secured on the property of the accused.
11	Is compensation, when paid by the offender to the victim, taken into account in decisions to prosecute?	X		

12	Is compensation, when paid by the offender to the victim, taken as a mitigating factor in sentencing?	X	<p>Article 53 § 2 of the Criminal Code: In imposing the penalty, the court shall above all take into account the motivation and the manner of conduct of the perpetrator, committing the offence together with a minor, the type and degree of transgression against obligations imposed on the perpetrator, the type and dimension of any adverse consequences of the offence, the characteristics and personal conditions of perpetrator, his way of life prior to the commission of the offence and his conduct thereafter, and particularly his efforts to redress the damage or to compensate the public perception of justice in another form. The court shall also consider the behaviour of the injured person.</p> <p>Article 62 § 2 of the Criminal Code: The court may also apply an extraordinary mitigation of the penalty in particularly justified cases when even the lowest penalty stipulated for the offence in question would be incommensurate, and particularly:</p> <ol style="list-style-type: none"> 1) if the injured person and the perpetrator have been reconciled, the damage incurred has been repaired, or the injured person and the perpetrator have agreed as to the manner of reparation for the damage, 2) taking into consideration the attitude of the perpetrator, particularly if he attempted to repair the damage or prevent the damage from occurring,
13	Is there a limit from the time of the crime within which claims for compensation would have to be made? If yes, what is the time limit?	X	2 years from the time of crime. Some practical problems may appear if the health consequences resulting from crime occur later (see the decision of the Constitutional Court of 26 April 2012, P 10/12).
14	Do third country nationals have the right to apply for compensation?	X	Only if they are EU citizens (Article 4 of the Act on the national compensation for the victims of several crimes)

15	Do third country nationals with irregular status (i.e. residing in the country illegally) have the right to apply for compensation?		X	
16	Are there exceptions prescribed in law for different types of crimes? If yes, what are they?	X		The national compensation is paid only to victims of intentional or unintentional crimes resulting in death, impairment of the functioning of the bodily organ or disturbance to health.

2.8 Cross border support

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-12), please place your answer directly in the 'Description' field.

	Victims' rights with regard to cross border support	Yes	No	Description (max 2-3 sentences per question)
1	Is there a formal system of cross-border referral of victims (to a victim support organisation in the state in which the victim lives) when the victim who has approached the VSO or competent authority is resident in another state?		X	No information about an official system of cross-border referral of victims is available.
2	Can victims of crime report crimes in their own country if the crime was committed in another state?	X		The prosecutors initiate the investigation on suspicion of committing a crime to the detriment of the Polish citizen abroad. However they are usually carried out within foreign aid.
3	Are victim support services made available to all victims, regardless of legal status, country of origin or nationality?	X		Except social benefits offered by the local authorities like social welfare centres because they are dependent on legal residence.
4	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.	X		Victims from other countries can use some of the helplines and counselling services available via email.
5	Is information made available to victims in different languages by the police? If yes, which languages?	X		Instruction concerning the victim's principal rights and obligations, as well as the instruction for the suspect were translated in: Belarusian, Czech, English, German, Russian and Ukrainian.
6	Is information made available to victims in different languages by victim support services? If yes, which languages?	X		Some organizations translate some parts of their official websites in other languages (English, Russian).
7	Do victim support services offer interpretation or translation services? If yes, in which languages?	X		It is offered by all organizations which answered our query concerning interpretation or translation services. ¹⁴

¹⁴ We sent a request to 18 non-governmental organisations dealing with crime victims' rights and providing aid and support to crime victims. We received responses from six of the organisations: OPOPP Centrum Interwencji Kryzysowej PCK (email, 6 May 2013), OPOPP

8	Does the main generic victim support organisation in your country maintain contact with victim support organisations in other countries? If yes, how? (E.g. through formal cooperation agreement; international consultative forums or conventions etc.)	Some organizations involved in specialized victim support inform about their participation in international projects (see La Strada Foundation – project Odessa, project Comp.act see www.strada.org.pl/index.php/ru/la-strada-w-dzialaniu/realizowane-projekty)
		Description (max 2-3 sentences per question)
9	What is the mechanism for victims to apply for compensation once they are back in their own country?	The compensation mechanism is limited to cases when the crime was committed on the Polish territory. The jurisdiction of the court is established on the basis of the last place of stay of a person who does not live in Poland (Article 28 of the Civil Procedure Code). The court can summon the participants for the hearing but non-appearance does not stop the court from adjudicating the case.
10	What is the number of victims accessing victim support services who are non-nationals of the state?	No such data are available.
11	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.	No special mechanism except the email address which made available for all victims who need to contact the VSO.
12	Are there any measures put in place for the protection of a victim's right to privacy when dealing with cross border victims?	No information about such measures is available.

