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Report of the fact-finding mission to Poland by
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30 May – 3 June 2022

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I. INTRODUCTION

I.1. CONTEXT OF THE MISSION

1. The aggression by the Russian Federation against Ukraine, which started on 24 February 2022 led to the most important influx of refugees in Europe since World War II. Within days, millions left the country, seeking safety in neighbouring countries, and beyond.
2. Following the onset of the crisis in Ukraine, the Special Representative of the Secretary General (SRSG) on Migration and Refugees convened, on 9 March 2022¹, an extraordinary online meeting of the Council of Europe (CoE) Network of Focal Points on Migration to obtain information about the civilian population fleeing Ukraine. The meeting provided an opportunity to highlight the need to protect persons in vulnerable situations from abuse, exploitation and trafficking. Further needs in terms of access to healthcare including adequate support for psychological assistance, access to education, linguistic integration and access to the labour market were also emphasised by the Focal Points. Subsequently, the SRSG convened a meeting on 24 March 2022 of the Inter-secretarial Coordination Group of the CoE, in order to address the needs of the refugees, as established by the Focal Points and to co-ordinate CoE's activities with the aim to provide adequate assistance on the ground, within the CoE's mandate, and in line with the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe 2021-2025 (Action Plan)². The SRSG organised an online meeting on 8 April 2022 with the representatives of international organisations such as the UNHCR, IOM, UNICEF, EU FRA and OSCE/ODIHR³. The main purpose of this meeting was to exchange information on the actions carried out by these international organisations in the context of the crisis in Ukraine⁴ and to determine how best the CoE, within its mandate, can complement the ongoing efforts. The SRSG also exchanged with representatives of the civil society during the Spring Session of the Conference of INGOs on 5 April 2022.
3. Based on the outcomes of these meetings and in accordance with her mandate⁵, the SRSG decided to carry out fact-finding missions to those member states most affected by this sudden and unforeseen influx of refugees.
4. The martial law prohibiting men (18-60 years) from leaving Ukraine⁶ means that around 90% of those who have fled are women, children, the elderly and others in need of urgent assistance. The Action Plan is the best toolbox for the SRSG in her fact-finding missions, and enables the CoE to respond to the needs of people fleeing Ukraine.

¹ [Extraordinary meeting of the Network of Focal Points on Migration regarding the situation of people fleeing Ukraine - News \(coe.int\)](#)

² [Action plan on protecting vulnerable persons in the context of migration](#)

³ [Refugees fleeing Ukraine: exchange of information with international partners - News \(coe.int\)](#)

⁴ See in this context the [Ukraine Regional Refugee Response Plan \(RRP\)](#) providing a comprehensive response by UN agencies to support countries' efforts to protect and assist refugees coming from Ukraine and [EU/FRA report: EU-Ukrainian border check points: First field observations](#)

⁵ [Mandate of the SRSG \(coe.int\)](#)

⁶ See <https://zakon.rada.gov.ua/laws/show/en/64/2022#Text> (available only in Ukrainian)

I.2. DATES AND DELEGATION

5. This report was prepared following the visit by the SRSG to Poland between 30 May and 3 June 2022 with a view to seeing first-hand the challenges on the ground and the Polish authorities' response to them. The report gives an overview of the situation of people having fled from Ukraine in Poland based on the observations of the SRSG and her team during the mission. The visit was also aimed at assessing needs and whether the CoE could provide adequate assistance, notably through the Action Plan. The primary focus therefore is on vulnerable groups. Major issues such as access to accommodation, access to healthcare, access to the labour market, which play significant roles for the protection and inclusion of these people in the long run, are also addressed.
6. Considering the fact that Poland hosts a large number of children, and given their extreme vulnerability⁷, the SRSG included in her delegation a member of the CoE Committee of the Parties of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), Mr George Nikolaidis. His role was to provide thematic expertise on this issue identified as a priority. The SRSG's political advisor Ms Kinga Jensen-Magyar, and senior programme officer Mr Vedran Ian-Kjeldsen also assisted the SRSG, Ms Leyla Kayacik, during the mission.
7. The support given by the Ministry of Foreign Affairs of Poland in planning and organising this visit was essential and is much appreciated as was the openness of the Polish authorities throughout the visit.

I.3. MEETINGS AND SITES VISITED

8. In Warsaw, the SRSG met with the State Secretary of the Ministry of Family and Social Policy, Mr Stanisław Szwed, the Director of the Department for United Nations and Human Rights of the Ministry of Foreign Affairs, Mr Paweł Radomski, the Focal Point of Poland of the Ministry of the Interior and Administration, Ms Aleksandra Suska Mentel, together with representatives of the Office of Foreigners and the Polish Border Guards. At the Nadarzyn reception centre, she was welcomed and guided by the Governor (Voivode) of Mazowieckie region, Mr Konstanty Radziwiłł. Furthermore, the SRSG had the opportunity to exchange with the Deputy Commissioner for Human Rights, Ms Hanna Machińska.
9. In view of the key role played by local authorities in the context of the current crisis, the SRSG met with Mr Jacek Najder, the Director of the International Co-operation Office of the City of Warsaw, as well as the Director of the Office of the Union of Polish Metropolises, Mr Tomasz Fijolek.
10. In Warsaw, the SRSG exchanged views with representatives of UNHCR, UNICEF, IOM and OSCE/ODIHR, as well as with the European Commission Representation in Poland. She also met with representatives of the civil society, including Ukrainian NGOs based in Poland and representatives of the academia.
11. The SRSG met with judge Katarzyna Kościów-Kowalczyk of the Family Court in Jawor and Magdalena Bartosiewicz, co-ordinator of the Legal Aid Co-ordination Centre of the National Council of Attorneys at Law.

⁷ <https://www.coe.int/en/web/children/-/lanzarote-committee-calls-for-urgent-need-to-ensure-safe-passages-and-measures-to-address-the-risk-of-exposure-to-sexual-abuse-for-the-ukrainian-child>

12. The SRSG visited two reception centres, the Stalowa Wola and the Nadarzyn centres. The Nadarzyn centre, located in the outskirts of the capital, is one of the high-capacity assistance centres which provides immediate help for refugees arriving in Warsaw from Ukraine. The centre (officially Ptak Humanitarian Aid Centre) was established following an agreement between the Governor (Voivode⁸) of Mazowieckie region and a private entity, Ptak Warsaw Expo Centre, the operator of the exhibition and fair centre near Warsaw.
13. The Ptak Warsaw Expo Centre was transformed into a network of facilities for refugees. One of the big expo halls became the main reception point. It is the final stop for buses carrying refugees from the eastern border and the starting point for coaches heading to the relocation points. Three large halls are currently sleeping areas, filled with field beds and equipped with sanitary facilities, field medical aid stations, and dispensing points for clothing, hygiene items and meals. There is also a veterinary point. The last large hall has been designated as a warehouse. The whole facility is manned by Ptak Warsaw Expo employees, volunteers, groups of police officers, doctors delegated from both public and private institutions, and territorial defence troops providing security. The SRSG was informed that in spite of the large number of arrivals from day one of the conflict the centre became operational in an extremely short time. The centre provides immediate humanitarian aid for urgent needs. Access to all means of assistance in terms of health, legal, psychological and social support is available on site. The centre enables people to rest, ideally only for a couple of days, before moving on or being voluntary transferred to other regions and municipalities (or countries if they so wish) with arrangements being made for longer stays. Information is available on all different issues both in Ukrainian and English (from temporary protection procedures and PESEL-number requests⁹ (see part II.2.)), warnings on the danger of abuse and exploitation, available psychological support providers, enrolment into the labour market), with visible posters, leaflets, internet sites and mobile applications and/or QR code references. People can also turn to local staff for questions and flag their need for assistance.
14. At the time of the visit, there were around 4 000 people staying in the centre, with many staff and volunteers around the facility. The number of refugees is constantly changing as people were moving on to more permanent shelters. The SRSG was informed that the centre can accommodate up to 20 000 people. The security around the centre seemed adequate with police patrolling the area and security guards permanently present. The current setup of the centre is unsuitable for stays longer than a couple of days. The big expo halls are lacking in privacy. There are common areas for sleeping for hundreds of children and adults, male and female together on camping beds with limited distance. There were also relatively few sanitary facilities for all of the residing people. While there is a small, area separated for smaller children to play, there is no appropriate area allocated for bigger children to follow on-line schooling and/or recreation and sports activities.

⁸ The Voivode is the representative of the central government in a regional district (Voivodeship). He/she is responsible for the implementation and execution of government programmes and supervises all government institutions operating in the region. The Voivode also represents the State Treasury. Furthermore, Voivodes play a significant role in relation to emergency situations, co-ordinating humanitarian aid and emergency responses. Based on these original responsibilities, the Voivodes were assigned to co-ordinate the Government's response to the needs of Ukrainian refugees in relation to their region.

