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**Report submitted by the Polish authorities
on measures taken to comply with
Committee of the Parties Recommendation
CP(2018)5 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

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Ministry
of the Interior
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Department of Analysis and Migration Policy

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Ms Petya Nestorova
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Dear Ms Nestorova,

in reference to the *issues for immediate action and further ones* which were put in the *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Poland* (second evaluation round), please see attached information on implementation of recommendations submitted by the Group of Experts on Action against Trafficking in Human Beings in the report abovementioned.

Yours sincerely,

Deputy Director
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**Information of the Government of the Republic of Poland to
the Committee of the Parties to the Council of Europe
Convention on Action against Trafficking in Human Beings
on the measures taken to implement the recommendations of
the Group of Experts on Action against Trafficking in Human
Beings [GRETA] of the Council of Europe (“Report concerning
the implementation of the Council of Europe Convention on
Action against Trafficking in Human Beings by Poland” of 7 July
2017) adopted by the Committee**

Warsaw, 8 February 2019

RECOMMENDATIONS:

- 1) GRETA urges the Polish authorities to develop and maintain a comprehensive and coherent statistical system on trafficking in human beings enabling the compilation of the 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 protection of the data subject's personal data, including when NGOs working with victims of trafficking are asked to provide information for the national database (paragraph 48).**

The national system for collecting statistical data on trafficking in human beings is currently based on three databases managed by the Border Guard Headquarters, the Police and the National Public Prosecutor's Office. The Border Guard and the Police collect data on disclosed victims of trafficking, taking into account gender, age, forms of exploitation, country of origin/exploitation (destination). The above mentioned data are transferred to the Ministry of the Interior and Administration and included in various reports, e.g. Report concerning Poland – "Trafficking of human beings in Poland" (for each subsequent year). On the other hand, for the internal use of the National Public Prosecutor's Office, data on crimes related to trafficking in human beings are collected in SIP LIBRA system.

At present, it is not yet possible to collect data on aggrieved persons or victims of trafficking in the way recommended by GRETA, without changing national legislation. In addition, due to the circumstances of GDPR, which entered into force in May 2018, apart from the possibility of transmitting data on the aggrieved persons / victims of trafficking to the Prosecutor's Office based on the Code of criminal procedure, it is not possible to exchange information on trafficking in human beings between the entities involved in preventing and combating it. Therefore, in 2018 in the Ministry of the Interior and Administration and within the working group of the inter-ministerial Committee for Combating and Preventing Trafficking in Human Beings discussions were held on possible ways to unify the process of collecting and presenting data on victims of trafficking. Actions in this regard will also be carried out in 2019.

- 2) GRETA urges the Polish authorities to guarantee effective access to public health care for all victims of trafficking, regardless of residence status, in accordance with Article 12 of the Convention (paragraph 120)**

Currently, victims of trafficking in human beings (who are citizens of the Republic of Poland, of other EU/EFTA Member State or of other third country) have access to health care services funded from public funds as long as they are beneficiaries referred to in Article 2 of the Act of 27 August 2004 concerning the Public Funding of Healthcare (Journal of Laws, 2018, item 1510, as amended), hereinafter referred to as the "Act concerning the Public Funding of Healthcare".

Beneficiaries include:

- persons covered by general – compulsory and voluntary health insurance;
- persons other than insured, who have their domicile on the territory of the Republic of Poland and who are Polish nationals or have been granted the refugee status or subsidiary protection in the Republic of Poland, or who have a temporary residence permit granted due to circumstances referred to in Article 159(1)(1)(c) or (d) of the Act of 12 December 2013 on Foreigners and fulfil the income criterion referred to in Article 8 of the Act of 12 March 2004 on Social Assistance and in relation to whom no circumstances referred to in Article 12 of this Act were identified;
- uninsured persons who are under 18 and who are Polish nationals or have been granted the refugee status or subsidiary protection in the Republic of Poland, or who have a temporary residence permit granted due to circumstances referred to in Article 159(1)(1)(c) or (d) of the Act

of 12 December 2013 on Foreigners, provided that they have their place of residence on the territory of the Republic of Poland;

- uninsured women during pregnancy, delivery and postpartum period who reside on the territory of the Republic of Poland, who are Polish nationals or foreigners who have been granted the refugee status or subsidiary protection in the Republic of Poland, or who have a temporary residence permit granted due to circumstances referred to in Article 159(1)(1)(c) or (d) of the Act of 12 December 2013 on Foreigners.

The catalogue of persons who can be insured (compulsorily or voluntarily) on the territory of the Republic of Poland is defined in Article 3 of the Act concerning the Public Funding of Healthcare. The insured may be citizens of EU/EFTA Member States residing in a EU/EFTA Member State and third country nationals who are staying in the territory of the Republic of Poland on the basis of a residence visa in order to work, the residence permit for a fixed period, excluding the permit granted on the basis of Article 53a(2) of the Act of 13 June 2003 on Foreigners, the permit to settle, residence permit for long-term EC residents, the permit for tolerated stay or who were granted the refugee status or the subsidiary protection in the Republic of Poland or who were granted temporary protection, provided that they are subject to the obligation to take out health insurance or they voluntarily insure themselves (persons residing on the territory of the Republic of Poland, i.e. persons having at least a residence permit for a fixed period, can voluntarily insure themselves).

Pursuant to Article 15(1) of the Act concerning the Public Funding of Healthcare, the beneficiaries are entitled to healthcare services, the aim of which is health preservation, illness and injuries prevention, early detection of diseases, treatment, nursing, as well as disability prevention and alleviation. They are entitled to guaranteed services in the following areas: primary health care, ambulatory specialized care; hospital treatment; psychiatric care and addiction treatment; therapeutic rehabilitation; nursing and care services as part of long-term care; dental treatment; spa healthcare; provision of medical devices; emergency medical services; palliative and hospice care; highly specialised services; health programmes; medicines, drug programmes and medicines used in chemotherapy.

In accordance with Article 12 of the Act concerning the Public Funding of Healthcare, the provisions of this Act do not affect the provisions concerning health care services provided free of charge, regardless of the rights under health insurance pursuant to: Article 21(3) of the Upbringing in Sobriety and Alcoholism Prevention Act; Article 26(5) of the Act on Counteracting Drug Addiction; Article 10 of the Act of 19 August 1994 on Mental Health Protection; Article 400a(1) and Article 415(1)(5) of the Act of 12 December 2013 on Foreigners; provisions of the Act of 5 December 2008 on Preventing and Combating Infections and Infectious Diseases among People – in the case of health services related to combating diseases, infections and infectious diseases; provisions of the Act of 8 September 2006 on Emergency Medical Services; Act of 22 November 2013 the Act on Procedures for Dealing with Persons with Mental Disorders who Pose a Threat to the Lives, Health or Sexual Freedom of other Persons.

This means that uninsured citizens of the Republic of Poland, EU/EFTA or third countries residing/living in the territory of the Republic of Poland may benefit from healthcare services specified in the provisions of the Acts, funded from the state budget.

As regards the issue of entitlement to free medical care for foreigners with an unregulated status of residence in the territory of the Republic of Poland, it should be noted that such persons receive medical assistance in the case of sudden illness and threat to their life or health (thus their humanitarian rights are respected). This results, among others, from the provisions of the Act on Medical Activity and the Act on the Profession of Doctor and Dentist, and the service provider has the right to invoice the services provided directly to the patient.

Moreover, it should be indicated that under the new National Action Plan against Trafficking in Human Beings for 2019–2021 adopted by the inter-ministerial Committee for Combating and Preventing Trafficking in Human Beings on 12 December 2018, the need to introduce additional legislative changes was approved. It is planned to introduce, among others, an amendment of the Act of 27 August 2004 concerning the Public Funding of Healthcare, with regard to the payment of health insurance premiums

for Polish and foreign victims of trafficking. These actions will be carried out by the Ministry of Health together with the Ministry of the Interior and Administration and the Ministry of Family, Labour and Social Policy.

The medical care for victims of trafficking is also provided by the National Consulting and Intervention Center for the Victims of Trafficking (KCIK). The operation of the Center is a public task entirely financed from the State budget, commissioned by the Minister of the Interior and Administration to the non-governmental organisations. Within this task the aggrieved of trafficking and alleged victims of trafficking may receive help in organising and financing the medical care. According to the partial report on the implementation of this public task in the first half of 2018 from the subsidies, the National Center purchased the necessary medicines and organised medical assistance for 26 beneficiaries in accordance with the diagnosis of needs. In the above mentioned period, the funds covered the assistance of:

- a psychiatrist for 10 persons,
- an internist for 7 persons,
- a dermatologist for 1 person,
- an ophthalmologist for 1 person,
- a gynaecologist for 1 person,
- a dentist for 1 person.

In the above mentioned period, the National Center also provided assistance in organising, under the National Health Fund, the following facilities:

- a stay of 2 persons in Professor Jan Mazurkiewicz Specialist Health Centre of Mazovia in Pruszków,
- an oncological care for 1 person,
- a physician's care for 1 person,
- an orthopaedist's care for 2 persons,
- an internist' care for 3 persons,
- a paediatrician' care for 1 person,
- a psychiatrist' care for 1 person,
- a stay of 1 person on the alcohol detoxification ward,
- a stay of 1 person in the psychiatric hospital,
- a stay of 1 person on the internal medicine ward in the hospital,
- a pulmonologist' care for 1 person,

In the first half of 2018, some beneficiaries of the National Center also participated in diagnostic tests under the National Health Fund (ultrasound examination of the shoulder, radiological examination of the leg, radiological examination of the lungs and blood tests).

3) GRETA urges the Polish authorities to 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 (paragraph 131).***

The Border Guard together with the Ministry of the Interior and Administration developed the “Algorithm of conduct when it is suspected that a juvenile person is a victim trafficking in human beings”. The subject matter is covered by systematic training.

During actions identifying minors as victims of trafficking, the Police, in turn, uses the “Algorithm for identification of and conduct towards minor victims of trafficking for Police and Border Guard officers” developed in 2015 by representatives of the Committee for Combating and Preventing Trafficking in Human Beings of the Migration Policy Department at the Ministry of the Interior and Administration, General Prosecutor’s Office, Border Guard Headquarters, General Police Headquarters, La Strada Foundation Against Trafficking in Persons and Slavery and Nobody’s Children Foundation (currently the Empowering Children Foundation) participating in the works of the expert group for support to victims of trafficking of the inter-ministerial Committee for Combating and Preventing Trafficking in Human Beings. The issue of identification of minor victims is the subject of training at the specialist course on preventing and combating trafficking in human beings conducted by the Police School in Piła, during training workshops for police officers from Police units competent to fight against trafficking in human beings and cascade training sessions for Police coordinators/officers from organisational units competent to fight against trafficking in human beings.

A separate document in the form of two-level indicators for the identification of victims of trafficking has also been developed.

The Algorithm:

- indicates the “risk groups”, which may include potential victims,
- emphasizes the need to verify the information provided by the child in the light of all circumstances disclosed in the case (thorough analysis of the minor’s situation and accompanying circumstances),
- systematise the circumstances to be established during the interview,
- determines the rules for intervention.

If it is necessary to interview the minor, it shall take place in the environment friendly to the minor, so that he/she does not feel suspected of having committed a criminal offence or guilty of a criminal offence.

After the preliminary identification, the Police or Border Guard officer shall contact the anti-trafficking coordinator in the Voivodship/Warsaw Metropolitan Police Headquarters or in the relevant unit of the Border Guard and inform about suspicions. At the time, the minor should be separated from the third parties who accompany him/her, when there is a suspicion that they can be perpetrators of or accomplices to a crime.

It should be noted that during each investigation the needs and vulnerable groups are identified and the appropriate actions are taken to ensure the rights of such entities.

If it is found that the person who has been granted the status of a victim of trafficking is suspected of having committed the prohibited act, but has done so under threat or coercion, the prosecutor’s office assesses the evidence in order to determine whether the person’s conduct was not an act of higher necessity, which means that the guilt is excluded and the preparatory inquiry should be discontinued or the prosecutor’s office should refuse to initiate it.

In order to ensure continuing care, the minor is sent to the National Intervention and Consulting Center and informed of his/her rights and obligations.

The above mentioned algorithm is known to law enforcement officers thanks to regular specialist training sessions organised mainly by the Police and the Border Guard, with the participation of the representatives of the Ministry of the Interior and Administration, the Prosecutor’s Office, courts and non-governmental organisations.

In 2017, the project “Evaluation and improvement of system for effective identification and support of child victims of trafficking in human beings” was implemented, which aimed at improving the

effectiveness of the child victims of THB identified system, establishing an effective and comprehensive system of support for such persons, as well as increasing the awareness of teachers, children and parents about the exploitation of minors.

Child victims of trafficking are cared for by the National Consulting and Intervention Center, financed from the state budget. The Centre's main tasks include: informal identification of victims of trafficking, intervention, organisation of safe haven, provision of medical, legal and psychological assistance, interpreter's support, preventive counselling, consultations for institutions and individuals.

The girls over 16 years of age are – with the consent of the court – placed in shelters, while younger children and boys are placed in childcare and educational institutions prepared properly for this purpose. The Center supervises the care system, providing additional specialist assistance (psychologist, interpreter).

In order to improve competencies of judges and prosecutors with regard to national and international standards and to respect the best interests of the child in court proceedings concerning trafficking in human beings, training sessions were organised during which these issues were discussed.

The Border Guard organises training sessions during which the following issues are addressed:

- forms of exploitation of victims of trafficking,
- specificity of child victim of trafficking (a profile of a child victim of trafficking, proposals for solutions in dealing with the child victim of trafficking),
- algorithm for identification of and conduct towards minor victims of trafficking for Police and Border Guard officers.

In September 2018, a training “Practical aspects of combating trafficking in human beings and related crimes” was organised for the coordinators to fight against trafficking in human beings in the Voivodeship Police Headquarters.

Training sessions for social workers on the support system for minor victims of trafficking are also organised by the Ministry of Family, Labour and Social Policy.

The activities of the National Labour Inspectorate focus on disclosing the cases of forced labour, including child labour. To this end, since 2010, the “Methodology of NLI labour inspectors if they suspect forced labour” has been applied, indicating how to recognise a potential victim of this crime, how to obtain information from the victim, what institutions to notify about the suspicion of trafficking in human beings and what kind of assistance, including legal assistance, the victim is entitled to. The National Labour Inspectorate conducts training sessions for inspectors on trafficking in human beings, including forced labour.

With regard to the provision of safe accommodation, it should be noted that the Department of Social Assistance and Integration of the Ministry of Family, Labour and Social Policy implements the Article 5a of the Act of 12 March 2004 on Social Assistance (Journal of Laws, 2018, item 1508 and 1693), which implies the actions consisting in providing benefits in the form of crisis intervention, shelter, meal, necessary clothing and special purpose benefit on the basis of the certificate referred to in Article 170 of the Act of 12 December 2013 on Foreigners or on the basis of the permit referred to in Article 176 of the Act of 12 December 2013 on Foreigners. The above actions do not exclude the different age groups. Moreover, in 2016–2018, primarily staff of crisis intervention centres was covered by the specialised training sessions devoted to identification and rules of cooperating with other institutions for social assistance personnel. Training sessions for professional social assistance workers providing assistance to victims of trafficking are organised four times a year in cooperation with the Border Guard, the Ministry of Family, Labour and Social Policy and non-governmental organisations.