2.9. The role of volunteerism in victim support

From the research carried out in phases 1 & 2, one of the most striking features of the more robust generic victim support systems in Europe is the crucial role played by volunteers.

- a. **With this in mind, please provide an overview (max 500 words) of the tradition of volunteerism in the area of the victim of support in your country; i.e. outlining whether such a culture exists, what is the historical background for why it does or does not exist; how is the situation changing and focusing on any discernible trends; explaining also the typical profile of volunteers who work in the field - e.g. well educated? Professional background - working in a particular field (e.g. legal, social work); typical tasks? (E.g. provision of legal/psychological advice? Or restricted to informing victims of rights etc.). How many hours a week do volunteers typically give of their time? Are numbers of volunteers increasing or decreasing?**

Stowarzyszenie Bezrobotnych i Osób Działających na Rzecz Bezrobotnych „Wszyscy razem - In Corpore” (email, 6 May 2013), OPOPP Lubuskie Stowarzyszenie na Rzecz Kobiet BABA (email, 6 May 2013), OPOPP Stowarzyszenie „SOS dla Rodziny” (email, 6 May 2013), OPOPP Ogólnopolskie Pogotowie dla Ofiar Przemocy w Rodzinie „Niebieska Linia” (email, 8 May 2013), OPOPP Stowarzyszenie Pomocy „Akson” (email, 9 May 2013)

The tradition of volunteerism in Poland is rather weak due to the communist past when only Church organizations and the Polish Scouting and Guiding Association was active in this area. According to the research conducted by the Association Klon/Jawor in 2008 there are 11,3% adults are involved in volunteer work in Poland. The tendency is however growing and in 2011 18% respondents said to devote their free time to social work for an association or a foundation often or very often¹⁵. The regulation of volunteerism is based on the Act of 24 April 2003 on the public interest activity and volunteerism. The aim of this law was to guarantee the basic rights of volunteerism and flexibility of the legal relation, which is not governed by the labour law but by the contract law.

- b. If there is no tradition of volunteerism in the area of the victim of support in your country, please outline (in max 500 words) any recent initiatives or attempts in the area of victim support to encourage a greater culture of volunteerism.**

NA

2.10. The tradition of social work

In max 400 words, please provide an overview of whether there is a tradition of social work in your country, and if so, in what way (if any) is it linked to the victim support services structure in your country. In your answer, please include the level of education of a typical social worker (e.g. is university or third level education necessary?).

For the first time the Act of 26 August 1923 on social care established the institution of municipal social carer and the social care commissions, which were called into being in 1928. The police was obliged to cooperate with institutions of social care and inform about each case which needed intervention and assistance. In the 1960s the first schools of social workers were founded and the system of social protection was linked to the health care system and the local health care centres were at the same time the centre of social carers with additional professional consultants like a lawyer, psychologist, pedagogues and sociologist. The system was subjected to supervision of regional level of health administration in 1975 but became ineffective due to centralization of financial means and organizational weakness. Due to 1990 reforms social work became a task of newly established local self-government and coordinated by the Ministry of Labour and Social Work. The system of social work is based on the Act of 29 November 1990 on social assistance. The system was criticized for imprecise division of work between the assigned and own task of local government and too easy access to the profession of social worker. However the positive image of social worker was strengthened by the charismatic Minister of Labour and Social Affairs – Jacek Kuroń in a weekly TV program. Nevertheless the social worker is still a profession of a relative low prestige. Currently, only a graduate of a collegium for social workers or a graduate of higher studies of social work or a graduate of a listed higher studies with a specialization in social work can become a social worker.¹⁶ The third level of education is not necessary.

2.11. Promising practices in the area of victim support

From the following list of promising practices (detailed explanations found under Annex 1), please identify whether there is a similar practice in your country (yes or no) and provide a brief explanation/description. If you have identified other promising practices not similar to the ones presented here, please provide details under ‘16’ – ‘Other promising practices’.

