

Input of Poland to the report of the SG on Trafficking in women and girls (as per A/RES/77/194)

In Poland, there is a coordinated system of support and care for victims of human being trafficking (THB), providing a specialized offer of assistance and a uniform procedure in such cases.

Poland is at the same time a country of origin, transit and destination for victims of THB. The current situation on the Polish-Ukrainian border and the dramatic situation of people fleeing military aggression and humanitarian catastrophe increases the risk of criminal groups operating in the THB area. The war and the migration of large groups of refugees require special attention to vulnerable groups, i.e. children and women who are particularly at risk of THB.

The most frequently identified form of exploitation in Poland in recent years is forced labour. However, due to the large influx of Ukrainian refugees, especially single women and children, sexual exploitation remains a major threat. To ensure the safety of Ukrainian refugees, Poland has implemented a number of solutions to protect them.

1. Legislative actions

- The authority in charge of the criminal proceedings identifies personal qualities and conditions of the aggrieved party and the nature and extent of adverse effects of a crime committed against the aggrieved party, by means of an aggrieved party's individual assessment questionnaire, in order to determine the need to examine the aggrieved party in a special mode, allow a minor's examination to be attended by a person of their choice, or to perform procedural steps with the aggrieved party in absence of the suspect/accused (Article 52a CCP).
- In criminal proceedings, an aggrieved party who is a minor is represented by a statutory representative or a person who has the minor under their care (Article 51(2) of the Code of Criminal Procedure – CCP). Should irremovable doubt arise regarding the age of an aggrieved party and it can be reasonably assumed that they are minor, the criminal procedure for minors applies (Article 49b CCP).
- Aggrieved parties aged below 15 at the time of the examination who were victims of offences committed with the use of violence or unlawful threat, against sexual freedom and decency, or against family and guardianship, are examined in a special mode (Article 185a CCP). They are examined in a so-called friendly hearing room, which meets the criteria set out in a regulation of the Minister of Justice. Friendly hearing rooms are designed to reduce the stress and trauma caused by the examination. Only a judge and a psychologist are present in such a room. Other participants stay in a separate room and may ask questions to the aggrieved party only through the judge. The image and sound recordings are made during the examination to be later replayed during the main trial. The aggrieved party is not questioned again during the trial unless some relevant circumstances emerge, the clarification of which requires another examination, or when the accused requests that such evidence be taken.
- Witnesses who are not victims and are under 15 years of age at the time of examination shall also be questioned in the same manner in cases concerning offences committed with the use of violence or unlawful threat or against sexual freedom and decency, or against family and guardianship (Article 185b CCP).

- The aggrieved party in cases concerning rape or coercion into other sexual activity, aged above 15 at the time of examination, shall only be examined if their testimony may be vital for the solution of the case and only once. An examination can only be repeated if relevant circumstances emerge which need to be clarified, or when the court grants an evidentiary motion made by the accused. The examination is conducted with the attendance of an expert psychologist. At the request of the aggrieved party, it should be ensured that the expert psychologist be of the gender of their choice. Besides the transcript of the examination also the image and sound recordings are made to be later replayed during the main trial. A person of age, chosen by the aggrieved party, may participate in their examination (Article 185c CCP).
- Pursuant to the Act of 5 August 2015 on the gratuitous legal aid, gratuitous civic counselling, and legal education (Journal of Laws of 2021, item 945), every aggrieved party is entitled to free legal aid. They are instructed on their rights and obligations as well as the ways of solving their legal problem by a professional lawyer at a free legal aid point. They can also be helped to draft pleadings. Free legal aid is addressed to people who cannot afford to pay lawyer's fees and is available in more than 1500 centres across Poland. The conditions of eligibility for the free legal aid are available from the Ministry
- *The Law on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine* has increased the penalties provided for in the Criminal Code for committing the crime of trafficking in human beings. For the crime of trafficking in human beings, the court will impose a penalty of 10 to 15 years of imprisonment or 25 years of imprisonment;

2. Procedural developments

- Raising the rank of the Team for Counteracting THB at the Ministry of the Interior and Administration to the rank of the **Inter-ministerial Team for Counteracting Trafficking in Human Beings** (26.09.2023); this will have a positive impact on the initiation and implementation of tasks, strengthen and improve the current system of combating the crime of THB and protecting and supporting victims, especially in the situation related to the refugee crisis.