⁹ A special office is set up within the facility for this purpose.

15. The SRSG also visited the reception centre specially set up for unaccompanied children in Stalowa Wola. The centre is located approximately 2 hours from the Medyka border crossing point. It was established by the Polish Government (the Ministry of Family and Social Policy) in co-operation with the local authorities of Stalowa Wola, very quickly after the aggression started on 24 February 2022. It functions as a first hub of arrival for evacuated children arriving unaccompanied, or in groups from different institutions in Ukraine and is serving as a first point of registration and referral towards more permanent accommodation. Pursuant to an agreement with the Ukrainian Ministry of Social Policy, an institution of a temporary guardianship was established in the framework of the Special Law (see part II.2.) in order to help keep track of minor Ukrainian citizens staying in Poland¹⁰. Procedures connected with appointing these temporary guardians are carried out in the centre and the underage refugees are then relocated to other regions of the country. This can be to institutional care facilities or into foster care families designated as temporary guardians or to other EU member states, which expressed their willingness to accommodate children/children with special needs, such as children with disabilities (see part IV.1.1.).
16. Notwithstanding the observations regarding children's needs it appears that both venues serve their main purpose: being a first arrival and registration point and immediate assistance provider for those fleeing Ukraine. The co-ordination and co-operation between state authorities, civil society organisations and volunteers is in general well established and organised.
17. The SRSG was not able to visit another reception centre in Warsaw¹¹, as just a couple of days before the visit a chickenpox epidemic broke out and the location was temporary closed for visitors¹².

II. ACCESS TO PROTECTION PROCEDURES

II.1. FIGURES AND DATA

18. Poland was home to the largest Ukrainian community in the European Union before the aggression, with approximately 1.6 million Ukrainians in the country, many of them working in construction and public service provider companies and institutions. In view of the already existing political, economic and personal ties, with a strong Ukrainian diaspora, and the fact that Ukraine shares its second longest western border¹³ with the country, Poland became the primary destination for the fleeing refugees.

¹⁰ <https://www.gov.pl/attachment/fd791ffb-c02b-4e99-b710-e8ed3a9a821b>

¹¹ Modlinska street Reception Centre.

¹² Information was received since the visit that the Modlinska street Reception Centre will be closed definitively and persons from the centre will be transferred to the Nadarzyn Reception Centre.

¹³ The largest is the Ukrainian-Romanian border, which partially stretches across the Carpathian Mountains and is therefore less accessible.

19. According to the information received from the Ministry of the Interior and Administration, within 3 months¹⁴ over 3.6 million people arrived in Poland from Ukraine, the majority of whom – almost 95 % – women, children and elderly. From the period of 20 March until 10 May, the daily number of arrivals were between 17 000 and 36 000 people, with the highest registered on 6 March (over 140 000 in one day). By the time of the visit of the SRSG, 1.16 million returned to Ukraine (approximately 15 000 a day, on 10 May 22 000)¹⁵: men who wished to fight for their country, women and children wishing to be close to family and relatives. There were approximately still more than 2.5 million Ukrainian citizens in Poland at the time of the visit¹⁶.
20. Since the start of the aggression against Ukraine on 24 February 2022, Polish state and non-state actors, governmental and local authorities, civil society, private companies and individual people have mobilised and joined forces in an unprecedented way to facilitate border crossings and directing refugees to their first accommodation places or to help them to continue their journey to other countries. Free trains and bus transfers from the borders within Polish territory and public transport in the numerous cities was made available. At the border, in order to facilitate contact with the arrivals and to make phone communication in Poland cheaper, refugees, if they requested, were given a Polish mobile phone operator sim card¹⁷. These efforts allowed for better registration of arrivals in the first months, when Poland faced the biggest influx of people.
21. Authorities have also been in close contact and co-operating since day one of the conflict with their partners in neighbouring states, the Czech Republic, Germany and the Slovak Republic. Co-operation with non-EU countries has also been regular, as some of the refugees wished to continue their journey and stay with relatives, friends, members of the Ukrainian diaspora already residing in those states¹⁸.
22. According to the information received, 60-70 percent of the arrivals are spread out in the 12 biggest cities, the majority in Warsaw (750 000 people¹⁹). At the time of the visit, most of the refugees were hosted by private individuals, which until 1 July 2022 were financially supported by the Government so as to avoid creating large and permanent refugee camps²⁰. The aim is to support refugees' quick access to the labour market and enable them to be self-sustainable as soon as possible.
23. Considering these unprecedented large-scale arrivals in this short period of time, the efforts of the Polish authorities at all levels, civil society, volunteers and individuals are highly commendable. The Polish local authorities and individuals had provided generous support within their limited resources and deployed continuous efforts in securing basic services to all those in need.

¹⁴ The number reflects the periode from 24 February until the visit of the SRSG and is based on UNHCR data registered since 24 February 2022. Over 3,627,178 persons arrived to Poland from Ukraine – 58% of total number arriving to the EU.

[Situation Ukraine Refugee Situation \(unhcr.org\)](https://www.unhcr.org/situation-ukraine-refugee-situation)

¹⁵ Information received from the Ministry of the Interior and Administration on 2 June 2022.

¹⁶ The number reflects both those, fleeing the war and those already residing in the country prior to 24 February 2022.

¹⁷ Information received from the Ministry of the Interior and Administration on 2 June 2022.

¹⁸ Information received from the Ministry of the Interior and Administration on 2 June 2022.

¹⁹ Information received by the representative of the Warsaw City Hall.

²⁰ Statement on behalf of many state-level interlocutors.

24. A systematic vulnerability assessment to identify special needs could be put in place, to facilitate prompt identification of heightened vulnerability²¹, prioritise those most vulnerable and refer women in need of protection, single parents with small children, unaccompanied children, elderly persons, persons with disabilities, LGBTI+ persons²², and other groups with specific needs.
25. The SRSG underlines the importance to continue the exemplary co-ordination efforts experienced in the first months of the crisis also in the medium and long-term, involving all relevant players.

II.2. LEGISLATIVE FRAMEWORK AND ACCESS TO TEMPORARY PROTECTION

26. Poland did not declare a state of emergency due to the mass influx of people fleeing the aggression in Ukraine. Following the decision of the Council of the European Union²³ to activate the EU Temporary Protection Directive²⁴ on 4 March 2022, the Polish Parliament adopted on 12 March 2022 the law "on assistance to citizens of Ukraine in connection with armed conflict on the territory of that country" (also referred to as the "Special Law"). The law was amended on 26 March 2022²⁵.
27. The Special Law defines the rules to legalise the residence and work of Ukrainian citizens who came to Poland because of the aggression, directly from the territory of Ukraine as from 24 February 2022. It applies to all citizens of Ukraine and to their spouses and children if they do not possess Ukrainian citizenship and if they arrived in Poland directly from the territory of Ukraine. It also applies to all Ukrainian citizens who are holders of a "Card of Pole", and their immediate family members, who arrived in Poland after 24 February 2022. The holders of the Card of Pole are entitled to all the benefits regardless of whether they crossed the Polish-Ukrainian border or first left Ukraine to a different neighbouring country and then came to Poland²⁶.
28. According to the Special Law, if a Ukrainian citizen enters the territory of Poland legally and declares her/his intention to stay in the territory of Poland, her/his stay is considered legal for an 18-month period as of 24 February 2022, i.e. until 24 August 2023, providing the person with a temporary protection status during this period. However, if the person leaves Poland for a period longer than 1 month, this will deprive her/him of the possibility to legalise her/his stay for 18 months.

²¹ See case-law of the European Court of Human Rights on the obligation to take active steps to detect vulnerabilities at the earliest stage possible through effective vulnerability assessment procedures, and to ensure that individuals are informed about such procedures: ECtHR, *Rahimi v. Greece*, No. 8687/08, 5 April 2011; *Thimotheos v. Belgium*, No. 39061/11, 4 April 2017; *Abdi Mahamud v. Malta*, No. 56796/13, 3 May 2016 – see also [Note CoE/FRA](#) on the fundamental rights of refugees, asylum applicants and migrants at the European borders, March 2020.