	Promising practice	Does a similar practice exist in	Short description of the practice in your country, outlining similarities; differences etc. If there is no
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¹⁵ <http://erw2011.gov.pl/pl/strony/badania-wolontariatu-w-polsce/>

¹⁶ Article 116 and Article 156 of the Act on social assistance of 12 March 2004.

		your country?		such practice, please provide a justification for this (e.g. this is not an issue; it is dealt with in other ways; it is a gap that still needs to be addressed)
		Yes	No	
1	Initiative to provide cross-border victims of crime with basic information: In May 2009, the Inter-Regional Crime Prevention working group of the <i>Grande Région</i> (LU, FR, DE, BE) published a basic information guide for victims, detailing what to do in the event one is a victim of a crime or an accident.		X	It is a gap that still needs to be addressed. Except the police instructions for victims of reported crimes, there is no information on what to do in case of a crime or accident. The official website for victims of crime www.pokrzywdzeni.gov.pl/ does not have any version in a foreign language.
2	Assistance to tourist victims of crime: e.g. In Ireland, the Irish Tourist Assistance Service (ITAS) is specialist service offering immediate support and assistance to tourists who are victimised while visiting Ireland. The Service is free and confidential. ITAS is run by staff and volunteers who speak a variety of languages.		X	It is a gap that needs to be addressed.
3	Schemes for compensatory fines to help fund support services: In addition to other funding sources, several EU Member States generate money for generic victim support services through a 'Victims of Crime fund' or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime (for example, in BE, LT, NL, PL & SE).	X		See above 2.2.3
5	In some countries, victims can be accompanied in court by victim support services, ensuring a fuller realisation of victims' rights and helping to prevent secondary victimisation.	X		Some victim support services apply this practice in cases when it is needed and the victims does not have an attorney-in-law.
6	In some countries, victims are provided with free psychosocial and legal assistance throughout the entire criminal proceedings.	X		It is possible when the court appointed free legal representation for the victim. In other cases, it depends on the situation and the organization providing the services.
7	Some countries have legal clinics that provide free legal assistance to victims of crime.	X		See above 2.6.5 Legal clinics require a declaration that the economic situation of the client does not allow him or her to hire a professional representative.
8	Some countries are exploring new and innovative ways of disseminating information to victims of crime in the form of web-based material, using social media and e-support etc. e.g. In SE, the Crime Victim Compensation and Support Authority initiated web-based information site called the Trial School which uses narrators' voices, texts, photographs, films and 3D animations to explain what happens at a court trial. Victim Support Finland (RIKU) operates a mobile phone service providing advice to crime victims through automatic text messages, while in NL; the	X		In particular categories of crime which affected a significant number of persons the prosecution office use their website informing victims what to do in order to report the crime.

	Victim Support fund has a website and a smart phone app to guide victims to support organisations.			See Regional Prosecution Office in Gdańsk in the Amber Gold case ¹⁷ .
9	Some countries have created a 'Victim's Charter' which, not a legally binding document in itself, rather aims to describe the criminal justice system to a victim of crime, setting out victims' rights and providing clear information in relation to various aspects of criminal proceedings, state agencies, victim support organisations etc. (e.g. what happens when a crime is reported; what to expect during the investigation process, which agencies are involved in providing support etc.).	X		The Charter of Rights of a Victim as a non-binding document for professionals dealing with victims of crimes. However, its text is not available at the official website of the Human Rights Defender anymore and its visibility and the practical importance is low. Available at: www.swidnica.po.gov.pl/prawo/menu/ofiara_karta_tresc.html
10	In SE referral from the police works effectively since several local BOJ victim support services operate on the same premises as the local police station which also is seen as a way to quickly identify victims. All police districts, in over 100 districts around Sweden, have a Crime Victim Emergency Service. People who have training in and experience of the issues faced by victims of crime are available at these offices.		X	
11	The multi-disciplinary, national referral system introduced in Bulgaria with regard to trafficking might be considered a promising practice.		X	
12	As part of the National Social Roma Inclusion Strategy in HU, Roma victim support volunteers are recruited to work in the volunteer support network. There is also a network of on-site legal aid stations led by an active member of the local Roma community, while the attorneys of the organisation are available online and provide free legal advice via Skype. Their area of operation also includes legal support to victims of hate crime.	X		It is dealt within the National Program for Roma community, which provides subsidies for organizations providing legal assistance to Roma. In general Roma community refrains from reporting crimes in official way.
13	Police forces in England and Wales have policies on dealing with repeat victimisation. An example of such a policy is the Thames Valley Police policy on repeat victimisation (drafted and audited in accordance with Human Rights Act 1998): Sample Extract from the policy: 1. Rationale 1.1 Research and organisational experience indicate that victims of crime and other incidents may be targeted for subsequent victimisation. This is particularly relevant in		X	No information about a similar practice is available.

