



Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings

Recommendation CP(2018)5 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Poland

*adopted at the 22nd meeting of the Committee of the Parties
on 9 February 2018*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Poland on 17 November 2008;

Recalling Committee of the Parties' Recommendation CP(2013)7 of 7 June 2013 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Poland and the report of the Polish authorities on measures taken to comply with this recommendation, submitted on 26 May 2015;

Having examined the second report concerning the implementation of the Convention by Poland adopted by GRETA at its 29th meeting (3-7 July 2017), as well as the comments of the Polish Government received on 9 October 2017;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combating trafficking in human beings, including the adoption of new legislation on the protection and assistance of victims and witnesses, amendments in the area of victims' access to compensation, and introducing a legal provision enabling the granting of residence permits to victims of trafficking when required by their personal situation;
 - the setting up of regional anti-trafficking teams and a specialised anti-trafficking unit at the National Police Headquarters;
 - the efforts made to provide training on human trafficking to an increasing range of relevant professionals, with the involvement of NGOs;
 - the steps taken to prevent human trafficking for the purpose of labour exploitation by raising awareness about this phenomenon and by strengthening the capacity of labour inspectors to detect forced labour;
 - the steps taken to improve the identification of victims of trafficking among asylum seekers and irregular migrants, including by the adoption of guidelines and indicators for their identification;

- the efforts made in the area of international co-operation.

2. Recommends that the Polish authorities take measures to address the following issues for immediate action identified in GRETA's report:

- develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to ensure the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database;
- guarantee effective access to public health care for all victims of trafficking, regardless of residence status, in accordance with Article 12 of the Convention;
- improve the identification and assistance of child victims of trafficking, in particular by:
 - increasing the capacity to detect child victims of trafficking by training a larger range of professionals who may come into contact with child victims of trafficking in the use of trafficking indicators and involving child specialists in the identification of child victims of trafficking to ensure that the best interests of the child is the primary consideration;
 - providing safe accommodation for child victims of trafficking and unaccompanied children and addressing the problem of such children disappearing, including by providing adequately trained supervisors and interpreters;
 - making available reintegration programmes for child victims of trafficking;
- take additional steps to ensure that all possible foreign victims of trafficking, including EU/EEA nationals, are consistently offered a recovery and reflection period, regardless of where in Poland they are identified;
- improve access to compensation for victims of trafficking, in particular by:
 - ensuring a higher consistency in the provision of information about the right to seek compensation to victims of trafficking, including by facilitating the provision of legal aid by lawyers and providing qualified interpreters when needed;
 - encouraging prosecutors to request compensation orders to the largest possible extent and review the role of prosecutors in trafficking cases, in view of removing any contradictions;
 - making victims of trafficking eligible for State compensation regardless of their residence status;
- ensure that human trafficking offences are prosecuted as such, and lead to effective, proportionate and dissuasive sanctions, including by:
 - identifying gaps in the investigation and prosecution of human trafficking cases;
 - reviewing the existing legal provisions and court rulings on forced labour with a view to extending the scope of forced labour to include working conditions contrary to human dignity in line with the ILO indicators of forced labour;
 - training prosecutors and judges on the rights of victims of human trafficking and developing further their capacity and specialisation to deal with human trafficking cases and fully apply the existing provisions criminalising human trafficking.

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3. Requests the Government of Poland to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 9 February 2019.
 4. Recommends that the Government of Poland take measures to implement the further conclusions of GRETA's second evaluation report.
 5. Invites the Government of Poland to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.