²² The particular vulnerability of LGBTI who need be protected from discrimination and stigmatisation, prejudice and violence based on sexual orientation and gender identity was underlined by: the CoE Secretary General [IDAHOT: LGBTI persons fleeing war face specific risks and need protection](#), the Commissioner for Human Rights LGBTI people affected by the war in Ukraine need protection; and Christophe Lacroix (Belgium, SOC), the Parliamentary Assembly's General Rapporteur on the rights of LGBTI people [General rapporteur expresses deep concern for the rights of LGBTI people in or fleeing Ukraine \(coe.int\)](#)

²³ [Publications Office \(europa.eu\)](#)

²⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0055&from=EN>

²⁵ <https://www.gov.pl/web/udsc-en/the-law-on-assistance-to-ukrainian-citizens-in-connection-with-the-armed-conflict-on-the-territory-of-the-country-has-entered-into-force>

For the amendments and their entry into force, see also [FRA's first UA Bulletin](#), Annex (p. 26)

²⁶ <https://www.gov.pl/web/diplomacy/poles-card-recipients-and-benefits-information-for-interested-people-from-ukraine>

29. The Special Law also provides for the assignment of a personal registration number (PESEL – identification number of the Universal Electronic Population Register System) to Ukrainian citizens who have come to Poland in connection with the aggression²⁷ and wish to stay in Poland under the EU Temporary Protection Directive and its Council Implementing Decision. This gives the holder all rights available to Polish citizens with the exception of the right to vote.
30. Submitting an application for a PESEL number no later than 60 days after entering in Poland is necessary, unless the Ukrainian citizen or her/his immediate non-Ukrainian family member entered directly from Ukraine and were not registered by the commanding officers of the Border Guard post during border control. In this instance, the stay will be registered on the basis of the application for a PESEL number²⁸.
31. It is only by possessing a PESEL number that Ukrainian refugees are entitled to free access to the state healthcare system, the labour market, education and to aid benefits. Along with the assignment of a PESEL number Ukrainian citizens can also set up a trusted online profile in order to facilitate access to a number of online public services²⁹.
32. Application for a PESEL number has been accessible since 16 March at any municipal office. Until the date of the SRSG's visit, 1 100 000 Ukrainians (adults and children) had already received a PESEL number³⁰. A special procedure is provided for obtaining a PESEL number on application containing a catalogue of basic data, which allows the authorities to properly register Ukrainian refugees arrived in the country since 24 February 2022. According to the Ministry of the Interior and Administration, the voluntarily received PESEL numbers also contribute to better plan further refugee policy at the state level.
33. A citizen of Ukraine, whose stay on the territory of Poland is or was considered legal on the basis of Article 2(1) or (2) of the Special Law, shall, upon their application, be granted a one-off temporary residence permit, for a period of 3 years, counting from the date of issuance of the decision. The temporary residence permit is granted by the competent Voivode for the place of stay of the Ukrainian citizen on the day the application is submitted. However, according to Article 38 of the Special Law, the application shall be submitted no earlier than after 9 months from the date of entry and no later than within 18 months from 24 February 2022, otherwise it will not be considered by the competent Voivode³¹.
34. While praising the efforts and generosity of the Polish authorities in providing protection for those fleeing Ukraine, the SRSG considers that a proactive approach to registration is necessary. Unregistered persons, in particular children, whose whereabouts are unknown to the state authorities are more exposed to abuse, exploitation and violence, meanwhile their situation cannot be monitored.
35. The SRSG also underlines the importance of providing more comprehensive information on the need of requesting the PESEL number, as the latter allows not only for proper registration but is the only way to practically benefit of the basic rights and services secured in the EU Temporary Protection Directive (such as healthcare)³².

²⁷ <https://www.gov.pl/web/gov/uzyskaj-numer-pesel-oraz-profil-zaufany--uslugu-dla-obywateli-ukrainy> (available only in Polish)

²⁸ <https://www.gov.pl/attachment/fd791ffb-c02b-4e99-b710-e8ed3a9a821b>

²⁹ <https://www.biznes.gov.pl/en/firma/how-to-handle-official-matters-in-poland/handling-official-matters-via-biznes-gov-pl/how-to-handle-official-matters-and-sign-documents-online-at-biznes-gov-pl/trusted-profile-and-electronic-signature-signing-documents-sent-to-offices-via-the-internet>

³⁰ Information received from the Ministry of the Interior and Administration on 2 June 2022.

³¹ See para 11: <https://www.gov.pl/attachment/fd791ffb-c02b-4e99-b710-e8ed3a9a821b>

³² [Temporary protection \(europa.eu\)](https://europa.eu)

36. Information was also received from NGOs, including Ukrainian NGOs that people, who intend to visit family and relatives in Ukraine, often refrain from doing so as they are worried about the consequences of leaving Poland, even temporarily. Providing an official proof of the temporary protection status would facilitate crossborder and EU Schengen-area access to all those who fall under the legal provisions of the Special Law.

III. RECEPTION AND INCLUSION

III.1. ACCESS TO ACCOMMODATION

37. Being the primary country of arrival, Poland demonstrated exceptional generosity in welcoming refugees from Ukraine and providing access to basic rights and services. Today, the number of people arriving is lower in comparison to early March 2022, when over 100 000 people were arriving per day. Despite the relatively small number of border crossing points (eight by road and six by rail) along the 535 km long Polish-Ukrainian border, the Polish Government managed to reorganise its border control system quickly and successfully, allowing a large influx of people to enter without queues building up. While refugees' entry into the country was registered, the subsequent whereabouts of many within the country, was still unknown³³. (See I/3. paras 14 and 15 on access to emergency services/reception centres.)
38. According to the official data received, approximately 1.1 million of refugees have been registered in Poland, meaning that they have obtained a PESEL identification number at the time of the visit of the SRSG. On the other hand, almost half of the refugees residing in the country still have not requested or obtained the PESEL number and their whereabouts in the country was not known by the authorities.
39. The State has secured adequate reception capacity in centres providing immediate assistance, although at the time of the visit a very small number of refugees were staying there. Instead, refugees prefer to stay with relatives and friends, private hosts or rent properties of their own³⁴. The government ensured the financial assistance to the hosts of Ukrainian refugees in the amount of PLN 40 (8.5 Euros) per day, per person hosted, but this provision only applies for Ukrainians possessing a PESEL number³⁵. It is important to note that this assistance was not only available to Polish nationals hosting, but also to Ukrainian nationals living in Poland. The SRSG was informed that this type of assistance would only be available until 1 July 2022³⁶, which will have an impact on medium and longer-term housing solutions for the refugees residing in the country.
40. Interlocutors warned that the withdrawal of the financial assistance, however limited, could have an impact on the support provided to refugees by individuals. With time, people might also wish to return to their routine and privacy. This will create an additional pressure on refugees to try to find other adequate accommodation as well as on the Government and local governments to provide for more sustainable solutions.

³³ [Europe and Central Asia Region \(ECAR\) – Ukraine Situation: Refugee Response in Neighbouring Countries Humanitarian Situation Report No. 2 – 2022](#)

³⁴ IOM informed the delegation that approximately 34% of the refugees stay with families and friends, 24% with Polish friends, 20% rent flats and only 3% are staying in collective centres.

³⁵ [Poland: Financial assistance period extended for hosts of those fleeing Ukraine | European Website on Integration \(europa.eu\)](#)

³⁶ Information provided by the Ministry of Family and Social Policy on 2 June 2022.

41. According to the Union of Polish Metropolises, almost 15% of all Ukrainians staying in Poland live in Warsaw and its satellite towns, followed by municipalities in Upper Silesia and Dąbrowa Basin, Wrocław, Kraków and Gdańsk. This is mostly because of existing family ties, job opportunities and available housing. The actual numbers of people residing in these cities and their whereabouts remain unknown, as many still did not register for the PESEL number³⁷.
42. The real-estate/rental prices have significantly increased in Warsaw since 24 February 2022, making most of them inaccessible to refugees, either because of high cost of renting or simply because the owners would prefer to have tenants who are committed to staying long-term, hence making it more difficult for refugees to obtain appropriate housing.
43. Access to housing was placed as first priority by all interlocutors during the meetings. They also pointed at the uneven distribution of refugees within the country, due to which, certain local governments are under extreme pressure to provide the necessary services. This will inevitably impact their overall functioning, might lead to resentment of the local population and affect the overall aspect of the community cohesion and integration.
44. Even though the resources are limited, central, regional, and local level governments are determined to address the issues of access to housing. The key supporting role of civil society and international organisations has been highlighted by the officials. From the meetings held with different interlocutors, the SRSG noted the heavy burden on local governments and their need for more substantive financial support. She also noted the different options currently available to address the problem of housing. Some of them include relocating refugees within Poland, which would require close co-ordination and co-operation between Voivodeships and local governments, as well as a possibility of constructing modular housing, with adequate conditions to spend the winter and summer months there.
45. While the refugees hope that they will soon be able to return to their homes and loved ones, all interlocutors acknowledged the risk that this might not happen in a foreseeable future. If the situation worsens, Poland might be faced with another large influx of people fleeing the aggression, therefore creating even additional pressure on all concerned.
46. The SRSG praises the efforts that have been carried out by different actors as an immediate response and underlines the need for strengthened co-ordination and systemic approach, which provides for sustainable solutions for medium and long-term. In this respect, she welcomes the signature of a record €450 million loan of the CoE Development Bank (CEB) with Poland to aid displaced people from Ukraine on 24 June³⁸.
47. It is important to note that the CEB, through its Migrant and Refugee Fund (MRF), previously approved grants worth almost €2.6 million to the country offices of the IOM in neighbouring countries to Ukraine, including Poland³⁹. The almost €900 000 worth grant to IOM Poland aims at facilitating the provision of emergency assistance to people fleeing Ukraine. It encompasses psychosocial and mental health assistance; assistance through a dedicated info-line; shelter; water and sanitation assistance in transit centres; labour market inclusion; data collection; and transport assistance⁴⁰.