According to the position of the Ministry of Family, Labour and Social Policy, the organisers of family foster care and entities running care and educational institutions are obliged to ensure that their employees and persons acting as foster families and running foster homes are adequately prepared to perform their duties through, for example, training sessions. The training sessions may address the

specific needs of migrant children. The actions are based, *inter alia*, on Article 51 of the Act of 9 June 2011 on Family Support and Foster Care System, according to which “foster professional family and those running foster homes are obliged to systematically improve their qualifications, in particular through participation in training sessions”. On the other hand, according to Article 183 of the Act, the voivodship government is obliged to train and improve the professional qualifications of the organisational units of the municipalities and local districts government.

Moreover, in the fourth quarter of 2017, the Ministry of the Interior and Administration started works on teaching scenarios for young people concerning the trafficking in human beings and prepared graphic materials necessary for work with young people and the information leaflet for young people with the most important information from classes on trafficking in human beings.

This elaboration of teaching scenarios concerns two age groups (one scenario per one age group), i.e. 7th-8th grade of primary school and 1th-4th grade of secondary school. The Ministry of the Interior and Administration established contact with the Ministry of National Education and Centre for Education Development in order to develop the best working method. In 2018, a preliminary description of the contract for teaching scenarios was prepared, and the contract was also included in the public procurement plan for 2018. Therefore, the inquiries were sent to companies, but no one came forward. Due to the high priority of this task, it was also included in the public procurement plan for 2019.

With regard to the recommendations concerning increasing the ability to identify cases of children who are victims of trafficking by training a wider group of specialists and recommendation on improving the competences of medical staff, the Ministry of Health indicates that issues related to the trafficking in human beings are included in the newly prepared and approved specialisation training programmes for nurses and midwives such as, *inter alia*: anaesthesiological nursing and intensive medical care, internal medicine nursing, surgical nursing, emergency nursing, family nursing, occupational health protection, gynaecological and obstetric nursing, neonatological nursing).

Issues of human trafficking phenomenon are featured in the basic module on social and organisational issues, in part: Ethics and law, and they are recorded as:

1. Problem of trafficking in human beings and human organs for transplantation purposes (1 hour lecture +1 hour conversation lab).
2. Nurses, midwives against the phenomenon of social exclusion (1 hour conversation lab).
3. Responsibility of nurse, midwife against the issue of trafficking in human beings and human organs and social exclusion (2 hours lecture).

This means that all nurses and midwives undergoing specialisation training should be familiar with the content of this topic.

The issue of action for further improvement of identification of support for children-victims of trafficking and conducting specialist training sessions has also been included in the new National Action Plan against Trafficking in Human Beings for 2019–2021. The document was adopted by the inter-ministerial Committee for Combating and Preventing Trafficking in Human Beings on 12 December 2018.

4) GRETA once again urges the Polish authorities, in compliance with the obligations under Articles 10, 12 and 13 of the Convention, to 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 (paragraph 140).

According to the draft Act amending the Act on entering into, stay in and departure from the territory of the Republic of Poland of citizens of the European Union Member States and their family members, and certain other acts, the citizens of the European Union, EEA and Swiss Confederation or their family members, against whom there is a presumption that they are victims of trafficking within the meaning of Article 115 § 22 of the Act of 6 June 1997 – The Criminal Code (Journal of Laws, 2017, item 2204, as

amended), will receive a certificate confirming the existence of this presumption, similarly as the third-country nationals. The certificate will be issued by the authority competent to conduct proceedings related to the criminal offence referred to in Article 189a § 1 of the Criminal Code. It will be valid for the period of 3 months from the date of its issue and in the case of a minor EU citizen or a family member who is not an EU citizen – for a period of 4 months. On the basis of this certificate, these citizens will be entitled to social assistance benefits in the form of crisis intervention, shelter, meal, necessary clothing and purpose-specific benefit.

In 2018, further work on the project was temporarily suspended due to the need to undertake legislative work aimed at amending the Act of 12 December 2013 on Foreigners in order to transpose the Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) (OJ L 132, 21.5.2016, p. 21) to the Polish legal system and the need to urgently start the legislative work on the draft Act on the rules of residence on the territory of the Republic of Poland for the citizens of the United Kingdom of Great Britain and Northern Ireland and their family members in connection with the withdrawal of this country from the European Union and the European Atomic Energy Community. The suspension of works was also related to the fact that this project was planned to make appropriate amendments to the Act on entering into, stay in and departure from the territory of the Republic of Poland of citizens of the European Union Member States and their family members with regard to the implementation of the future Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (second – contractual option of withdrawal), as far as the format of future documents issued to the beneficiaries of this agreement after the so-called transitional period is concerned. In view of the fact that it is currently not clear which option will be chosen, the rules are still at the design stage.

In the first half of 2019, it is planned to continue work on the aforementioned project.

It should be noted that according to the binding provisions the EU citizens (EEA, Switzerland) and their family members are entitled to far-reaching protection with regard to the possibility of their expulsion from the territory of Poland. A decision on expulsion from the territory of the Republic of Poland may be issued to such persons when their stay on this territory represents a threat to national security or defence, or the protection of public order and safety, or public health. A disease, the symptoms of which will appear after 3 months from the date of entry to the territory of the Republic of Poland by the EU citizen or his/her family member not being an EU citizen, cannot be the reason of his/her expulsion due to the threat to the public health. The expulsion decision should take into account the principle of proportionality and should be based only on the behaviour of the person concerned, which constitutes a real, present and sufficiently serious threat to the public interest. The criminal record cannot constitute an independent basis for taking an expulsion decision. These threats cannot be invoked for the economic purposes.

An expulsion decision may be issued to a minor EU citizen only if his/her stay on this territory constitutes a threat to national security or defence, or public security through a threat to peace, humanity, independence or defence of the Republic of Poland, or due to terrorist activity or, if the best interest of the child so requires in accordance with the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989. (Journal of Laws, 1991, item 526, of 2000, item 11, of 2012, item 1333 and of 2013, item 677).

Illegal stay cannot constitute a basis for expulsion of the EU citizens and their family members (EEA, Switzerland) from the territory of the Republic of Poland.

In the pragmatics of official activities of the Police and Border Guard, the approach to identified victims of trafficking, regardless of their country of origin, is based in the first instance on securing their needs, providing assistance and activating support. If it is found that the victim of trafficking needs medical or psychological assistance or is physically exhausted, the needs of the victim are met in the first place

before commencing trial activities. There are ongoing consultations, which would establish the institution responsible for ensuring recovery and reflection in the Polish legislation, e.g. concerning EU citizens (including citizens of the Republic of Poland), similar to the regulations set out in Article 170 of the Act on Foreigners concerning the issuance of a certificate confirming the presumption of the fact of being a victim of trafficking.

5) In the light of the small number of compensation awards to victims of trafficking, GRETA once again urges the Polish authorities to:

- **ensure 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 and providing qualified interpreters when needed;**
- **encourage prosecutors to request compensation orders to the largest possible extent (and review the role of prosecutors in trafficking cases);**
- **make victims of THB eligible for State compensation regardless of their residence status (paragraph 156).**

The Ministry of Justice is constantly working to ensure the best possible quality of translations and interpretations in all kinds of cases, including for the victims of trafficking. Within its area of competence, the Ministry of Justice contributes to the provision of highly qualified sworn translators/interpreters (several dozen languages) translating and interpreting for public authorities and private entities. In particular, the Ministry organises examinations for people applying for the right to practice the profession of a sworn translator/interpreter, submits applications for punishing the sworn translators/interpreters who violate the rules of the profession and maintains a publicly available list of sworn translators/interpreters. On the other hand, the provision of sworn translator/interpreter in specific cases is the responsibility of the authorities conducting the proceedings.

In civil, criminal and administrative proceedings, the parties have access to the translator/interpreter, if necessary. The regulations which are the basis of this entitlement are set out in the following provisions:

1. Code of Civil Procedure:

Article 265. § 1. The court may summon an interpreter for the purpose of hearing of a witness who does not have sufficient command of the Polish language.

§ 2. Provisions relating to court experts shall be applied to interpreters accordingly. A member of the judicial authority may act as an interpreter without taking an oath, but with reference to a translator/interpreter oath.

Article 304. (...) In addition, the provisions on witnesses, with the exception of provisions on coercive measures, shall apply mutatis mutandis to the hearing of the parties and to the oath.

2. Code of Criminal Procedure

Article 56a. A subsidiary prosecutor who does not have a sufficient command of the Polish language receives a decision subject to appeal or a decision concluding the proceedings together with a translation; with the consent of the subsidiary prosecutor, it is possible to only announce the translated decision concluding the proceedings, providing it is not subject to appeal.

Article 60a. A private prosecutor who does not have a sufficient command of the Polish language receives a decision subject to appeal or a decision concluding the proceedings together with a translation; with the consent of the private prosecutor, it is possible to only announce the translated decision concluding the proceedings, providing it is not subject to appeal.

Article 204. § 1. An interpreter shall be summoned whenever it is necessary to examine:

(1) *a deaf or dumb person, with whom attempts at communicating with in writing have not sufficed;*

(2) *a person without a command of Polish.*

§ 2. An interpreter shall also be summoned whenever it is necessary to translate into the Polish language a document written in a foreign language, or to translate a Polish document into a foreign language or to acquaint the parties with the contents of the evidence examined.

§ 3. Provisions relating to court experts shall be applied to interpreters accordingly.

A subsidiary prosecutor is a person having the status of the aggrieved person, who supports the indictment filed in a case prosecuted *ex officio*.

A private prosecutor is a person having the status of the aggrieved person, who brings and supports the indictment filed in a case prosecuted on the basis of private prosecution.

3. Code of Administrative Procedure

Article 69. § 1. The transcript of testimony should be read and submitted for signing by the person offering testimony immediately after providing testimony.

§ 2. Transcripts of testimony which was offered in a foreign language must include the identity and address of the interpreter who rendered the translation; the interpreter must also sign the court transcript.

Out-of-court legal assistance

As far as out-of-court free legal aid is concerned, it should be pointed out that it was regulated by the provisions of the Act of 5 August 2015 on Free Legal Assistance and Legal Education and certain other acts (Journal of Laws, 2017, item 2030, consolidated text). Free legal assistance does not cover the following cases (Article 3(2):

- 1) tax cases related to the economic activity;
- 2) cases related to customs, foreign exchange and commercial law.

Free legal assistance and free civil counselling are available to the entitled person who is not able to bear the costs of paid legal assistance.

Before receiving free legal assistance or free civil counselling, the entitled person submits a written declaration that he/she is not able to bear the costs of paid legal assistance. The declaration shall be submitted to the person providing free legal assistance or free civil counselling (Article 4(1) and (2) of the Act).

Pursuant to Article 3(1) of the Act, free legal assistance includes:

- 1) informing the natural person, hereinafter referred to as “the entitled person”, about the applicable legal status and the rights and obligations conferred upon him or her, including in connection with the preparatory, administrative, judicial or administrative court proceedings, or
- 2) showing the entitled person how to solve their legal problem, or
- 3) preparing a draft document in the cases referred to in point 1 and 2, with the exception of pleadings in pending preparatory or court proceedings and pleadings in pending administrative court proceedings, or
 - 3a) free mediation, or
- 3) preparing a draft document for the exemption from legal costs or the appointment of an *ex officio* attorney in court proceedings or a lawyer, or legal adviser, tax adviser or patent attorney in administrative court proceedings and informing on the proceedings costs and financial risk related to referral of the case to court.

Legal assistance at the court stage

As far as access to free legal assistance in civil and criminal proceedings is concerned, in Poland this system is extensive and applies to all parties to the proceedings. In both procedures, in general, there is a rule that a person entitled to free legal assistance is a person who is not able to bear the costs of defence counsel/attorney without prejudice to the necessary subsistence of himself and his family.

Pursuant to Article 87 § 1 of the Code of Criminal Procedure a party other than the accused (i.e. the aggrieved person in the preparatory inquiry, a private prosecutor and subsidiary prosecutor in court proceedings) may appoint an attorney. If the person is not able to bear the costs of his appointment, he/she may request the appointment of an attorney *ex officio*.

In civil proceedings, the natural person may request the exemption from the legal costs and the appointment of an attorney *ex officio*, if he/she makes a statement to the effect that he/she is unable to bear the costs without prejudice to the necessary subsistence of himself/herself and his/her family (Article 102 of the Act on Legal Costs in Civil Cases and Article 117 of the Code of Civil Procedure).

Access to free legal assistance is therefore not restricted. It is enough to request for the attorney and to explain one's financial situation. The parties, additionally instructed by employees of the applicant's service point, who also assist in the preparation of documents (preparation of a friendly form), skilfully exercise this right.

Finally, when it comes to informing about the right to satisfaction, in the Polish system the victim of trafficking, just like other aggrieved persons, is informed about the procedural status and its consequences, in accordance with Article 300(2) of the Code of Criminal Procedure.

Article 300(2) of the Code of Criminal Procedure provides that prior to the first hearing, the aggrieved person is instructed on his/her status of a procedural party in preparatory inquiry and on the rights resulting from this status, i.a. the right to apply for enquiry or investigation, and on the conditions of participation in these activities, the right to use the assistance of an attorney, including the right to submit application for appointment of an *ex officio* attorney. The instruction also includes information on: the possibilities for the accused to redress the damage or to obtain the state compensation, on the access to legal assistance, available protection and assistance measures, referred to in the Act of 28 November 2014 r. the Protection and Assistance for Aggrieved Party and Witness (Journal of Laws, 2015, item 21), on assistance provided for in the provisions of Criminal Enforcement Code, on the possibility to issue the European protection order, on the support organisations for the aggrieved persons, on the wording of Article 337a and on the possibility to reimburse the costs incurred in connection with the involvement in the proceedings. The instruction should be passed to the aggrieved person in writing. The aggrieved person must sign the receipt of the instruction.

The instruction on rights and obligations of the aggrieved person takes place before the first questioning by the Prosecutor or the Police and is obligatory. It is therefore not possible for the information on rights and obligations to be different, depending on its provider. System provided in the code of criminal procedure in terms of informing aggrieved persons of their right to damages, satisfaction, compensation and legal assistance is clear and coherent.

As regards the recommendation to grant the victims of trafficking compensation from the State regardless of their residence status, it is worth noting that an aggrieved person has the right to claim: damages under civil and criminal law, compensation under the Act on State Compensation for Victims of Certain Prohibited Acts of 29 February 2016. (Journal of Laws, 2016, item 325, hereinafter: the Act on State Compensation) and assistance in the framework of the Fund for the Victim Support and Post-Penitentiary Support (FPPPP). In those two latter cases, the aggrieved person receives State compensation / financial benefit.

The Fund for the Victim Support and Post-Penitentiary Support – the Justice Fund operates according to the provisions of the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.

Assistance for aggrieved persons financed from the means of the above mentioned Fund is based on the Article 43 of the Criminal Enforcement Code and issued on the basis of Article 43(19) of the Regulation of the Minister of Justice on the Fund for the Victim Support and Post-Penitentiary Support – Justice Fund of 13 September 2017, which sets out, *inter alia*, the rules for granting subsidies and providing assistance to persons aggrieved in a crime.

Financial means from the Fund are used to help persons aggrieved by a crime, as well as their relatives. It is provided, *inter alia*, in the form of medical, psychological, law and material assistance. Assistance is dedicated to the victims of all crimes set out in criminal law, as well as to their relatives.

As a result of the competition procedure, professional entities providing assistance to aggrieved persons are selected on the basis of financial means from the Fund for the Victim Support and Post-Penitentiary Support, which, in the opinion of the Operator, guarantee the best performance of their entrusted task.