¹⁷ Currently, the information for victims in the Amber Gold case posted by the Regional Prosecution Office in Gdańsk is still available at private websites of the Polish MPs: www.maciejmalecki.pl/pl/maciej-malecki-blog-akcje/maciej-malecki-blog-akcje-2012/143-amber-gold-wzory-zawiadomien-do-prokuratury-dla-poszkodowanych and <http://ortyl.senat.pl/aktualnoci/352-informacja-dla-pokrzywdzonych-przez-amber-gold> The Amber Gold case concerns the collapse of a financial institution, which promised from 10 to 14 percent a year of guaranteed returns in gold investments. However, it turned out to have elements of a pyramid scheme as it used funds from new clients to pay off older clients rather than investing them. See www.economist.com/blogs/easternapproaches/2012/08/polands-shadow-banking-scandal. This para-bank is currently in liquidation and more 10 thousand people claim to be victims of its fraud.

	<p>relation to offences of burglary, assault, domestic violence and hate crime.</p> <p>1.2 Repeat incidents often occur soon after the initial victimisation; therefore it is important to take preventative measures quickly. Likely victims must be identified immediately and subject to a targeted crime reduction initiative.</p> <p>1.3 Every victim should be asked whether they have been subject to other offences. The primary means to prevent repeat victimisation is to arrest and prosecute the offender, although other tactical options are available [...].¹⁸</p>			
14	<p>Many countries have practices in place to respect the rights of victims during court proceedings, particularly with regard to their rights to privacy and protection; e.g. the trial being conducted behind closed doors; witness' testimony being taken so they do not come into contact with accused (e.g. in SI, taking of testimony using technical devices (protective screen, voice disguising devices, transmission of sound from separate premises and other similar technical devices); ban on use of images related to the victimisation; other measures undertaken by judges or prosecutors (or jury?) in respect of victims' rights? (e.g. jurors in FR swear an oath pledge not to betray the interests of the victim).</p>		X	In Poland a similar practice concerns only the Blue Chambers for minor or vulnerable victims of crime.
15	<p>In some countries, police, prosecutors and judges work for victim support organisations in an official capacity that forms part of their training (e.g. in Austria)</p>		X	No information about such practice is available.
16	<p>Other promising practices: please include any other promising practices in your country with regard to victim support and enabling victims' to exercise their rights.</p>	NA	NA	-

2.12 Role of the victim in practice

When it comes to perceiving or conceptualising victims of crime, certain ideal types or models can be distinguished. Based on your research and responses so far, please choose one from the following 4 descriptions of the role of the victim in the criminal justice system of your country (if possible indicating the most common view of legal practitioners (judges, prosecutors, lawyers) in your country. (If you believe that there are different perceptions of victims depending on various types of criminal offences, please consider cases of violent crimes.):

	Please choose the most appropriate description of how the victim is perceived in the criminal justice system	Place X in the appropriate box (choose only one)	Explanation (maximum word count 200)
1	The victim is seen essentially as a witness.		
2	In addition to 1, if the victim has suffered damage as a consequence of a criminal offence, importance is attributed to allowing the victim to claim compensation within the framework of criminal proceedings.		

¹⁸ <http://www.thamesvalley.police.uk/pub-policiesandprocedures-repeat-victimisation.pdf>