³⁷ According to the information received, the City of Warsaw hosts approximately 750 000 refugees, however, only 100,000 of them have obtained the PESEL identification number at the time of the visit of the SRSG.

³⁸ [CEB signs a record €450 million loan with Poland to aid displaced people from Ukraine | CEB \(coebank.org\)](#)

³⁹ [CEB and Ukraine refugees | CEB \(coebank.org\)](#)

⁴⁰ [CEB Governor and IOM Poland reaffirm cooperation and further support to people fleeing Ukraine | CEB \(coebank.org\)](#)

48. The European Commission granted Poland €144.6 million from its Asylum, Migration and Integration Fund (AMIF) for helping refugees from Ukraine and the UN launched its Regional Refugee Response Plan also including Poland. These supports will certainly assist ongoing efforts on the ground⁴¹.

III.2. ACCESS TO HEALTHCARE

49. Access to healthcare for refugees is guaranteed by the Special Law to citizens of Ukraine, who obtained the PESEL number, granting them the same rights as for Polish nationals who have health insurance. The provision of basic healthcare is also organised in each of the reception centres. Outside of the reception centres, refugees who require medical attention need to make an appointment with the physician. In order to do that they need a PESEL identification number.
50. Given the large number of refugees entering the country and the already overburdened Polish healthcare system, the response to the current crisis is exceptional. The system however is overstretched with consequences and challenges related to the COVID-19 pandemic. Many Polish citizens postponed their medical care and are now waiting for operations. This already results in longer waiting times to see doctors and leads to frustration when the newly arriving refugees receive preferential treatment over Polish citizens. Other challenges include the language barrier and lack of medicines for certain chronic conditions.
51. The interlocutors informed the SRSG that a small percentage of refugees have been vaccinated against COVID-19, but not vaccinated against some other diseases (e.g. measles and polio). NGOs (in particular Ukrainian NGOs located in Poland), and relevant healthcare professionals play an important role in awareness raising and explaining the benefits of vaccination to refugees. The SRSG welcomes the ongoing initiative of the Polish healthcare system and UN World Health Organization (WHO) in setting up a digital data gathering service which will enable the tracking of COVID-19 vaccinations, allow prescriptions between Ukraine and Poland and notify departing refugees what to bring with them in order to ensure the continuity of care. The system in place will not only strengthen co-ordination and information exchange between the two countries but will also provide sustainable solution and avoid duplications⁴².

III.3. NEED FOR PSYCHOLOGICAL SUPPORT

52. Psychological support is provided within the reception centres as well as through the regular healthcare system. The issue of the language barrier remains, as well as the shortage of psychologists (e.g. child psychiatrists), especially in major cities. During the visit the SRSG was informed that UN agencies (primarily WHO and IOM) are setting up programmes with the Polish Ministry of Health and Red Cross to provide psychological support on a more systemic level by also designing Psychological First Aid Trainings⁴³. NGOs are playing an important role in this regard. For the time being these efforts appear sporadic and require further co-ordination among all relevant stakeholders.

⁴¹ [Poland to receive most EU funds for helping Ukrainian refugees](#)

⁴² [WHO launches new platform to coordinate health sector partners in Poland](#)

⁴³ [First Person: A first in psychological aid, for Ukraine refugees in Poland | UN News](#)

53. The SRSG acknowledged the access to immediate healthcare assistance, including to psychological support in reception centres. There is a clear need, however, to setting up a system that could enable provision of adequate healthcare for everyone, including without putting unnecessary pressure on medical workers. Addressing mental and psychological support of those fleeing Ukraine, including many children, is of paramount importance.
54. The SRSG also observed an unprecedented need for support for professionals, including medical professionals and volunteers helping refugees. Working in such psychologically demanding conditions brings with it a risk of exhaustion and burn-out.
55. The CoE published a memo on how to provide psychological first aid to Ukrainian refugees⁴⁴. The CoE stands ready to support stakeholders in the prompt detection of psychological problems or trauma and in the provision of appropriate assistance. This can usefully contribute to the efforts of teams of psychologists, psychiatrists, social workers, educators and migration specialists conducting emergency interventions with health and social services staff working on psycho-social support and trauma rehabilitation. This would help to support and/or develop capacity building, specific protocols, online seminars and easy-to-use factsheets and checklists for relevant professionals in multiple languages, including Ukrainian.

III.4. ACCESS TO THE LABOUR MARKET

56. Employment of Ukrainian refugees is also regulated by the Special Law. In principle, all refugees from Ukraine legally residing in the territory of Poland and have a PESEL number are able to access the labour market⁴⁵.
57. According to the data provided by the authorities and civil society organisations, approximately 1.6 million of Ukrainians were working in Poland already before the aggression started in Ukraine, of which, over 500 000 are registered in the pension and disability system (the majority being men)⁴⁶. When the Russian aggression against Ukraine started, most of these men returned to defend their country, which affected the Polish employment market and caused manpower shortage in certain employment categories (e.g. professional drivers).
58. As the recent influx of refugees is comprised mostly of women, children and elderly, it is important to facilitate women's access to the labour market according to their skills while ensuring appropriate childcare. This can be addressed by strong involvement of Voivodeships and local authorities, labour offices and potential employers, as well as in direct co-ordination with the central level government to ensure that there is proper strategy in place.

⁴⁴ Pompidou Group: [psychological first aid for Ukrainian people](#)

⁴⁵ [Amendment to the law on assistance to Ukrainian citizens in connection with the armed conflict on the territory of the country - Office for Foreigners - Gov.pl website \(www.gov.pl\)](#)

⁴⁶ Information provided by the Ministry of the Interior and Administration on 2 June 2022.

59. No significant issues have been encountered relating to the recognition of qualifications, due also to the fact that Ukrainians were already present in the job market in Poland. In general, but especially in big cities (such as Warsaw), there is a big demand for manual labour, which limits women's access to work. Over 50 % of women refugees of Ukraine are highly qualified, with different skills that is currently needed. The SRSG was informed that most of these women currently work in areas not adequate to their actual education qualifications⁴⁷. At the time of the visit, there were 30 000 Ukrainian refugees officially registered in the labour market in Warsaw.
60. During her meeting with the Ministry of Family and Social Policy, the SRSG used the opportunity to promote the European Qualification Passport for Refugees (EQPR)⁴⁸ as one of the tools in complementing national recognition and admission schemes, where appropriate and needed, given that Poland joined this programme on 9 May 2022⁴⁹.
61. The Ministry of Family and Social Policy informed the SRSG that they are currently developing standardised programmes regarding the linguistic integration of adult refugees. The knowledge of Polish language is an important factor not only in accessing the labour market, but also in benefiting from other services. Currently only a few NGOs, including Ukrainian based NGOs are providing certain linguistic classes, but sustainable and quick solutions are needed. While some people do not want to learn Polish, as they expect that they will soon be able to return to their homes, the SRSG was informed that the majority of the refugees would like to be enrolled in language classes as soon as possible in order to access the labour market swiftly.
62. The SRSG encourages relevant authorities, as well as private companies to explore the possibilities of providing comprehensive linguistic integration programmes for all those requesting them and, in co-operation with NGOs, to promote the benefit of such programmes which would ultimately contribute to social cohesion.
63. The CoE Education Department provides policy guidelines and pedagogical support to help professionals giving linguistic support to adult migrants and refugees. It has also developed a specific website offering resources dedicated to language support for refugees from Ukraine⁵⁰, including for children. These tools are being translated into the languages of the countries bordering Ukraine⁵¹, and are available in Polish. Authorities and organisers of private initiatives can draw on them to support their commendable efforts. The CoE can support the authorities in organising training for educators in pilot schools and communities.

⁴⁷ Information provided by the City of Warsaw and by representatives of the Ukrainian NGOs on 1 and 2 June 2022 respectively.