Projects that are delivered by entities selected in the competition procedure for entities not included in the public finances sector and not acting for profit, including associations, foundations, organisations and institutions to support the persons aggrieved in a crime, financed from the means of the Justice Fund, include the following tasks:

- 1) organising and financing legal assistance, including alternative methods of conflict handling;
- 2) organising and financing interpreter's assistance to provide legal assistance to the entitled person, unless they have a sufficient command of the Polish language, by the time of preparatory inquiry initiation;
- 3) organising and financing the assistance of a sign language interpreter or a guiding interpreter to provide legal assistance;
- 4) covering costs related to psychotherapy, psychiatric or psychological assistance;
- 5) organising and financing assistance provided by the first contact person;
- 6) covering the costs of healthcare services, medicines in the scope in which they would not be reimbursed or in the part in which they are not reimbursed, medical devices, including wound care products, orthopaedic products and aids, in the scope necessary for the treatment of health impairment resulting from the crime or its consequences;
- 7) covering the costs associated with school and public kindergarten education, including individual teaching, as well as in case of fulfilling the kindergarten obligation, the school obligation or obligation to study outside the school pursuant to Article 16(8) of the Act of 7 September 1991 on the System of Education (Journal of Laws, 2016 item 1943, as amended), respectively to the age and educational needs of eligible persons;
- 8) covering the costs associated with the care of children in nurseries and children's clubs run by municipalities on the basis of provisions of the Act of 4 February 2011 on Care for Children under the Age of 3 (Journal of Laws, 2016, item 157 and of 2017, item 60 and 1428);
- 9) organising and financing training sessions and courses to improve professional qualifications, as well as covering the costs of examinations confirming professional qualifications;
- 10) covering the costs of temporary accommodation or shelter;
- 11) financing periodic supplements to current rent obligations and charges for heat, electricity, gas, water, fuel, solid and liquid waste collection for a housing unit or a detached house, to which the entitled person holds a legal title, proportionally to the number of persons permanently living in that housing unit or detached house;
- 12) service of adjusting the housing unit or detached house to the needs of the person aggrieved in a crime, when the loss of physical fitness occurred as a result of crime;
- 13) financing of public transport travels or covering costs of transport related to obtaining benefits and regulating the matters referred to in points 1–10;
- 14) covering the costs of food or food vouchers;
- 15) covering the costs of clothes, underwear, shoes, cleaning products and personal hygiene products;
- 16) financing the costs of package tour of entitled minor;
- 17) financing the travel costs of:
 - a. the entitled person with a minor over whom he or she is taking care,
 - b. the entitled minor with a person taking care of him/her, under whose custody the assistance referred to in point 4 will be provided;
- 18) financing the construction works referred to in the Act of 7 July 1994 – Construction Law (Journal of Laws, 2017, item 1332 and 1529), including preparations for the execution of construction works, in particular the costs associated with preparing the design documentation, the ground for construction, expert's opinions, certificates, operators and geological works that are necessary for the completion of the Act's objectives;
- 19) the purchase of devices and equipment;

20) the purchase of intangible assets.

The above financial means will be provided to help persons aggrieved by a crime, as well as their relatives. The assistance is dedicated to the victims of all crimes set out in criminal law (thus also to the victims of trafficking), as well as to their relatives, regardless of their place of residence.

Pursuant to Article 15 of the Convention against trafficking in human beings, countries may choose the way they implement the requirements contained therein. Persons aggrieved by a crime of trafficking in human beings must be able to get damages or compensation. However, it must happen in accordance with the provisions set out in the national legislation. Furthermore, the State aid referred to in Convention, may origin from many sources, including State Fund. In this context, it is worth to underline that the above-mentioned Fund for the Victim Support is a State Fund, whereas its aid granted to victims is broad in scope and also includes compensation/damages benefits.

All entitlements, resulting from the Act on Justice Fund, the State has guaranteed to the aggrieved persons, regardless their residence status. When it comes to the state compensation, the situation is different. According to Article 4 of the Act on State Compensation for Victims of Certain Prohibited Acts, *compensation shall be granted if the offence was committed on the territory of the Republic of Poland to the detriment of a person permanently residing on that territory or on the territory of another Member State of the European Union.* It is important to underline that regulation included in the scope of the Act on State Compensation is both compliant with the Council Directive 2004/80/EC of 29 April 2004, which relates to the compensation for victims of crimes, as well as not contrary to the requirements provided for in Article 15 of the Convention on Trafficking in Human Beings.

Point 12 of the above-mentioned Directive provides that the system put in place should ensure that victims of crimes can always turn to the authority located in the Member State of their residence and should alleviate any practical and linguistic difficulties that arise in a cross-border situation. The directive and its implementing Act on State Compensation are based on a system of cooperation between Union's Member States and therefore this system is limited to persons having a link with those states in the form of residence. Extending the system provided for in the Act to aggrieved persons residing outside the EU would make it impossible or significantly more difficult for them to seek compensation. Moreover, such compensation is of a subsidiary nature in relation to damages granted in criminal or civil prosecution.

With regard to the information on small amounts of damages, it should be stressed that on 7 December 2017, the mentioned issue was raised during a training meeting for coordinators from District and Regional Prosecution Offices dealing with proceedings of trafficking in human beings, that was organised by National Public Prosecutor's Office. In particular, it was stressed that it is necessary to instruct aggrieved persons about their rights and, in case of inactivity of aggrieved persons, to individually apply for damages or compensatory damages for victims.

It is worth adding that Border Guard officers, already at the stage of informing victims of trafficking about their rights, provide information about the rights related to damages.

6) GRETA is concerned by the rather low number of convictions for THB and urges the Polish authorities to take measures to ensure that THB offences will be prosecuted and will lead to effective, proportionate and dissuasive sanctions, including by:

- **identifying gaps in the investigation and indictment of THB 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 THB and developing further their capacity and specialisation to deal with THB cases and fully apply the existing provisions criminalising THB (paragraph 188).**

In Poland, trafficking in human beings is a crime. Until 8 September 2010, Article 253 was in force, which read as follows:

253 § 1. Whoever conducts trafficking in human beings even with their consent shall be subject to the penalty of deprivation of liberty for a minimum term of 3 years.

§ 2. Whoever in violation of the provisions of this law arranges for profit the adoption of children shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

When it was in force, there was no code definition of “trafficking in human beings”.

The amendment of 20 May 2010 added Article 189a to the Criminal Code. The regulation entered into force, as indicated, on 8 September 2010. This provision and Article 211a concerning organisation of children’s adoptions contrary to the provisions of the Act replaced the previously applicable Article 253 of the Criminal Code.

Article 189a of the Criminal Code reads as follows:

§ 1. Whoever conducts trafficking in human beings shall be subject to the penalty of deprivation of liberty for a minimum term of 3 years.

§ 2. Whoever makes preparations for the offence specified in § 1 shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.

As defined in Article 115(22) of the Criminal Code, implemented at the same time as Article 189a of the Penal Code, trafficking in human beings means attracting, transporting, delivering, handing over, keeping or accepting a person with the use of:

- 1) violence or unlawful threat,
- 2) kidnapping,
- 3) deception,
- 4) misleading or taking advantage of a misconception or inability to properly comprehend the action taken,
- 5) abusing the position of dependency, exploiting critical situation or state of helplessness,
- 6) granting or accepting material or personal benefit or its promise to a person taking care of or supervising another person – for the purpose of exploiting such a person, even with his/her consent, especially for prostitution, pornography or other forms of sexual abuse, for work or services of a forced nature, for begging, for slavery and for other forms of abuse which is degrading for a human being or in order to obtain cells, tissues or organs in violation of the provisions of the Act. If the behaviour of a perpetrator involves a minor, it constitutes trafficking in human beings, irrespective of whether the methods or means listed in paragraphs 1 to 6 were used or not.

This crime is prosecuted by public indictment. According to Article 10(1) of the Code of Criminal Procedure, the authority appointed to prosecute offences is obliged to initiate and conduct preparatory inquiry and the public prosecutor is also obliged to file and support a charge for an act prosecuted *ex officio*. Preparatory inquiry and court proceedings are based on the provisions of the Code of Criminal Procedure.

In 2017, under Article 189a of the Criminal Code, 18 adults were lawfully sentenced under public indictment (including the imprisonment of 15 people and 12 people without suspension of the sentence), under Article 253 of the Penal Code – 6 adults (including imprisonment of 6 people and 1 person without suspension of the sentence).

The Ministry of Justice asked the Institute of Justice to analyse the legal provisions in force and court rulings relating to forced labour. The analysis should take into account whether it is appropriate, in light of the provisions and jurisprudence in force, to expand the concept of forced labour to include the working conditions contrary to human dignity. It should also allow the assessment of need and direction of possible activities concerning application of forced labour provisions. It is expected that in 2019 the analysis will be prepared and submitted to the Ministry of Justice.

Issues related to trafficking in human beings are the subject of both initial training in judicial and prosecutorial training practice programmes, as well as continuous training for judges, court trainees, prosecutors, prosecutorial trainees, as well as judges' and prosecutors' assistants.

As part of the judicial training practice programme, the issues of combating trafficking in human beings and the rights of victim of trafficking have been or will be addressed:

1. according to the programme of judicial training which constitutes an Annex to the Resolution No 49/2015 of National School of Judiciary and Public Prosecution Advisory Board (hereinafter – "KSSiP") of 20 March 2015 during the III meeting of VIII class of judicial training programme on 4–8 June 2018. These were G-type classes – solving cases from the special part of the Criminal Code concerning crimes against life and health, against common security and safety in communication, against freedom and sexual freedom, and F-type classes – repertory – discussing basic issues of substantive law covered by the thematic scope of the meeting (crimes against life and health, against common security and safety in communication, against freedom and sexual freedom);
2. according to the programme of judicial training, the assumptions of which are attached as an Annex to Resolution No 10/2017 of KSSiP Advisory Board of 13 October 2017, at:
 - VI meeting of IX class of judicial training programme on 10–14 September 2018, during the G-type classes – solving cases from the special part of the Criminal Code concerning crimes against life and health, reverence and bodily inviolability, against family and guardianship;
 - VIII meeting of IX class of judicial training programme on 5–9 November 2018, during the G-type classes – solving cases from the special part of the Criminal Code concerning crimes against freedom, freedom of conscience and faith, sexual freedom and decency;
3. according to the programme of judicial training, the assumptions of which are attached as an Annex to Resolution No 10/2017 of KSSiP Advisory Board of 13 October 2017, in 2019 and subsequent years at:
 - VI meeting, during the G-type classes – solving cases from the special part of the Criminal Code concerning crimes against life and health, reverence and bodily inviolability, against family and guardianship;
 - VIII meeting, during the G-type classes – solving cases from the special part of the Criminal Code concerning crimes against freedom, freedom of conscience and faith, sexual freedom and decency;
 - XII meeting, during the type-C classes – a lecture on the issues of trafficking in human beings from the substantive and procedural perspective.

During the prosecutorial training practice programme, the issues of combating trafficking in human beings and the rights of victim of trafficking have been or will be addressed:

1. according to the VI class programme of prosecutorial training practice in 2017 as a part of classes, during the meetings:
 - XVI on 25–29 September 2017, the subject of which were issues concerning crimes against freedom, sexual freedom and decency, where using the A-method (case method), among others, the following issues were discussed: Lublin Court of Appeal judgment of 7 May 2013, file no. II AKa 42/13 (lex 1316231) related to the issues of functional features of trafficking in human beings, as well as by the type-G method (solving cases) on the basis of example cases, the above mentioned issues were illustrated;
 - XIX on 11–15 December 2017, the subject of which were issues concerning the international law, including the joint investigation teams, where the United Nations Convention against Transnational Organized Crime of 15 November 2000 was discussed using the type-C method (lecture) (Journal of Laws, 2005 No 18, item 158, as amended), with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children discussed, supplementing thereof, adopted by the United Nations General Assembly on 15 November 2000 (Journal of Laws, 2005 No 18, item 160);
2. according to the VII class programme of prosecutorial training practice in 2018, as a part of classes, during the meetings:

- XVI on 17–21 September 2018, the subject of which were issues concerning crimes against freedom, sexual freedom and decency, where using the A-method (case method) the following issues, among others, were discussed: Lublin Court of Appeal judgment of 7 May 2013, file no. II AKa 42/13 related to the issues of functional features of trafficking in human beings, and by the type-G method (solving cases) on the basis of example cases, the above mentioned issues were illustrated;
 - XIX meeting that was held on 17–21 December 2018. The subject of this meeting were issues concerning the international law, including the joint investigation teams, where the United Nations Convention against Transnational Organized Crime of 15 November 2000 was discussed using the type-C method (lecture) (Journal of Laws, 2005 No 18, item 158, as amended), with the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children discussed, supplementing thereof, adopted by the United Nations General Assembly on 15 November 2000 (Journal of Laws, 2005 No 18, item 160);
3. based on the rules mentioned above, the participants of VIII class of prosecutorial training practice programme undergo their training, where they will be discussing the issues of trafficking in human beings in the framework of classes planned during the XVI and XIX meeting in 2019.
 4. The IX class of prosecutorial training practice programme undergoes their training based on the prosecutorial training programme adopted by the National School of Judiciary and Public Prosecution Advisory Board No 11/2017 of 13 October 2017, in accordance with which:
 - the issues in question were discussed during the VI meeting on 10–14 September 2018 on, *inter alia*, European Court of Human Rights case law, including Polish matters of criminal issues and principles of proportionality, as well as actual protection of human rights: the right to life, prohibition of torture, right to liberty and security, right to a fair trial;
 - during the XVII meeting on 30 September 2019 to 4 October 2019, the issues related to crimes against freedom, freedom of conscience and faith, sexual freedom and decency will be discussed;
 - during the XIX meeting on 25–29 November 2019, the issues related to criminal proceedings in international relations, international legal assistance and deliveries in criminal cases, joint investigation teams, application of a *ne bis in idem* rule and juridical conflict handling in EU Member States will be discussed.

In the period from 1 July 2017 to 31 December 2018, the National School of Judiciary and Public Prosecution organised the following training sessions on rights of victims of trafficking and combating trafficking in human beings for judges, court trainees, prosecutors, prosecutorial trainees and judges' and prosecutors' assistants.

1. Training K13/17 "Issues of trafficking in human beings" was held on 13–15 November 2017. 51 persons attended this training, including: 19 judges, 31 judges' assistants, prosecutor and prosecutorial trainee. The training discussed: the phenomenon of trafficking in human beings in Poland, Europe and the world, substantive approach to trafficking in human beings in national and international legislation, forms of exploitation of victims of trafficking, child trafficking for adoption as a special form of trafficking in human beings, legal situation of victims of trafficking in Polish criminal law against international standards, trafficking in human beings in the case law of national and international courts, methodology of conducting preparatory inquiries in cases of trafficking in human beings, international cooperation of operational and procedural nature in criminal prosecutions, barriers to efficient prosecution of trafficking in human beings;
2. Training K10/18 "Issues of trafficking in human beings" was held on 10–12 September 2018. 65 persons attended this training, including: 25 judges, 3 court trainees, 36 prosecutors and a judge's assistant. The training discussed: the phenomenon of trafficking in human beings in Poland, Europe and the world, substantive approach to trafficking in human beings in national and international legislation, forms of exploitation of victims of trafficking, child trafficking for adoption as a special form of trafficking in human beings, legal situation of victims of trafficking in Polish criminal law against international standards, trafficking in human beings in the case law of national and international courts, methodology of conducting preparatory inquiries in cases of trafficking in

human beings, international cooperation of operational and procedural nature in criminal prosecutions, barriers to efficient prosecution of trafficking in human beings.