3. Preventive actions

- a significant (almost 40% - to PLN1.72 million) increase of the budget of the National Intervention and Consultation Centre for Victims of Trafficking in Human Beings (KCIK)¹ in 2023;
- constant contact with the THB counteracting coordinators from the Border Guard and the Police, as well as with NGOs and other institutions involved in helping, in particular with the regional Teams for Counteracting Trafficking in Human Beings;
- develop and publish a handbook: *Trafficking in human beings – practical aspects of conducting investigations*² (August 2022) for persons conducting proceedings related to THB; it points out that the responsibility of penal systems is not limited only to the

¹ The aim of the KCIK is to meet the needs of victims of trafficking in human beings – regardless of nationality – by: running a 24-hour helpline for victims and witnesses of LGBT and telephone preventive counselling, providing basic necessities, crisis intervention, reintegration assistance, running shelters and safe accommodation/shelter; consulting for state and local government institutions on working with LGBT victims, including institutions/entities providing assistance to victims.

² <https://www.gov.pl/attachment/dc41a856-3f04-4540-ab53-1c40731699ae>

criminalisation of acts, but also consists in an effective process of identifying victims, properly conducted preparatory and investigative activities, as well as cooperation with victims and institutions participating in the system of combating THB;

- developing a procedure for checking the legality of foreign entities and security checks on people declaring their willingness to help refugees from Ukraine; the document indicates two procedures: at the national level (through the Police) and at the international level (through the Ministry of Interior and Administration and the Ministry of Foreign Affairs);
- stepping up checks on people organising transports for refugees;
- the project entitled *You are not for sale, don't let yourself be bought! Counteracting the causes of the crime of trafficking in human beings* (for 2022-2025) – as part of it, a number of trainings are conducted for young people, students, but also for women in penitentiary institutions.

4. Action on protection of the minors

The influx of refugees from Ukraine, including minors and unaccompanied children, has necessitated additional measures to ensure the safety and effective care of unaccompanied minors:

- the obligation to keep registers of unaccompanied minors - in accordance with the new regulation, a minor citizen of Ukraine who has arrived on the territory of the Republic of Poland without the care of a person having actual care over him, and a minor citizen of Ukraine who has arrived on the territory of the Republic of Poland and was placed in foster care on the territory of Ukraine prior to arrival, are subject to entry in the register³;
- drawing up recommendations for the person supervising the exercise of the rights and duties of the temporary guardian referred to in Article 25 of the *Law of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict on the territory of Ukraine*;
- drawing up a procedure for dealing with foreign minors when crossing the border;
- as of 15 February 2024, all actors working with children are required to implement child protection standards; a set of principles that put child protection at the heart of the organisation's activities and values, thereby helping to create a safe, non-violent and friendly environment in all actors working for children;
- funding of a 24-hour helpline for children.

5. Information actions

- information campaign *Do not trust unlimitedly. Don't be a victim of human trafficking*; leaflets (0.5 million) in UA and ENG languages were distributed at border crossings points, providing basic information on the threat of THB and contact details for relevant aid agencies;
- information and education campaign (2023) on selected social media, aimed at citizens of Ukraine, Poland and people from Latin America on the phenomenon of THB, in particular on forced labour (approx. 2 million recipients);

³ In 2022 r. there were registered 671 of temporary guardians, while in 2023 – 172.

- an alert on potential threats, including the KCIK number and a special police helpline (information on THB and sexual offences, paedophilia and child pornography) has been launched; these alerts reach people coming to Poland from the territory of the UA;
- telephone and e-mail services in Ukrainian and Russian languages for children and young people coming to Poland from Ukraine; the helpline is run by psychologists from Ukraine⁴;
- due to the increased number of victims identified from South America (e. g. Colombia, Guatemala, Venezuela, Mexico) printed informational and educational materials in English and Spanish (250 000 leaflets).

6. Identification actions

- The Police have launched telephone and e-mail services for people who want to provide information about THB cases, sexual offences and disappearances of refugees and their families (in case of suspicion of THB - citizens of Ukraine, as well as all other countries can ask for help from the KCIK);
- basic procedures have been developed such as:
 - algorithm of conduct of law enforcement officers in case of disclosure of the crime of THB,
 - algorithm for the identification and treatment of a minor victim of THB for officers of the Police and Border Guard,
 - procedure for employees of the Office for Foreigners considering applications for international protection in case of preliminary identification of a foreigner as a victim of THB,
 - guidelines for labour inspectors with an accompanying list of indicators for identifying potential victims of THB for forced labour.

7. Trainings

- for consular candidates, for directors and staff of educational entities and social workers, staff of the Office for Foreigners;
- workshops on combating THB for border guards, police, prosecutors, judges, court prosecutors and NGOs, as well as labour inspectors.

⁴ Project run by We Give Children Strength Foundation in cooperation with Orange Foundation.