Attachment No. 4 C – legal remedies for the injured

**Extension of the application of the State Compensation Act to all victims of trafficking in human beings**

The aim of the State Compensation Act is not to provide a faster route for awarding compensation for persons injured by crime, but to ensure that certain benefits are received from the State after observing the requirements of the Act (specified consequences occurred, certain expenses incurred, the injured person's permanent place of residence, inability to obtain compensation from the offender or from insurance). The Act implements Council Directive 2004/80/EC of 29.04.2004 relating to compensation to crime victims. It also takes into account the provisions of the Council of Europe Convention of 24 November 1983 on compensation of victims of violent crimes. The Act is consistent with both legal acts.

Extending the law to victims of trafficking in human beings regardless of their permanent place of residence or suffered damages would lead to unjustified discrimination against victims of other crimes. It would also give rise to substantial practical problems related to securing compensation in the event that the victim is domiciled in a non-EU country. The Act provides, in accordance with the aforementioned directive, for specific mechanisms of cooperation between EU countries only in order for the victim to obtain compensation.

The limited scope of compensation (compared to indemnity on the basis of the Civil Code and the Criminal Code) and its subsidiary nature, as well as the scope of application of the Act, which in principle is limited to EU countries and the aforementioned risk of discrimination, cause that such an extension is not justified. This extension would also not fulfil the requirements of the 2005 Council of Europe Convention on Action against Trafficking in Human Beings. Firstly, Polish law already provides for the possibility of claiming compensation from the perpetrator during civil or criminal proceedings. It therefore ensures the implementation of Article 15 (3) of the Convention. Secondly, assistance to victims of trafficking in human beings is provided from the Fund and consists in legal, psychological and social aid. It therefore implements the requirements set out in Article 15 (4) of the Convention.