In the analysed period, Polish judges and prosecutors also took part in training sessions held abroad.

For 2019, a K17/19 training entitled “Issues of trafficking in human beings” was also planned. The training will discuss the following specific issues: substantive approach to trafficking in human beings in national and international legislation, forms of exploitation of victims of trafficking, correct qualification of actual states, aggrieved person as a victim of trafficking, his/her situation in Polish criminal law against international standards, methodology of hearing the victim of trafficking in human beings, methodology of conducting preparatory inquiries in cases of trafficking in human beings, international cooperation of operational and procedural nature in criminal prosecutions, efficient case management, international assistance in terms of trafficking in human beings. The recipients of this training will be district court judges and district prosecution offices' prosecutors – coordinators for trafficking in human beings. The estimated number of participants is 70 people.

For 2019, the following international events were also planned:

1. “International Judicial Cooperation in Criminal Matters: Practical Case-Based Simulation on the Fight against THB and Sexual Exploitation”. The training will be held on 20–22 November 2019 in Vilnius. Judges and prosecutors from four EU Member States will take part in solving the case associated with international cooperation at different stages. The case will be based on facts and feature elements of both national and international cooperation. Furthermore, participants will take part in discussion on methodology of case solving in their national order and they will learn about the methodology for solving such cases in the countries of the other participants. The simulation will require knowledge of international and EU mutual legal assistance and recognition instruments. The workshop will be held with the participation of national and international experts and representatives of the European Judicial Training Network and EUROJUST.
2. “CEPOL-EJTN Training on Financial Investigations and Asset Recovery for the THB Crimes”. The training will be held on 1 March 2019 (location not determined). This training will discuss stages of disclosure, prosecution, seizure and confiscation of assets of crimes in trafficking in human beings with particular emphasis on cross-border cooperation, transformation of operational activities into evidence, the need to gather hard evidence supporting testimony of victims of trafficking to effectively prosecute criminals in this field, international cooperation in terms of fighting trafficking in human beings, the treatment of financial crime and asset recovery cases, the use of information sources, including operational sources, as well as the private sector and NGOs, tax authorities, banks, cooperation between law enforcement authorities and financial institutions and its strengthening at national level, the possibility of using Europol and Eurojust in the framework of joint investigation teams, planning of pro-active and reactive investigations;
3. “Victim's rights in the EU”. The training will be held on 3–4 December 2019 in Brussels. It will discuss the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, i.a. in context of special victim of trafficking needs.

The Timing of National School of Judiciary and Public Prosecution training activity for 2020 is currently being constructed. The proposals of the reported training sessions included one entitled “Trafficking in human beings – international standards of protection and their implementation in national law”, during which the issues of the UN's, Council of Europe's and European Union's legal acts on issues of trafficking in human beings, as well as international initiatives to fight trafficking in human beings, national regulations on trafficking in human beings, victim of trafficking support system for victims of trafficking (psychological and material aspect).

The Border Guard participates in strategic and working assemblies, conducts its own training sessions and participates in national and international conferences, workshops and training sessions. Data about this issue can be found in annual reports on the National Action Plan for 2017–2018.

Also, officers of the Department for Combating Trafficking in Human Beings of the National Police Headquarters Criminal Bureau regularly monitor the preparatory inquiries initiated by prosecutor's office for an act under Article 189a of the Criminal Code commissioned to implement by the Police. In case of decision terminating the inquiry by the prosecutor's office, e.g. with a decision on discontinuance due to the lack of elements of a crime, and in the opinion of the Department for Combating Trafficking in Human Beings in Criminal Bureau of the National Police Headquarters, the act meets the criteria of trafficking in human beings, the coordinator for trafficking in human beings in National Public Prosecutor's Office is informed about the above in order to re-asses the materials and the terminating decision.

The issue of best practices in punishing criminals of trafficking in human beings was a subject of training for prosecutors and judges conducted by experts from the United States of America – a judge from Hennepin County in Minnesota and the Deputy Federal Prosecutor of the United States in the Southern Florida District. Representatives of the Polish Police, the Border Guard, the Ministry of the Interior and Administration and NGOs operating in the area of supporting victims of trafficking have taken part in the training. The training was held in Warsaw on 14–15 May 2018 by the Embassy of the United States of America.

7) GRETA considers that the Polish authorities should keep under review the effectiveness of the Department for the European Migration Network and Prevention of THB in fulfilling the role of an equivalent mechanism to a National Rapporteur and consider the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions (paragraph 23).

Until 14 December 2018 r., a role of a mechanism parallel to the National Rapporteur for preventing trafficking in human beings in Poland was performed by an inter-ministerial Committee for Combating and Preventing Trafficking in Human Beings, while the role of the Secretariat of the said Committee was performed by the indicated Unit for the European Migration Network and Prevention of THB within the Ministry of the Interior and Administration. Currently, documentation is being prepared to establish a new Committee for Preventing Trafficking in Human Beings in the Ministry of the Interior and Administration that will take over the tasks related to: assessing of programmes to combat and prevent trafficking in human beings; initiating activities aimed at combating and preventing human trafficking; and preparing the National Action Plans against Trafficking in Human beings projects, monitoring feasibility of planned tasks and developing annual reports on the implementation of the National Action Plan. The new Committee for Preventing Trafficking in Human Beings will be composed of government administration representatives and specialised NGOs experienced in matters related to trafficking in human beings. The new Committee will establish a new Standing Working Group for monitoring and evaluation of actions taken, whose tasks will include, *inter alia*, ongoing monitoring of the situation in Poland. A role of the new Committee Secretariat will be still performed by the Unit for the European Migration Network and Prevention against Trafficking in Human Beings in Ministry of the Interior and Administration.

8) GRETA considers that the Polish authorities should introduce an independent evaluation of the implementation of National Action Plans against THB and other anti-THB projects, as a tool for assessing the impact of the activities and planning future policies and measures to combat THB (paragraph 32).

At the time of submission of this information, no independent evaluation of the implementation of the National Action Plan Against Trafficking in Human Beings has yet been undertaken. As indicated in the response to previous question concerning the new Committee for Preventing Trafficking in Human Beings, which is being set up in the Ministry of the Interior and Administration, the new Standing Working Party for monitoring and evaluation of actions taken will be established. The tasks of indicated

Working Group will include regular monitoring of situation in Poland and analysis of activities undertaken in the framework of the National Action Plan. This group will be composed of government administration representatives and specialised NGOs experienced in matters related to trafficking in human beings; each entity will hold a vote.

The issue of the independent assessment of the National Action Plan Against Trafficking in Human Beings implementation will be discussed under the said Standing Working Group for Monitoring and Preventing Trafficking in Human Beings.

9) Given the low rate of convictions for THB offences and the low numbers of compensation awards made to victims of trafficking, GRETA considers that training sessions should be strengthened for prosecutors and judges (see also paragraph 188). Further, periodic training on THB should be introduced also for other relevant professional groups, such as health-care staff (paragraph 45).

Details on judges' and prosecutors' training sessions have been already indicated in the response to recommendation No 6.

Furthermore, in December 2017, the National Public Prosecutor's Office organised a training meeting for coordinating prosecutors from District and Regional Prosecution Offices dealing with issues of trafficking in human beings.

The Ministry of Health indicates that issues related to the trafficking in human beings are included in the newly prepared and approved specialisation training programmes for nurses and midwives such as, inter alia:

- anaesthesiological nursing and intensive medical care,
- internal medicine nursing, surgical nursing, emergency nursing,
- family nursing, occupational health protection, gynaecological
- and obstetric nursing, neonatological nursing).

Issues of human trafficking phenomenon are featured in the basic module on social and organisational issues, in part: Ethics and law, and they are recorded as:

1. Problem of trafficking in human beings and human organs for transplantation purposes (1 hour lecture +1 hour conversation lab).
2. Nurses, midwives against the phenomenon of social exclusion (1 hour conversation lab).
3. Responsibility of nurse, midwife against the issue of trafficking in human beings and human organs and social exclusion (2 hours lecture).

10) GRETA invites the Polish authorities to encourage and support further research on THB, in particular on the issue of child trafficking (paragraph 54).

In 2018 the Ministry of the Interior and Administration held talks with the Human Trafficking Studies Center at the University of Warsaw on the possibilities of cooperation in conducting scientific research on trafficking in human beings in Poland. The talks are still ongoing.

11) GRETA considers that the Polish authorities should continue their efforts to raise awareness of THB and plan future actions in this area, taking into account the effects of previous measures. To this end, independent evaluation studies should be made an integral part of future projects to raise awareness (paragraph 60).

In 2018, the Ministry of the Interior and Administration carried out a public procurement for the printing of information materials on trafficking in human beings. As planned, it printed 5,000 factsheets for young

people in the form of a comic booklet, 5,000 copies of the 2019 calendar containing information on the crime and a total of 10,000 copies of two posters. According to the reported demand, these materials are currently distributed to each voivodship. Plans to print information materials were also included in the public procurement plan for 2019.

In order to raise awareness of trafficking in human beings, the Ministry of the Interior and Administration has extended the Internet domain www.handelludzmi.eu for another year. This portal features information about the phenomenon of trafficking in human beings and the ways to prevent it, as well as reports depicting the situation in Poland and in the world. The website contains mediacenter, database, legislation and institutional structure which enables to obtain information about the tasks of individual institutions combating this crime. Extension of the domain was included in the 2019 public procurement plan and the procurement procedure is currently underway.

Furthermore, in 2018, the Ministry of the Interior and Administration took part in three editions of a project carried out in cooperation with the Embassy of United Kingdom of Great Britain and Northern Ireland, the Polish Police, the Border Guard, the La Strada Foundation and the Salvation Army, as well as the with support from the authorities of cities in which campaign took place, that is in Radom, Toruń and Włocławek. The purpose of the campaign was to organise talks in a red London double-decker in order to raise public awareness and to protect potential victims against various forms of exploitation making up modern slavery – trafficking in human beings. This hazard may occur both in Poland and in situations where a person decides to travel abroad, e.g. in search for employment. The campaign also covered workshops for the employees of services that help people particularly exposed to the above-mentioned hazards (labour office advisers, social service workers, etc.).

Ministry of the Interior and Administration also organised numerous meetings to raise awareness of trafficking in human beings. In this context, i.a. training sessions for consular employees preparing for a diplomatic mission should be mentioned. During these training sessions, participants learn what trafficking in human beings is and how to act in the case of coming into contact with a potential victim. Another important event is a two-day meeting for voivodeship coordinators and directors of voivode offices professionally involved in prevention of trafficking in human beings. At the meeting, the tasks and duties of voivodeship offices were recalled as regards the assistance to victims of trafficking and preventing crime in the region.

12) GRETA notes the plans to introduce a National Referral Mechanism and considers that the Polish authorities should strengthen their efforts to identify victims of trafficking in all forms of exploitation, including by:

- ***pursuing a proactive approach to the identification of victims of trafficking in all forms of exploitation, and in particular for the purpose of labour exploitation in sectors considered to be at risk;***
- ***encouraging institutions responsible for employment, health and safety issues in the most vulnerable sectors to conduct regular and coordinated inspections involving various agencies;***
- ***improving identification of victims of trafficking in detention centres, including by ensuring access to such centres by specialised NGOs providing legal aid and by ensuring sufficient funding to NGOs to carry out such visits (paragraph 109).***

In Poland, the authorities that identify forced labour victims most often are the Police and the Border Guard. This crime has been statutorily defined (Article 115(22) of the Criminal Code) and criminalised (Article 189a(1)(2) of the Criminal Code) as a crime with a high degree of social harmfulness. These authorities closely cooperate with the National Labour Inspectorate, the Prosecutor's Office and NGOs to limit this phenomenon. Regular specialist training sessions organised by the Police and the Border Guard, with the involvement of representatives of the Ministry of the Interior and Administration, the Prosecutor's Office, courts and NGOs, allow law enforcement officers to improve their skills in the area of identification of victims of trafficking, including victims of forced labour.

The above actions will be continued.

13) GRETA considers that the Polish authorities should take additional steps to provide assistance to victims of trafficking, and in particular to ensure that sufficient funding is made available to assist victims of THB when the assistance is delegated to NGOs or local authorities (paragraph 121).

In 2018, NGOs, at the request of the Minister of the Interior and Administration, carried out a public task "Running the National Consulting and Intervention Center for Victims of Trafficking". A similar task is also carried out in 2019.

The purpose of the task is to secure the needs of victims of trafficking – Polish citizens, EU citizens and third-country nationals, regardless of their citizenship, age and sex (with particular emphasis on foreigners who received the certificate referred to in Article 170 of the Act on Foreigners and foreigners who are residing in Poland on the basis of the permit referred to in Article 176 of the Act on Foreigners or they apply for a such permit), as well as persons in danger of trafficking. The task includes the following actions:

- operating a 24-hour telephone helpline for victims and witnesses of trafficking in human beings and providing preventive telephone advice in individual cases (i.a. providing information to victims and witnesses on their rights and obligations; providing information on available assistance, preventive advice, in particular pre-journey advice);
- securing basic life needs, crisis intervention and reintegration assistance (i.a. assessment of needs of victims of trafficking; provision of clothing, hygiene products, food, basic medical care; assisting the victim during the contact with law enforcement and judicial agencies; individual work with the victim; psychological support; assistance of an interpreter; transportation of a victim in the country; assistance in regularisation; legal consultations; ensuring participation of victims of trafficking in vocational and Polish language courses according to the identified needs);
- providing victims of trafficking in human beings with secure accommodation, regardless of their citizenship, age and sex;
- consultations for state and self-government institutions related to work with victims of trafficking, including victim assistance institutions/entities.

Both in 2018 and in 2019, the implementation of the above-mentioned actions consumed PLN 1,100,000 from the state budget.

14) GRETA notes the measures already undertaken in Poland to prevent trafficking in human beings for the purpose of labour exploitation and considers that the Polish authorities should:

- **review and assess the system of "statements of intention to employ" third-country nationals for periods of six months per year with a view to preventing exploitative practices;**
- **provide the National Labour Inspectorate with necessary resources and further training to effectively prevent and combat THB;**
- **strengthen inspections in sectors considered at risk of THB by engaging with key entities, including with a view to preventing THB in form of supply chains;**
- **work closely with the private sector, in line with the Guiding Principles on Business and Human Rights, and consider including business representatives in the regional anti-THB teams (paragraph 78).**

The National Labour Inspectorate is included in the group of public institutions and organisations operating in field of combating and preventing trafficking in human beings, in particular forced labour. It mainly results from the operation scope of labour inspectorates, whose primary task is to control compliance with labour law, including health and safety at work and legality of the employment. Powers of the National Labour Inspectorate directly resulting from the provisions of ILO Convention No 81 concerning Labour Inspection in Industry and Commerce allow the National Labour Inspectorate labour

inspectors to enter places of work in principle at any time, in order to control the employment conditions. Thus, within the limits of powers granted, the labour inspectors may identify potential victims of trafficking working under forced labour conditions. Methodology of control activities carried out by labour inspectors, in particular in the area of employment legality of both Polish and foreign workers covers, inter alia, disclosing of such cases and taking appropriate measures in the event of suspicion that we are dealing with forced labour. However, the National Labour Inspectorate is not an institution established to prosecute trafficking in human beings and therefore its authorities are obliged to notify the Police or Prosecutor's Office of any justified suspicion of this type of criminal acts. However, the National Labour Inspectorate's tasks cover informing potential victims of trafficking of available forms of assistance provided, among others, by National Consulting and Intervention Center for the Victims of Trafficking and other institutions and national authorities.

