

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Recommendation CP/Rec(2023)05  
on the implementation of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by Poland**

*adopted at the 32nd meeting of the Committee of the Parties  
on 16 June 2023*

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

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

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

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

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

Recalling Committee of the Parties' Recommendation CP(2018)5 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Poland and the report of the Polish authorities on measures taken to comply with this recommendation, submitted on 13 February 2019;

Having examined the third report concerning the implementation of the Convention by Poland, adopted by GRETA at its 47th meeting (27-31 March 2023), as well as the comments of the Polish Government received on 12 May 2023;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Poland;

Welcoming the measures taken and progress achieved by the Polish authorities in implementing the Convention, and in particular:

- the further development of the legislative framework relevant to combating human trafficking, including the introduction of a residence permit for child victims of trafficking regardless of their co-operation with the authorities, and the increase in the sanctions for committing human trafficking;
- the adoption of the National Action Plan against trafficking in human beings (2022-2024);
- the increased budget allocated to the National Consulting and Intervention Centre for Victims of Trafficking (KCIK) for the assistance to victims of trafficking;
- the steps taken to set up specialised units and co-ordinators on human trafficking within the Police, the Border Guard and the National Prosecutor's Office, and to provide training and guidance;
- the guidelines provided to labour inspectors to enable them to detect cases of trafficking in human beings for the purpose of labour exploitation;
- the efforts made to strengthen international co-operation with a view to preventing and combating human trafficking;
- the important measures taken to prevent risks of human trafficking of persons fleeing the war in Ukraine.

A. Recommends that the Government of Poland take measures to address the following issues for immediate action<sup>1</sup> identified in GRETA's report:

1. Make additional efforts to guarantee access to legal assistance and free legal aid for victims of trafficking, including by:
  - facilitating the provision of legal assistance as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, irrespective of his/her residence permit and before the person concerned has to decide whether or not he/she wants to co-operate with the authorities and/or make an official statement;
  - ensuring that trafficking victims are systematically appointed a specialised lawyer to represent them in legal proceedings;
  - ensuring adequate funding for the provision of legal assistance and free legal aid to victims of trafficking, including when they are provided by NGO lawyers or *ex officio* lawyers (paragraph 63);
2. Guarantee effective access to compensation for victims of trafficking, notably by:
  - consistently and systematically informing victims of trafficking of their right to seek compensation in criminal and civil proceedings, as well as to seek state compensation, and the procedures to be followed;
  - ensuring that victims are provided with legal assistance and free legal aid from the early stage of the proceedings in order to exercise their right to compensation;
  - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigation, with a view to supporting compensation claims in court;
  - ensuring that victims of trafficking can effectively receive compensation for the full damage suffered as part of the criminal proceedings, and within a reasonable time;

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<sup>1</sup> The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

- providing regular training and guidelines for prosecutors and criminal judges on victim's right to compensation, the determination of the amount of compensation, and the possibility to respectively request and order compensation *ex officio*;
  - reviewing the eligibility criteria for state compensation to ensure that it is not conditional on failure to obtain compensation from the perpetrator and extending the eligibility for state compensation to all victims of THB, including third-country nationals who are victims of human trafficking committed in Poland, regardless of their residence status in Poland (paragraph 96);
3. Take further measures to strengthen the criminal justice response to THB, including by:
- ensuring that human trafficking offences for different forms of exploitation are proactively and promptly investigated, regardless of whether a complaint about the reported crime has been submitted or not by a victim;
  - making use of special investigation techniques in order to gather material, documentary, financial and digital evidence, and not having to rely exclusively on testimony by victims or witnesses;
  - ensuring that human trafficking offences are prosecuted as such, rather than as offences carrying lower penalties, every time the circumstances of the case allow this, and lead to effective, proportionate and dissuasive sanctions for those convicted. The plea-bargaining procedure should be used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims, including their access to compensation;
  - reviewing the existing legal provisions and court rulings on human trafficking for the purpose of labour exploitation and strengthening efforts to investigate, prosecute and convict offenders of trafficking for the purpose of labour exploitation;
  - ensuring that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ);
  - improving the collection of statistics on investigations, prosecutions and convictions for human trafficking offences (paragraph 123);
4. Provide for the application of protection measures to all child victims of trafficking, including children aged 15 or older, in particular the principle of a single hearing, the obligation to record the interview and the absence of cross-examination (direct confrontation) with the accused (paragraph 180);
5. Develop a centralised, comprehensive system for the collection and analysis of data on measures to protect and promote the rights of trafficking victims (including protection measures taken during criminal proceedings), as well as data on investigations, prosecutions and adjudications of human trafficking cases. Statistics regarding victims should be collected from all main actors (including Police, Border Guard, National Prosecutor's Office, regional and local authorities, KCIK and NGOs) and should allow disaggregation by sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to ensure the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database (paragraph 197);

6. Take additional measures to effectively prevent, detect and combat trafficking for the purpose of labour exploitation, taking into account Recommendation CM/Rec(2022)21 of the Committee of Ministers and GRETA's Guidance Note on combating trafficking for labour exploitation. This should include:

- reviewing the mandate of labour inspectors and reinforcing their human resources so that they can conduct operational activities and unannounced inspections in all economic sectors without prior complaints from workers or other evidence of suspected offences;
- establishing safe reporting and effective complaint mechanisms for workers, to ensure that victims of abuses or exploitative situations can refer their case without fear of repercussions.
- ensuring that when joint inspections are conducted, the objectives of labour inspectorates and the role of the immigration authorities are clearly defined;
- putting in place practical co-operation and data sharing agreements between labour inspectors and law enforcement in order to ensure that personal information of workers, whether collected in the course of labour inspections, joint inspections, reporting or complaints mechanisms, is not used for immigration enforcement purposes, but to tackle the perpetrators of trafficking offences;
- further strengthening the monitoring temporary employment agencies and recruitment intermediaries, including their respect of the national legislation and international standards (such as ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees) (paragraph 229).

7. Review the legislation in order to ensure that pre-removal risk assessments prior to all forced removals from Poland fully assess the risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*. The Polish authorities should take full account of the UNHCR guidelines on the application of the Convention relating to refugee status to victims of trafficking, and their right to seek asylum, and to GRETA's Guidance Note on the entitlement of victims of human trafficking, and persons at risk of being trafficked, to international protection (paragraph 237).

8. Improve the identification of, and assistance to, 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 children 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;
- further developing the training and resources of law enforcement officers and public prosecutors on the identification of child victims of trafficking, including child victims of trafficking recruited and/or exploited online;
- providing safe and specialised accommodations for child victims of trafficking, with professionals adequately trained in supporting child victims of trafficking (paragraph 247);

9. Take additional steps to guarantee effective assistance to victims of trafficking, according to their needs, including by:

- ensuring continuous access to public health care for all victims of trafficking on the basis of the temporary residence permit of victim of trafficking, in particular when not employed, in accordance with Article 12 of the Convention.
- increasing the number of places in specialised accommodation for victims of trafficking, including male victims (paragraph 272).

B. Recommends that the Polish authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

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C. Requests the Government of Poland to report to the Committee of the Parties on the measures taken to comply with this recommendation by **16 June 2025**.

D. Invites the Government of Poland to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.