

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



CP(2025)03

**Report submitted by the authorities
of Poland
on measures taken to comply with
Committee of the Parties Recommendation
CP/Rec(2023)05 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Third evaluation round

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Response to Recommendation No. CP/Rec(2023)05 on Poland's implementation of the Council of Europe Convention on Action against Human Trafficking

The GRETA evaluation round began in October 2020 and included an assessment of the Polish system for combating human trafficking. In recent years, Poland has had to face numerous unforeseen challenges that significantly impacted the implementation of measures to counter this crime. The most significant of these were the COVID-19 pandemic, the migration crisis at the Polish-Belarusian border, and Russia's military aggression against Ukraine, which triggered an unprecedented influx of refugees from Ukraine into Poland and caused considerable difficulties in the activities of institutions dealing with migration flows and assistance. Furthermore, in 2024, the Ministry of the Interior and Administration (MIA), along with its subordinate uniformed services, was particularly engaged in ensuring the safety of residents in connection with the floods that occurred in south-western Poland, and was involved in mitigating the effects of this natural disaster.

Poland's presidency of the Council of the European Union is drawing to a close, with the main theme being European security. It is impossible to discuss security without mentioning human trafficking, which is why efforts to combat this crime have been a focus of several events organised during the Presidency:

- 9-10 April 2025 – Conference: *Together Against Human Trafficking for Forced Labour and Labour Exploitation. Current responses and a way forward*. A representative of the Council of Europe Office in Warsaw participated in this conference. During the meeting, the following panel topics were discussed:
 - Current trends in trafficking for forced labour,
 - Case studies - experiences from EU Member States,
 - The common challenges of the European Union,
 - Victim support as a priority for EU policy,
 - Technologies to fight human trafficking in Europe;
- 23 January, 25 March, 24 April and 6 May 2025 – meetings of the LEWP in Brussels dedicated to the draft conclusions of the Council of the European Union regarding countering human trafficking;
- 28 March 2025 – meeting of the Standing Committee on Operational Cooperation on Internal Security (COSI) in Warsaw, during which the enhancement of international cooperation in the fight against human trafficking was discussed;
- 29 May 2025 – thematic seminar organised by European Crime Prevention Network EUCPN titled *Community Education for the Prevention of Human Trafficking, including the Harm to Migrants during the Refugee Crisis related to the war in Ukraine*;
- 5-6 June 2025 – EU NREM meeting in Brussels as part of Poland's co-chairmanship with the European Commission, during which the issue of child trafficking was addressed.

GRETA highlights in its report concerns raised by civil society representatives regarding the downgrading of the Team for Counteracting Human Trafficking compared to the previously functioning body, which had an advisory role for the Prime Minister (paragraph 26 of the report).

In this context, it is worth noting that on 18 September 2023, the *Interministerial Team for Combating Human Trafficking* was established, which serves as an advisory body for the Prime Minister¹.

¹ Ordinance No. 392 of the Prime Minister dated 18 September 2023 concerning the Interministerial Team for Combating Human Trafficking

The chair of the Team is Mr Czesław Mroczek, Secretary of State at the Ministry of Interior and Administration (MIA), while the Deputy is Mr Gen. Roman Kuster, the First Deputy Commander-in-Chief of the Police. The Team includes representatives from: MIA, the Ministry of Family, Labour and Social Policy, the Ministry of Justice, the Ministry of Foreign Affairs, the National Prosecutor's Office, the Police Headquarters, the Border Guard Headquarters, and the Office for Foreigners.

In accordance with § 4(2) of the ordinance establishing the Team, the chair may invite representatives of other entities to participate in its work with the rights of a member. Based on this provision, representatives of the Ministry of Health, the Chief Labour Inspectorate, the Ministry of Funds and Regional Policy, the Ministry of National Education, the Commissioner for Human Rights, the Commissioner for Children's Rights, the Ministry of Science and Higher Education, the Committee for Public Benefit (operating within the Chancellery of the Prime Minister), the Small and Medium Enterprises Ombudsman, and the Human Trafficking Research Centre, as well as non-governmental organisations and the International Organisation for Migration, participate in the Team with the rights of members.

Among the non-governmental organisations participating in the work of the Team are currently La Strada – Foundation Against Human Trafficking and Slavery, the Freedom Time Foundation, ITAKA Foundation – Centre for Missing Persons, and the Empowering Children Foundation.

The Secretary of the Team is a Director in the Department of Public Order at the MIA and the secretariat is operated by the Unit for Combating Human Trafficking, Hate Crimes and Supporting Actions in the area of EU Internal Security Policy.

The *Interministerial Team for Combating Human Trafficking* operates *inter alia* within the following working groups:

- The group for development of the National Action Plan and monitoring its implementation,
- The working group for supporting victims of human trafficking,
- The working group for developing a draft Act on Counteracting Human Trafficking.

The last of these groups was established in December 2024, and meetings took place in February, March, and May 2025, during which the foundations for the draft Act on Counteracting Human Trafficking were discussed.

It is also worth noting that on 19 March 2025, the Council of Ministers adopted the *National Action Plan Against Human Trafficking for 2025–2027* (KPD) via circulation process.

Below are Poland's responses to the recommendation of the Council of Europe Expert Group on Action against Human Trafficking:

GRETA once again considers that the Polish authorities should examine 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.

Poland is examining the possibility of appointing a dedicated National Rapporteur or an Equivalent Mechanism, which would independently monitor actions taken against human trafficking. The National Action Plan Against Human Trafficking for 2025-2027 proposes analysis of establishing a National Rapporteur on Human Trafficking in Poland (point VII.4 of the NAP). The entities responsible for implementing this task are the Ministry of Interior and Administration in cooperation with the Commissioner for Human Rights.

The potential appointment and defining competences of a National Rapporteur or an Equivalent Mechanism are also considered within ongoing work on the draft legislation aimed at combating human trafficking.

According to information provided by Poland on 12 May 2023, the role of National Coordinator and Rapporteur was held by the Deputy Director of the Department of International and Migration Affairs at MIA. Due to internal reorganisations, this function is now performed by the Director of the Department of Public Order. It was also indicated that the monitoring and initiating body for actions against human trafficking was the Team for Combating Human Trafficking operating previously under the Minister of Interior and Administration. Currently functioning *Interministerial Team* is involved, among other tasks, in reviewing programmes aimed at combating and preventing human trafficking and monitoring the feasibility of tasks planned within national action plans.

At this point, it is important to draw attention to the provision of Article 29(4) of the Convention, which states that each Party shall consider establishing National Rapporteurs or other mechanisms for monitoring activities carried out by State institutions against human trafficking and for implementing the requirements set out in law. It does not explicitly specify an obligation to establish a national rapporteur as a separate organisational entity.

We also wish to emphasise that, in accordance with Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 concerning the amendment of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, the obligation to appoint independent bodies – responsible for monitoring the implementation and impact of anti-trafficking measures, submitting reports on issues requiring particular attention by competent national authorities and conducting fundamental assessments of the causes and trends related to human trafficking – has been waived. Instead, there remains only an obligation to establish national coordinators for combating human trafficking or equivalent mechanisms.

Taking into account the important role played by civil society in implementing anti-trafficking activities and supporting victims of THB, GRETA considers that the Polish authorities should formalise the participation of specialised NGOs in the Team for Counteracting Trafficking in Human Beings and continue ensuring that they are involved in the planning, implementation and evaluation of anti-trafficking action.

Poland maintains that cooperation with civil society organisations is key to effectively combating human trafficking and undertakes a range of actions that involve third-sector entities.

Most notably, the chair of the *Interministerial Team for Combating Human Trafficking* may invite representatives from other institutions and experts – who possess the knowledge and experience necessary for the Team's tasks – to participate in its work with the rights of a member. This possibility is explicitly outlined in the ordinance issued by the Prime Minister establishing the aforementioned Team.

In 2024 and 2025, this opportunity was utilised by inviting to participate in the activities of the Team and its working groups representatives of Human Trafficking Studies Centre of the Warsaw University, International Organisation for Migration and non-governmental organisations dealing with this crime.

In 2024, at the invitation of the chair, representatives from La Strada – Foundation Against Human Trafficking and Slavery, Freedom Time Foundation, LightHouse Foundation, Empowering Children Foundation, and ITAKA Foundation – Centre for Missing Persons participated in the meetings of the Team.

Additionally, a representative from the secretariat of the Chair of the Committee for Public Benefit also takes part in Team's meetings with the rights of a member.

These entities are involved in planning, implementing, and evaluating activities through:

- submitting tasks to national action plans against human trafficking and their implementation,
- actively participating in the work of the group responsible for developing the draft law on combating human trafficking:
 - meeting on 14 February 2025 took place with the participation of La Strada Foundation, Freedom Time Foundation and Empowering Children Foundation,
 - meeting on 28 March 2025 took place with the participation of La Strada Foundation and Empowering Children Foundation;
 - meeting on 26 May 2025 took place with the participation of La Strada Foundation and Empowering Children Foundation.
- actively participating in the work of the group for supporting victims of human trafficking:
 - meeting on 4 July 2024 took place with the participation of La Strada Foundation, Freedom Time Foundation and Empowering Children Foundation,
 - meeting on 18 February 2025 took place with the participation of La Strada Foundation,
 - meeting on 12 May 2025 – concerning the development of a guide for staff of institutional foster care facilities on the risks associated with human trafficking and the risks for this crime to occur among residents of such facilities – took place with the participation of the La Strada Foundation; an invitation was also extended to the Empowering Children Foundation to collaborate on the development of this guide.
Another meeting with La Strada Foundation regarding the aforementioned guide is planned, as well as an invitation to La Strada, Empowering Children Foundation and ITAKA Foundation – Centre for Missing Persons, to continue working on the document.
- actively participating in the work of the group for developing the National Action Plan and for monitoring its implementation:
 - meeting on 27 June 2024 took place with the participation of La Strada Foundation, Freedom Time Foundation, ITAKA – Centre for Missing Persons and Empowering Children Foundation.
- Implementation of public tasks financed or co-financed from the state budget or in the framework of public procurement:
 - on-going cooperation with La Strada Foundation, cooperation with the Mary Immaculate Po-MOC Association for Women and Children (in 2024) and the Dialogue Foundation (in 2025) – as part of the task entrusted by the Minister of the Interior and Administration entitled *Running the National Centre for Intervention and Consulting for Victims of Human Trafficking* (KCIK);
 - on-going cooperation with Freedom Time Foundation in the framework of public procurement regarding the implementation of 12 training sessions for voivodeship teams on combating human trafficking in 2024.

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.

Between 2022 and 2023, within the previously functioning Team for Counteracting Human Trafficking operating under the Minister of the Interior and Administration, meetings of the monitoring group for the implementation of the National Action Plan took place. During these meetings on 29 November 2022 and 22 November 2023, the extent to which the activities outlined in the KPD had been carried out was reviewed.

Currently, the implementation of the KPD is being evaluated by a working group of the *Interministerial Team for Combating Human Trafficking*. The working group responsible for developing the National Action Plan and monitoring its realisation met:

- on 27 June 2024, with the participation of representatives from MIA, the Ministry of Justice, the Ministry of Family, Labour and Social Policy, the Border Guard Headquarters, the Police Headquarters, the National Prosecutor's Office, the Masovian Voivodeship Office, IOM, the La Strada Foundation, the ITAKA Foundation, the Freedom Time Foundation, and the Empowering Children Foundation. Due to the need to prepare a draft of the new plan, the entire meeting was dedicated to discussions about planned activities for 2025–2027.

However, the group primarily focuses on monitoring the implementation of national plans; discussions on this topic are scheduled for the next meeting planned for the second half of 2025. It is worth emphasising that the monitoring of the implementation of the KPD for 2025–2027, which was approved by the Council of Ministers on 19 March 2025, will be carried out on an ongoing basis.

At the same time, at the end of the first quarter of 2025, a report on the work of the *Interministerial Team for Combating Human Trafficking* for 2024, as well as a report on the realisation of the 2022–2024 National Action Plan Against Human Trafficking, was submitted to the Prime Minister by the Team's chair, Mr Czesław Mroczek, State Secretary at MIA.

Currently, this form of monitoring the implementation of national action plans against human trafficking remains in force in Poland.

GRETA considers that the Polish authorities should take additional measures to ensure the systematic provision of oral and written information to presumed and formally identified victims of trafficking, in a language they can understand, regarding their rights, the services available and how to access them, as well as the implications of being identified as a victim of trafficking. This should include steps to:

- revise the document on victims' rights so that the information is easy to understand and contains explanations on how to access such rights;
- revise the "certificate of a presumed victim of trafficking" so that it provides information on all the rights of victims of trafficking and how to access them;
- train and instruct law enforcement officers, prosecutors, staff of reception centres for migrants and shelters accommodating victims of trafficking on how to properly explain to victims of THB their rights, taking into account the victim's cognitive skills and psychological state;
- ensure that all victims of trafficking who are not fluent in Polish are assisted during interviews with law enforcement agencies and hearings in court by qualified interpreters, and sensitise the latter to the issue of human trafficking.

The information regarding the rights and obligations of the injured party, arising *inter alia* from the Code of Criminal Procedure (hereinafter: KPK), is available in 23 languages. This document is addressed directly to the victim and is written in simple and understandable language.

The specific rights of victims of human trafficking are the subject of a document being developed as part of the work of the support group for supporting victims of human trafficking functioning in the framework of the *Interministerial Team*.

Additionally, there are plans to organise the specific rights of victims of human trafficking within the framework of the Act on Counteracting Human Trafficking that is being developed. It has been preliminarily identified, among other things, that there is a need to define the concept of a victim of human trafficking, which will contribute to a clear distinction between this category of persons and those who are granted a status of an injured party.