⁴⁸ <https://www.coe.int/en/web/education/-/european-qualifications-passport-for-refugees-eqpr-supports-ukrainian-refugees-access-to-job-market-in-europe>

⁴⁹ [Poland joins the European Qualifications Passport for Refugees \(EQPR\) - Newsroom \(coe.int\)](https://www.coe.int/en/web/education/-/new-ecml-website-offering-dedicated-support-for-the-linguistic-integration-of-refugees-from-ukraine)

⁵⁰ <https://www.coe.int/en/web/education/-/new-ecml-website-offering-dedicated-support-for-the-linguistic-integration-of-refugees-from-ukraine>

⁵¹ <https://www.coe.int/en/web/lang-migrants/>

IV. PERSONS IN VULNERABLE SITUATIONS

IV.1. CHILDREN

IV.1.1. Unaccompanied and separated children

64. Children fleeing the war and seeking protection in a foreign country are particularly vulnerable and need special support and guidance. While half of the refugee population arriving from Ukraine is made up of children, only a few arrived unaccompanied (UAM) or separated⁵². According to the Ministry of Family and Social Policy, there were approximately 200 children recognised as unaccompanied under Polish law⁵³ in Poland at the time of the visit.
65. The Special Law defines the scope of temporary guardianship for unaccompanied children as well as the provisions relating to foster care⁵⁴. Supervision over the work of a guardian is exercised by the social welfare centre, social services or other relevant services indicated by the city Mayor of the place where the minor is based. The court is responsible for appointing the guardian within 3 days and preferential treatment is given to relatives and persons with whom the minor is familiar.
66. Most of the children arrived in Poland with either one of the parents, or with one grandparent, relative or older sibling or as part of an organised group (e.g. children in orphanages, boarding schools for children with disabilities). All organised groups of children are to be registered in the Stalowa Wola reception centre. Crossing from Ukraine is administered by the police and the fire service, following priority notification on behalf of the relevant Ukrainian authorities. In case they hold documents, these documents are taken from the children at the border crossing and verified when they arrive in Stalowa Wola, in order to secure the individual movements⁵⁵ (see part I.3. para 15.).
67. It was noted that the verification process works smoothly, and that Ukrainian authorities are responsive in this regard, confirming the identity within 24 hours⁵⁶. The process is facilitated by a Ukrainian representative residing permanently in the centre who has direct communication with institutions in Ukraine. Being a Ukrainian national, there is no language barrier. The representative of the local government of Stalowa Wola, as well the representative of the Polish Ministry of Family and Social Policy were also present in the centre.

⁵² Unaccompanied minors (UAMs) are children who have been separated from parents or other legal or customary caregivers, as well as other adult relatives. Separated children may include those in the care of adult siblings or other adult family members.

⁵³ In Poland children under 18, travelling without one of parents are considered unaccompanied. The Ukrainian legislation gives children above 16 the right to free independent travel outside Ukraine, without requiring the consent of their parents.

⁵⁴ Article 9 of the Special Law: <https://www.gov.pl/web/udsc-en/the-law-on-assistance-to-ukrainian-citizens-in-connection-with-the-armed-conflict-on-the-territory-of-the-country-has-entered-into-force>

⁵⁵ Information received in the Stalowa Wola reception centre on 1 June 2022.

⁵⁶ Information received in Stalowa Wola, as well as by the Institution of the Commissioner for Human Rights.

68. The SRSG was informed by the authorities that the procedure for dealing with unaccompanied children when crossing the border was developed jointly by the Ministry of Justice and the Ministry of Family and Social Policy. In accordance with this procedure, every unaccompanied child – arriving and/or apprehended – transit through the hub in Stalowa Wola, where the adequate verification is carried out. Ukrainian children who entered Poland whether unaccompanied or relocated from Ukrainian care and/or educational institutions will be registered in special records. This is provided under the amendment of the Special Law, according to which, district family assistance centres ensure legal, organisational and psychological assistance to temporary caregivers and Ukrainian children under their care. Within its social reforms, Poland was making progress in replacing institutional childcare with family foster care. Existing childcare facilities across the country are now being filled with children from Ukraine (the number of children in orphanages and foster care in Poland is 16 000 in comparison to Ukraine, where the number is 160 000⁵⁷, most of them in institutional care).
69. At the time of the visit, 20 unaccompanied children were transiting in Stalowa Wola, while in the first months of the war up to 1 000 children were hosted in the centre. The reception centre is in principle a sport centre where beds are placed in the indoor basketball court. Boys and girls are sleeping in an open space without adequate separation. From the interviews held, no major incidents were reported. The centre was guarded by male security officers; a more gender balanced composition of guards, as well as separate sleeping facilities for boys and girls – even for a short-term stay – would be recommended.
70. UNICEF and UNHCR, in co-operation with the Polish Government and civil society organisations have created 34 Blue Dots in Poland which are child and family support points where information and assistance is provided to separated families and unaccompanied children⁵⁸.
71. The SRSG was informed by the representative of the Family Court in Jawor that there are cases of siblings where 18-year-olds are coming with younger brothers and/or sisters and requesting to be appointed as guardian. In these situations, and in accordance with the Special Law, the court appoints the adult sibling as a temporary guardian. There were approximately three to four requests a day for temporary guardianship at municipal courts in the time of the SRSG's visit, although at the beginning of the aggression the number of cases was significantly higher. The process for appointing a temporary guardian is usually done with both the minor and the guardian being present, although sometimes without a hearing⁵⁹. It happened that the judge had too many cases to review in one day and a decision was made only based on documentation. According to the authorities, as of 31 May 2022, over 13 000 judicial decisions on granting a temporary guardian were issued.
72. Social services can propose temporary guardians in the absence of an adult family member and a guardian can be appointed for a large group of children in specific circumstances (e.g. children coming from orphanages).

⁵⁷ Information received from the Ministry of Family and Social Policy on 2 June 2022.

⁵⁸ ["BLUE DOTS" - Children and Family Support Hubs How Blue Dots work in relation to UNICEF and UNHCR cooperation - Poland | ReliefWeb](#)

⁵⁹ According to the Special Law (article 25 § 12-13), there should be a hearing except in particularly justified cases (if the candidate for temporary guardian has actual custody of the minor, and the circumstances of the case do not raise doubts about the proper exercise of such custody and the welfare of the minor does not oppose it).

73. A number of cases have been brought to the SRSG's attention relating to adults accompanying a minor without being a blood relative but presenting a paper written by the parents and officially certified by the notary. In some cases when children came from areas under ongoing hostility, they would bring just a note which has not been certified by a notary or legal authority. Similar situations were recorded when individuals came to collect the children with similarly issued notes.
74. The above-mentioned flexible system allows to address the immediate challenges and to provide children with protection, often under urgent pressure, so as to secure their best interests and immediate needs. The SRSG notes however that the system strongly relies on a trust-based approach, which, without an individual hearing of each child concerned, a thorough identification of needs of children during the reception, adequate registration of his/her future whereabouts, and finally of full registration and monitoring of the person accompanying the child, provides for misuse and potential abuse. It is important to ensure that the judge hears each child requiring a temporary guardian, if it is in his or her best interest or requests to be heard. Social services are expected to be more engaged in the follow-up procedures, such as monitoring. The SRSG takes this opportunity to draw the attention of the authorities to the CoE standards in this regard, including the CM Recommendation on effective guardianship for unaccompanied and separated children in the context of migration and the Checklist - States' main obligations under the Lanzarote Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse⁶⁰. The CoE Guidance on family-based care for unaccompanied children⁶¹ also offers a detailed framework in this regard.

IV.1.2. Access to education

75. According to the information provided by the Ministry of the Interior and Administration, approximately 200 000 Ukrainian children have been integrated into the Polish school system, of which 140 000 in primary schools and 40 000 in kindergartens, with additional Polish language classes provided online. During the meetings with international organisations, the SRSG was informed that in addition, at least 360 000 children follow the Ukrainian curriculum online. In some cities special places are provided for this purpose making the children feel as they would be in a normal school.
76. In the City of Warsaw, the number of children per classroom increased from 30 to 35 in order to allow Ukrainian pupils to attend classes. While the intention is highly commendable, NGOs warn that this practice – if not prepared properly – might put additional pressure on teachers who need to dedicate more time to Ukrainian children, and at the same time maintain the level of work with Polish children. Teachers also play an important role in identifying signs of trauma and distress in children and involving relevant actors in this regard. Training of teachers and preparing Polish pupils for welcoming Ukrainian children who have experienced war trauma is an important aspect when enrolling newly arriving refugees in Polish schools.
77. The Ukrainian NGO "Our Choice" informed the SRSG that there are five Ukrainian speaking schools in different cities in Poland (Warsaw, Krakow and Wroclaw), teaching the Ukrainian curriculum. These schools are currently privately funded initiatives and developing this practice further would require serious resources. There is a real interest by Ukrainian families to benefit from this opportunity, as by enrolling children in these schools, they would be better prepared for their return to Ukraine and continue with their education without any difficulties.