These aspects are reflected e.g. in refresher training sessions for inspectors on the issue of trafficking in human beings held in the National Labour Inspectorate Training Centre in Wrocław. In the reporting period, these training sessions were held according to the Central Training Plan approved by the Management of the National Labour Inspectorate. Internal training sessions on these topics were held on 26–27 June 2017 and on 2–3 July 2018. The training sessions were directed at the staff of the National Labour Inspectorate who may be confronted with the problem of forced labour in the course of their inspection and supervisory activities or within the scope of legal advice tasks. The training sessions were attended by 59 persons. The training programme included speeches of the representatives of the Police, the Border Guard, La Strada, the Prosecutor's Office, the Ministry of the Interior and Administration and the Labour Inspectorate – all institutions engaged in actions for preventing and combating trafficking in human beings, including forced labour. The annual training plan for 2019 also provides a training in this area for selected workers of the National Labour Inspectorate.

Participation of representatives of law enforcement authorities and organisations as lecturers at internal National Labour Inspectorate's training sessions and cooperation with the Labour Inspectorate in combating trafficking in human beings is one of the forms of cooperation enshrined in agreements between these institutions and our Office. Agreement between the National Prosecutor and Chief Labour Inspector on Cooperation of Prosecutor's Office with National Labour Inspectorate was concluded on 6 November 2017, whereas rules of cooperation between labour inspectorate and police are regulated by the Agreement concluded on 11 December 2000. A new Agreement on cooperation between the Chief Labour Inspector and the Chief of Police is currently being processed, which also includes tasks related to cooperation in the area of combating crimes (also including trafficking in human beings), joint educational activities and exchange of information between partner authorities.

Principles of cooperation between National Labour Inspectorate and Border Guard are currently regulated by the Agreement of 10 December 2018 which replaced previously applicable Agreement of 12 May 2015.

Agreements between both law enforcement authorities and Border Guard and National Labour Inspectorate also refer to the inspection and supervisory activity which is carried out by the Office and they cover information exchange on control results, transmitting the copies of control documentation for preparatory inquiry or implementation of control activities at the request of the other party.

As a part of cooperation with the Police, in accordance with the Act of 13 April 2007 on the National Labour Inspectorate, in the event of a risk of violent act against the controlling party or threat of its incidence, it is possible to get the assistance from the Police. On the other hand, in matters related to the legality of entrusting and performance of work by foreigners, control activities of the National Labour Inspectorate are – in justified cases – performed with the participation of Border Guard officers.

The possibility of carrying out control activities of the National Labour Inspectorate in cooperation with representatives of the above-mentioned formations (i.e. the Police and the Border Guard), who perform their tasks in accordance with the competences assigned to them statutorily, allows for the comprehensive approach to the issue and directing properly planned and prepared controls at enterprises operating in sectors and industries where exists the greatest risk of occurrence of such a

negative phenomena. They are particularly directed at work establishments entrusting work to foreigners, including Polish employers of users, who use work of foreigners sent to work on to the territory of Poland by foreign employment agencies (temporary work agencies and job placement agencies), due to the fact that the above-mentioned group of employees is particularly exposed to the risk of being harmed by trafficking in human beings, including forced labour.

A cooperation with the authorities, institutions and organisations on matters concerning trafficking in human beings for forced labour is carried out on the local level in the framework of operation of Voivode Committees for Preventing Trafficking in Human Beings. The Labour Inspectors of District Labour Inspectorates participate in work of these Committees appointed by the voivodes. Committees provide a forum for the exchange of views and experiences in which, at regional level, activities undertaken by representatives of various institutions in the field of preventing and combating trafficking in human beings, including forced labour, are discussed. Examples of the National Labour Inspectorate's activities carried out in the framework of the activities of the above-mentioned Committees in the reporting period are presented below:

- On 12 June 2018 in Gdynia – announcing the results of art competition for young people “Stop trafficking in human beings” combined with the screening of the film “Taken” and a discussion panel. Representatives of Pomeranian Voivode, local government, educational institutions and the National Labour Inspectorate attended this event.
- A series of local districts conferences organised in towns and cities of Świętokrzyskie Voivodship as a part of the "Świętokrzyskie against trafficking in human beings" initiative, aimed, among others, at raising awareness of the university students and secondary school graduates regarding the risks of seasonal work abroad and seeking employment. In 2017, conferences were organised in the following local districts: Konecki, Kielecki Ziemski, Skarżyski, Pińczowski, Staszowski. The conference featured spots and films on trafficking in human beings issues and distributed materials prepared by the Ministry of the Interior and Administration (a CD and a comic book “You are not for sale”). The conferences were attended by around 1300 people and, on the basis of surveys given to the participants, a report on awareness of young people in the field of dangers of trafficking in human beings and forced labour was prepared. Furthermore, in 2017, Jędrzejowski local district carried out a cycle of 10 informational and educational meetings for young people with the representatives of the Police, Local District's Labour Offices, Local District's Family Assistance Centres with regard to the risks of forced labour and dangers associated with performing work abroad.

In the framework of Committees' works, the information and signals on suspected irregularities in operation of employers from a given area are also provided, what enables the preparation and conducting of integrated control activities with participation of employees of the National Labour Inspectorate, officers of Police, the Border Guard, etc. to eliminate this illegal procedure in all dimensions of illegal activity.

However, at the central level, the National Labour Inspectorate was engaged in handling the work of the interdepartmental Committee for Combating and Preventing Trafficking in Human Beings. In the period from 1 July 2017 to 31 December 2018, two meetings of the Committee were held, in which also participated the representative of the National Labour Inspectorate (07.12.2017 and 12.06.2018).

Referring to the procedure of entrusting work to foreigners on the basis of statements, it should be noted that the National Labour Inspectorate has been postulating for many years that negative tendencies in the area of entrusting work to citizens of Ukraine, Belarus, Russia, Moldova, Georgia or Armenia on the basis of statements should be prevented, *inter alia*, by giving statutory status to provisions regulating the above issues, introducing regulations obliging a foreigner or employing entity to inform competent authorities of taking up employment or of the fact that foreigner did not take up employment at a given entity, as well as by creating a general system monitoring the number of

submitted statements and period for which the work was entrusted to the foreigner (both anticipated and actual).

Under the Act of 20 July 2017 amending the Act on the promotion of employment and labour market institutions and certain other acts (Journal of Laws, 2017, item 1543) that entered into force on 1 January 2018, provisions were introduced to tighten the simplified procedure of employing foreigners on the basis of declaration of the entity entrusting work, registered in Local District's Labour Office – and to limit abuses in this respect.

This Act is also a legal basis to give the National Labour Inspectorate an access to the central registry of cases concerning work permits, seasonal work permits and statements on entrusting work to foreigners. Inspection gained this access in the recent months. The new regulations largely take into account previous legislative proposals of the State Labour Inspectorate.

According to the introduced amendment, the provisions on entrusting work to foreigners on the basis of declarations registered in Local District's Labour Offices have become statutory – they have been included in the Act on Employment Promotion and Labour Market Institutions and significantly expanded and specified in comparison to the previous wording contained in the Regulation of the Minister for Labour and Social Policy of 21 April 2015 on cases where employing a foreigner on the territory of the Republic of Poland shall be allowed without a work permit (Journal of Laws, 2015, item 588, as amended).

When implementing legislative proposals of the Labour Inspectorate, the new Act imposed on the entity entrusting work to a foreigner on the basis of a declaration information obligations towards the Local District's Labour Office. The entity, whose statement of commissioning work to a foreigner was entered in the register of statements, is obliged to notify the competent county employment office in writing of:

- taking up employment by the foreigner on the day of work commencement the latest;
- not taking up employment by the foreigner within 7 days as of the date of work commencement determined in the register of statements.

At the same time new offence types were introduced involving negligence to fulfil the above obligations or providing the county employment office with false information on taking up employment by the foreigner, not taking up or terminating employment by the foreigner based on the statement. Committing such an offence is punishable with a fine up to PLN 5,000, although the labour inspector may apply a penalty notice worth PLN 2,000 to the person charged with an offence. Requesting a higher fine requires submission of a motion for a penalty to a court by an inspector.

Control of compliance with the above obligations and law enforcement in this area fall within the scope of competence of the National Labour Inspectorate and is carried out as part of routine controls of employment or other gainful employment legality or legality of performing work by foreigners conducted by the labour inspectors at the selected entities.

As of 1 January 2018 the starosta of a county has the possibility to issue a decision on declining to enter a statement of commissioning work to a foreigner in the register of statements, which is important from the point of view of proofing the simplified procedure of commissioning work to foreigners based on statements and prevention of abuse in this area. Starosta may issue such a decision in the case the circumstances indicate that the statement was submitted for the sake of appearance, that it will be used by the foreigner to a different purpose than performing work for the given entity or that the entity commissioning work to the foreigner does not fulfil obligations related to conducting activity or commissioning work to other persons, in particular:

- it has neither funds nor sources of income necessary for covering the liabilities resulting from commissioning work to a foreigner, or
- it does not conduct economic, agricultural or statutory activity justifying commissioning work to a given foreigner in a given period, which includes suspending activity, being struck off from a relevant register or its activity being under liquidation, or

- it does not fulfil the obligation to contribute to the social insurance, health insurance, Labour Fund and Guaranteed Employment Benefit Fund and Bridge Pension Fund or it does not fulfil the obligation to contribute to the farmers' social insurance, or
- it does not register employees or other persons subject to obligatory social insurance for social insurance or does not register farmer's assistants, in the meaning of the provisions on social insurance of farmers, for social insurance, or
- it is behind with tax payments, excluding cases in which it was lawfully granted a waiver, deferral, breakdown of the outstanding payments into instalments or suspension of the competent authority's decision execution in full.

15) GRETA invites the Polish authorities to review the effectiveness of the amendments of provisions concerning the minimum wage under "civil law contracts" and to monitor the conclusion of "specific task contracts" to ensure that they do not provide a gateway to human trafficking (paragraph 79).

The obligation to ensure the minimum hourly rate under certain types of civil law contracts entered into force on 1 January 2017 under the Act of 22 July 2016 on the amendment of the Act on the minimum wage and some other acts (Journal of Laws item 1265 as amended). The minimum hourly rate applies to contracts of mandate (Article 734 of the Civil Code) and contracts for services which are subject to the provisions on a mandate (Article 750 of the Civil Code). The obligation to ensure the minimum hourly rate does not apply to the other types of contracts concluded based on the Civil Code, *inter alia* specific task contracts (Article 627 of the Civil Code), activation contract (Article 758 of the Civil Code). In the case of a specific task contract, the contractor commits to carry out specific work of a tangible or intangible nature – regardless of the time and effort needed for its completion. Therefore, a specific task contract is not appropriate for regulating relationships which are the subject of employment contracts or contracts of mandate or contracts for services, which substitute them in some cases (when the provisions on mandate apply), hence the specific task contract remains outside the scope of the Act on the minimum wage.

Natural persons who do not conduct economic activity and natural persons conducting economic activity, who do it individually and personally carry out tasks resulting from a contract have been covered by the guarantee of receiving the minimum hourly rate. The intention of the legislator was to limit the group of persons conducting economic activity to whom the minimum hourly rate applies, to the so-called "self-employed", i.e. persons who conduct economic activity individually and personally carry out tasks resulting from a contract, namely neither employ employees nor conclude contracts with contractors or service providers in order to have tasks, which lie within the scope of the economic activity of the self-employed, completed by those persons. The minimum hourly rate applies to the self-employed who conduct economic activity registered in Poland or in a non-EU country or a non-EEA country.

A contracting party who does not comply with the minimum hourly rate is subject to a fine between PLN 1,000–30,000. A labour inspector may impose a penalty in the form of a fine of up to PLN 2,000, and in the case the punished has been penalised for an offence referred to in the Act of 10 October 2002 on the minimum wage at least twice and commits such an offence within two years after the date of the last punishment – up to PLN 5,000, or submit a motion for a penalty to a court (the court may impose a fine of PLN 30,000). The minimum hourly rate applies to contracts concluded as of the date the act entered into force and to contracts concluded before 1 January 2017 and lasting after that date.

The Act of 22 July 2016 on the amendment of the Act on the minimum wage and some other acts extended the existing tasks of the National Labour Inspectorate by the control of payment of remuneration for work performed under contracts of mandate and contracts for services to which the provisions on a mandate apply, in the amount resulting from the minimum hourly rate. As a

consequence, as of 1 January 2017, apart from the working conditions of persons performing work on a basis different than employment relationship, the National Labour Inspectorate may inquire whether the contracting party pays remuneration resulting from the minimum hourly rate for each hour of work.

The labour inspector, while controlling the payment of the minimum hourly rate, verifies the documents related to completion of work by the persons accepting the mandate or providing services.

The powers of a labour inspector are also worth mentioning at this point. Under point 5 of Article 23(1) of the Act on the National Labour Inspectorate, the labour inspector is authorised, in the course of the proceeding, to request personal files and any documents related to performing work by the employees or persons performing work on a basis different than the employment relationship. This provision authorises the National Labour Inspectorate's bodies to analyse:

- contracts of mandate, contracts for services, arrangements of the parties (and their confirmations) regarding confirmation of the number of hours it took to complete the mandate or to provide the service;
- the documents confirming the number of hours it took to complete the mandate or to provide the service agreed by the parties (e.g. record sheets, attendance registers, timetables, bills issued by the contractor including data on the number of hours it took to complete the mandate or to provide the service, aggregate information on the total number of hours of completing the mandate or providing the service in a given month, including those submitted by the contractor or issued by the contracting party);
- the documentation related to the payment of the remuneration in the amount of at least the minimum hourly rate, including bills, invoices, profiles of remunerations paid to the contractor;
- any other documents issued by the contractor and the contracting party in relation to completing the mandate or providing a service, e.g. VAT invoices, cash and flow statements, stock issue confirmation, duty books (for security guards), technical documentation, etc.

Under point 3 of Article 23(1) of the Act on the National Labour Inspectorate, the labour inspector is, in the course of the control proceeding, authorised to request written or oral information on matters related to the control from the controlled entity and all employees or persons, who are or were employed, or who perform or used to perform work for the benefit of this entity on a basis different than the employment relationship, including persons conducting economic activity on their own account as well as persons making use of placement agency services, and summon and question those persons in connection with the control.

During the control the labour inspector may, therefore, request written explanations from the contracting parties and contractors and persons co-operating with them, or question them on:

- the nature and characteristics of the work performed based on a contract of mandate or contract for services;
- the number of hours it took to complete the mandate or provide services in a given period;
- the amount of remuneration paid for the completed mandate or service provided in a given period.

In the course of the control the inspector may verify, if:

- the obligation to determine the amount of remuneration in the contract was fulfilled such that the amount of remuneration for each hour of completing the mandate or providing services was no less than the amount of the minimum hourly rate,
- the remuneration for each hour of completing the mandate or providing services in the amount no less than the minimum hourly rate was paid in monetary form,
- the entrepreneur does not offer unpaid contracts and does not deduct from the remuneration in order to evade the provisions of the Act on the minimum wage (although under Article 735 of the

Civil Code a contract of mandate may be unpaid, and the provisions of the Act do not exclude the possibility of deducting a liability payable to the contracting party, however, neither non-payment contracts nor deductions may serve evasion of provisions on the minimum hourly rate),

- the contractor or the service provider did not forgo the right to the remuneration in the amount resulting from the minimum hourly rate or did not transfer the right to that remuneration to another person,
- the remuneration is paid at least once a month (in the case of contracts concluded for a period exceeding 1 month),
- the parties agreed on the manner of confirming the number of hours it took to complete the mandate or provide services in the contract or in the “contracting party’s confirmation” or if the information on the number of hours it took to complete the mandate or provide services is submitted by the contractor or service provider,
- the documents determining the manner of confirming the number of hours it took to complete the mandate or provide services and the documents confirming the number of hours it took to complete the mandate or provide services are stored for the required period.