Currently, in accordance with Annex No. 3 to the *Algorithm of Conduct for Law Enforcement Officers in the Event of a Human Trafficking Crime*, an officer informs the presumed victim about the details of assistance provided by the KCIK, the possibility of obtaining social assistance, legalisation of residence and the opportunity to benefit from the IOM Voluntary Return and Reintegration Programme.

A certificate confirming the presumption that a person is a victim of human trafficking does not contain information about the specific rights of victims of human trafficking, but only information about the conditions for legalising the residence of these persons (paragraph 45 of the GRETA report suggests that the certificate should contain information about all rights of victims of human trafficking).

Information about the specific rights of victims of human trafficking is provided separately by law enforcement officers, in writing or verbally, based on the implemented National Referral Mechanism for Victims and the algorithms of conduct for law enforcement officers. The staff of the National Intervention and Consultation Centre for Victims of Human Trafficking (KCIK) also provides professional information in this regard.

Police officers receive regular training on how to carry out procedures involving potential victims or injured parties. During these training sessions, issues such as considering the cognitive abilities and mental state of the person subject to the procedures (e.g. questioning or interviewing) are addressed. Furthermore, officers strive to conduct activities in conditions that ensure a sense of safety and comfort.

As part of the police training system, a specialised course on preventing and combating human trafficking offences is delivered. The aim of the course is to prepare Police officers to perform their duties related to preventing crimes of human trafficking, paedophilia, child pornography, and their suppression. The training content covers topics such as tactics for conducting investigative activities in human trafficking cases, which prepare officers to establish initial contact with presumed victims of trafficking, understand interrogation tactics, and apply positive communication strategies with victims of trafficking. During the training on topics such as *Victim's Rights in Human Trafficking Cases*, *First Contact and Conversation with a Presumed Victim of Human Trafficking*, and *Interrogation of the injured party – Human Trafficking Victim*, particular attention is paid to the proper informing and translation of victims' rights, taking into account their cognitive abilities and mental state. A Police psychologist participates in these sessions, emphasising the importance of understanding victims' cognitive capacities and mental health in the context of the role and significance of the initial contact between the victim and the Police.

Border Guard officers are continuously trained on human trafficking issues in accordance with the *Model Training Programme for Border Guard Officers*, adopted by the Chief Commander of

the Border Guard, which covers operational and investigative procedures. During these training sessions, considerations such as the cognitive and psychophysical state of individuals involved in activities like questioning or interrogation are discussed. All procedures are always conducted in conditions that ensure comfort and safety. The training also addresses how to perform procedures with potential victims of human trafficking or injured parties of this crime.

It should be emphasised that the obligation to provide an interpreter arises when the person does not speak Polish. It is also reasonable to assume that an interpreter must be called if the person does speak Polish, but the observations provided by the interviewee are not accurately understood by the authority conducting the proceedings (Supreme Court judgement of 22 April 1970, case III KR 45/70, OSNKW 1970/11, item 150).

During investigative and prosecutorial activities, Police and Border Guard officers – when working with a foreign national who does not speak Polish – generally ensure the participation of a sworn interpreter to carry out these procedures correctly. However, if such a possibility is not available, an interpreter can be appointed under Article 204 of KPK, meaning a person who has knowledge of the relevant foreign language but is not a sworn translator. The participation of an interpreter is guaranteed at every stage of the procedural activities (from the beginning to the conclusion of the criminal proceedings).

It should be emphasised that the Police and Border Guard are law enforcement agencies with statutory authority to investigate the crime of human trafficking. Officers – in the course of their official duties related to recognising, preventing, and detecting human trafficking crimes – act solely on the basis of applicable national law, as well as based on non-codified regulations such as guidelines and algorithms, while maintaining all standards and requirements set out by international law.

Each time they perform activities with a victim, officers ensure that the person understands the content of the information on their rights. In case of any doubts, the victim has the opportunity to clarify this content with the officer conducting the procedure.

If, during the proceedings, a third-country national is identified and positively recognised as a presumed victim of human trafficking, they are – in accordance with the above-mentioned Algorithm – informed in a language they understand about the following options:

- assistance from the National Intervention and Consultation Centre for Victims of Human Trafficking (KCIK), which includes:
 - consultations regarding the rights of the victim;
 - provision of clothing, hygiene products, food, and basic medical care;
 - assistance to the victim during contact with law enforcement and judicial authorities;
 - psychological support;
 - assistance from an interpreter;
 - transportation within the country;
 - help with legalising residence;
 - legal consultations;
 - ensuring the participation of victims of human trafficking in vocational courses and Polish language courses according to their identified needs;
 - organisation of a safe return to the country of origin via IOM;
 - providing a safe accommodation place;
- Obtaining social assistance in accordance with the provisions of the Social Assistance Act;

- Obtaining, based on Article 176 of the Act on Foreigners, a temporary residence permit for victims of human trafficking, if the foreign national simultaneously meets the following conditions:
 - resides on Polish territory,
 - has cooperated with the competent authority conducting proceedings regarding the crime of human trafficking, and in the case of a minor foreign national, has been recognised as a victim in proceedings concerning this offence,
 - has severed contacts with persons suspected of committing the crime of human trafficking.

Assistance to the victim is provided regardless of cooperation with law enforcement authorities, including regardless of informing law enforcement about a potential crime.

GRETA urges the Polish authorities to 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.

The possibility of appointing specialized lawyers already exists, with legal representatives being either advocates or legal advisors, thus professional entities. The issues of appointing a legal representative are governed by Articles 87 and 88 of the KPK; the injured party may use the assistance of a legal representative free of charge throughout the entire criminal proceeding.

Additionally, legal aid is provided as part of a public task commissioned to non-governmental organizations, aimed at addressing the needs of victims of human trafficking, both those formally identified by law enforcement authorities and potential victims at the pre-identification stage carried out by competent NGOs. The open call for proposals for the implementation of the commissioned task entitled the *National Consulting and Intervention Centre for the Victims of Trafficking* (KCIK) has for years included assistance to victims during contact with law enforcement and the judiciary, as well as legal consultations.

Organisations running KCIK declare in their annual reports that they provide adequate assistance to all beneficiaries of the task. In 2022, the grant allocated from the state budget amounted to PLN 1,100,000; in 2023 – PLN 1,720,000; in 2024 – PLN 1,500,000 and in 2025 – PLN 1,500,000.

According to the declaration of organisations running KCIK presented in the final report from 2024:

- all victims and potential victims of human trafficking who contacted KCIK received assistance adequate to their needs and were able to exercise their rights;
- all identified victims received assistance in accordance with international standards and tailored to individual needs;
- KCIK beneficiaries were treated in an empowering way in institutions such as the Police, Border Guard, Prosecutors, Courts, and Social Assistance. (...) also thanks to a higher level of knowledge, employees of these entities, but also of the judiciary,

education, and foster care, better understood the needs of victims of human trafficking and performed their work more effectively and with greater empathy.

Furthermore, pursuant to Article 43 § 8 point 1 of the Act of 6 June 1997 – *Executive Penal Code* and § 36 section 1 point 1 of the Regulation of the Minister of Justice of 13 September 2017 *on the Fund for Victims Support and Post-Penitentiary Support – the Justice Fund*, crime victims, including victims of human trafficking, and their closest relatives have the opportunity to benefit from free legal aid under the Network of Assistance to Crime Victims. This assistance is financed from the Justice Fund. Assistance is provided regardless of the initiation of preparatory or judicial proceedings; it is sufficient to prove the occurrence of a crime plausible. The location and contact details of the District Centres and Local Points where assistance is provided are available on the website: <https://www.funduszsprawiedliwosci.gov.pl/pl/znajdz-osrodek-pomocy/>

Further, GRETA considers that the Polish authorities should take steps to facilitate the training of lawyers assisting and representing victims of trafficking, including by providing sufficient fundings to that effect and by encouraging the Supreme Bar Council and the National Council of Legal Advisors to offer specialised training and to draw up a list of lawyers qualified to provide assistance to victims of THB.

According to the currently applicable legal regulations, the issue of professional developments for lawyers and legal advisors, including the organisations of training sessions and the selection of their topics, lies within the competence of the respective bar associations and legal advisors chambers. However, recognising the importance of the human trafficking problem and the specific nature of actions in such cases, the Ministry of Justice asked the President of the National Bar Council and the President of the National Council of Legal Advisors to express their position on the possibility of the National Bar Council and the National Council of Legal Advisors implementing GRETA's postulate regarding the offering of specialised training and the creation of a list of lawyers qualified to assist victims of human trafficking.

GRETA considers that the Polish authorities should make further efforts to guarantee psychological assistance to victims of trafficking, including by:

- ensuring that psychological assistance can be effectively provided to all victims of trafficking, irrespective of their access to public health insurance;
- allocating sufficient funding to KCIK so that it can adequately provide psychological assistance to victims of trafficking, including by engaging interpreters where necessary.

Paragraph 66 of the GRETA report on psychological assistance rightly pointed out, among other things, that according to the Act of 12 March 2004 *on social assistance*, victims of human trafficking have the right to various forms of social assistance, including crisis intervention and psychological support. It was emphasized that this assistance is available only to people legally residing in Poland, including on the basis of a temporary residence permit issued in connection with cooperation with law enforcement authorities (Article 176 of the *Act on Foreigners*) or on the basis of a certificate of presumed victim status of human trafficking (Article 170 of the *Act on Foreigners*), and that after the reflection period, assistance is not provided in the absence of cooperation in the ongoing proceedings.

It should be emphasized that granting a temporary residence permit for a victim under the age of 18 is not dependent on cooperation with the law enforcement authority in the ongoing proceedings. According to Article 176 of the *Act on Foreigners*, the issuance of such a permit is based on whether the person resides in the Republic of Poland, receives victim status in

proceedings regarding human trafficking, and severs contacts with persons suspected of committing this crime.

In this context, Poland also wishes to correct the information submitted in 2023, which appears on page 74 of the report regarding the provision of social and legal counselling as well as immediate specialised psychological assistance under Articles 47(2) and (3) of the *Act on Social Assistance*. This assistance is provided as part of crisis intervention within the social assistance system, and not—as previously indicated—within the activities of the KCIK. KCIK is a separate public task of the MIA, implemented in cooperation with the non-governmental sector to address the needs of victims of human trafficking, including through the coordination of support provided to victims within Poland.

Psychological assistance provided by KCIK is granted based on an individual assessment of the beneficiary's needs. Eligibility for KCIK assistance is determined by competent non-governmental organisations and is not limited solely to confirmed victims (status of an injured party) of human trafficking but also includes potential victims informally identified by NGOs operating KCIK.

Injured parties and their closest relatives may also receive free psychological assistance through the Network of Assistance for Victims of Crime (Article 43 § 8 point 1 of the Executive Penal Code and § 36 section 1 point 4 of the Regulation of the Minister of Justice of 13 September 2017 on the Fund for Victims Support and Post-Penitentiary Assistance – Justice Fund). Information on rights of an injured party includes a website and a telephone number for contact.

Psychological assistance is provided by the National Consulting and Intervention Centre for the Victims of Trafficking (KCIK) when non-governmental organisations identify such a need as part of the needs assessment conducted for each beneficiary.

According to the declaration of organisations running KCIK presented in the final report for 2024:

- all individuals residing in shelters operated by service providers received psychological support;
- all victims and potential victims of human trafficking who made contact with KCIK received assistance appropriate to their needs and were able to exercise their rights;
- all identified victims received assistance in accordance with international standards and tailored to their individual needs;
- KCIK beneficiaries were treated with respect and dignity by institutions such as the Police, Border Guard, prosecutors, Courts, and Social Assistance. (...) Moreover, thanks to an increased level of knowledge, employees of these institutions, as well as those in the judiciary, education, and foster care systems, better understood the needs of victims of human trafficking and performed their work more effectively and with greater empathy.

Foreign victims of trafficking who hold a temporary residence permit issued on the basis of their co-operation with the authorities are entitled to work in Poland and are exempted from the obligation to apply for a work permit. They have access to the services of public employment agencies. However, in practice, delays in obtaining a residence permit (up to one year in some regions) can undermine victims' access to work (see paragraph 282). Only those victims of trafficking who applied for temporary residence during their legal stay in Poland and who were authorised to work prior to submitting their application, can work while waiting for the issuance of a residence permit. GRETA was informed that a draft law on the employment of foreigners is under preparation and granting victims of THB access to the labour market would be considered as part of the legislative process. GRETA would

like to be kept informed of the adoption of the draft law on the employment of foreigners and its provisions regarding victims of THB.

The new Act of 20 March 2025 on the Conditions of Admissibility of Employment of Foreign Nationals in the Territory of the Republic of Poland came into force on 1 June 2025 and replaced the previously applicable Act on Employment Promotion and Labour Market Institutions.

The main objectives of the Act include the introduction of full digitalization of procedures, which will facilitate the exchange of information related to employing foreign nationals between authorities issuing work permits or accepting declarations of entrusting work to foreigners, the Social Insurance Institution (ZUS), and control services. The Act also aims to combat illegal employment by tightening the conditions for issuing work permits and increasing penalties for entities illegally employing foreigners. Additionally, the Act introduces the obligation to submit to the authority that issued the work permit or registered the declaration - a copy of the employment contract concluded with the foreign national before entrusting the work.

The Act also regulates the matters concerning work for those who holds a temporary residence permits for persons recognised as victims of human trafficking. Article 3(1)(14), states that a foreign national who holds a temporary residence permit in Poland granted under circumstances specified in the Act on Foreigners of 12 December 2013 [Article 144, article 151(1), article 151b(1), article 158(2)(1)/(2), article 161(2), article 176 or article 186(1)(3-4) and (7-9)], or who holds a national visa for scientific research or development work – has free access to the labour market.