⁶⁰ [Recommendation on effective guardianship for unaccompanied and separated children in the context of migration](#) (2019)
[Checklist - States' main obligations under the Lanzarote Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse](#)

⁶¹ [Guidance on family-based care for unaccompanied children](#)

78. Learning the host country's language is essential for social inclusion. As regards linguistic integration, Polish language courses are available to pupils as part of a curriculum for both those attending classes and online. The SRSG was informed by UNICEF that they are taking steps in working with the Ministry of Education and Science in developing language teaching programmes tailored to different age groups and backgrounds. Furthermore, UNICEF helped to certify 100 Ukrainian teachers able to work under the Polish education curriculum.
79. Additional efforts would be needed throughout the summer, including the provision of more adaptation and language courses for children, and training of language teachers and educators before the compulsory enrolment of Ukrainian children in local schools as of September 2022. There is a clear need to prepare the ground for properly integrating children in the classrooms, with adapted school curricula, considering their current situation, respecting their diversity and different cultural or historical background. To this end, co-ordination of relevant authorities at all levels, institutions, as well as with NGOs and other organisations active in this field is encouraged.
80. The Polish authorities and service providers can be guided by relevant CoE expertise in this regard, in particular the recently adopted CM recommendation on the importance of plurilingual and intercultural education for democratic culture as well as tools specifically designed to assist education practitioners in supporting the linguistic integration of children⁶². The CoE Education Department has developed a specific website offering resources dedicated to language support for refugees from Ukraine, including for children⁶³. Authorities and organisers of private initiatives can draw on them in support of their already commendable efforts. The CoE can support the authorities in organising training for educators in pilot schools and communities.

IV.2. NON-UKRAINIAN REFUGEES

81. According to the information provided by the Ministry of the Interior and Administration, third-country nationals fleeing Ukraine are allowed to cross the border. Many of them have passports and in the absence of personal documents the standard procedure for identification is launched (via relevant consulates). In general, they return back to their home countries. Only a few applicants are eligible for international protection. Many of them took the advantage of repatriation flights organised by their consulates immediately after the military invasion. Since 2 March 2022, Poland was the first EU member state to launch co-operation with Frontex in the field of Humanitarian Voluntary Return.
82. Non-Ukrainian refugees who arrived in Poland from Ukraine as from 24 February 2022 may be granted temporary protection if they meet certain conditions⁶⁴. The confirmation of receiving temporary protection is a certificate issued by the Office for Foreigners. The document can be obtained at the headquarters in Warsaw or its branch in Biała Podlaska. The certificate is an exclusive proof of entitlement to temporary protection in Poland and the period of its validity (until 4 March 2023)⁶⁵.

⁶² [Recommendation CM/Rec\(2022\)1 of the Committee of Ministers to member States on the importance of plurilingual and intercultural education for democratic culture \(Adopted by the Committee of Ministers on 2 February 2022\)](#)

[Tools and guidelines adapted for children](#)

⁶³ [ECML website on dedicated support for the \(linguistic\) integration of refugees from Ukraine - \(coe.int\)](#)

⁶⁴ <https://www.gov.pl/web/ochrona-en/temporary-protection-for-foreigners-who-are-not-citizens-of-ukraine>

⁶⁵ <https://www.gov.pl/web/ochrona-en/registration-form-for-certificates-of-using-temporary-protection>

83. The above procedure applies also to those foreigners, who are family members of Ukrainian citizens, but neither hold Ukrainian citizenship, nor are spouses of Ukrainian citizens or members of the immediate family of a Ukrainian citizen holding a Card of Pole. In addition, these provisions apply to persons who have resided legally in Ukraine on the basis of a valid permanent residence permit and are unable to return to their country of origin in safe conditions or have enjoyed protection in Ukraine (including family members of the latter)⁶⁶.
84. Several interlocutors underlined that non-Ukrainian third-country nationals often lack information on the procedures to follow. Access to protection and to rights is difficult in practice. More in-depth information and advice should be available on accessing basic rights and services secured in the EU Temporary Protection Directive for all those entitled under this Directive⁶⁷.
85. The SRSG praises the efforts and generosity of the Polish authorities in providing protection for those fleeing Ukraine. At the same time, she was informed by interlocutors of the situation of refugees, asylum seekers and migrants arriving from other countries. In line with the calls expressed by the CoE Commissioner for Human Rights and the relevant resolution of the CoE Parliamentary Assembly⁶⁸, the SRSG encourages authorities to consider strengthening the asylum system in full compliance with the CoE standards⁶⁹ building on the experience of the current crisis and extending protection to other groups of people, in particular those in vulnerable situation.

IV.3. ROMA REFUGEES

86. There is a relatively small Roma population present in Poland compared to neighbouring countries. According to NGOs, Roma refugees from Ukraine have faced difficulties in crossing the border and accessing services such as accommodation and transportation.
87. The SRSG was informed that most of the Roma arriving to Poland try to transit to Sweden and Germany with other refugees and sometimes face additional obstacles.
88. Access to housing represents one of the major challenges in general. As Roma refugees are travelling in large numbers (big families and multiple generations), they cannot be accommodated in one place. They often have to stay in reception centres which are not envisaged for medium-, or long-term stay. It is also important to note that Roma refugees are often facing discrimination from other refugees fleeing Ukraine which creates difficulties to authorities when trying to secure their needs and provide solutions. Cases of discrimination were reported by NGOs and media outlets⁷⁰.
89. The SRSG underlines the importance of equal treatment of all refugees from Ukraine under the provisions of the Special Law and recalls the relevant statements of the CoE Commissioner for Human Rights and the CoE European Commission against Racism and Intolerance (ECRI)⁷¹.

⁶⁶ <https://www.gov.pl/web/ochrona-en/temporary-protection-for-foreigners-who-are-not-citizens-of-ukraine>

⁶⁷ [Temporary protection \(europa.eu\)](https://www.europa.eu/Temporary-protection)

⁶⁸ <https://pace.coe.int/en/files/29537/html>; Commissioner calls for immediate access of international and national human rights actors and media to Poland's border with Belarus to end human suffering and violations of human rights - View (coe.int);

⁶⁹ See: <https://rm.coe.int/fundamental-rights-of-refugees-and-migrants-at-european-borders/16809e0fdf> and <https://rm.coe.int/european-standards-on-legal-remedies-complaints-mechanisms-and-effecti/1680a3187b>

⁷⁰ 'Meet us before you reject us': Ukraine's Roma refugees face closed doors in Poland | Global development | The Guardian

⁷¹ Commissioner for Human Rights: [Let us fight discrimination and prejudices against Roma fleeing the war in Ukraine](#) and ECRI [Statement on the consequences of the aggression of the Russian Federation against Ukraine](#)

IV.4. PERSONS WITH DISABILITIES

90. There is no exact data on how many persons with disabilities have arrived from Ukraine. According to NGOs – who also provide most of the support – approximately 10% of children residing in foster care have disabilities. This number significantly increased with the arrival of children from Ukraine. There is therefore also a need for a co-ordinated registration of refugees with disabilities and for financial support. It is noted that people with disabilities tend to stay in bigger cities due to the easier access to health services and accessible housing. Among other urgent needs medicines, medical care, rehabilitation items (especially for children) and specialised equipment were particularly highlighted⁷². The SRSG underlines the importance of addressing the situation of refugees with disabilities⁷³ and encourages relevant authorities, international organisations, civil society and other stakeholders to increase efforts in providing all necessary support.

V. PROTECTION FROM VIOLENCE AND PREVENTION OF TRAFFICKING IN HUMAN BEINGS

V.1. SUPPORT FOR VICTIMS OF WAR CRIMES

91. Most of the refugees fleeing Ukraine are children and women and so are particularly vulnerable to exploitation and abuse. Although no such cases had been formally identified in Poland at the time of the SRSG's visit, there are mounting allegations of sexual violence and rape perpetrated by Russian soldiers on civilians in Ukraine, including on girls and boys⁷⁴.
92. Furthermore, in accordance with various sources, fleeing refugees have been exposed to extreme violence and experienced intolerable levels of fear and anxiety. Children are often isolated from their families and afraid for their fathers staying in Ukraine and so suffer from high levels of stress. Daily lives and routines have been shattered, with added pressure to adapt to new languages and environments. As mentioned under IV.1.2., a prompt return to school will help alleviate psychological stress, giving children a sense of stability and normality and an outlook for the future. That said, schools need to be properly equipped to identify and address mental health issues, if and when they arise.
93. Trauma linked to sexual violence in times of conflict, to the current aggression and/or to the hardship of being alone in a foreign country, is widespread⁷⁵. This has prompted calls for specific care and psychological support to be provided by specialists in trauma rehabilitation. As mentioned under I.3., III.3. and IV.1., immediate psychological support is available for those in need, and additional information is provided in reception centres, on public transport and via internet by the many organisations and initiatives offering free psychological help in Ukrainian. The need for support and care remains however high and there is also a demand for Ukrainian-speaking psychologists. The CoE stands ready to support and/or develop capacity building, specific protocols, online seminars and easy-to-use factsheets and checklists for relevant professionals in multiple languages, including Ukrainian.