The labour inspector also has legal measures at their disposal to control the payment of the minimum wage to the persons employed based on civil law contracts. Under Article 11b of the Act on the National Labour Inspectorate, the competent authorities of the National Labour Inspectorate are authorised to direct a request or issue an order to pay the remuneration in the amount based on the minimum hourly rate, under the provisions of the Act of 10 October 2002 on the minimum wage.

Breaches of the above-mentioned provisions may be subject to investigation and penalised. For instance, under Article 8e of the Act on the minimum wage, whoever, being an entrepreneur or acting on behalf of an entrepreneur or another organisational unit, pays the contractor or service provider a remuneration for each hour of completing the mandate or providing services which is lower than the current minimum hourly rate, shall be subject to a fine of PLN 1,000–30,000. If a labour inspector establishes that the contractor did not receive the minimum wage guaranteed by the provisions for the completed mandate or services provided, they will be authorised to impose a penalty of PLN 1,000–2,000 on the offender and in the case of recidivism, i.e. when the punished has been penalised at least twice for an offence referred to in the Act of 10 October 2002 on the minimum wage and commits such an offence within two years after the date of the last punishment – up to PLN 5,000, or submit a motion for a penalty to a court (the court may impose a fine of up to PLN 30,000).

Apart from issuing orders and conclusions and conducting offence proceedings, in some states of fact the National Labour Inspectorate authorities may also take action to ensure effectiveness of executing payments of remuneration in the amount stemming from the minimum hourly rate, including notification of the irregularities found to the following authorities:

- the Polish Social Insurance Institution (e.g. if it has been established that a specific task contract is such only “by name” or that the non-payment of the contract or application of deductions serve evasion of the provisions on social insurance);
- tax authorities.

Moreover, in the cases of particularly material breaches (e.g. unauthorised conclusion of specific task contracts with a significant number of persons), a labour inspector may submit a notification of suspicion of a criminal offence under Article 219 of the Criminal Code. If the labour inspector finds the possibility of committing a crime of trafficking in human beings in the course of the control, proceeding with the notification to the public prosecutor’s office is obligatory and submitted based on other legal grounds, e.g. under Article 304 of the Code of Criminal Procedure.

Under Article 22 of the Labour Code replacing a contract of employment with a civil law contract, while keeping the conditions of performing work, is not acceptable. This means that if the work is performed in the conditions normal for the employment relationship, the employer has no right to conclude a civil law

contract with an employee in exchange is this situation. The National Labour Inspectorate may issue an order or move for a substitution of the civil law contract with a contract of employment. If the employer does not consent, the case is forwarded to a labour court.

Moreover, the new regulations, which entered into force on 1 January 2018 by way of the *Act on promotion of employment and labour market institutions* allowed to organise the labour system based on the statement of commissioning work to foreigners (for more on the issue see the reply to the recommendation under the ordinal number “14”). The amended act includes the National Labour Inspectorate’s demand concerning increasing sanctions for an offence of commissioning illegal work to a foreigner. In such a case the court may assess the weight of the given act and its scale and impose a penalty higher than to date. Gaining access to data from the central foreign labour register, which includes *inter alia* information on work permits, statements of commissioning work to a foreigner, is a crucial change for labour inspectors conducting controls. It should render legality controls of employment, other gainful employment and performing work by foreigners more efficient and quicker. Assessment of the new regulations’ impact on the labour market, in particular on effectiveness of abuse prevention, will be possible after at least one year in force.

Apart from controls and potential legislation amendments, a wide-scale education and information activity aimed at employers and employees, including foreigners, is necessary to limit the scale of illegal work commissioning. For the above reasons, in the second half of 2017 the National Labour Inspectorate embarked on a 3-year information and education campaign “I work legally”.

16) GRETA considers that the authorities should continue and strengthen efforts in the area of prevention of child trafficking for the purpose of sexual exploitation, labour exploitation (including exploitation of begging) and forced criminality, in particular by sensitising and training child protection professionals across the country, raising awareness of children through education, and paying more attention to children from Roma communities, unaccompanied children and migrant children (paragraph 86)

Regarding the problem of sexual exploitation of children as victims of trafficking, it should be pointed out that the concept of prostitution is not defined in the Criminal Code but its meaning is undisputable. Forcing, instigating or facilitating prostitution to obtain pecuniary benefit and reaping pecuniary benefit from prostitution is punishable.

Under the amendment of the Criminal Code of 4 April 2014, criminal responsibility applies to whomever does any of the following:

- presents pornographic content or provides subjects of such nature to a minor below 15 years of age or disseminates pornographic content in a way enabling such a minor to familiarise themselves with it,
- shows a sexual act to a minor under 15 years of age to satisfy their or another person’s sexual needs,
- advertises or promotes activity based on dissemination of pornographic content in a manner enabling a minor below 15 years of age to become familiarised with them,
- participates in presentation of pornographic content involving a minor to satisfy sexual needs.

Moreover, penalties for committing an offence of dissemination, production, preservation, import, storage, ownership, or presentation of pornographic content involving a minor and of preservation of pornographic content involving a minor, i.e. any person under 18 years of age, have been tightened up.

Extinguishment of a sentence by limitation for sexual offences against children cannot take place before the aggrieved party turns 30 (to date 5 years after the victim has reached the age of 18).

The Criminal Code defines the term “trafficking in human beings” – it means recruitment, transportation, transfer, harbouring or receipt of a person with the use of: violence or unlawful threat, abduction,

deception, misleading or taking advantage of a misconception or inability to properly comprehend the action taken, abuse of the dependence relationship, exploitation of the person's critical situation or state of helplessness, granting or accepting pecuniary or personal benefit or its promise to a person taking care of or supervising another person – for the purpose of exploiting such a person, even with their consent, especially for prostitution, pornography or other forms of sexual exploitation, for work or services of a forced nature, for begging, for slavery and for other forms of abuse which is degrading for a human being or in order to obtain cells, tissues or organs in violation of the provisions of the Act.

If the behaviour of a perpetrator involves a minor, it constitutes trafficking in human beings, irrespective of whether the methods or means listed above were used or not.

In Poland, sex tourism is marginal. Nonetheless, the Police fight sexual exploitation of children in travel and tourism.

A campaign against sexual exploitation of children in tourism "Don't look away" was conducted in 2014–2018. A dedicated website was set up for reporting (using a form in Polish or in English) cases of suspected child sex tourism which are then forwarded to the police.

The police participate in the European Union's operations, i.a. by supporting the implementation "Cybercrime – child sexual exploitation" action in the framework of the EU security policy cycle on serious and organised crime for 2014-2017 and 2018-2021.

Under the Act of 13 May 2016 on counteracting sex crime risks, the police use the national register of sexual offenders. Perpetrators are obliged to inform the police about leaving their place of residence which helps increase the efficiency of fighting the "child sex tourism" also internationally by informing the countries concerned about an intended stay of paedophile offenders on their territory. The police may also employ the Interpol green notice to inform the law enforcement authorities of other countries about the sexual offenders against children who figure in the register and travel to those countries.

A code of proceeding of 1998 is implemented to protect children against commercial sexual exploitation in tourism, whose objective is to raise social awareness and fight injuring minors.

Within the discussed scope the National Police Headquarters implements tasks under the national action plan against trafficking in human beings. Training sessions mentioned above concern the issue of child exploitation in trafficking in human beings. Training sessions on the methodology of teaching about trafficking in human beings are organised on an ongoing basis for prevention officers conducting classes with young people. Afterwards, at meetings, the trained police officers raise minors' awareness of ways to avoid becoming a victim of trafficking. Moreover, twice in 2018, in the holiday period between July and August and in December in the pre-Christmas season, the National Police Headquarters instructed the police units in the whole country to conduct operations aiming to disclose offences of trafficking in human beings in the form of begging, during which police officers were to particularly pay attention to exploitation of children and invalids, and treat them as potential victims of trafficking.

On the other hand in terms of the process of education and upbringing implemented at schools under the core curriculum set by the Minister of National Education, the mandatory objectives of education and teaching content are formulated based on the core curriculum to suit the age, needs and learning capabilities of the students. The core curriculum determines schools' tasks in terms of upbringing. It is school's mission to direct the upbringing process towards the values which determine the upbringing objectives and the criteria of its assessment. Values-oriented upbringing assumes, above all, a focus on the student; the values should induce appropriate choices or decisions.

At each stage of education, including kindergarten, the core curriculum indicates teaching content intended to raise children's and youth's awareness of children's rights and safety in a broad sense.

Supporting children's world exploration, strengthening the sense of value, individuality, originality, introduction to establishing personal relations and participation in a group, creating situations conducive to development of habits and behaviours leading to independence are among the tasks of a kindergarten.

Education in a primary school emphasises *inter alia* introducing students to the world of values, pointing out paragons of behaviour and building social relations conducive to a safe development of a student, strengthening the students' sense of individual, cultural and national identity, shaping the students' sense of self-dignity and respect for the dignity of others, as well as equipping students with the knowledge and skills that allow them to understand the world in a more mature and orderly way.

The school's mission is to prepare students to make conscious and responsible choices when using the resources available on the internet, critical analysis of information, safe navigation in digital space, including establishing and maintaining respectful relationships with other network users.

At the early school stage an emphasis is put on organisation of classes developing habits and behaviour suitable for the values learnt, such as own and group safety, fitness, resourcefulness, self-reliance, responsibility, and a sense of duty.

In the primary school grades IV–VIII students follow the contents of safety related education in natural sciences, biology, social studies, safety education, physical education. E.g. in natural sciences classes the students learn how to respond appropriately to life- and health-threatening dangers, develop skills in caring for their bodies, and in biology lessons they familiarise themselves with issues related to transplantation and consent to organ transplantation.

The subject of „social studies”, which aims to develop students' social and civic competences, envisages topics related to the rights of a victim, perpetrator and witness of an offence. The safety section covers teaching contents including *inter alia* the tasks of the prosecutor's office and the police, the powers of police officers and other law enforcement services, the offences to which young people most frequently fall victim and ways of avoiding them, the principles of safe behaviour in dangerous situations, the rules under which minors are responsible for committing an offence, legal regulations on sale and consumption of alcohol, cigarettes and drugs.

The students familiarise themselves with the basic human rights and freedoms, the most important provisions of the Universal Declaration of Human Rights, the European Convention on Human Rights and Convention on the Rights of the Child, discuss cases of violation of human rights in the world.

They learn how rights and freedoms are protected in Poland, how the Ombudsman and Ombudsman for Children, the European Court of Human Rights in Strasbourg operate, what activities are carried out to defend human rights, they analyse information about human rights violations in a selected field (e.g. women's rights, children's rights, religious freedom, right to education, humanitarian rights) and develop actions that can remedy them.

The subject of “safety education” prepares students to deal with life-, health- or property-threatening situations.

The subject of “family life education” takes into account issues such as domestic violence, including sexual abuse, prevention and possibilities of obtaining help in this area, threats to social life, such as aggression, sects, pornography.

Trafficking in human beings was directly indicated in the core curriculum for secondary schools for the school year 2019/2020.

The teaching content for the subject of geography (extended) covers social problems of the contemporary world, including demographic problems, migration effects, refugee problems, trafficking in human beings in the world, slavery, exploitation of child labour and workers in low labour cost countries, unemployment, persecution on religious grounds and intolerance.

The content of the subject of social studies indicates issues concerning values affirmed in the Polish society, divisions into “our” and “foreign”, causes, manifestations and consequences of intolerance and stigmatization of life problems of young people in the Polish society, human rights in a democratic and undemocratic state, human rights violations in a selected undemocratic state, manifestations of pathologies of public life.

“Family education” takes up *inter alia* the issue of sexual objectification, human right to intimacy and protection of that right, causes, effects and prevention of premature sexual initiation, sexually transmitted diseases.

“Ethics” envisages issues concerning moral aspects of human sexuality, evaluation of various sexual behaviours, actions which derive from a concern for one's own health and life, respect for one's own body, use of psychoactive substances, respect for every human being, human autonomy.

The prevention of trafficking in human beings, including child trafficking, is also part of global education. This education aims to shape social and civic competences, including teaching children and young people about human rights. Elements of global education figure in the core curriculum of many subjects at all stages of teaching *inter alia* history, social studies, geography, natural sciences and biology. This subject matter is also implemented through non-formal education under the projects of the Centre for Education Development and educational activity of NGOs.

Over the period 2017–2018, the Ministry of National Education co-operated with the Ministry of Foreign Affairs to conduct Poland-wide competitions for schools commemorating the 25. anniversary of the European Convention on Human Rights in Poland. The content of the convention includes legal references to children's rights protection. The competitions were addressed to all age groups of students. In September 2018, a training for regional co-ordinators, trainers and civic education leaders working on human rights and global education and sustainable development was carried out. The right to respect child's dignity and physical integrity, guaranteed in Article 3 of the Convention, and children's rights justice, based on Article 6 of the ECHR, are among the topics which were discussed. Training participants, as global education leaders in the regions, are distributors of information and knowledge at the level of local education authorities, schools and teachers.

The activities of the Centre for Education Development (subordinate unit of the Ministry of National Education) in 2017 and 2018 included, among others, preparation of didactic materials and conducting training for employees of the teacher training system titled *Educational and preventive program for counteracting trafficking in human beings*. The action was carried out in co-operation with “La Strada” Foundation against Trafficking in Human Beings and Slavery. The objectives of the training were the following: analysis of data on trafficking in human beings, increasing social awareness of the current risks of the trafficking in human beings offence, substantive preparation of voivodeship co-ordinators to conduct educational and preventive classes on counteracting trafficking in human beings.

A publication was also issued: *Legal education at school. A guide for teachers*, which includes a lesson scenario titled: Trafficking in human beings – the offence to which young people may fall victim.

At the same time on its website the Centre for Education Development has published materials and publications on child and youth safety, risky behaviour issues, protection and risk factors, rules of intervention involving children and youth in a crisis situation, cyberviolence. Furthermore, in 2017, the Centre for Education Development disseminated materials from the social campaign of the Empowering Children Foundation which pertained to risks involved in child sexualisation and pornography.

In June–December 2018 training sessions on *The problems of the contemporary world vs Sustainable Development Goals. Trafficking in Human Beings* were conducted under projects entitled “School of Democracy – School of Self-governance. Civic and human rights education” and “Global education. Leaders of development education II”.

The participants included:

- regional co-ordinators – coaches of civic and human rights education and global education (24 persons in total, June–September 2018). The publication “Legal education at school. A guide for teachers”, publishing house ORE 2016, updated 2017 (ISBN: 978-83-64915-85-7) by the Centre for Education Development was used. This publication includes a lesson scenario titled: Trafficking in human beings – the offence to which young people may fall victim (p. 106 of the above publication); 2 lessons;

- school leaders and teachers from schools participating in the project: “Global education. Leaders of development education II” co-financed from the Polish development co-operation programme of the Ministry of Foreign Affairs of the Republic of Poland 2018 (13 workshop groups, approximately 200 persons, 12 regional conferences, approximately 700 persons, date: September–December 2018).

The topic of trafficking in human beings was discussed in connection with including the global topic described in the Agenda and the 17 Sustainable Development Goals 2030 <http://www.un.org.pl/>

The issue of trafficking in human beings is related to 3 of the aforementioned Sustainable Development Goals:

- Goal 5: To achieve gender equality and strengthen the position of women and girls.