According to Article 176 of the Act of 12 December 2013 on Foreigners, a temporary residence permit for victims of human trafficking is granted to a foreigner if all the following conditions are met:

- 1) The foreigner resides on the territory of the Republic of Poland;
- 2) The foreigner has cooperated with the authority competent to conduct proceedings concerning the crime referred to in Article 189a § 1 of the Penal Code, and in the case of a minor foreigner, has been granted the status of a victim in such proceedings;
- 3) The foreigner has severed contacts with persons suspected of committing the crime referred to in Article 189a § 1 of the Penal Code.

GRETA considers that the Polish authorities should ensure effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.

The National Consulting and Intervention Centre for the Victims of Trafficking (KCIK) provides reintegration assistance to Polish citizens and integration support to foreigners. In 2025, based on an agreement between the Minister of the Interior and Administration and the La Strada Foundation Against Human Trafficking and Slavery, along with the Dialogue Foundation, this assistance includes support in finding and maintaining employment, assessing the possibility of entering or returning to the labour market, deciding on participation in vocational or skills enhancement courses, help with CV preparation, and Polish language courses.

In 2024, according to report from organisations implementing KCIK, reintegration assistance was provided to 210 beneficiaries. This support partially focused on finding language courses,

preparing CVs, job search assistance, reviewing job offers and contracts for legal compliance, proposing training on navigating the Polish labour market, and explaining the Polish wage system, including the difference between gross and net pay.

Additionally, unemployed persons can access general labour market services and instruments such as job placement, career counselling, training, internships, referrals to subsidised jobs, and funding for starting a business.

After registering with the employment office, job seekers can receive professional support in vocational activation, primarily through job placement and career counselling.

Employment office staff provide care and support to unemployed individuals, job seekers, and employers. Their role involves continuous assistance to the unemployed or those seeking work, particularly through preparing and supervising the implementation of individual action plans, delivering basic labour market services on a one-on-one basis, and facilitating access to other forms of assistance as defined by applicable law.

Job placement is a key and the most commonly provided form of assistance by employment offices to unemployed persons and job seekers. Participation is voluntary and available to anyone interested in finding employment, including those not registered with employment offices.

Every national job offer accepted for processing by a district employment office is published through a publicly accessible and free online job offer database at <http://oferty.praca.gov.pl>. This database is accessible on desktop computers, tablets, and smartphones. Users can search the job offers in multiple ways using various filters, such as job title, type of offer, work location, contract type, working hours, salary level, employer name, shift work, and more. There is also a newsletter feature that allows job seekers to receive up-to-date information about job offers matching their interests.

Beyond independently searching the job offer database, anyone interested can request assistance from employment office staff in finding suitable job offers. Additionally, job seekers can participate in job fairs and employment events organised by employment offices, which provide opportunities for direct contact with employers.

Career counselling is a labour market service provided, among others, by district employment offices. It involves helping individuals solve professional problems by offering support from employment office staff. This assistance can be provided through individual meetings, telephone consultations, or online sessions.

As part of career counselling, employment office staff also conduct group workshops for individuals requiring support.

At every employment office, job seekers and unemployed persons can receive help with:

- Choosing an appropriate profession
- Changing qualifications
- Starting or changing jobs
- Assessing their competencies, interests, and professional abilities
- Changing their place of employment
- Planning career development
- Gaining knowledge and acquiring essential skills to navigate the labour market successfully.

GRETA invites the Polish authorities to extend the right to work to persons who hold a certificate of a presumed victim of trafficking.

According to the proposal submitted in March this year by the Department of the Labour Market at the Ministry of Family, Labour and Social Policy within the working group developing the draft Act on Combating Human Trafficking, it is proposed to introduce – through a new dedicated legal act – the right to work without a permit and to register as unemployed for persons staying in Poland based on a certificate confirming the presumed status of a victim (issued pursuant to Article 170 of the Act on Foreigners).

GRETA urges the Polish authorities to 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;
- 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.

During the course of criminal preparatory proceedings, it is possible to establish the assets of the suspect (gathering detailed information about the suspect's financial situation and about property and rights subject to security measures that are in the possession of other persons), which may then be subject to establishing security on the property in accordance with the provisions of Chapter 32 *Security established on the Property* of the KPK. The decision regarding this is made by the Prosecutor. The Prosecutor can establish security on the property no earlier than when criminal proceedings are initiated against a specific person, which occurs at the moment when they are formally charged (the so-called *in personam* phase).

Regarding the collection of evidence concerning the possibility of receiving compensation, it should be noted that financial investigation – as a mandatory element of proceedings – has also been specified in the regulations governing the internal procedures of general prosecution units. This is due to the regulation issued on 23 March 2020 by the Minister of Justice amending the regulation – Internal Procedures Regulations for general organisational units of the public prosecution, which introduced significant changes concerning asset security measures and other institutions:

- Investigation plans and investigative activities – now must include actions aimed at establishing assets that originate from a crime, are at risk of confiscation, or can be secured (measure: security on the property) – § 127(1a) of the aforementioned regulation).
- Application for an extension of the investigation – after the amendments, such an application must explain why the investigation cannot be concluded. It must also specify

further steps, including actions related to determining assets and financial benefits derived from the crime, which are at risk of confiscation, as well as the suspect's financial situation and assets that can be secured (modification of § 130(1)).

- Determining the value of assets at the beginning of the investigation – following the amendments, it is necessary to establish at the outset how much of the assets originate from a crime that may be confiscated or returned to the victim, as well as assets that may be attributed to third parties, such as those who may have transferred assets or gained benefits from the crime (modification of § 202 of the aforementioned regulation).

In the absence of the possibility to obtain compensation from the offender through criminal proceedings, an injured party residing in the territory of the Republic of Poland or in the territory of another European Union member state may submit an application for state compensation. Compensation is granted pursuant to the Act of 7 July 2005 on State Compensation for Victims of Certain Offences.

According to Article 300 of the KPK, injured parties are informed of their rights and have the right, under Articles 87 and 88 of the KPK, to benefit from free legal assistance provided by a professional representative throughout the entire criminal process. Furthermore, pursuant to Article 297(1)(4) and (5) of the KPK, the purpose of preparatory proceedings is to clarify the circumstances of the case, including identifying victims and assessing the extent of damage, as well as collecting, securing, and appropriately documenting evidence for the court.

They also have the right to claim compensation. According to Article 46 of the Act of 6 June 1997 – The Penal Code, the court may – *ex officio* or upon request by the victim – order compensation for damages or reparation for harm. If this is significantly difficult, a fine of up to PLN 200,000 can be imposed instead. These measures do not preclude pursuing any remaining claims through civil proceedings. Additionally, based on Article 291 of the KPK, it is possible to secure compensation, reparation, and fines on the suspect's property either *ex officio* or upon request by a party.

In the event of committing a crime for which a fine, monetary penalty, confiscation, remedial measure, restitution of financial benefit to the victim or another entitled entity gained by the perpetrator from the committed offence or its equivalent can be imposed, the police may temporarily seize movable property of the suspect if there is a concern that the property might be removed. The legal basis for temporary seizure of movable property is Article 295 of the KPK. The secured property – upon request from the prosecutor's office – may be allocated towards future compensation for victims of human trafficking; however, any claims for compensation are decided by the court in criminal proceedings.

The free legal aid system, implemented under the Act of 5 August 2015 on free legal assistance, free citizen advice, and legal education, is available to all persons present in Poland—including victims of human trafficking and illegal immigrants. The providers of this system declare their specialisations and language skills, enabling victims to find a service provider best suited to their needs.

Furthermore, in accordance with § 36(1)(1) of the Regulation of the Minister of Justice of 13 September 2017 on the Victims Assistance Fund and Post-Penitentiary Assistance – the Justice Fund, assistance to injured parties of a crime and their close relatives is provided, in particular, through organising and financing legal aid, including alternative methods of conflict resolution. Such assistance is offered within the Victims Support Network. An injured party, including a victim of human trafficking, has the opportunity to access help at the location where assistance is provided (in District Centres and Local Points), with legal aid aimed at securing their legal position in relation to the committed offence. This support also includes preparing documents related to pursuing claims in civil and criminal proceedings, as well as claims against the state.

The information regarding the rights and obligations of the victim includes details about the right to submit an application for the court to order the defendant to fully or partially compensate for damages caused by the offence, and about the right to request that the court order the defendant to pay compensation for suffering.

Currently, the Ministry of Justice is conducting analytical and conceptual work aimed at amending the Act of 7 July 2005 on State Compensation for Victims of Certain Offences. The scope of the analysis also includes changes regarding the granting of compensation at a higher amount than the basic compensation, particularly when the victim possesses distinguishing characteristics or is in a special situation, for example, if they are under 18 years of age. In this context, a recommendation will also be considered to grant state compensation to victims of human trafficking as a special category of victims. Under the current legal framework, victims of human trafficking can receive state compensation on the same terms as other victims. Its award depends on the type of effect resulting from the perpetrator's actions (death of the victim, serious health impairment, injury to an organ or health disorder lasting no longer than seven days).

The National School of Judiciary and Public Prosecution, as the central institution responsible for ongoing training of judges and prosecutors in Poland, provides these professionals with appropriate annual training sessions aimed at familiarising them with the specifics of human trafficking, the profile of victims of this crime, and their procedural rights. In 2024, two in-person training sessions titled *Issues Related to Human Trafficking* were organised in the town of Dębe. These sessions were addressed to judges and judicial assessors presiding over criminal divisions, as well as prosecutors and prosecutor's assessors. The training covered fundamental procedural rights for victims of human trafficking, including the right to compensation for damages suffered as a result of this crime within the scope of the obligation to repair the harm caused by such offences, as well as claims for redress or reparation payments. The training programme will continue in 2025. As part of a three-day in-person training scheduled in Poznań from 3 to 5 September 2025, titled *Human Trafficking – Selected Issues*, the substantive legal aspects of human trafficking will be discussed, including its definition under national and international law; the legal status of victims within Polish criminal law in the context of international standards; and basic procedural rights for these victims, including their right to claim compensation and how this right is exercised. This training is intended for judges and judicial assessors presiding over criminal divisions, as well as prosecutors and prosecutor's assessors.

GRETA considers that the Polish authorities should monitor access to compensation for victims of trafficking by developing a system for recording claims for compensation and compensation awarded.

The Ministry of Justice maintains ongoing statistics regarding state compensation. However, there is no specific distinction in compensation for individual types of offences in Poland.

Statistical data related to human trafficking are collected by the National Police Headquarters, Border Guard Headquarters, National Prosecutor's Office, and the Ministry of Justice. These data include the number of initiated proceedings, suspects, accused persons, injured parties, the gender of injured parties and their forms of exploitation. Based on the statistical data gathered by the Prosecutor's Office and the Ministry of Justice, it is possible to determine in which cases compensation was awarded from the perpetrator to the victim. The Ministry of Justice also maintains separate statistics on cases concerning applications for compensation. Using these statistical data, it can be established whether an application for compensation was submitted by a victim of human trafficking and whether it was granted positively. Furthermore, the Ministry of Justice collects statistical information on assistance provided (legal, psychiatric,

psychological, psychotherapeutic, material) to victims affected by human trafficking from the Justice Fund. The Justice Fund is a special fund that accumulates resources from fines and other penalties imposed on convicted individuals by courts. Victims affected by human trafficking can receive assistance from the Justice Fund regardless of any damages awarded from the offender through court proceedings or state compensation.

Register of civil cases concerning the granting of compensation (under the Act of 7 July 2005 on state compensation for victims of certain prohibited acts) in district courts in 2018-2024

Year	Submission	Resolved							Remains for the next period	Number of cases handled with a compensation granted	Total amount of compensations granted in PLN	
		in total	of which									
			allowed in full or partially	dismissed	returned	rejected	discontinued	other resolutions				
2018	111	91	34	21	20	2	1	13	61	34	331 925	
2019	117	121	25	27	43	1	4	21	58	25	378 929	
2020	55	75	21	19	19	1	2	13	38	21	243 995	
2021	56	52	21	13	7	2	2	7	42	21	283 895	
2022	50	57	17	18	12	0	1	9	35	17	196 516	
2023	53	57	22	9	16	1	0	9	31	22	414 985	
2024	46	44	16	13	7	0	2	6	33	16	210 255	

Source: statistical report MS-S1 Civil cases report; Ministry of Justice

The definition of human trafficking in Article 115, paragraph 22, of the Polish CC has remained unchanged. The list of purposes of exploitation still does not include “servitude” which is not criminalised separately in Polish law. The authorities consider that servitude is covered by other offences such as slavery, violating human dignity or employing foreigners illegally under exploitative conditions. GRETA recalls that the absence of a specific criminal offence of servitude in domestic law may lead to difficulties in complying with States’ positive obligations to prevent, investigate and prosecute servitude. Reiterating its previous recommendation, GRETA considers that the Criminal Code should include an express prohibition of servitude in order to contribute to the practical and effective protection against treatments contrary to the Convention.

Trafficking in persons is defined in article 115 of the Polish Penal Code as recruiting, transporting, delivering, transferring, storing or accepting people by using: 1) violence or the unlawful threat of violence, 2) kidnap, 3) deceit, 4) misrepresentation or exploiting an error or inability to properly comprehend a decision, 5) an abuse of a dependence, exploiting a critical position or a state of helplessness, 6) the grant or acceptance of material or personal incentives, or the promise of such to a person with supervision or custody over another person - in order

to use them, even with their consent, in particular in prostitution, pornography or other forms of sexual exploitation, for forced work or services, for begging, for slavery or other forms of degrading human dignity, or for obtaining cells, tissues or organs contrary to the provisions of law. If the actions of the offender involves a minor, it constitutes trafficking even when not using the methods or measures referred to in sections 1-6.