⁷² [War refugees with disabilities in Poland - situation, support, needs - Inclusion Europe \(inclusion-europe.eu\)](https://inclusion-europe.eu/)

⁷³ [Ukraine: 2.7m People With Disabilities 'Trapped and Abandoned,' Warns UN \(businessinsider.com\)](https://www.businessinsider.com/ukraine-2-7m-people-with-disabilities-trapped-and-abandoned/)

⁷⁴ [Men and boys among alleged rape victims of Russian soldiers in Ukraine | Ukraine | The Guardian](https://www.theguardian.com/world/2022/mar/14/men-and-boys-among-alleged-rape-victims-of-russian-soldiers-in-ukraine)

⁷⁵ [Ukrainian refugees in Europe: a mental health crisis in the making - InfoMigrants](https://www.infomigrants.net/en/post/12147/ukrainian-refugees-in-europe-a-mental-health-crisis-in-the-making)

94. More specifically, Ukrainian refugee victims of violence including sexual war crimes perpetrated in Ukraine, may file a case with the prosecutor in accordance with the principle of universal jurisdiction recognised under the Polish Criminal Code⁷⁶. During the visit, it was confirmed to the SRSG that according to the Polish law⁷⁷, abortion is permitted if there is a reasonable suspicion that the pregnancy is the result of a criminal act. No specific cases of victims of rape perpetrated in Ukraine were mentioned.
95. The SRSG underlines the importance of documenting these serious crimes and the necessity for victims to receive specific care and psychological support provided by specialists in trauma rehabilitation.
96. The SRSG emphasises the need to step up efforts to support refugee victims of sexual violence, in particular by setting up designated rape crisis or sexual violence referral centres offering medical care, high-quality forensic examination and immediate, short- and long-term trauma support and counselling delivered by trained professionals⁷⁸. These specialist services should be available in sufficient numbers and their geographical spread should make them accessible to victims living in rural areas as much as in cities. Furthermore, the SRSG underlines the importance of ensuring effective, unbureaucratic, therefore easier and faster access to legal abortions for victims of rape, with appropriate information on the procedures available both for the victims and the support services concerned⁷⁹.

V.2. PROTECTION FROM VIOLENCE AND ABUSE

97. Refugees from Ukraine, particularly women and girls, face heightened risks of gender-based violence and other exploitation. The SRSG observed that authorities at all levels are vigilant of threats, and she was able to witness that the materials containing the information on threats of abuse, exploitation and trafficking have been provided in the Ukrainian language and are accessible to refugees.
98. Although the SRSG was informed that there are no registered cases of sexual abuse, NGOs have highlighted a number of cases which could constitute possible abuse or exploitation⁸⁰. One of them relates to the situation where the host was not allowing a woman and her daughter to leave the apartment unless they provide certain services, while other cases relate to a male host offering accommodation only to single Ukrainian refugee women.

⁷⁶ Acts of sexual violence, including rape, are criminalised under Chapter XXV of the Criminal Code under “offences against sexual liberty and decency”. Rape is criminalised under Article 197, paragraph 1, and punishes the act of leading another person to sexual intercourse “by means of violence, threats or unlawful deception”. It carries a sentence of two to 12 years of imprisonment.

Aggravated cases of rape include committing the act with another person; against a minor under 15 years of age or against a parent, descendant, adopted or adopting person, brother or sister; or committing the act with particular cruelty.

⁷⁷ <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19930170078/U/D19930078Lj.pdf> (see article 4a.1., available only in Polish)

⁷⁸ See Article 25 of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence, and the recommendations adopted on 23 June 2021 by its Group of Experts (GREVIO)⁷⁸, <https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b>

⁷⁹ The Committee of Ministers is addressing effective access to legal abortion within the framework of the supervision of execution of the judgments of the ECtHR in the context of the group of cases, *P. AND S. v. Poland*, N°: 57375/08, 30 October 2012.

⁸⁰ [Poland: Trafficking, Exploitation Risks for Refugees | Human Rights Watch \(hrw.org\)](https://www.hrw.org/report/2022/04/20/poland-trafficking-exploitation-risks-refugees)

99. The representatives of Ukrainian NGOs informed the SRSG that preventive/information messages are being sent by telecommunication providers calling for caution of all of those entering Poland and who have a Ukrainian mobile number. There is also a 24/7 helpline both in Ukraine and Poland for people in distress. All non-state level interlocutors underlined the urgent need for proper registration, as the lack of data on the people's movements when they enter the country, and the lack of information/background check on the private hosts that accept refugees explicitly increase the risks of their exposure to exploitation and abuse.
100. In the early month of the crisis, the transportation of refugees and their relocation was secured by the police. It is also reported that many NGOs are providing their support and assistance in this regard, including Fundacja Porozumienie bez barier (Foundation Agreement Without Barriers) founded by the former first lady of Poland, Jolanta Kwaśniewska. This foundation also implements a specialised programme relating to monitoring bus transportation of refugees and their relocation.
101. Psychological support and counselling to women are provided by a consortium of 9 NGOs. Currently, 20 psychologists of Ukrainian origin are engaged. Given the large numbers of Ukrainian refugees currently living in Poland, many of whom are in need psychological counselling and trauma support, the supply does not nearly meet the demand. In line with article 22 of the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence, and the recommendations adopted on 23 June 2021 by its Group of Experts (GREVIO)⁸¹, the SRSG encourages the Polish authorities to provide or arrange for adequate specialist women's support services throughout the country and for victims of all forms of violence covered by the Istanbul Convention.
102. The SRSG also draws the attention of the authorities on the recently adopted CM recommendation to protect the rights of migrant, refugee and asylum-seeking women and girls⁸². Furthermore, relevant assistance can be provided by the Council of Europe in cooperation with UNHCR as well as on psychological and mental support.

V.3. TRAFFICKING IN HUMAN BEINGS

103. The SRSG did not address the issue of trafficking in human beings in-depth given that a delegation of the CoE's Group of Experts on Action against Trafficking in Human Beings (GRETA) conducted its regular monitoring visit to Poland the week after the SRSG fact-finding mission took place⁸³.
104. During her meeting, the SRSG was informed by the Ministry of the Interior and Administration that the Special Law introduced stronger legal provisions on penalties provided for in the Criminal Code for committing the crime of trafficking in human beings⁸⁴. Under Art. 189a of the Criminal Code, the court may order a penalty of deprivation of liberty for a term of 10 to 15 years or a penalty of 25 years imprisonment.

⁸¹ <https://rm.coe.int/grevio-baseline-report-on-poland/1680a3d20b>

⁸² CM recommendation to protect the rights of migrant, refugee and asylum-seeking women and girls (Adopted by the Committee of Ministers on 20 May 2022) - <https://www.coe.int/en/web/genderequality/-/protecting-rights-of-migrant-refugee-and-asylum-seeking-women-and-girls-council-of-europe-recommendation-adopted>

⁸³ [GRETA carries out third evaluation visit to Poland - News \(coe.int\)](#)

⁸⁴ Information provided by the Ministry of the Interior and Administration on 2 June 2022. According to the Special Law (article 72), it concerns perpetrators who committed the crime of trafficking in human beings "during the armed conflict on the territory of Ukraine."

105. In accordance with the National Action Plan against Trafficking in Human Beings (KDP), provincial teams for counteracting trafficking in human beings are also performing tasks in connection with the situation in Ukraine in co-operation with other law enforcement authorities, such as police and border guards⁸⁵. The SRSG was informed that the National Public Prosecutor's Office received two notifications on potential cases of trafficking in human beings of Ukrainian refugees and initiated one preparatory proceeding, while the Police initiated five proceedings⁸⁶.
106. During the visit to the Nadarzyn Reception Centre, the SRSG had the opportunity to observe the efforts made by the Voivodeship of the Mazowieckie region in setting up and running the centre. Leaflets were available, also in Ukrainian and English aiming at providing adequate information as a preventive measure on the danger of trafficking.
107. During the meeting with NGOs, the SRSG was informed of the lack of proper co-ordination at state level in applying protection measures in a consistent way and therefore increasing the risks of trafficking, especially for women and girls. It is noted that the staff working in the reception centres would benefit from extensive knowledge in identifying possible security risks for women and children. The SRSG invites relevant authorities to make use of the existing CoE standards in this regard, in particular those contained within the CoE Convention on Action against Trafficking in Human Beings, and the relevant guidance issued by its monitoring body, GRETA⁸⁷.