Task: To eliminate all forms of violence against women and girls in the public and private area, including trafficking in human beings, sexual abuse and other forms of exploitation.

- Goal 8: To promote stable, sustainable and inclusive economic growth, full and productive employment and decent work for all people.

Tasks: To undertake immediate and effective measures to eliminate forced labour, contemporary forms of slavery and trafficking in human beings; to prohibit and eliminate the worst forms of child labour, including recruitment and exploitation of child-soldiers.

- Goal 16: To promote peaceful and inclusive societies, ensure access to justice for all people and build effective and responsible institutions, which conduce to social inclusion, on all levels.

Tasks: To eliminate abuse, exploitation and trafficking in human beings and all forms of violence and torture relating to children.

An important role and activity of the Border Guard, related to implementation of the above recommendations of GRETA, which participates in training operations addressed in particular to employees of adoption centres, foster care centres, probation officers and guardians as well as staff of crisis intervention centres, social assistance, etc., should be pointed out. In connection with preventive activities, Border Guard officers, including co-ordinators of combating and preventing trafficking in human beings from the different Border Guard Centres, participate in undertakings related to preventing trafficking in human beings by taking part in training meetings with lower secondary school, secondary school and higher education institution youth as well as teaching staff.

According to an assessment by the Ministry of the Interior and Administration, neither national nor ethnic minorities as a group are at particular risk of trafficking in human beings. The Roma are an exception, both as potential victims and perpetrators. Due to inaccessibility of the Roma groups and certain customs characteristic for this culture, which may exercise the earmarks of trafficking in human beings (e.g. begging, forced or “traditional” marriages, the so-called petty offences committed by children), it proves difficult to obtain reliable data or evaluate the scale of the phenomenon. Nevertheless, the Ministry of the Interior and Administration is aware of the problem. The Ministry of the Interior and Administration analysed the reports from the thematic visits of the CAHROM for the period indicated in the recommendation, in which the risk of trafficking in human beings in the Roma communities appeared as one of the factors relevant to the discussed problems, inter alia:

- meeting of experts on the Roma people devoted to the issue of forced marriages in those communities (report drafted in 2016),
- meeting of experts on the Roma people in the British agency for forced marriages (December 2017),
- meeting of experts on the Roma people devoted to the issue of compulsory schooling of the Roma children (April 2018),

- meeting of experts on the Roma people devoted to the status of the Roma people and absence of their identification documents (November 2018).

Polish representatives, appointed by the Ministry of the Interior and Administration, participated in each of the above meetings.

Currently the Ministry of the Interior and Administration is working to update the information held, inter alia based on conclusions from the aforementioned meetings and reports drawn up afterwards. It will serve to develop a material on the risks of trafficking in human beings faced by the Roma people. Due to this particular risk faced by the Roma children, this issue will be included in the planned training programme for Roma education assistants in Poland.

17) GRETA encourages the Polish authorities to ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal (paragraph 92).

Regarding the recommendation to ratify the Council of Europe Convention against Trafficking in Human Organs, the Ministry of Health has developed a bill titled “transplantation law”, whose provisions will eventually enable ratification of the Council of Europe Convention against Trafficking in Human Organs. The bill awaits the decision to be included in the list of legislative and programme work of the Council of Ministers. A new national focal point responsible for collection of data on transplantations conducted outside the official system operates at the Organisational and Co-ordination Centre for Transplantation “Poltransplant”, which in particular translates into monitoring illegal harvesting of organs.

18) GRETA invites the Polish authorities to ensure that, as part of their training, medical and other health care professionals involved in organ transplantations continue to be sensitised about THB for the purpose of organ removal (paragraph 93).

In line with the declaration forwarded through the Ministry of Health, the Polish Transplant Coordinating Centre “Poltransplant”, issues concerning counteracting THB for the purpose of organ removal will be addressed within the framework of training organised for the persons involved in activities in the field of the broader transplantation medicine.

19) GRETA believes that the Polish authorities, in cooperation with the civil society and the private sector, should strengthen their efforts to reduce the demand for the services of trafficked persons in all forms of exploitation. This should include the introduction of an incentive system for companies that decide to adopt codes of conduct to publish and effectively implement them. The government should periodically present the Parliament and the public with the results of monitoring the compliance of actions taken with such codes (paragraph 99).

The interdisciplinary Working Group for the relations with persons performing work in the field of developing practical tools for enterprises, which would support them in preventing, detecting and combating forced labour in supply chains in accordance with the due diligence process in the field of human rights, as described in the United Nations Guiding Principles on Business and Human Rights, operating within the Team for Sustainable Development and Corporate Social Responsibility under the Ministry of Investment and Economic Development, focuses its efforts on developing a guide for entrepreneurs together with a set of recommended solutions to be used as part of cooperation between enterprises and temporary work agencies or placement agencies. The aforementioned Group has identified a lack of sufficient awareness in this area, tools and instruments, which would allow the entrepreneurs to effectively monitor the policy of hiring and preventing incidents of forced labour.

20) GRETA invites the Polish authorities to ensure that Border Guard officers continue receiving training and resources to prevent and combat THB (paragraph 102).

This recommendation is still being implemented. Over the period 2011–2018, training projects were implemented according to a four-level System of training Border Guard officers in trafficking in human beings which was approved on 29 December 2010 by the Commander-in-Chief of the Board Guard (from level 1 – “Beginner” to level 4 – “Expert”). At present these projects are to be implemented during specialist workshop training sessions aiming at improving knowledge in this field.

1,350 Border Guard officers were trained at level 1 (2011–2018). 12,653 officers were provided basic knowledge on combating and preventing trafficking in human beings. 18 officers received level-2 training. In 2011–2018, 334 officers received training at levels 2 and 3. In turn, 21 officers participated in workshops for coordinators for trafficking in human beings as part of level 4 training.

In 2018, 835 officers received training in issues relating to the algorithm of conduct when it is suspected that a juvenile person is a victim trafficking in human beings (with 3,310 officers so far having received training in the “Small Algorithm”).

Currently, there are plans to modify the present training model, which is driven by the need to address new training needs.

21) GRETA invites the Polish authorities to review the age assessment procedures, ensuring that the best interest of the child is effectively protected, taking into account the Convention on the Rights of the Child and General Comment No. 6 of the Committee on the Rights of the Child (paragraph 130).

In line with the Act of 12 December 2013 on Foreigners (Journal of Laws, 2018, item 2094, as amended), in the case of doubt about the age of a foreigner placed in a guarded centre or a detention centre for foreigners who claims to be a minor, the foreigner concerned shall undergo a medical examination in order to determine their actual age. The presumed minor shall undergo a medical examination with his or her consent or the consent of their representative. The results of medical examinations should take into account the margin of error.

A foreigner who refuses to undergo a medical examination shall be considered an adult. The age assessment procedure cannot be appealed. Before performing a medical examination, the Border Guard authorities shall inform the foreigner of the necessity to perform the examination in a language he/she understands and, i.a., of:

- 1) the possibility of determining his/her age through a medical examination,
- 2) the manner in which the medical examination will be performed,
- 3) the importance of the results of the medical examination in the international protection procedure,
- 4) the consequences of refusing to undergo a medical examination.

The foreigner shall be informed in detail about the age assessment procedure (both in terms of technicalities and procedural details).

The medical examination is performed in such a way as to fully respect the foreigner’s dignity, using minimally invasive testing techniques. Where an unambiguous result of the medical examination is not possible, the foreigner shall be considered as a minor. Any doubts shall be interpreted for the benefit of the foreigner, which means they shall indicate minority.

Also, the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Journal of Laws, 2018.0.1109, consolidated text) provides that a Border Guard authority which received an application for international protection from a presumed minor and has some doubts as to the age of the applicant, it shall ensure a medical examination is performed to determine the applicant’s

age. The presumed minor shall undergo a medical examination with his or her consent or the consent of their representative.

22) GRETA considers that the Polish authorities should take steps to ensure that the victims of trafficking can effectively take advantage of the possibility to be issued residence permits, including by consistently informing victims, in a language they can understand, about the application procedure (paragraph 146).

Pursuant to Article 7 of the Act of 12 December 2013 on foreigners (Journal of Laws, 2018, item 2094, as amended):

1. The authority

1) conducting proceedings in cases concerning:

- (a) issuing a visa to a foreigner,
- (b) extending a visa issued to a foreigner or the period of stay covered by that visa,
- (c) granting a foreigner a temporary residence permit, permanent residence permit or a long-term resident's European Union residence permit, hereinafter referred to as a "long-term resident's EU residence permit",
- (d) obliging a foreigner to return to his/her country of origin,

2) instituting checks in relation to a foreigner

- shall instruct the foreigner in writing in a language understandable to him/her about the procedure and its principles, as well as about the rights granted to him/her and obligations imposed on him/her.

2. As regards proceedings in matters concerning obliging foreigner to return to his/her country of origin, the instruction referred to in paragraph 1 shall include also information about the possibility of:

- 1) bringing an action against the entity entrusting the performance of work and enforcing a judgement made against such an entity in relation to outstanding remuneration, also in the case of enforcing the decision on imposing the return obligation on the foreigner;
- 2) granting a foreigner a temporary residence permit for the duration of the criminal proceedings against the entity entrusting the performance of work in which the foreigner is the aggrieved party:

- (a) as a result of a criminal offence consisting in entrusting the performance of work under conditions of extreme abuse referred to in Article 10(1) of the Act of 15 June 2012 on the consequences of entrusting the performance of work to foreigners residing unlawfully in the territory of the Republic of Poland (Journal of Laws, item 769),
- (b) a minor foreigner not holding a valid document entitling him/her to stay in the territory of the Republic of Poland who has been entrusted the performance of work;

(3) taking any other actions against the entity entrusting the performance of work, in particular notifying the competent authorities.

Pursuant to Article 173 of the Act of 12 December 2013 on foreigners the authority competent for conducting proceedings related to the criminal offence referred to in Article 189a(1) of the Criminal Code

shall advise the foreigner in writing in a language which he/she understands about the provisions of Article 171 and Article 172 on the issuance of a certificate confirming the existence of a presumption that the person is a victim of trafficking within the meaning of Article 115(22) of the Criminal Code to foreigners.

In the case of a positive identification, the authority conducting the proceedings shall issue a certificate confirming the presumption of the fact of being a victim of trafficking, in line with Article 170 of the Act on Foreigners. With regard to procedures for securing further residence permits, the Border Guard, in response to questions from the authorities, shall provide information on the possible cooperation of the person with law enforcement authorities. This may contribute to the formulation of a positive opinion in respect of obtaining a permission to stay in the territory of the Republic of Poland.

On the other hand, the issue related to instructing the aggrieved persons accordingly by prosecutors is solved in such a way that in line with Article 300 of the Code of Criminal Procedure and Article 16 of the Code of Criminal Procedure, it shall be done in writing and orally in the course of conducted preparatory inquiry. The aggrieved person shall be instructed in a language he/she can understand.

According to the position of the General Police Headquarters, persons who are granted the status of presumed victims of trafficking shall be informed of their rights. As for the foreigners who are victims of trafficking who do not speak Polish, their rights and obligations shall be translated for them to a language they can understand, including the possibility of obtaining documents to legalize their stay in the territory of the Republic of Poland. These topics are also the subject of training.

It should be emphasized that providing the victims and presumed victims of trafficking with information on their rights relating to the possibility of legalising their stay in Poland, and also ensuring that these rights are exercised, is one of the key tasks of the National Consulting and Intervention Center for the victims of trafficking. Every victim and potential victim is informed of legal solutions and forms of assistance available in Poland. In addition to information, the Center also provides foreigners with assistance in submitting the relevant applications for residence permits. Where necessary, the Center also ensures legal assistance, including with respect to residence law. Information and assistance are always provided in a language the beneficiary can understand. Depending on the needs, the Center also finances translations to ensure effective communication with beneficiaries: in the first half of 2018, translation was provided in the following languages: Russian, Ukrainian, English, French, Arabic, Bulgarian and Romanian.

23) GRETA once again invites the Polish authorities to develop a system for recording claims for compensation by victims of trafficking, as well as compensation awarded to victims of trafficking (paragraph 157).

Courts send statistical information on civil proceedings for compensation and damages pending before courts as well as decisions made (claims allowed in full, in part or rejected), however, without indicating the factual basis of a claim, to the Ministry of Justice.

Similarly, data on compensations, damages or fines granted in criminal (court) proceedings, though without indicating the crime the person obliged to pay the above claims was accused of having committed, is also provided.

Therefore, the Ministry of Justice has data on financial compensations for the victims of all crimes, and not only the victims of trafficking.

As for the Justice Fund, on the basis of reports drawn up by entities offering assistance to the aggrieved persons, it is possible to determine the number of persons who were provided support from the Fund and, following a thorough analysis, in relation to which type of offence.

24) GRETA considers that the Polish authorities should ensure that any repatriation is conducted with due regard for the rights, safety and dignity of victims of trafficking, is preferably voluntary and complies with the obligation of non-refoulement. A risk assessment should be carried out for all victims of trafficking to be returned, be they EU or third-country nationals, regardless of whether they have been covered by the Programme for Support and Protection of Victims/Witnesses of THB. The Polish authorities should continue the co-operation arrangements with the countries of return with a view to ensuring effective and comprehensive risk assessment relating to the possible return of victims of THB and enabling their safe return. Full account should be taken of the UNHCR's guidelines on the application of the Refugees Convention with regard to the victims of trafficking (paragraph 162).

It should be emphasized that the International Organization for Migration (IOM), based on the provisions of the *Agreement between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on cooperation in the field of voluntary returns of foreigners leaving the territory of the Republic of Poland*, assists persons recognised as victims of trafficking in Poland in voluntary return to the country of origin.

The general principles for implementing voluntary returns programmes by IOM with regard to the victims of trafficking are set out in the *IOM Handbook on Direct Assistance for Victims of Trafficking*. The principles of respecting and safeguarding the victim's individual rights and protecting the victim from further infringements are overarching in nature. Equally important is the rule which states that the assistance provided by IOM an informed consent of the victim. It is related to the obligation of IOM employees to clarify the relevant rules and procedures using a language the victim can understand and in a way allowing the victim to understand them correctly. The victim is also informed about all relevant information concerning their rights, available forms of support, search for their families or the situation in their country of origin. Where assistance is provided to a victim who is a minor, all activities are performed in accordance with the Convention on the Rights of the Child. IOM reserves the right to reject an application for assistance in voluntary return, if it follows from IOM's assessment that the said return may not be realised in accordance with the principles adopted by IOM (Article 45 of the aforementioned Agreement).

The voluntary return procedure is always preceded by a risk assessment. The assessment is dual in nature: a general risk assessment consisting in reviewing the general risks together with the security situation in the country of return as well as a detailed risk assessment, performed on a case-by-case basis for each victim of trafficking. Each such case present different challenges and risks, which is why it must be assessed individually. Every time, before the victim leaved Poland, the IOM office in the country of return is requested to draw up such an assessment. As already mentioned before, IOM reserves the right to reject an application for assistance in voluntary return, for instance, when the risk assessment establishes the existence of a threat for the victim.

All documents relating to the assistance provided to the victim of trafficking, and in particular all information on the details of the return travel, are treated as confidential, and may be accessed only by authorized IOM employees.

IOM follows uniform procedures for organising returns to ensure that victims travel in a safe, dignified and humane way. Due to security reasons, usually the preferred mode of transport is air transport, as being more regulated and subject to stricter controls. IOM employees accompany the returning victim at all stages of travel: the victim may count on their presence and support both when leaving Poland and arriving in the destination country. When funds for reintegration support for the victim are available, IOM implements such form of assistance, adjusting it to the victim's needs.