The definition of trafficking in human beings is broad and also includes slavery, which is defined in article 115 § 23 of the Penal Code and that should be understood as a state of dependence in which a person is treated as an item of property. Moreover, in Article 8 of the Act of June 6, 1997 – *Provisions Introducing the Penal Code*, the act of causing a person to be placed in a state of slavery or maintaining them in that state, or engaging in the trade of slaves, is *expressis verbis* penalised, providing for a punishment of imprisonment from 3 to 20 years for its commission.

The group tasked with drafting the Act on Counteracting Human Trafficking agrees that forced labour should be defined and the definition of trafficking in human being should be amended, also due to the provisions outlined in the Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024, amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.

Currently, no legislative work is planned to change the existing regulations penalising human trafficking, as the current provisions are considered sufficient. The Penal Code penalizes trafficking in human beings in article 189a with a punishment of imprisonment from 3 to 20 years and it also penalises the preparation to commit this offense with imprisonment from 3 months to 5 years.

GRETA once again urges Polish authorities to 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

The Police and Border Guard operate based on regulations outlined, among others, in the Penal Code, the Code of Criminal Procedure, as well as the respective Acts on the Police and the Border Guard. Officers carry out tasks related to combating human trafficking with the aim of identifying, preventing, and detecting offences by performing, among other activities, operational-intelligence and investigative procedures. They also conduct preparatory proceedings in accordance with the provisions of the Code of Criminal Procedure and carry out actions upon orders from courts and prosecutors.

The forms and methods used by the Police and Border Guard for operational activities are of a covert nature. When information is obtained regarding potential human trafficking by law enforcement agencies, they undertake all necessary operational measures to clarify the situation. It should be emphasised that actions related to cases are carried out regardless of whether an official notification has been submitted by the victim on the possibility of an offence being committed.

As part of procedural activities concerning cases under Article 189a of the Penal Code (human trafficking and its preparation), all possible evidence is collected, both material and non-material. In addition to interviews with victims and witnesses – which constitute a significant source of information – any data related to ongoing proceedings are gathered, such as communication data, digital records or banking information.

A conviction of guilt and culpability is issued by an independent court – this occurs following the analysis of the evidence. In the absence of sufficient proof, it is not possible to convict a person of human trafficking; it is essential to ensure that the process is fair, including for the suspect, in accordance with the principle of presumed innocence. Human trafficking offences are prosecuted *ex officio* and carry severe penalties of imprisonment ranging from 3 to 20 years.

The principles governing criminal law – namely, the *principle of just response* (also known as the *principle of justice*) and the principle of material truth – mean that procedural authorities are obliged to establish factual circumstances in accordance with the actual events, and subsequently, the court must rule in such a way that:

- no innocent person should be held responsible,
- no guilty person should be held responsible beyond what they deserve,
- no guilty person should escape responsibility,
- no guilty person should face lesser responsibility than they deserve.

As part of work on the draft Act on Counteracting Human Trafficking, there are plans to introduce a legal definition of forced labour into the legal system. Clarifying this concept will likely facilitate investigations and positively influence case law. The definition of forced labour will also specify the concept of human trafficking as outlined in the Penal Code.

In accordance with Article 2, paragraph 1, point 4) of the KPK, the resolution of a case should occur within a reasonable timeframe. Actions are continuously undertaken to ensure the implementation of the principle of *speed of proceedings* while maintaining all required standards and to improve court efficiency (one of measures is the introduction of the Common Courts Information Portal).

Data on the duration of criminal proceedings in cases concerning offences under Article 189a of the Penal Code (human trafficking and its preparation) are detailed in report MS-S5o, section 2.2, which relates to the length of court proceedings. The indicator for the duration of court proceedings is calculated using a weighted average method, i.e. as the ratio of the sum of products of time intervals and the number of cases within those intervals to the total number of cases examined. The unit of measurement for this indicator is a month.

Currently, however, statistical reporting does not include information on case records related to specific offences – that is, incoming cases, dispositions, and backlog. Therefore, at this stage, it is not possible to calculate the indicator for the duration of court proceedings in human trafficking cases according to CEPEJ methodology (as a ratio of cases remaining to be resolved in the next statistical period to the average number of cases resolved overall during that period).

In accordance with national regulations, the Ministry of Justice collects statistical data on the functioning of the justice system. The primary source of data is statistical reports completed by employees of common courts on a semi-annual and annual basis, in an accumulative manner through a dedicated IT system for statistical reporting – the Statistical Application SAP (AS-SAP). This method allows for the collection of information about individuals judged and convicted at first instance by common courts for offences specified in Article 189a of the Penal Code (i.e., human trafficking). These data are gathered using the MS-S6 form template concerning individuals judged and convicted at first instance. However, it should be noted that the scope of data collected in these reports is limited by the structure of the statistical forms, which means it is not possible to extract all detailed information about ongoing cases in courts during a reporting period (for example, details about the methods used to commit offences—such as in cases of human trafficking—like forms of exploitation). system is the ability to electronically transmit MS-S28 statistical cards related to criminal cases resulting from final judgments for offences such as human trafficking, paedophilia, intolerance, xenophobia, and hate crimes via the Survey Repository section. This tool has been operational since 1 January 2015, and since then, common courts are obliged to complete MS-S28 cards immediately after a judgment becomes final. This process enables the Ministry of Justice to gather statistical data, including information about the role of offenders within human trafficking chains and the forms of human trafficking involved. It should be emphasised that while statistical reports (MS-S6) constitute comprehensive data collections, MS-S28 cards serve only as supplementary information.

In the common organisational units of the public prosecution units, the PROK-SYS IT system has been implemented. The system allows for the collection and input of various types of data via appropriate interfaces, their analysis, and the generation of documents based on this data, ultimately enabling their archiving. In 2021, a methodology was developed for conducting preparatory proceedings using the PROK-SYS IT system. Currently, within this system, the capability has been introduced to gather and analyse data concerning cases related to human trafficking offences. Further work is ongoing to improve data collection processes.

Recognising the importance of providing consistent and aggregated data on human trafficking and its victims, Poland is considering the possibility of learning from and implementing good foreign practices in this area. At the same time, establishing a better framework for data collection is one of the elements of the draft legislation currently being prepared.

GRETA also considers that the Polish authorities should continue developing specialisation among investigators, prosecutors and judges dealing with THB cases, including on trafficking for the purpose of labour exploitation.

Candidates for the Police force, as part of their basic training course, are introduced to the topic of human trafficking. Trainees are familiarised with issues related to human trafficking, including legal regulations, the definition of human trafficking, criminal liability for this crime, and related offenses. They are also informed about the nature of this crime in Poland, vulnerable groups and forms of abuse. The organization of the system to counteract this crime and actions of the entities involved in prevention and suppression of human trafficking are

broadly discussed, and so is the system for providing assistance to victims of human trafficking. Trainees are presented with examples of the campaigns and programs informing about the crime and algorithms for the officers.

Selected Police officers are subsequently sent to specialist courses on combating human trafficking. During these courses they receive theoretical knowledge and simulate cases involving trafficking in human beings. They are acquainted with knowledge about the perpetrators' *modus operandi*, conducting proceedings and operational activities. After such trainings, Police officers become coordinators of the specialized human trafficking groups located in each Criminal Department of the Provincial Police Headquarters and in the Warsaw Police Headquarters.

In the Criminal Bureau of the National Police Headquarters there is a Division for Counteracting Human Trafficking whose primary tasks include combating crimes related to human trafficking, paedophilia and child pornography, as well as crimes against sexual freedom and decency. Within its scope of duties, the Division cooperates with judicial authorities, public administration and state control bodies, non-governmental organizations, social organizations, and public utility institutions. It carries out international activities through operational and investigative cooperation with law enforcement authorities of other countries. The Division monitors and coordinates works of 17 groups located in all of the Provincial Police Headquarters and Warsaw Police Headquarters established based on the Ordinance No. 14 of the Police Commander-in-Chief of 22 September 2016.

Department I operates in the structure of the Operational-Investigative Directorate of the Border Guard Headquarters. Its tasks include, among others, supervising and coordinating operational actions, reconnaissance, and investigative activities undertaken by Border Guard organisational units in combating crimes within the competence of the Border Guard, including combating the crime of human trafficking. In each Border Guard Unit, in the operational-investigative division, there is a delegated supernumerary coordinator tasked with coordination and cooperation between the organisational units of the Border Guard, the Police, and other institutions involved in combating this crime.

Public Prosecutor's Office, to effectively prosecute the perpetrators of prohibited acts, has a coordination system for preparatory proceedings related to human trafficking and illegal adoption within the Prosecutor's structures. The legal basis for this activity is § 20 section 5 of the Regulation of the Minister of Justice – the Internal Rules of Procedure of common organizational units of the Prosecutor's Office, supplemented by appropriate internal acts.

Effective prosecution of the crime defined in articles 189a § 1 i 2 of the Penal Code (trafficking in human beings and preparation to commit this crime) is only possible with a proper information exchange. In the common organizational units of the Prosecutor's Office, activities in this area are carried out by prosecutors acting as coordinators of preparatory proceedings in cases concerning offenses under Article 189a §§ 1 and 2 of the Penal Code (human trafficking and its preparation) and Article 211a of the Penal Code (illegal adoption).

Coordinators work at a central level – in the Department for Organised Crime and Corruption of the National Prosecutor's Office, in all District and Regional public prosecutor's offices.

Department for Organised Crime and Corruption in the National Prosecutor's Office coordinates actions of the prosecutor's office and other state authorities in the prosecution of human trafficking. The most important aspect is a special system of gathering and analysing data from the preparatory proceedings transmitted via Regional Prosecutor's Offices to the

Department for Organised Crime and Corruption of the National Prosecutor's Office. Each common organizational unit of the Prosecutor's Office continuously fulfils the obligation to provide information about the initiation of an investigation concerning human trafficking or illegal adoption, including details on its progress and the manner of its conclusion.

GRETA considers that the Polish authorities should take additional measures to guarantee the respect of the non-punishment principle for victims of trafficking, including by:

- adopting a specific legal provision ensuring the non-punishment of victims of trafficking for their involvement in unlawful activities, including administrative offences, to the extent that they were compelled to do so, and regardless of their co-operation with law enforcement authorities;**
- providing further guidance and training to law enforcement officers, prosecutors and judges on the application of the non-punishment provision enshrined in the Convention.**

According to the Polish legal system, the prosecutor remains the principal authority in proceedings, and it is within their discretion to decide whether to file an indictment against a person, including those recognised as victims of human trafficking. Currently applicable regulations provide – if legal conditions are met – the basis for assessing whether to dismiss the preparatory proceedings or refuse to initiate them if it is determined that the individual with a victim status in a human trafficking case committed the prohibited act under duress or coercion. The final decision regarding the guilt of the person is made by the court during the judicial process.

This recommendation refers to already existing possibilities. Firstly, it should be noted that Article 26 of the Penal Code, establishing the defence of necessity (state of higher necessity), may be applied; if its conditions are met – it results in the absence of criminal liability for the offender.

Furthermore, pursuant to Article 60 § 3 in conjunction with Article 61 of the Penal Code, an offender who provides statements incriminating co-perpetrators may be spared from punishment.

In 2025, the National School of Judiciary and Public Prosecution has scheduled a three-day in-person training course in Poznań titled *Human Trafficking – Selected Issues*. This course is dedicated to judges and judicial assessors presiding over criminal divisions, as well as prosecutors and prosecution assessors. Among topics, this training will cover not only methodologies for conducting preparatory proceedings concerning human trafficking but also fundamental procedural rights, including the principle of non-punishment of victims of human trafficking.

Within specialised training programmes and general professional development plans, Police and Border Guard officers are kept informed about legal changes, including provisions of Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings, signed in Warsaw on 16 May 2005, which obliges states to ensure that victims are not prosecuted for crimes committed under duress. They are also familiarised with Directive 2011/36/EU on preventing human trafficking, combating this crime, and protecting victims.

However, the primary role of the Police and Border Guard is to detect offences, prosecute perpetrators, and gather and secure evidence related to crimes, without the authority to make decisions regarding the potential non-criminalisation of victims of human trafficking who have committed a criminal act. The decision to apply the principle of non-punishment can only be made at the prosecutorial level and – in the end – by the court.

During the specialised training course on preventing and combating human trafficking, Police instructors address the issue concerning the prohibition of punishing victims of human trafficking.

GRETA considers that the Polish authorities should make full use of measures provided for in the domestic law in order to protect victims and witnesses of trafficking in human beings and prevent secondary victimisation, including by:

- using video conferences and other suitable means to avoid face-to-face cross-examination ("direct confrontation") of victims and defendants;
- continuing to develop guidance and training for law enforcement officers, prosecutors and judges on protection measures and the principle of a single hearing;
- ensuring that victims are systematically informed of their right to protection measures, in line with the recommendation of paragraph 51.

These measures are provided for by relevant provisions of the criminal procedure and are applied in practice. A witness may be questioned via videoconference (Article 177 § 1a of the KPK), as a so-called anonymous witness (Article 184 of the KPK), in the absence of the accused (Articles 390 §§ 2–4 of the KPK). The injured party, pursuant to Article 300 of the KPK, is informed of their right to protective measures.

Legal regulations incorporated into the KPK clearly and unambiguously specify how to interrogate a victim, including recording the interrogation (Article 147 of the KPK), as well as permitting interrogation via videoconference (Article 177 of the KPK).

Police officers regularly undergo trainings on conducting interviews with witnesses and victims and are kept up-to-date with additional guidelines in this area, including the importance of considering the psychological state of the person being questioned and adjusting procedures to their mental and physical capabilities.

While welcoming the efforts made to develop specialisation of professionals to deal with THB, GRETA considers that the Polish authorities should ensure that the training on THB provided to them is systematic and periodically updated, and that law enforcement agencies, the prosecution and the judiciary are provided with adequate resources, with a view to enabling successful investigation, prosecution and adjudication of human trafficking cases.