3	In addition to 1 or 2, the victim is seen as a person who has suffered moral harm and therefore is in need and deserving of help.			
4	In addition to 1, 2 & 3, the victim is perceived as a person whose rights have been violated by the criminal offence and who therefore is entitled to see that justice is done and, to that end, to participate in criminal proceedings.		x	The criminal procedure seems to promote this perception of a victim, however it is hard to generalize the approach of the professional categories like police officers, prosecutors, lawyers and judges.
In the new EU Victims' Directive, the Commission refers to the varying roles of victims in criminal proceedings in each Member State as being determined by one of the following criteria. ¹⁹ With regard to the following descriptions, please choose 'yes' or 'no' for each concerning the role of the victim in the criminal justice system of your country, and provide a short explanation.				
	Description of victims' role in EU Directive	Yes	No	Explanation (maximum word count 200)
1	The national system provides for a legal status as a party to criminal proceedings;		x	The parties to criminal proceedings are public prosecutor, auxiliary prosecutor, private prosecutor or civil plaintiff and the accused.
2	The victim is under a legal requirement or is requested to actively participate in criminal proceedings, for example as a witness		x	The main obligation of the victim is to turn up at each summons of the organ conducting the proceedings subject to a fine or compulsory appearance.
3	The victim has a legal entitlement under national law to actively participate in criminal proceedings and is seeking to do so, where the national system does not provide for a legal status as a party to the criminal proceedings.	x		The victims has the right to actively participate in criminal proceedings both at the preparatory and the trial stage.

¹⁹ See Recital 20 Of the Victims' Directive, p 11 (<http://register.consilium.europa.eu/pdf/en/12/pe00/pe00037.en12.pdf>).

IMPORTANT:

In accordance with question 2.2.1b, if you have identified your country as belonging to category 'A'; please respond only to questions 3.3 and 3.4 of part B.

In accordance with question 2.2.1b, if you have identified your country as belonging to any category other than 'A'; please respond only to questions 3.1 – 3.3 of part B.

2 Part B:

3.1 Establishment of generic victim support organisations*²⁰

3.1.1 Please outline who (i.e. state or non-state actor) took the initiative for first setting up victim support services.

Before the National Program of Support for Victims of Crimes was adopted by the Ministry of Justice in cooperation with the Human Rights Defender in 2009 for the period 2009-2013, there was no system of support for victims in Poland. However, the Minister of Justice issued the Ordinance on 28 August 2007, which launched a pilot project implementing a "trial program" of support for victims of crimes for a period for one year*. Within the pilot project 11 local support centres were set up in cooperation with the family diagnostics and consultation centres (rodzinne ośrodki diagnostyczno-konsultacyjne) in 3 regions (Opolskie Voivodship, Silesian Voivodship and Warsaw). The pilot project was realized in fact between 1 September 2007 and 31 June 2008.

Ordinance of the Minister of Justice No. 164/07/DWOP of 28 August 2007 on implementation of the National program of support for victims of crimes in selected voivodships and organization and the scope of activity of the local support centres (*Zarządzenie Ministra Sprawiedliwości nr 164/07/DWOP z 28 sierpnia 2007 r. w sprawie wdrożenia w wybranych województwach Krajowego programu na rzecz ofiar przestępstw oraz organizacji i zakresu działania lokalnych ośrodków wsparcia*).

Where did the money come from to support this first attempt?

The pilot project was financed from the budget of the Ministry of Justice, but turned out to be very expensive (1.600.000 PLZ for 11 local victim support centres within 10 months).

The establishment of the network of victim support centres was funded through the program of the European Commission called "Prevention of and Fight against Crime for 2007-2013".

3.1.3 What were the circumstances leading to the establishment of the victim support service(s)?

The establishment of the network of victim support centres in Poland was the result of implementation of Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings (Article 13).

3.1.4 Quality standards

	Yes	No	Description (max 3-5 sentences)
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²⁰ Questions marked with * should NOT be answered by countries falling into category 'A' (in accordance with question 2.2.1)

<p>Do formally adopted key performance indicators exist in relation to the quality of services provided by generic victim support services? If yes, please describe them.</p>		<p>The Uniform Standards of Work with Victims of Crimes in the Victim Support Centres” adopted by the Minister of Justice for the Support Network for Victims of Crimes.</p> <p>The Uniform Standards regulate the accessibility of victim support services, the internal organization of the centres and the volunteer work. They also stipulate the duty of confidentiality and the principle of victim’s consent. Other principles governing the internal organization of the centres are: gratuity, impartiality and professionalism of service.</p>
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3.2 Personnel (professional staff and volunteers)*:

Taking the below as an example, please provide information with regard to professional staff and volunteers working in the area of generic victim support in 2012 (if more than one organisation dealing with generic victim support please produce a separate table for each organisation).

No comprehensive data are available due to slow response from the victim support centres.