V.4. LABOUR EXPLOITATION

108. According to the NGOs met, there were so far no reported cases in Poland as regards labour exploitation of Ukrainian refugees. In their views, these issues might exist, but victims do not have confidence and means, to report their cases. They are also afraid of losing their jobs and salaries. Victims can report cases of labour exploitation through specialised NGOs, labour inspectors, border guards or the police.
109. Estimating the number of undeclared employees, where workers are underpaid and enjoy no social protection, is always a challenge and given the unprecedented situation in which Poland finds itself, it risks becoming a very real problem. To minimise this risk, easily accessible information on labour rights and employment procedures in the host country should be provided, as well as an official employment contract drawn up in a language which can be easily understood by the employee⁸⁸. Labour inspectors should step up their monitoring of high-risk sectors (such as hospitality, construction, agriculture, couriers, domestic work, massage studios, etc.) and carry out more inspections in locations where people fleeing Ukraine are liable to be exploited. They should also develop digital expertise and screen job advertisements in order to better detect online traffickers.
110. The CoE's Steering Committee for Human Rights (CDDH), working in close collaboration with members of the Group of Experts on Action against Trafficking in Human Beings (GRETA), experts in the European Social Charter, and independent anti-trafficking experts, has recently prepared a draft recommendation to member states on preventing and combating trafficking in human beings for the purpose of labour exploitation in view of its future adoption by the Committee of Ministers⁸⁹.

⁸⁵ Information provided by the Ministry of the Interior and Administration on 2 June 2022.

⁸⁶ Information provided by the Ministry of the Interior and Administration on 2 June 2022.

⁸⁷ Guidance note on [addressing the risks of trafficking in human beings related to the war in Ukraine and the ensuing humanitarian crisis](#)

⁸⁸ [GRETA Guidance Note on addressing the risks of trafficking in human beings related to the war in Ukraine and the ensuing humanitarian crisis](#) (4 ay 2022)

⁸⁹ See [CDDH](#) activity and GRETA's [Guidance note](#) on preventing and combatting trafficking in human beings for the purpose of labour exploitation. The Recommendation was adopted on the day of publication of this report: 27 September 2022.

111. The CoE stands ready to provide capacity building on the above-mentioned issues, including in co-operation with international organisations, in particular with UNHCR, but also with relevant EU institutions, such as the European Labour Authority⁹⁰. It can help Poland to increase its capacity to effectively prevent and fight sexual and gender-based violence, trafficking in human beings and the risk of exploitation and abuse of children, by training stakeholders, such as border officials, law enforcement and child protection authorities.

VI. CONCLUSIONS AND RECOMMENDATIONS

112. The Polish authorities, assisted by the civil society and international organisations, responded to the unprecedented influx of persons fleeing Ukraine both swiftly and efficiently. Most people who fit the eligibility criteria for support receive the benefits and services associated with temporary protections status. The Polish asylum management system, however, is not fully equipped to receive and assess the large numbers of people seeking protection. Commendable efforts have been made to adapt to the situation but there is still a need to properly register all refugees entitled to protection under the EU Temporary Protection Directive to benefit of the rights enshrined therein. Identification of specific vulnerabilities continues to be essential. In the current context the SRSG offers the CoE's support to strengthen the asylum procedure in place and to improve access to protection services for persons in vulnerable situations.

113. This report does not aim to provide a full picture of the situation of those fleeing to Poland, nor a full analysis of all policy considerations. Its main purpose is to identify some areas in which the CoE can assist, at the request of the Polish authorities in dealing with existing challenges. In light also of the recently adopted report and resolution of the CoE Parliamentary Assembly⁹¹, the SRSG emphasises the need to focus on medium and long-term planning for sustainable assistance, protection of people's safety and dignity and effective inclusion measures. Within the framework of the Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025), and in close co-operation with International Organisations, know-how and expertise can be tapped to provide tailor-made and technical expertise to competent entities. The CoE therefore suggests:

1. Supporting the relevant authorities in order to ensure a more efficient and systematic vulnerability assessment and referral procedure, and to improve the knowledge and skills of professionals and lawyers involved in the registration process with regard to safeguards for persons with special needs, including in connection with the identification, reception and care of unaccompanied children and victims of violence. Further dissemination of free HELP online courses could also contribute to enhancing procedural safeguards for persons in vulnerable situations, namely on Trafficking in Human Beings, Asylum and Human Rights, Refugee and Migrant Children, with particular focus on the prevention of sexual exploitation and abuse.
2. In line with the policy of the Polish authorities, namely to avoid the development and installation of large refugee camps, assisting their efforts in implementing its contingency plan to enhance the housing capacity, taking into account the interests and needs of both the local population and refugees, avoiding tent camps and the ghettoisation of certain population groups. To this end, further expertise and advice can be provided on existing

⁹⁰ <https://www.ela.europa.eu/en/support-people-fleeing-ukraine>

⁹¹ See: Humanitarian consequences and internal and external migration in connection with the aggression of the Russian Federation against Ukraine, adopted on 22 June 2022, <https://pace.coe.int/en/files/30191/html>

CoE standards, to complement the implementation of the recently announced financial support of the CoE Development Bank.

3. Continue to support enhancing the capacity of local governments in providing basic services also in the medium and long-term.
4. Bringing the CoE's expertise to support stakeholders providing psychological or trauma assistance and enable speedy detection and support of war trauma, including amongst Ukrainian children, by strengthening teams/pools of psychologists, psychiatrists, social workers and educators seeking to conduct emergency interventions with health and social services staff working on psycho-social support and trauma rehabilitation.
5. Engaging authorities at all levels as well as local communities in order to facilitate the linguistic inclusion of adults and children through the implementation of existing guidelines and tools and the provision of training for educators.
6. Supporting the relevant authorities in developing an inclusive system relating to access to education, including pre-school facilities/kindergartens so that the school system can absorb both Polish and Ukrainian children while respecting the requests and intention of Ukrainian pupils and their parents to eventually return to Ukraine.
7. Supporting the relevant authorities in implementing the European Qualifications Passport for Refugees (EQPR) and providing those eligible with access to the labour market in different sectors.
8. Assisting the relevant authorities in implementing the CoE standards and guidance with regard to the fight against trafficking in human beings, gender-based violence, the identification of victims of sexual exploitation and abuse, including children, increasing measures relevant to children's and women's safety in reception facilities and beyond, including regular monitoring of their situation, while enhancing co-ordination with other international organisations, in particular UNHCR, on these issues through joint training programmes and events.

VII. APPENDIX: PROGRAMME OF THE VISIT

Monday 30 May

17:30 – 18:30 Meeting with NGOs – Helsinki Foundation for Human Rights, Batory Foundation, The Polish Centre for International Aid

Tuesday 31 May

09:00 – 10:30 International Organisations – meeting with IOM, UNHCR and UNICEF

11:00 – 13:00 Meeting with the representatives of Frontex and Frontex Consultative Forum

15:00 – 16:00 City of Warsaw – meeting with Jacek Najder, Director of the International Co-operation Office

16:15 – 17:15 Meeting with the representatives of the Union of Polish Metropolises – Tomasz Fijołek, Director of the Office of the Union of Polish Metropolises

17:30 - 18:30 Meeting with the representative of the Association of Family Judges in Poland, Judge Katarzyna Kościów-Kowalczyk of the Family Court in Jawor (via video link) and with the representative of the National Council of Attorneys at Law, Magdalena Bartosiewicz, coordinator of the Legal Aid Co-ordination Centre

Wednesday 1 June

10:00 – 11:30 Visit to Stalowa Wola Reception Centre

15:00 – 15:30 Ministry of Foreign Affairs – meeting with Mr Paweł Radomski, Director of the Department for United Nations and Human Rights, MFA of Poland

16:00 – 17:00 Meeting with the European Commission Representation in Poland

17.30 – 18.30 Meeting with the Centre for Migration Research, Warsaw University

Thursday 2 June

08:30 – 09:30 Meeting with Ukrainian NGOs (Our Choice/Ukrainian House in Warsaw)

10:00 – 11:30 Ministry of the Interior and Administration (also including the representatives of the Polish Border Guards and Office for Foreigners)

13:00 – 14:30 Ministry of Family and Social Policy – meeting with Mr Stanisław Szwed, Secretary of State, Ministry of Family and Social Policy

15:00 – 16:30 Visit to Nadarzyn Reception Centre – a meeting with Mr Konstanty Radziwiłł, Voivod of Mazowieckie region

Friday 3 June

8:15 – 9:15 Meeting with the Deputy Commissioner for Human Rights, Ms Hanna Machińska

09:30 – 11:00 Meeting with the OSCE/ODIHR – Director Matteo Mecacci and First Deputy Director Kateryna Ryabiko

11:30 – 13:30 Meeting with Polish Humanitarian Action