Training of judiciary personnel regarding human trafficking is regular and held annually. In 2024, the National School of Judiciary and Public Prosecution organised two editions of an in-person training entitled *Human Trafficking issues*, addressed to judges and judicial assessors adjudicating in criminal divisions, as well as prosecutors and prosecutor's assessors. A total of 61 individuals were trained during both editions. Additionally, in the same year, an online training session entitled *Migrant Children and the Phenomenon of Human Trafficking: Identification, Protection, and Assistance for Minors* was organized – targeting judges, judicial assessors, court clerks, judicial assistants, prosecutors, prosecutor's assessors, legal advisers, legal trainee solicitors, probation officers, and probation trainee officers. A total of 220 participants completed this training. In 2025, a course entitled *Human Trafficking issues in the context of migrant children* was organized. This online training was designed for similarly broad groups within the justice system and was completed by 195 individuals. Later this year, a three-day face-to-face course called *Human Trafficking – Selected Issues* will be conducted. It is intended for judges and judicial assessors presiding in criminal divisions as well as prosecutors and prosecutor's assessors. This course will cover not only the methodology of conducting preparatory proceedings in cases related to human trafficking but also fundamental procedural rights for victims. Furthermore, nine

editions of a face-to-face training titled *Minor Foreigners in Psychological Crisis and the Phenomenon of Human Trafficking* are planned for judges, judicial assessors, judicial assistants, court clerks, prosecutors, prosecutor's assessors, assistant prosecutors, professional probation officers, and probation trainee officers. Judges, prosecutors, judicial assessors, and prosecutor's assessors also have the opportunity to participate in the EJTN-CEPOL joint training exchange programme, which covers international cooperation among law enforcement agencies; usage of European enforcement instruments concerning thematic areas identified by CEPOL and EJTN – including human trafficking.

The development and modification of training initiatives in the Police are carried out based on Decision No. 359 of the Chief Commander of Police dated 27 October 2023, concerning the preparation, implementation, amendment, and rescission of vocational training programmes and professional development programmes conducted in the form of specialised courses. According to this decision, the authority to submit proposals is linked with the field of responsibility; in the case of the National Police Headquarters, such a possibility is available to the directors of individual departments. Grounds for submitting a proposal include, among others: legislative changes, change of standards in performing official tasks, evaluation results, and identification of new training needs. Central professional development of the Police officers is based on diagnosed training needs. In 2024, three editions of a specialised course on preventing and combating human trafficking offences were delivered (60 graduates). In 2025, it is planned to train 40 police officers.

Additionally, each year, law enforcement coordinators for combating human trafficking, in accordance with the National Action Plan, participate in *Workshops for police officers, Border Guard personnel, and prosecutors regarding cooperation in prosecuting human traffickers, experience exchange, best practices, and case law analysis*. This year's event will take place from 28 July to 1 August at the Higher School of Border Guard in Koszalin; the Police will hold such a workshop on 22-26 September this year. The organisation of this training is included in the National Action Plan Against Human Trafficking for 2025–2027 (section V.I KPK). The information provided during these training sessions to regional law enforcement THB coordinators is subsequently disseminated to lower-level units through cascade training.

Training in the Border Guard concerning human trafficking is conducted regularly and includes all officers serving in this law enforcement agency. Courses on human trafficking are delivered to personnel at the basic, non-commissioned officer, and officer levels. However, specialised training on this subject is dedicated to officers from the operational-investigative branch, in accordance with the current *Model of training for Border Guard officers* regarding conducting operational and investigative procedures approved by the Chief Commander of the Border Guard. As part of this programme, a course entitled *Human Trafficking* (levels I and II) is also conducted.

The aim of the course is to enhance the skills and facilitate the exchange of experiences among Border Guard officers in recognising human trafficking offences, as well as to acquire the ability to carry out official procedures concerning potential victims of human trafficking through the proper application of an algorithm of conduct for law enforcement officers. The skills gained will enable officers to respond appropriately and conduct activities related to investigating human trafficking crimes, including the procedures towards victims of these crimes.

Furthermore, legal regulations incorporated into the KPK clearly specify how to interrogate a victim – including recording the interrogation (Article 147 of the KPK) – as well as allowing for interrogation via videoconference (Article 177 of the KPK).

Border Guard officers regularly undergo training on conducting interviews with witnesses and victims and are kept up-to-date with additional guidelines in this area.

Representatives from the Ministry of Justice also enhance their competencies through cooperation with organisations such as the Organisation for Security and Co-operation in Europe (OSCE). For example, representatives from the Department of International Cooperation and Human Rights at the Ministry participated in workshops on risk assessment and prevention related to human trafficking, with particular emphasis on women's trafficking (Tallinn, Estonia, 2023). This cooperation continues with OSCE.

GRETA also considers that the Polish authorities should:

- **reinforce the national coordination of anti-trafficking action and ensure that the human resources of the Unit on THB of the Ministry of the Interior and Administration are sufficient and stable;**
- **further foster the coordination of anti-trafficking action at the regional level, and strengthen co-operation between national and regional institutions.**

The Unit for Combating THB, Hate Crimes and for Supporting Actions in the area of EU Internal Security Policy serves currently as a secretariat of the *Interministerial Team for Combating Human Trafficking* and operates within the Public Order Department of the Ministry of Interior and Administration. The Unit comprises 7 employees and a supervisor. All of them carries out activities that aims at counteracting human trafficking. This field of responsibility constitutes the largest component of this unit. MIA stands on a position that this is sufficient.

Part 1 of the National Action Plan Against Human Trafficking includes, among other things, the coordination of activities of 16 Voivodeship Teams for Counteracting Human Trafficking. The measure of the implementation of this task is the number of meetings held and the number of participants. Recently, the following meetings took place:

- in Warsaw – 4 June 2024, with 26 participants from various regions,
- in Warsaw – 12 December 2024, with 36 participants, including 27 from voivodeship teams,
- in regions – in 2024, 25 meetings of voivodeship teams.

According to a handbook by OSCE ODIHR titled: *National Referral Mechanisms. Joining Efforts To Protect The Rights Of Trafficked Persons* the Polish network of regional (voivodship) teams for counteracting human trafficking has been recognised as one of promising practices.

To support the activities of regional teams, the MIA, in cooperation with the Freedom Time Foundation, began in 2024 a series of training sessions on human trafficking. In 2024, 12 teams were trained, and further training sessions are planned for 2025.

In 2025, for the first time, there was collaboration between voivodeships – the Silesian and Podlaski Teams organized joint workshops on human trafficking to exchange best regional practices.

Representatives of these voivodeship teams visited the Podlaski Border Guard Regional Unit in Białystok, where Commander familiarised participants with the operation of the Border Protection Technical Support Center and arranged a visit to the Detention Centre for Foreigners in Białystok, providing an opportunity to observe the role of such facilities. During the study visit along the Polish-Belarusian border and at the border crossing in Kuźnica, workshop participants were introduced to the current migration situation as well as the functioning of technical and electronic barriers.

During the meeting of the regional teams held on 12 December 2024, the principles related to the National Referral Mechanism for victims of human trafficking were presented. A representative of the Lower Silesian Team for Counteracting Human Trafficking outlined the adopted regional procedure for handling cases when a potential victim of human trafficking is

identified. The meeting also included a representative from the La Strada Foundation, who familiarised participants with the characteristics of work in the area of supporting victims of human trafficking.

The MIA – in order to facilitate information exchange between regions – established a shared digital platform for collecting and exchanging information and tools useful for preventive and educational activities. The platform was created on a dedicated server belonging to MIA, with access granted to a representative from each Regional Team for Counteracting Human Trafficking. Among the materials available on the platform are leaflets, posters, and campaign materials.

Additionally, MIA annually funds from its budget the printing of informational materials, such as posters, and provides these to the regional teams to support local preventive activities.

GRETA invites the Polish authorities to further develop international co-operation with labour inspectorates abroad, and to increase judicial co-operation with other countries, notably countries to which victims of THB are returned.

The State Labour Inspectorate (PIP) places great importance on international cooperation with authorities in other EU/EEA member states responsible for monitoring compliance with employment legislation, including health and safety regulations and the legality of employment. Administrative cooperation with foreign counterparts of the Labour Inspectorate primarily aims to safeguard the employment rights of Polish citizens undertaking employment for foreign employers, as well as employees posted by Polish employers providing services abroad.

Currently, the State Labour Inspectorate has signed 12 bilateral agreements on cooperation and information exchange with counterparts in other member states.

These international agreements regulate collaboration and the exchange of information concerning work carried out within the territories of the signatory countries, based on contracts concluded between workers and employers operating registered businesses in those countries, as well as in connection with the posting of employees to these member states by domestic employers or through employment agencies.

The provisions of the existing bilateral agreements allow for:

- The exchange of information regarding irregularities identified during inspections of the working conditions of posted workers,
- Collaboration in the development, implementation, and dissemination of informational and preventive activities,
- Cooperation in handling complaints submitted to the Labour Inspectorate concerning the employment of Polish citizens abroad,
- Mutual notification of serious, fatal, and mass accidents involving citizens of the Contracting Parties that occur in connection with work carried out within their territories,
- Mutual information exchange regarding changes to legal regulations applicable within the territory of the signatory state relating to matters covered by the agreement,
- Exchange of available information about the structures, functions, and competencies of institutions responsible for inspecting and supervising working conditions, their methods of operation, and conduct of inspection activities, to better understand the principles and traditions characterising the labour markets of the signatory countries,
- Organisation of joint expert-level meetings to discuss current issues covered by cooperation, as well as participation in meetings, seminars, conferences, and other events organised by the signatories to the agreement, including involvement in projects co-financed by the EU;

- Implementation of other activities related to enforcing EU regulations in the area of worker mobility and freedom to provide services.

Furthermore, the State Labour Inspectorate maintains close cooperation with institutions and forums representing labour inspection and oversight bodies of EU member states. These include primarily the European Labour Authority (ELA) and the Committee of Senior Labour Inspectors.

Since the beginning of ELA, the State Labour Inspectorate has been highly actively involved in initiatives organised by this EU institution, participating in thematic campaigns, working groups, study visits, workshops, and seminars covering various aspects of labour mobility. It also takes part in inspection activities carried out under the programme of Coordinated and Joint Inspections (CJI).

In 2022, as part of its cooperation with the European Labour Authority, the management of the Labour Inspectorate hosted an Executive Director from ELA at the Chief Labour Inspectorate Office. The Director discussed ELA's plans to increase both the number and effectiveness of coordinated or joint cross-border inspections in selected sectors. Additionally, the Polish side presented actions undertaken by labour inspectors in response to the influx of refugees from Ukraine into Poland and inspections concerning the legality of employment of foreigners in Poland. It is also worth noting that the Labour Inspectorate is a permanent member of ELA's Working Group on Inspections.

Additionally, representatives of the Labour Inspectorate participated in a series of events organised in 2022 by ELA, dedicated to various topics such as: posting of workers; websites related to worker secondment; enforcement of secondment/posting regulations in the road transport sector; the mediating role of ELA; the importance of soft skills during inspections; worker mobility within the EU; digital tools to support information exchange during coordinated and joint inspections; regulations governing international road passenger transport; secondment/posting of third-country nationals; informational activities concerning seasonal work; principles and tools used by ELA for implementing coordinated and joint inspections; and innovative methods to combat undeclared work in the road transport sector. PIP experts also took part in meetings focused on presenting plans and activities within the framework of ELA's 2022 campaign on international road transport.

There were also discussions with a delegation from the Dutch Labour Authority, summarising the results of coordinated cross-border inspections carried out by the Polish labour inspection according to ELA procedures, at the request of the Dutch side. Furthermore, PIP inspectors participated as observers in joint cross-border inspections conducted by Germany and the Netherlands within their territories, focusing on employment of Polish citizens.

The PIP representative continued their engagement as co-chair of the ELA Working Group – the European Platform on Combating Unregistered Work (UDW) – through participation in meetings of the Platform's Office and its plenary sessions. The main themes discussed included a holistic approach to combating unregistered work and the utilisation of operational tools aimed at implementing this approach (such as combining national and cross-border operations, developing intergovernmental cooperation in data collection, sharing, and analysis, enhancing the involvement of social partners, and preventive measures), as well as effectiveness indicators for actions taken by enforcement authorities to eliminate unregistered work and key performance indicators. PIP experts also contributed to the work of the UDW Platform Sub-Groups on Communication and Information, as well as the future work programme of this body. The Polish representative chaired the subgroup of the UDW Platform dedicated to preventing unregistered work among refugees, which resulted in an initial report presenting national solutions in this area.

Furthermore, the State Labour Inspectorate took advantage of opportunities to expand the knowledge of its professional staff by participating in events organised by the UDW Platform on topics such as: combating unregistered work in the personal care sector, domestic services, and supply chains; effective methods of cooperation between labour inspectorates and social partners; preventing incomplete registration of employment through innovative approaches; and sanctions used to combat unregistered work.

Furthermore, a three-person delegation from the Polish Labour Inspectorate, as part of the ELA Staff Exchange Programme, undertook a study visit to Germany. During this visit, there was an exchange of views and experiences with the German equivalent of PIP. The discussions focused on posting of workers, streamlining cooperation mechanisms and information exchange regarding worker posting, including to the domestic care sector, as well as cases of third-country nationals working in Germany with documents legalising their residence and employment in Poland.

Additionally, the State Labour Inspectorate provided ELA with descriptions of good practices related to information activities and advice for Ukrainian refugees, as well as information and educational campaigns on starting a first job and preventing road accidents in the context of drivers' working hours.

In 2023, PIP also collaborated extensively with the European Labour Authority (ELA). The Working Group on Inspections, of which PIP is a permanent member, discussed new initiatives carried out or coordinated by ELA, including: the idea of creating a virtual network of labour inspectors to carry out joint or coordinated cross-border inspections; new analytical tools proposed by ELA to member states as support; and planned cross-border activities in 2024 in the hotel and catering, transport, and construction sectors. Additionally, PIP experts participated in meetings related to ELA's information campaign focusing on the construction sector.