Country	Name of organisation	Professional staff		Volunteers		
		# staff	hours contracted per week	# volunteers	hours contracted per week	Value of volunteer work

3.3 Services provided by the state:

From the below list, please answer ‘yes’ or ‘no’ if the following general services are provided directly by the state free of charge to victims and provide a short description – **to be answered by all.**

Services provided to victims by the state (free of charge)	Yes	No	Description
a Free legal advice by courts or free legal assistance		x	No system of free pre-trial legal advice is offered by the state. However, many non-governmental institutions use state funding to provide free legal advice and assistance.
b Free health/psychological assistance (e.g. crisis intervention centres)	X		In addition to crisis intervention centres there are specialized support centres for victims of domestic violence, family counselling centres or provincial centres for family assistance.
c Emergency financial assistance	X		Provided by the social welfare centres subject to the legal residence status and the economic criteria.

d Court accompaniment/support services		X	NA
e Other (specify)			NA

3.4 (Failed) Attempts to establish national generic victim support service provider**21

Please describe whether there has ever been any attempt to establish a generic victim support service organisation in your country, specifying the year in which it was established and who attempted it (i.e. state or non-state actor). Why did it not succeed? If you cannot identify such an attempt, please explain the absence of the establishment of such an organisation (historical reasons etc.) and identify whether there is any discussion at government level/media etc. concerning the need to establish/improve services for victims.

In 1985 the Foundation for Helping Victims of Crimes (Fundacja Pomocy Ofiarom Przestępstw) was called into being as an independent social initiative, which aimed to compensate the victims of crimes in the absence of a state compensation scheme in this period. The Foundation has been working for 28 years now. The Foundation offers financial aid for victims of crimes against life and health (or for the families of deceased victims if they were their dependants) who are in a difficult economic situation unless they are able to receive compensation from the offenders or eligible for any other social aid. In early 1990s the specialized victim support organizations appeared like the All-Nation Emergency for Victims of Domestic Violence "Blue Line" on the initiative of the National Agency for Solving the Alcohol Problems (1995) and other non-governmental organizations which specialized in particular categories of victims like Women's Rights Centre (1993/4) or La Strada (1996). The consolidated action for strengthening the protection of victims was taken in 2008/9 by the Ministry of Justice which developed the institutional network of support centres. In 2012 the state fund – the Fund of Support for Victims and Post-Penitentiary Support was appropriated for victim support organizations, which win the open tender.

Annex 1 – Country codes

Code	Name of country
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary

²¹ **This question should ONLY be answered by countries falling into category 'A' (in accordance with question 2.2.1).

IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom

Annex 2 –list of generic victim support organisations by country

In accordance with question 2.2.1a, please review the list and short description of structure of generic victim support organisations operational in your country and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned.

Countries shaded in green have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should please provide a short list of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area ‘Domestic violence and stalking’.

	Name/short description of organisation(s)
AT	In every of Austria’s nine provinces (<i>Bundesländer</i>), branches of national organisations and local victim support organisations are operative. Weisser Ring (NGO) is currently the largest general victim support organisation operating in Austria. Today, the White Ring operates out of a federal office in Vienna and nine branches in all Austrian provinces, as well as 14 representation offices at regional level.
BE	Bureaux d’assistance aux victims; Victim’s reception service in each of the 27 judicial districts and at the community level, assistance to victims is organized through Centres for Victims of Crime;
BG	
CY	The Social Welfare Services which is the only umbrella service providing support to various victim “groups”, the rest of the initiatives are targeted on specific victim “groups” and are under the non-governmental sector. However, the services provided by the SWS are targeted mainly towards victims of domestic violence and victims of trafficking.
CZ	The Probation and Mediation Service (“PMS”); the White Circle of Justice
DE	The largest volunteer victim support service (operating nationwide) is the Weisser Ring e.V. In Berlin, Hamburg, Lower Saxony, Saxony, Mecklenburg-Western Pomerania and Hesse independent victim support charities (Opferhilfe e.V) run local offices. A nationwide coverage of professional victim support services does not exist, although a number of the professional support services are organised under the auspices of the umbrella organisation Working Group of Victim Support in Germany ‘ado’. In many states (Bavaria, Baden-Württemberg, Bremen, Saarland, Rhineland-Palatinate, Saxony-Anhalt, Schleswig-Holstein and Thuringia) generic professional victim support services as described above do not maintain offices. Here volunteer support services fill this gap.
DK	The Victim Support in Denmark (VID) (Offerrådgivningen, OID). The general victim support service in Denmark consists of 33 different general local entities with VID as their umbrella organisation.
EE	The citizen-initiated Union of Support to Victims of Crime “Victim Support” (Kuriteoohvrite Toetamise Uhing “Ohvriabi”), founded in 1994. It is still the only organisation that provides support to victims of crime in general, without specialisation to any type of victim group.
EL	
ES	The management of the Offices for Support to Victims of Crimes (Oficinas de Asistencia a las Víctimas de Delitos, OAV) is the responsibility of regional governments having the Spanish government used the ability to “set up management agreements entrusted with the Autonomous Communities and local Corporations”. In Spain, these are the only victim support services that can be considered to have a generic character because of dealing with many sorts of victims particularly since this very year.
FI	In 1994, Victim Support Finland (Rikosuhripäivystys / Brottsofferjouren) began its activities. It was the first organisation to offer victim support services and still is the only organisation providing services to victims of various different types of crimes, as most other third sector actors specialise in providing assistance to certain specific victim groups.