Between July 2017 and 31 December 2018, IOM assisted 4 victims of trafficking in returns. The aforementioned rules and procedures were followed in each of these cases. In particular, all departures were preceded by a risk assessment prepared by IOM offices in the countries of return.

It also should be mentioned that the Border Guard applies and respects the non-refoulement rule. The return to the country of origin is carried out on a voluntary basis and often with the support from the International Organization for Migration (IOM). In 2015, as part of the expert group for support and protection of victims of trafficking in human beings, the Border Guard was involved in the development of rules concerning the risk analysis for the returns of victims of trafficking to their countries of origin. Such risk assessment may be applied in each case, regardless of the country of origin of victims of trafficking.

25) GRETA considers that the Criminal Code should include an express prohibition of slavery in order to contribute to the practical and effective protection against treatment contrary to the Convention on Action against Trafficking in Human Beings (paragraph 164).

In accordance with the position of the Ministry of Justice and the National Public Prosecutor's Office, Poland penalises slavery. Article 8 of the Criminal Code penalises any action consisting in causing another person to become enslaved or conducting trade in slaves (whoever causes another person to become enslaved or conducts trade in slaves shall be subject to the penalty of deprivation of liberty for a term of no less than 3 years). The prohibition itself stems from the fact that slavery is considered a crime. Article 115(23) of the Criminal Code establishes a definition of slavery (slavery is a state of dependence, in which a human being is treated as a private property). According to the National Public Prosecutor's Office, transferring regulations would purely technical in nature.

Article 10 of the Act of 15 June 2012 on the effects of employing foreigners residing illegally on the territory of the Republic of Poland indicates that employing a foreigner staying in Poland without a valid residence permit who is a victim of the crime defined in Article 189(1) of the Criminal Code shall be punishable. Article 10(1) of the aforementioned Act provides that whoever employs another person under particularly exploitative conditions shall be subject to the penalty of deprivation of liberty for up to 3 years. Article 10(3) defines particularly exploitative conditions: entrusting work in violation of the law, conditions humiliating human dignity and grossly different, affecting health and safety.

Moreover, the Border Guard was entrusted with the authority to pursue the perpetrators of the aforementioned offences.

However, it should also be noted that the interdisciplinary Working Group for the relations with persons performing work operating within the Team for Sustainable Development and Corporate Social Responsibility under the Ministry of Investment and Economic Development, by tackling issues relating to forced labour as a form of trafficking in human beings, has been developing recommendations for legislative changes regarding the issue of forced labour as well as tools for enterprises in the field of managing risks related to forced labour. At present it has included the following two alternative solutions in its work:

- 1) To clarify and define forced labour within the existing provision on human trafficking in Article 115(22) of the Criminal Code;
- 2) To introduce a new offence of forced labour into the Criminal Code.

A draft of specific proposals for changes to the laws, along with a justification for choosing each option, will be recommended as a starting point for further work of a competent legislative committee.

26) GRETA invites the Polish authorities to consider establishing as a criminal offence the use of services of which are the object of sexual or labour exploitation, with the knowledge that the person is a victim of trafficking in human beings (paragraph 169).

According to the position of the Ministry of Justice, there is a ban in Poland on employing foreigners in the territory of the Republic of Poland without valid documents authorising their stay. Pursuant to Article 10(1) of the Act on the effects of commissioning work to foreigners illegally residing on the territory of the Republic of Poland, whoever commissions work in particularly exploitative working conditions to a foreigner residing in the territory of the Republic of Poland without a valid document authorising them to such residence, shall be subject to the penalty of deprivation of liberty for up to 3 years.

As set out in paragraph 2, the same penalty shall apply to those employing foreigners residing in the territory of the Republic of Poland without a valid document entitling them to such residence who are the aggrieved party in the crime defined in Article 189a(1) of the Act of 6 June 1997 – Criminal Code (Journal of Laws, No 88, item 553, as amended)).

Pursuant to paragraph 3, particularly exploitative conditions, referred to in paragraph 1, shall be construed as working conditions of a person or persons who have been commissioned to perform illegal work, work that is humiliating to human dignity or grossly differing, in particular with regard to gender, compared to the working conditions of those who have been commissioned to perform work legally, especially affecting the health or safety of the persons performing work.

27) GRETA considers that the Polish authorities should review the effectiveness of the regulations on corporate liability in relation to THB offences, examine the reasons why no legal persons have been prosecuted for trafficking-related acts and, in the light of the findings, take measures to ensure that the criminal liability of legal persons can be acted upon in practice (paragraph 171).

The Ministry of Justice has pointed out that the existing provisions of the Act of 28 October 2002 on the responsibility of collective entities for acts prohibited under penalty provide for the possibility of holding a collective entity accountable for the acts listed in this Act. This catalogue also covers crimes against freedom and public order as defined in Article 189a of the Criminal Code. Given the unsatisfactory effectiveness of the applicable regulations (manifested both by the low number of initiated and finalised proceedings and low amounts of imposed penalties), the Ministry of Justice has developed a new draft act on the responsibility of collective entities. The draft was adopted by the Council of Ministers on 8 January 2019.

The fundamental assumptions of the draft act:

- broadening the grounds for holding collective entities liable – covering any behaviour considered as own behaviour of collective entities having the features of a prohibited act,
- liability of a collective entity for all acts prohibited under penalty as criminal or fiscal offences,
- removing the requirement for obtaining a prior precedent (conviction of a natural person).

The draft act bases the liability of collective entities both on the concept of a quasi-fault of their own as well as the concept of an anonymous fault, which exists, for instance, under French, German and Austrian law. The primary system of liability of collective entities is to be completed by the possibility of holding these entities financially liable or entailing liability to payment of compensation in the case a collective entity derives financial gains from the committed prohibited act.

The draft act also provides for provisions to protect persons reporting information on irregularities (whistleblowers) related to the functioning of collective entities which have led or may lead to or facilitate a prohibited act.

The solutions proposed under the draft act establish the liability of collective entities as punitive liability similar to criminal responsibility, subject to financial liability and liability to payment of compensation for prohibited acts from which a collective entity derives gains, similar to civil liability.

These changes will ensure improved effectiveness of the system of liability of collective entities, including within the proposed scope – by subjecting all prohibited acts to investigation (not only acts as defined in the Criminal Code). At the same time, due to significant distinctness as compared to the

system of liability of natural persons, the distinctness of the draft regulation in relation to the provisions of the Code of Criminal Procedure will be maintained.

The draft act will be adopted by the government in January 2019 and submitted for discussion to the Sejm.

28) GRETA considers that the Polish authorities should take additional measures to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so, in accordance with Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of further training for prosecutors on the scope of the non-punishment provision, including with regard to administrative/civil law sanctions (paragraph 176).

According to the Ministry of Justice, the non-punishment provision in the context of the broader criminal law is sufficient and there are no plans to undertake legislative work in this field.

As for the pragmatism of the Border Guard's actions, cases of persons identified as victims of trafficking having committed a prohibited act are reviewed in terms of conditions as defined in Article 26 of the Warsaw Convention, the implementation of which has been the subject of examination by GRETA. The above issues are the subject of training for the Border Guard and the National School of the Judiciary and Prosecutions. However, in December 2017, the National Public Prosecutor's Office organised a training meeting for coordinating prosecutors from District and Regional Prosecution Offices dealing with issues of trafficking in human beings.

29) GRETA considers that the Polish authorities should extend the application of the single hearing principle to cover all child victims of THB, regardless of the precise circumstances and type of THB exploitation in the case (paragraph 194).

On the basis of information provided by the Ministry of Justice, it must be noted that in Poland the single hearing principle is applied in respect of all children (obligatorily for children under 15 years of age, while for minors between 15 and 18 years of age when there is a justified concern that such circumstances could have a negative impact on the mental state of the child). It should be stressed that already based on the applicable Article 185a of the Criminal Code, minor victims of trafficking are subject to the single hearing principle regardless of the type of exploitation. This guarantee stems from Article 185a(1) of the Criminal Code, according to which in cases in Chapter XXIII, which contains the provision criminalising trafficking in human beings, the rules defined in this provision shall apply.

Additionally, the legislator provides for the possibility of applying the single hearing principle in other types of offences (i.e. in cases concerning crimes committed with the use of violence or unlawful threat or defined in Chapters XXV and XXVI of the Criminal Code).

It should be further noted that the applicable Article 185a of the Code of Criminal Procedure, on the protection of the rights of the child, reaches further than the guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice to which GRETA refers, deriving from it the absolute principle of a single hearing for children. Meanwhile, the guidelines do not impose a uniform manner of treating all minor victims. On the contrary, in line with these guidelines, minor victims should be treated in different ways, with respect for their age, their special needs, their maturity and level of understanding (see paragraph 54 in Chapter IV "Child-friendly justice before, during and after judicial proceedings"). It should be further emphasized that paragraph 67 of the guidelines contains a recommendation stating that the number of hearings should be as limited as possible. However, when at least two hearings are necessary, they should preferably be carried out by the same person, in order to ensure coherence of approach in the best interests of the child (paragraph 66). Thus, the Committee of Ministers did not implement the single hearing rule.

According to the position of the General Police Headquarters, when hearing minors, the Police apply the provisions of Article 185a of the Code of Criminal Procedure, forwarding a request to interview such a person by the court during a session involving an expert psychologist, which additionally may be attended by the prosecutor, defender and the aggrieved person's representative.

If it is necessary to interview the minor, it shall take place in the environment friendly to the minor, so that he/she does not feel suspected of having committed a criminal offence or guilty of a criminal offence.

30) GRETA invites the Polish authorities to continue their efforts in the context of international cooperation, including by developing cooperation with labour inspectorates abroad (paragraph 202).

The National Labour Inspectorate also collaborates with its counterparts in other European countries. The cooperation between those entities is based, i.a., on bilateral cooperation agreements concluded with authorities in charge of supervising working conditions in partner countries. Between July 2017 and December 2018, two additional agreements were signed, that is:

- Agreement on bilateral cooperation and exchange of information concluded in Copenhagen on 6 December 2017 between the National Labour Inspectorate of the Republic of Poland and the Working Environment Authority of the Kingdom of Denmark;
- Agreement on bilateral cooperation and exchange of information concluded in Wrocław on 28 September 2017 between the National Labour Inspectorate of the Republic of Poland and the Labour Inspection Authority of the Kingdom of Norway;

At present, work is also in progress to revise the agreements concluded to date with labour inspection authorities in Czech Republic and Slovak Republic as well as an agreement with the labour authority of the French Republic is being drafted.

The cooperation of the National Labour Inspectorate with labour inspection authorities focuses on issues related to the posting of workers in the framework of the provision of services, as a consequence of the implementation of Directive 96/71/EC of the European Parliament and of the Council and Directive 2014/67/EU of the European Parliament and of the Council. Additionally, the aforementioned agreements included provisions on the possibility of taking joint control actions in cases in which partner institutions consider it necessary, as well as on the possibility of referring complaints against foreign employers which are lodged to partner institutions and which cannot be addressed due to the fact that the employment relationship is subject to foreign legislation to the relevant partner institution. The agreements also provide for the possibility of carrying out joint information campaigns and preventive activities aiming to counteract wrongdoing in relation to work.

To counteract the offence of human trafficking, the Ministry of the Interior and Administration has actively participated in events on the international front and has carried out a number of activities as part of cooperation with foreign partners. The following activities of international cooperation carried out in 2018 should be noted:

- the Ministry of the Interior and Administration took part in three editions of a project carried out in cooperation with the Embassy of United Kingdom of Great Britain and Northern Ireland, the Polish Police, the Border Guard, the La Strada Foundation and the Salvation Army, as well as the with support from the authorities of cities in which campaign took place, that is in Radom, Toruń and Włocławek. The purpose of the campaign was to organise talks in a red London double-decker in order to raise public awareness and to protect potential victims against various forms of exploitation making up modern slavery – trafficking in human beings. It is a threat that may occur both in Poland and in situations where a person decides to travel abroad, e.g. in search for employment. The campaign also covered workshops for the employees of services that help people particularly exposed to the above-mentioned hazards (labour office advisers, social service workers, etc.).

- As part of international cooperation activities, in December 2018, the second regional conference on “Combating offences related to the trafficking in human beings and forced labour.” It was attended by representatives from Poland, UK, Lithuania and Ukraine. The conference was divided in two parts: presentations by experts representing institutions dealing with combating offences related to the trafficking in human beings and forced labour as well as support provided to the victims of such offences.
- International cooperation within the frameworks of the European Commission – in 2018, representatives of the Ministry of the Interior and Administration attended a meeting of the informal EU Network of National Rapporteurs or Equivalent Mechanism on Trafficking in Human Beings. The European Union, aiming to support the effective implementation of the Directive on the trafficking in human beings, set up the aforementioned group of informal rapporteurs in 2009, and in December 2010 appointed the EU Anti-Trafficking Coordinator, whose role is to ensure coordination and coherence between EU institutions and EU agencies as well as with Member States and international actors, and also to develop new anti-trafficking solutions. Meetings are held twice a year; a representative of Poland is present at each meeting.
- Poland also participated in the work of the Council of the Baltic Sea States’ Task Force against Trafficking in Human Beings. Counteracting trafficking in human beings is among the priorities of the Council of the Baltic Sea States, which is why the aforementioned Task Force was established with the aim to enhance the cooperation between the Member States and strengthen actions to improve protection and support for the victims and develop legislative measures. A representative of the Ministry of the Interior and Administration attends meetings held at least three times a year.
- Furthermore, in 2018, Poland supported the initiative of the Council of the Baltic Sea States, by joining the project called “Paving the Way for a Harmonized Operational Framework in the Baltic Sea Region.” Its aim is to strengthen and extend the anti-trafficking cooperation network by establishing direct contacts with the countries of trafficking victims’ origin, that is Bulgaria, Romania and Ukraine. Also, a transnational system for the welfare of victims will be set up for the professionals working in and outside the Baltic Sea region, in order to ensure the appropriate tools for providing effective assistance to the victims. A guidebook and a glossary for journalists will be developed as part of the project with a view to raising the visibility of the issue of human trafficking. The project is financed by the Swedish Ministry of Social Affairs and the Swedish Institute (SI).

31) GRETA considers that the Polish authorities should further strengthen cooperation with civil society and build strategic partnerships with a range of civil society actors, including trade unions and academia (paragraph 207).

Acting within the interdisciplinary Working Group for the relations with persons performing work operating within the Team for Sustainable Development and Corporate Social Responsibility under the Ministry of Investment and Economic Development, strategic alliances and partnerships are established with numerous actors. The Working Group comprises:

- (a) representatives of public institutions,
- (b) representatives of employer organisations,
- (c) representatives of sectoral organisations,
- (d) representatives of economic self-government institutions,
- (e) representatives of trade unions,
- (f) representatives of NGOs,
- (g) representatives of academia and scientific communities;

and the key tasks of the Team include:

- 1) promoting dialogue and exchanging experiences and good practices between public administration bodies, businesses, socio-economic partners, academia as well as NGOs and R&D institutions in the field of sustainable development and CSR;
- 2) mainstreaming the principle of social solidarity and responsible business conduct;
- 3) shaping relations between economic competitiveness, environmental concerns and the quality of life through developing recommendations concerning the direction for implementing CSR principles in public policies for the effective achievement of the objectives of the Responsible Development Strategy;
- 4) promoting the social responsibility concept within public administration.