As part of the ELA Staff Exchange Programme, the PIP delegation undertook a study visit to Belgium, during which they discussed: the rules for employing foreigners in Poland, issues related to posting workers to Belgium—particularly third-country nationals sent by companies based in Poland to work in the construction sector—related health and safety matters, as well as the posting of drivers in international road transport. A practical element of the visit was a control inspection at a construction site.

PIP also organised a visit under the ELA Staff Exchange Programme for an Estonian labour inspection delegation to the District Labour Inspectorate in Gdańsk. The visitors were introduced to the organisation, role, and tasks of PIP, the inspection methodology, and received information about cooperation with the Social Insurance Institution and tax offices regarding cases that concerns worker posting to Poland. The Estonian side provided similar details, and a valuable complement to the theoretical part of the delegation was the control visits to shipyards.

During the European Labour Authority conference in Bratislava, the State Labour Inspectorate was recognised with an award in a competition for good practices. ELA acknowledged the PIP information and educational campaign *Working Hours of Drivers and Road Accidents* and the project *Communication Actions and Advice of the State Labour Inspectorate for Ukrainian refugees working in Poland*. In 2023, PIP submitted to ELA, as a good practice example, information about the three-year control and prevention campaign *Construction. STOP accidents!*.

Polish labour inspectors participated, as observers, in several joint cross-border inspections (supported by ELA) at construction sites in Belgium, the Czech Republic, Germany, the Netherlands, and Italy, related to the employment of Polish citizens on these sites and the plans of the inspection authorities of these countries to verify the legality of employment, social security registration, and compliance with posting regulations.

In a similar manner, PIP hosted a joint inspection carried out in cooperation with the Dutch Labour Inspectorate across two voivodeships, which concerned the activities of entities sending workers to work in the Netherlands.

In 2023, a PIP representative, fulfilling the role of co-chair of the ELA Working Group – the European Platform for Combating Unregistered Work (UDW), participated in its plenary meetings. The main topics discussed included: undeclared remote work, the role and methodology of labour inspection in addressing this issue, and the role of social partners, best practices in cooperation between labour enforcement agencies and non-governmental organisations. Additionally, he chaired a sub-group meeting of the UDW Platform on preventing unregistered work among Ukrainian refugees, during which actions taken by European and national institutions to support them were discussed, and the importance of cooperation with authorities in their home country was emphasised.

Additionally, PIP staff participated in numerous events organised by the European Labour Authority, dedicated to various topics, including:

- informational activities concerning seasonal work,
- challenges related to cross-border work in the construction sector,
- worker mobility and unregistered employment in construction,
- employee and social aspects of international road transport,
- free movement and mobility of workers within the EU,
- social rights,
- coordination of social security systems,
- posting (including multi-level posting of third-country nationals and through temporary employment agencies),
- 'multi-state' employment,
- principles of access to national labour markets within the EU,
- issues of document falsification,
- exploitation of workers and violations of labour law,
- ELA's mediation procedures,
- artificial intelligence and algorithms in risk assessment processes,
- tools for international cooperation,
- the role and challenges for national authorities concerning digital labour platforms.

Last year, the Polish inspection worked intensively with the European Labour Authority (ELA), including as a permanent member of the Inspection Working Group, which discussed, for example, completed and planned future cross-border inspections, the principles of analytical support offered by ELA, and a draft checklist for labour inspections as a tool for detecting false posting and legal gaps in the area of worker mobility.

Additionally, a PIP expert participated in the sub-group working on revising ELA guidelines concerning agreed and joint cross-border inspections. Another expert took part in meetings dedicated to the European Labour Authority's information campaign covering the hotel, restaurant, and catering (HORECA) sector.

A representative of the State Labour Inspectorate, involved in the ELA Working Group – the European Platform for Combating Unregistered Work (UDW) – continued to serve as co-chair of this forum. The main topics of the Platform's meetings included: supporting employers' compliance with the law and strategies to combat unregistered work, safe mechanisms for workers to report complaints and requests, and the current and future role of enforcement agencies in eliminating undeclared work.

As part of the ELA programme for staff exchange, during a study visit to France, a three-person delegation from the PIP was introduced to the organisation of the French labour inspection system, the operation of the French liaison office, monitoring and inspection tools, sanctions

for illegal employment of foreigners, and the principles and possibilities of the system for reporting posted workers to France. The delegates also had the opportunity to observe a control at a construction site, where Polish contractors operating in France were working among subcontractors.

Additionally, a PIP delegate undertook a study visit to the Dutch Labour Authority, focusing on the strategies, practices, and tools used by this institution to combat unregistered work.

With the support of the ELA Office, PIP inspectors joined as observers in enforcement activities concerning employment legality, carried out by the Lithuanian Labour Inspectorate at two construction sites in Vilnius. They also participated as observers in inspections in Germany related to the legality of employment, including Polish citizens, and compliance with regulations concerning the financial control of undeclared work. Meanwhile, the District Labour Inspectorate in Poznań organised a joint inspection – focused on the activities of a road transport company, also active in the Netherlands – with participation of observers from the Dutch Labour Inspection and Road Transport Inspection. Polish inspectors took part in joint inspections in the road transport sector in Belgium and the Netherlands.

In 2024, representatives of the PIP participated in numerous events organised by the European Labour Authority in the form of workshops, training sessions, seminars, and conferences. These covered a range of topics, including:

- Analytical aspects of agreed and joint inspections – a practical approach to detecting shell companies;
- Enforcement of social legislation in road transport, with particular emphasis on roadside checks;
- Unregistered work in the cultural and creative sectors;
- The current situation and future actions in the construction sector, cooperation with social partners and member states regarding the posting of workers in this sector
- Exploitation at work and breaches of employment law, with a special focus on human trafficking;
- Methods of combating false self-employment;
- New arrangements concerning posting for work in the Czech Republic;
- Cooperation in the application and enforcement of employment and social legislation in the air transport sector, including elements of mutual learning based on practice;
- The impact of subcontracting and supply chains on the posting of workers in the construction sector;
- Posting of third-country nationals, mainly from the perspective of EU law and case law of the Court of Justice of the European Union;
- Challenges related to cross-border mobility in the hotel, restaurant, and catering sectors;
- The contribution of social partners.

Additionally, PIP experts participated in meetings about the dialogue for mutual learning and cross-border actions – one concerning methods to counteract fictitious self-employment in connection with unregistered work, and the other dedicated to discussing methods and instruments supporting and enforcing compliance with the law in temporary employment agencies.

Representatives of the State Labour Inspectorate took the opportunity to participate in the third edition of the ELA international training for labour inspectors and employees of European institutions responsible for social security, focusing on regulations and practices related to the mobility of workers – both EU citizens and third-country nationals in Europe.

Beyond close cooperation with the ELA, the State Labour Inspectorate, as the body overseeing and controlling working conditions, collaborates with the Committee of Senior Labour

Inspectors (SLIC), which serves as an advisory and consultative body to the European Commission on occupational health and safety.

It is worth highlighting that, in the current year, due to Poland's Presidency of the Council of the European Union, Poland hosted the 87th meeting of the Committee of Senior Labour Inspectors, which took place on 14-15 May in Warsaw.

The Committee of Senior Labour Inspectors serves as a forum dedicated to fostering close cooperation between labour inspection authorities of EU member states and representatives of the European Commission. Within its activities, standing and ad hoc working groups operate, addressing issues related to the common approach of member states in interpreting and enforcing EU legislation in the area of occupational safety, including matters concerning mobile workers.

One of the SLIC working groups on occupational health and safety for mobile workers, in which a representative of the State Labour Inspectorate takes part, developed a draft SLIC Guide on Occupational Safety and Health, with particular emphasis on mobile workers in the construction sector. This guide – together with a dedicated checklist – is intended to serve as a tool to assist labour inspectors of member states in conducting inspections at construction sites where, alongside local workers, foreigners – including posted workers – are employed in the context of service provision.

Among them, it is worth mentioning the Polish-Norwegian initiative, which aimed to learn about the business model of Polish entities engaged in cross-border service activities in the field of production and assembly of modular houses through the organization of study visits and joint inspection activities in Poland and Norway.

For the purposes of the inspection, Polish service providers – who conduct production activities in Poland and simultaneously delegate employees to Norway to provide assembly services in the Norwegian modular construction market – were selected.

The visit program also included learning about the inspection methodology used by Norwegian inspectors regarding working conditions (working hours and remuneration), the legality of employing foreigners, and the delegation of workers to Norway within the framework of service provision.

Another initiative carried out by PIP within the *Eurodelegation project* involved strengthening cooperation with the German association *Arbeit und Leben* (AuL), which provides legal assistance and counselling to Polish citizens active in the German labour market. An online meeting between the two institutions was organized, aiming to present the competences and scope of activities of AuL and PIP, with particular emphasis on advisory and informational services addressed to mobile workers, including posted workers from Poland and Germany, as well as Ukrainian citizens – war refugees – who are taking up employment in both the Polish and German labour markets.

Representatives of PIP and the AuL Association participating in the online meeting as part of the project took part in a discussion about the most common issues encountered in AuL's advisory activities, as well as the challenges related to posting third-country nationals to Germany by employers operating in Poland. The possibilities for further cooperation were also discussed, with particular emphasis on improving the quality of services provided to Polish citizens, including posted workers performing work in Germany.

Another noteworthy example of cooperation by PIP within the latest edition of the *Eurodelegation project* was the French initiative aimed at improving existing procedures related to reporting workplace accidents involving posted workers.

As part of this initiative, the participating countries, including Poland, developed a special accident notification form that should be submitted to the authorities of the sending country, as well as an informational leaflet for posted workers and employers outlining the rights and obligations of both parties in the event of a workplace accident occurring on the territory of the host country.

Additionally, PIP's representatives participated in workshops dedicated to the exchange of best practices at the training centre of the French National Institute of Labour, Employment and Vocational Training, INTEFP, in Marcy l'Étoile.

The cooperation between PIP and INTEFP is an important part of the State Labour Inspection's priorities regarding international collaboration. For years, PIP has been striving to sign a bilateral cooperation agreement with the Directorate General for Labour in France. Currently, arrangements for this type of agreement are being finalised, which will formalise the long-standing tradition of cooperation between the French and Polish labour inspection services. It is worth emphasizing that PIP currently holds 12 such bilateral cooperation agreements with counterparts from European countries (including Belgium, the Netherlands, Norway, Denmark, Estonia, the Czech Republic, Slovakia, Spain, and others). These agreements serve as practical tools that complement PIP's obligations arising from the need to comply with the provisions of European directives and the national laws enacted based on them, relating to the mobility of workers within the European labour market.

GRETA invites the Polish authorities to provide specific training to law enforcement officers, prosecutors and judges on how to conduct gender-sensitive interviews.

Issues related to conducting interviews in a gender-sensitive manner are included in the following central professional development initiatives for the Police officers: a specialised course on preventing and combating human trafficking crimes, a specialised course for Police officers conducting investigative activities, and a specialised course for Police officers performing operational and reconnaissance activities.

Police and Border Guard officers are regularly trained on how to cooperate with victim of a crime including with a victim of human trafficking (this refers to interviewing a victim and their identification). As part of the trainings, particular attention is paid to taking into account while conducting legal proceedings aspects such as victims' mental and physical state, their gender and age.

Activities conducted by law enforcement with a potential victim, in particular their questioning or interrogation, are carried out in conditions that ensure the victim's maximum sense of safety and comfort. Additionally, these activities are conducted in isolated rooms by an officer of the same gender as the person being questioned.

Although the National School of Judiciary and Public Prosecution does not have scheduled ongoing training sessions for the staff of common courts and prosecutors' offices in its training calendar for 2025, focused specifically on conducting interrogations with consideration of gender aspects, especially concerning victims of human trafficking, this topic is nonetheless covered as a detailed subject within the training titled *Human Trafficking - Selected Issues*. This training is planned to be held in a stationary format in Poznań from 3-5 September 2025, and the topic related to gender-sensitive interviews will be included in the discussions on the methodology of conducting preparatory proceedings in cases related to human trafficking and fundamental procedural rights for victims of this crime.

GRETA urges the Polish authorities to 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.

Further, GRETA considers that the Polish authorities should make further efforts to ensure child-friendly proceedings in human trafficking cases, in particular by:

- developing practical guidelines and training for judges on the principle of a single hearing and raising awareness on a cautious application of any exceptions;
- providing further guidelines and training to law enforcement officials, prosecutors and judges on how to conduct child-friendly interviews.

Based on Articles 185a and 185b of KPK, special rules have been introduced regarding the questioning of children who are victims or witnesses under 15 years of age in cases involving crimes committed with violence or unlawful threats, or against freedom (Chapter XXIII of the Penal Code), against sexual freedom and morality (Chapter XXV of the Penal Code), and against family and guardianship (Chapter XXVI of the Penal Code). Minors who are victims and over 15 years old may also be covered by these rules if there is a justified fear that questioning under other conditions could negatively affect their mental state. Additionally, minors who are witnesses and over 15 years old may be questioned remotely. The provisions are mandatory for victims and witnesses up to 15 years old, and optional for other minor victims; the questioning is recorded and conducted in the presence of a psychologist, who should be of the gender indicated by the minor. The questioning should be conducted only once unless significant circumstances emerge that require re-examination, or if a defense motion is granted to re-question the victim, who did not have legal representation during the first questioning. There are also special regulations limiting direct confrontation with the accused. According to the Code of Criminal Procedure, there is an obligation to keep confidential any circumstances that could reveal the witness's identity ("anonymous witness," Art. 184 KPK); the possibility to give testimony without the presence of the accused (Art. 390 §§ 2 and 3 KPK); use of technical devices (Art. 177 § 1a KPK); and conducting anonymous identification procedures (Art. 173 § 2 KPK). No legislative work is planned in this area, as current regulations are deemed sufficient.