FR	The National Institute for Victims and Mediation (L'Institut national d'aide aux victimes et de médiation, INAVEM) was established in 1986 to promote greater coherence and activity for victim support services. Since June 2004, the INAVEM has had the status of federation, representing member associations (www.inavem.org.). Services for victims (services d'aide aux victimes, SAV) are members of the INAVEM. 150 associations are adherents to the INAVEM and provide psychological, logistic, financial and legal support to victims .
HR	County Court level: There are special departments for victim and witness support (Odjeli za organiziranje i pružanje podrške svjedocima i žrtvama), established at the following seven county courts as part of the court administration: Zagreb, Split, Rijeka, Osijek, Zadar, Vukovar, Sisak. Special departments provide victim and witness support in trials for all criminal offences.
HU	Metropolitan and county offices of the Victim Support Service. There are also a few NGOs that operate in the field of victim support. The White Ring Association is specialised in assisting victims of any crime and it provides similar services as the state agency, however the scope of its activities is rather limited due to financial burdens
IE	Various non-governmental victim support organisations – e.g. the Federation for Victim Assistance (10 branches); Support After Crime Services; ITAS.
IT	
LT	
LU	In Luxembourg there are few generic victim support organisations, as typically, each organisation is tasked with clear missions and has clear responsibilities. They are two; Waise rank Service d'aide aux victimes du parquet general. Other organisations offer assistance to victims of a particular type of violence.
LV	
MT	Victim Support Malta (VSM).
NL	Victim Support Netherlands (VSN) (<i>Slachtofferhulp Nederland</i> , SHN).
PL	Support Network for Victims of Crimes (<i>Sieć Ośrodków Pomocy dla Osób Pokrzywdzonych Przestępstwem</i>) consisting of 15 victim support centres, their local branches and support units, which receive funds from the Fund for Crime Support and the Post-Penitentiary Support. On the local government level there are also social welfare centres (<i>ośrodki pomocy społecznej</i>), crisis intervention centres (<i>ośrodki interwencji kryzysowej</i>) or the support centres (<i>ośrodki wsparcia</i>), which offer support for people in various crisis situations.
PT	Portuguese Association for Victim Support (<i>Associação Portuguesa de Apoio à Vítima</i> , APAV) - 15 victim support offices located throughout the country.
RO	
SE	The Swedish Association for Victim Support (<i>Brottsofferjouernas Riksförbund</i> , BOJ) is the national umbrella organisation for victim support services with about 100 local victim service centres in Sweden.
SI	
SK	Non-governmental organizations are virtually the only active players in the field of victim support services. <i>Pomoc obetiam násilia</i> is the leading victim support service provider.
UK	Victim Support (England and Wales) Victim Support (Scotland) Victim Support (Northern Ireland)

Annex 3 –list of specialised areas of victim support chosen in phase 2 (for countries with no generic victim support organisations)

BG	Domestic violence and stalking and trafficking in human beings.
EL	Domestic violence and stalking and trafficking in human beings.
IT	Trafficking in human beings and sexual abuse of children
LT	Domestic violence and stalking and trafficking in human beings.
LV	Sexual abuse of children and stalking and trafficking in human beings.
RO	Sexual abuse of children and stalking and trafficking in human beings.
SI	Domestic violence and stalking and trafficking in human beings.