Additionally, guidelines regarding the questioning of children are included in the *Algorithm for Identification and Conduct Concerning Child Victims of Human Trafficking for officers of the Police and Border Guard*, as well as in the handbook *Human Trafficking. Practical Aspects of Conducting Proceedings*.

Regarding the special status of minor victims (injured parties), new legal solutions have been introduced in the past two years. These solutions allow for a special approach to minors who are victims of human trafficking, such as ensuring that informing them of their rights is adapted to their age, health condition, and psychological development.

An amendment was made to Article 16 § 1 of KPK. It established the principle that if a participant in criminal proceedings is a person under 18 years old or an incapacitated person – particularly due to age or health condition – the manner in which they are informed about their rights and procedural obligations should be adjusted to their age, health status, and psychological development.

An amendment was made to Article 21 § 1 point 4 of the KPK, introducing a provision that, in the case of initiation and completion of criminal proceedings conducted *ex officio* against a parent or legal guardian or actual guardian of a minor for an offense committed to the detriment of the minor, the family court competent for the minor's place of residence must be immediately notified.

In Article 52a of the KPK, an obligation was imposed on the authority conducting criminal proceedings to assess whether there is a need to question the victim under special circumstances, to notify them in a particular manner about the conclusion of the proceedings, and to provide assistance and protection. The results of this assessment are documented in an individual victim assessment questionnaire. This regulation also applies to adult victims.

According to Article 171 § 3 of the KPK, if the person being questioned is under 18 years old, the proceedings involving them should, as far as possible, be conducted in the presence of their legal representative, actual guardian, or an adult person indicated by the person being questioned, unless the interests of the proceedings prevent this or the person being questioned objects to it.

In accordance with Article 171 § 8 of the KPK, before the first questioning, a person under 18 years old receives information about the course, manner, and conditions of the questioning. The information includes a descriptive or graphic presentation of the course, manner, and conditions of the questioning. At least three days should pass between delivering this information and the date of questioning unless the interests of the proceedings prevent this.

According to Article 177 §1a of the KPK, a witness may be questioned using technical devices that enable conducting the procedure remotely with simultaneous direct transmission of video and audio. This type of questioning can be used both in preparatory proceedings and before the court.

In accordance with Article 185a §1 of the KPK, in cases involving crimes committed with violence or threats of unlawful harm, crimes against freedom, crimes against sexual freedom and morality, crimes against family and guardianship – in case of a victim who is under 15 years old, questioning is conducted only if their testimony may be significantly relevant to resolving the case, and only once unless important circumstances emerge that require re-questioning for clarification or if a defense motion is granted by the court for a suspect or accused who did not have a defender during the first questioning of the victim. The questioning is conducted with the participation of an expert psychologist, immediately, within 14 days from the date the motion is filed with the court. The questioning is carried out by a judge. The prosecutor, defense attorney of the suspect/accused, and the victim's representative have the right to participate in the questioning, as well as a person indicated by the victim. The psychologist participating in the questioning should be of the gender indicated by the victim unless this hinders the conduct of proceedings. The questioning takes place in specially adapted rooms in such a way that only the victim, judge, and psychologist are present in the room where it occurs. Other persons participating in the questioning stay in a separate room. A record of video and audio is made during the questioning, which is then played back at trial.

According to Article 185a §4 of the KPK, in the described procedure, a victim who has reached 15 years of age but is under 18 at the time of questioning may also be questioned if there are justified fears that questioning under other conditions could have a negative impact on their psychological state.

In accordance with Article 185b §1 of the KPK, in cases involving crimes committed with violence or threats of unlawful harm, crimes against sexual freedom and morality, crimes against family and guardianship, a witness who is under 15 years old at the time of questioning is questioned in the same manner as victims (Article 185a §1 of the KPK), i.e., only if their testimony is significantly relevant to resolving the case, and only by a judge, with the participation of a psychologist. The questioning is recorded with both video and audio, and the recording is played back at trial.

According to Article 185b §2 of the KPK – in cases involving crimes committed with violence or threats of unlawful harm, crimes against sexual freedom and morality, crimes against family and guardianship – a witness who has reached 15 years of age at the time of questioning is questioned using devices that enable remote questioning when there are justified fears that the

presence of the accused during questioning could be intimidating for the witness or have a negative impact on their psychological state.

Before questioning in accordance with Articles 185a and 185b of the KPK, the person being questioned is informed about the course, manner, and conditions of the questioning (Article 185f §3 KPK).

According to Article 300 §2 of the KPK – prior to the first questioning or immediately after identifying the victim – the victim is advised about their status as a party to the proceedings in the preparatory stage and about the rights arising from this status, in particular to submit requests for investigative or inquiry activities and the conditions for participating in these activities, to use legal assistance, including submitting a request for appointment of a lawyer *ex officio*, about their rights and obligations, as well as the consequences of failing to fulfill these obligations. The information also includes details about the possibility for the accused to repair damages or obtain state compensation, access to legal aid, available protective measures and assistance referred to in the Act of 28 November 2014, on protection and assistance for victims and witnesses, assistance provided under the Criminal Enforcement Code, possibilities for issuing a European Protection Order, and organisations supporting victims. The information must be handed over to the victim in writing; confirmation of receipt is given by signature. If questioning of the victim is waived, this information must also be delivered.

Based on Article 82 §3b of the Act of July 27, 2001 – *Law on the Organization of Common Courts*, judges ruling in cases related to family and guardianship law are obliged to participate every four years in training and professional development organized by the National School of Judiciary and Public Prosecution or an entity subordinate to or supervised by the Minister of Justice, in order to supplement their specialised knowledge and professional skills regarding conducting proceedings with persons under 18 years of age and recognising signs of child abuse.

On 17 October 2023 the Council of Ministers adopted the first *National Action Plan to Counter Crimes Against Sexual Freedom and Morality Harmful to Minors for the years 2023-2026*. The plan includes, among other things, tasks related to human trafficking, such as improving coordination among authorities conducting proceedings on human trafficking – mainly Border Guard, Police, and Public Prosecution – organizing language training for Police officers, and organizing training on identifying victims.

Police officers conducting activities with victims of human trafficking, including minors, are regularly trained in combating human trafficking crimes and cooperation with victims. Additional assistance during activities involving minors is provided in the *Algorithm for Identification and Conduct Concerning Minor Victims of Human Trafficking for Police and Border Guard officers*.

GRETA considers that the Polish authorities should continue their engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights as well as Council of Europe Committee of Ministers Recommendations CM/Rec(2016)3 on human rights and business and CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims of trafficking, and to provide access to effective remedies.

Within the Ministry of Development Funds and Regional Policy (MFIPR), the Polish National Contact Point for the OECD on responsible business conduct (KPK OECD) promotes OECD standards of responsible business among Polish entrepreneurs.

In the context of preventing forced labour by companies and taking remedial action or providing compensation to victims of this phenomenon, the implementation of due diligence processes and procedures by companies is of utmost importance.

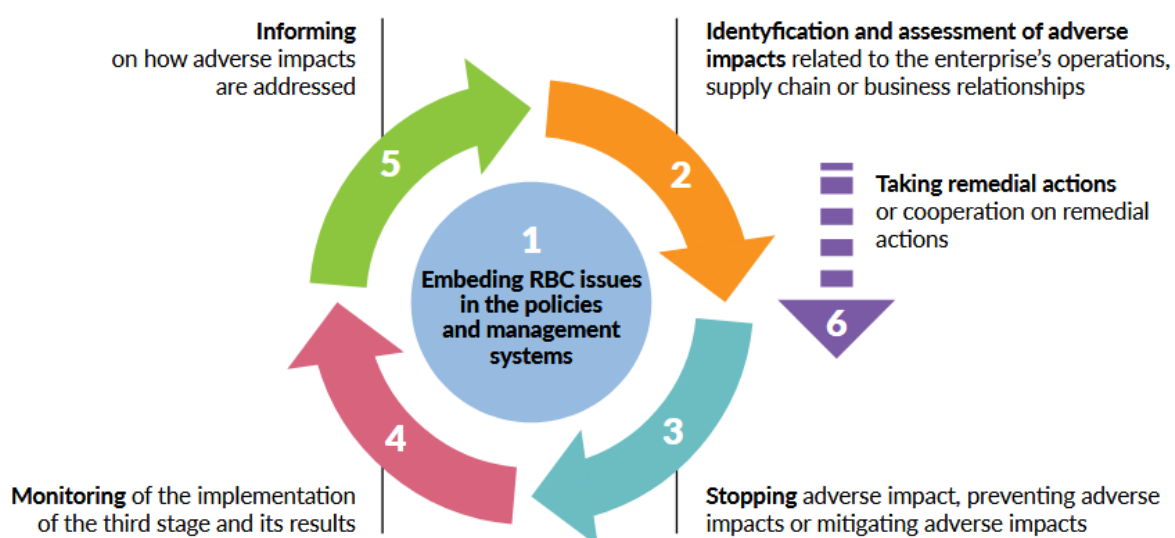
The OECD standards on responsible business conduct, disseminated by the KPK OECD, describe what due diligence is and how to implement it in practice. These include: the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Guidelines), the OECD Due Diligence Guidance for Responsible Business Conduct, and OECD guidelines for the agricultural, textile, footwear, financial, extractive, and conflict minerals sectors.

The EU Directive on Corporate Sustainability Due Diligence (CSDDD), which came into effect on July 25, 2024, refers to both the OECD Guidelines and the UN Guiding Principles on Business and Human Rights. It outlines the fundamental concept and stages of due diligence in a manner consistent with the aforementioned OECD and UN guidelines. MFiPR played a leading role in the development of the CSDDD.

Due diligence is a valuable tool for businesses, helping them effectively identify risks and prevent actual and potential adverse impacts of their operations, as well as respond appropriately when such impacts occur. These impacts may relate to environmental issues or human rights and can concern both the company's own activities and its business relationships. Priority should be given to risks associated with the most severe harms to affected individuals, including, notably, human trafficking for forced labor.

The following six-step due diligence process, described in the above-mentioned guidelines, also applies to managing the risks of forced labour:

Six steps of the due diligence process and support actions



RBC – Responsible Business Conduct

Knowledge about due diligence, which should be applied when assessing the risk of forced labour, contributes to increasing business awareness of its role both in preventing forced labour in its own operations and supply chains (particularly relevant to stages 1, 2, and 3 of due diligence), as well as in providing remedy to victims of forced labour (stage 6 of due diligence – concerning remedial actions, including the possibility of compensation if the company caused or contributed to adverse impacts).

The Polish KPK OECD promotes knowledge about corporate due diligence obligations, especially in the area of human rights and in the context of forced labour, based on the OECD

Guidelines, the UN Guiding Principles on Business and Human Rights, and the CSDDD. This is done through a variety of organized events, activities involving KPK OECD, and through published materials.

In 2024, these activities included, among others:

- a webinar on due diligence in responsible business conduct, organized by the MFiPR and the Working Group on Social Responsibility of Universities, which received 500 views on YouTube (27 May 2024).
- the second meeting of the Working Group on Corporate Due Diligence at MFiPR, during which the key provisions of the EU Directive on corporate sustainability due diligence were presented. The recording is available on YouTube and has garnered over 1,000 views (28 June 2024).
- KPK OECD representatives spoke about the due diligence topics during panel discussions at Business Forum 2024 (2 October 2024).
- at the GREENPACT European ESG Summit, approximately 500 copies of the OECD Guidelines were distributed, and KPK OECD had presentations on due diligence in supply chains and board accountability during panel discussions (29 October 2024).
- the publication of the Guide for Enterprises on Applying the Minimum Safeguards of the EU Taxonomy was released. This material was developed through collaboration between the MFiPR, KPK OECD, and the Working Group on the Application of the EU Taxonomy operating under the Ministry of Economic Development and Technology. It serves as a support tool for enterprises in applying due diligence, the OECD Guidelines, and the UN Guiding Principles on Business and Human Rights in the context of EU Taxonomy requirements (20 December 2024).

Polish-language versions of the OECD Guidelines are available on KPK OECD website. The OECD Guidelines and due diligence topics are also promoted via the KPK OECD LinkedIn profile.

We estimate that as a result of the aforementioned activities in 2024, information about due diligence—intended to protect human rights in the context of business activities, particularly in preventing forced labour—reached several thousand recipients. These include primarily businesses, but also the broader business environment such as employees, social partners, and the academic community.

In addition to promoting knowledge about the OECD standards for responsible business conduct, KPK OECD serves as a mediation mechanism, handling cases arising from notifications of potential breaches of the OECD Guidelines by enterprises. Complaints may concern, among other issues, labour rights violations, including suspicions of forced labour, or relate to the lack of adequate due diligence measures to prevent significant risks of human rights abuses in business, including forced labour. The informant does not have to be a victim but must demonstrate a connection to the matter. Notifications can be submitted by, for example, an employee or group of employees, persons other than employees or groups of persons, trade unions, or non-governmental organizations. The objective of the proceedings before KPK OECD NCP is to strengthen the observance of responsible business standards in business practice, with the active involvement of all parties and mediation by KPK OECD. Proceedings are conducted in accordance with the procedure available on the KPK OECD website. This procedure has been translated into English, Ukrainian, and Spanish to ensure accessibility for foreigners residing in Poland who may be affected by the risk of forced labour.

GRETA considers that the Polish authorities should include measures against corruption in a THB context in the next national anti-corruption strategy.

The most recent document is the *Government Anti-Corruption Programme for 2018-2020*. Issues related to human trafficking were not included in the document.

GRETA once again urges the Polish authorities to 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

The establishment of a better method for data collection is under consideration as part of the work on drafting the bill on combating human trafficking.

In their comments to the draft report, the Polish authorities stated that new regulations on the employment of foreigners were being prepared by the Ministry of Family and Social Policy with a view to limiting abuses, strengthening foreign workers' rights and increasing sanctions in cases of violations. GRETA would like to be kept informed of the adoption of these new regulations.

The Act of 20 March 2025 *on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland* introduces, among other things, full electronic processing of procedures, which will contribute to streamlining information exchange between authorities and will tighten the grounds for refusing work permits, for example, when information held by the authority indicates that the foreigner will not perform work under the conditions specified in the permit or when the entity employing them has already been penalised for illegal employment of foreigners.

The new regulations also tighten existing penalties for illegal employment of foreigners, providing false information leading to illegal work, or entrusting a foreigner to perform work by an entity that is not an employment agency. Additionally, entities that assign work to a foreigner and direct them to perform work on behalf of and under the supervision of another entity on a basis other than a temporary employment contract will also be subject to a fine.

The entity assigning work to foreigners must fulfil a number of additional duties apart from the obligations it has towards Polish citizens (for Polish citizens – registering the employee for social security or paying a salary not lower than the minimum wage). For example, in case a foreigners, it must verify (before assigning the work) whether the foreigner possesses a valid document authorising their stay and employment in Poland, enter into a written agreement with the foreigner and present its translation into a language understandable to them, inform the foreigner in writing, in a language they understand, about their right to join trade unions. It has also an obligation to submit to the authority, that issued the permit or recorded the statement in the register, a copy of the concluded agreement via an electronic system before assigning work to the foreigner.

According to the Law on Freedom of Economic Activity, labour inspectors are obliged to notify employers about the planned inspection between 7 and 30 days in advance, except if an offence is suspected, in which case an unannounced inspection can be carried out (Article 79). GRETA understands that labour inspectors do not have the mandate to conduct

operational activities (i.e. to collect evidence prior to the inspections) and therefore, suspicions of offences would derive mostly if complaints are filed by workers. According to the Polish authorities, although there were different interpretations of the mandate of labour inspectors which led the NLI to propose draft amendments, the Polish Government has expressed the view that unannounced inspections can be conducted in all circumstances on the basis of ILO Convention No 81, and that this is the case in practice. A proposal of the NLI to carry out operational activities is still under discussion. GRETA would like to be kept informed of future developments in this regard.

On 1 June 2025 new regulations came into force allowing for the omission of the notification of intent an inspection in cases where:

- Border Guard carries out inspection of the legality of employment of foreign nationals, the conduct of business activity by foreign nationals, or the commissioning of work to foreign nationals (Article 48(11)(15) of the Act of 6 March 2018 – *Entrepreneurs' Law*, in connection with Article 1 (2)(13a) of the Act of 12 October 1990 *on Border Guard*);
- State Labour Inspectorate carries out inspection of the legality of employment and the performance of work by foreign nationals (Article 48 (11)(16) of the Act of 6 March 2018 – *Entrepreneurs' Law*, in connection with Article 10 (1)(4) of the Act of 13 April 2007 *on State Labour Inspectorate*).

It is obvious that the element of surprise plays a crucial role in the effectiveness of such inspections. The appropriate timing of the start of an inspection is especially important when it comes to establishing a reliable number, identity, and the legal status of stay of the individuals working or present on the premises of the inspected entity. Therefore, notifying such an entity, for example, about a planned inspection of the legality of employing foreigners, in most cases renders the inspection pointless and completely undermines the potential results that could be achieved if it were initiated without prior notice.

According to the interpretation adopted by the National State Inspectorate, inspectors do not issue notices of intention to carry out an inspection, are not required to perform inspection activities in the presence of the inspected party or their authorised representative, may conduct inspections during the course of other authority's inspections, and are not subject to any time limits on the duration of the inspection.

This abovementioned position is supported by the provisions of *Convention No. 81 of the International Labour Organization concerning Labour Inspection in Industry and Commerce* (adopted in Geneva on 11 July 1947 and ratified by Poland on 24 February 1997). In particular, it should be noted that, according to Article 12(1)(a) of the Convention, labour inspectors equipped with appropriate powers shall be authorised to enter freely, without prior notice, at any time of day or night, into any establishment subject to inspection. Furthermore, under Article 16 of the same Convention, enterprises shall be inspected as often and as thoroughly as necessary to ensure effective compliance with relevant legal provisions.

Taking into account these regulations, the State Labour Inspectorate has taken the position that ILO Convention No. 81 applies to all entrepreneurs covered by the scope of our Office's inspection activities, and therefore not only to those operating in industry and trade but also in the service sector. Consequently, all inspections conducted by labour inspectors at enterprises may be initiated without prior notice to the inspected entity.

GRETA welcomes the mobilisation and solidarity in the face of the unprecedented displacement of people following the outbreak of the war in Ukraine and considers that the Polish authorities should continue their efforts to address the vulnerabilities to trafficking of all persons fleeing the war in Ukraine, without discrimination and irrespective of their nationality or statelessness, taking into account GRETA's Guidance Note on addressing the

risks of trafficking in human beings related to the war in Ukraine and the ensuing humanitarian crisis, as well as the Report and recommendations of the Special Representative of the Secretary General on Migration and Refugees (paragraph 210).

The Polish system for combating human trafficking does not differentiate potential victims of human trafficking based on nationality, age, gender or forms of exploitation.

According to the provisions of the Act of 12 March 2022 *on assistance to Ukrainian citizens in connection with the armed conflict in that country*, a Ukrainian citizen whose stay in the territory of the Republic of Poland is considered legal under Article 2(1) of the aid act and who has a PESEL number with the UKR status – is entitled to a range of benefits. Currently, refugees from Ukraine have access to housing, the labour market, healthcare, education, family benefits, and social security.

GRETA urges the Polish authorities to 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).

According to Article 24 of the Act *on the State Labour Inspectorate* (PIP), labour inspectors are authorized to carry out, without prior notice and at any time of day or night, inspections of compliance with labour law regulations, in particular regarding workplace safety and hygiene, inspections of compliance with regulations concerning the legality of employment and other paid work of Polish citizens and foreigners, inspections of wage payments in the amount resulting from the minimum hourly rate, in accordance with regulations on minimum wages for work, as well as inspections of compliance with regulations concerning restrictions on Sunday and holiday trading and certain other days.

Inspections are conducted upon presentation of a professional ID confirming the inspector's identity and authority or that of another authorised employee of the State Labour Inspectorate, as well as an authorisation to carry out the inspection. Additionally, if factual circumstances justify immediate inspection at a business entity, it may be carried out after presenting a service

ID (the inspected party must immediately, but no later than within 7 days from the start of the inspection, deliver an authorisation to conduct the inspection).

The State Labour Inspectorate has established an effective mechanism for submitting complaints by employees through the introduction of solutions regarding the receipt, examination, and resolution of complaints against actions of employers, entrepreneurs, and other entities within the organizational units of the State Labour Inspectorate. The detailed regulations concerning the handling of employee complaints are specified in the Ordinance of the Chief Labour Inspector dated 29 December 2022 *on the acceptance, examination, and resolution of complaints and requests, as well as providing advice within the organizational units of the State Labour Inspectorate*. Employee complaints, particularly those concerning violations of labour law regulations, including safety and hygiene regulations and legality of employment, directly affecting the complainant, can be submitted to the State Labour Inspectorate in writing, via telegram, fax, orally recorded in a protocol, or through electronic communication means. Submitting an employee complaint includes making a statement by the employee regarding their consent to disclose that inspection activities are conducted as a result of an employee's complaint. Not giving consent to disclose that the inspection is conducted following an employee complaint does not prevent the inspection from being carried out. In justified cases, a labour inspector immediately informs the complainant that without disclosing that the inspection is conducted as a result of an employee's complaint, it will not be possible to resolve it. Such notification also indicates that failure to give consent within 7 days from receipt of this notification to disclose that the inspection is based on an employee complaint will result in non-resolution of the matter.

Furthermore, it should be emphasized that pursuant to Article 23(1)(3) and paragraphs 2-3 of the Act *on the National Labour Inspectorate*, during the inspection process, a labour inspector has the right to request from the inspected entity and from all employees or persons who are or were employed, or who perform or performed work for them on any basis other than an employment relationship, including self-employed individuals conducting business activities, as well as persons using employment agency services, written and oral information regarding matters covered by the inspection. The inspector also has the right to summon and question these persons in connection with the conducted inspection. If there is justified concern that providing information related to the inspection by an employee or persons mentioned above could expose that employee or those persons to any harm or accusations due to disclosing such information, the labour inspector may issue a decision to keep confidential the circumstances that could reveal the identity of that employee or person, including personal data. In case such a decision is issued, the circumstances referred to in this provision remain solely known to the labour inspector. The protocol of questioning an employee or person may only be made available to the employer in a manner that prevents disclosure of personal data for which a confidentiality decision has been issued.

The State Labour Inspectorate, in carrying out its tasks, cooperates among others with public administration authorities, particularly with supervisory and control bodies overseeing working conditions, as well as with the National Revenue Administration, the Police, Border Guard, Social Insurance Institution (ZUS), and local government authorities. In the case of joint inspections, the objectives of the labour inspectorates and the role of immigration authorities have been clearly defined in the Agreement between the Chief Labour Inspector and the Chief Commander of the Border Guard dated 10 December 2018 *concerning the principles of cooperation between State Labour Inspectorate and Border Guard*. According to this agreement, cooperation between PIP and Border Guard is carried out primarily through joint inspections of labour inspectors and Border Guard officers on monitoring compliance with regulations concerning foreigners, as well as exchanging experiences regarding procedures for handling persons identified during inspections who are or may be victims of human trafficking for forced labour. It should be noted that both PIP and Border Guard operate separately within their

respective powers and within the scope of activities defined by legal acts at the statutory level. When an inspection involving both a labour inspector and a Border Guard officer is necessary, each party designates its representatives, establishes the scope and timing of the inspection, and appoints a person to lead the inspection.

Additionally, the Agreement dated 11 December 2000 between the Chief Labour Inspector and the Chief of Police remains in force. This agreement concerns the principles of cooperation between the State Labour Inspectorate and the Police. It was concluded to ensure efficient cooperation in carrying out tasks performed by these authorities.

The cooperation between the parties is carried out in particular through: mutual information exchange and coordination of actions regarding the prevention, detection, and combating of offenses against workers' rights, as well as other offenses related to performing paid work; undertaking joint actions against persons committing offenses against workers' rights and other violations related to paid employment; and participation of representatives from both parties in meetings and sessions concerning matters subject to cooperation.

The agreements concluded by the State Labour Inspectorate with cooperating institutions (particularly with law enforcement agencies such as the Border Guard, Police, and Prosecutor's Office) do not include mechanisms for cooperation involving the transfer of personal data of foreigners for the purpose of enforcing immigration regulations. The agreement on the principles of cooperation between the State Labour Inspectorate and the Border Guard contains a provision stating that district labour inspectors are obliged to provide commanders of Border Guard units with information about cases identified by inspectors that raise suspicion of human trafficking for forced labour. Additionally, the agreement with the Border Guard provides for the exchange of experiences regarding procedures for handling persons identified during inspections who are or may be victims of human trafficking for forced labour. It is worth noting that, in accordance with its statutory competences, one of the tasks of the Border Guard is to recognize, prevent, detect, and investigate perpetrators of human trafficking crimes (Act of 12 October 1990 *on the Border Guard*).

It should be noted that – although the State Labour Inspectorate has been integrated into the system of cooperating authorities in the field of combating human trafficking, particularly for forced labour – taking direct actions regarding human trafficking remains outside the scope of the Inspectorate's competencies. That is, a labour inspector is not authorised to undertake any investigative activities or to collect evidence or information in these matters. The activities of a labour inspector concerning issues related to human trafficking involve recognising signs characteristic of human trafficking and notifying the appropriate authorities, i.e., the Border Guard if the case involves foreigners, or the Police or Prosecutor's Office in other cases.

According to the Act of 13 April 2007 *on the State Labour Inspectorate*, an inspector's duty includes informing relevant authorities about violations of legal regulations. In cases involving violations related to foreigners, such notifications should be directed to the Police or Border Guard. Transmitting information about violations committed by foreigners, such as illegal employment, to the Border Guard may result in issuing a decision requiring their return. However, it should be noted that this obligation to inform stems from law and its implementation cannot be waived through cooperation agreements between individual authorities.

In this context, it is worth noting that, pursuant to the Act of 12 December 2013 *on foreigners*, a foreigner who is suspected of being a victim of human trafficking has the right to obtain a certificate confirming the existence of such suspicion. This certificate is issued by the authority competent to conduct proceedings regarding the crime of human trafficking (Border Guard, Prosecutor's Office, or Police). During the validity period of the certificate, the foreigner's stay in Poland is considered legal, and no proceedings are initiated against the foreigner for obligation to return. If such proceedings have already been initiated, they are discontinued.

The *Act on the State Labour Inspectorate*, following the provisions of ILO Convention No. 81 concerning labour inspection in industry and commerce, obliges labour inspectors to keep confidential the fact that an inspection is being conducted as a result of a complaint and personal data of the complaining employee or other person. These details can only be disclosed if the complainant provides written consent for such disclosure.

These principles apply not only to the inspected employer but also in contacts with cooperating authorities working with the State Labour Inspectorate. In criminal proceedings related to prosecuting human trafficking crimes, such information may be disclosed after a labour inspector is released from confidentiality obligations in accordance with procedures specified in the KPK.

According to Polish legislation, conducting business activities in the field of providing services such as employment agency activities, personnel consulting, career counselling, and temporary work is a regulated activity within the meaning of the Act of 6 March 2018 – *Law on Entrepreneurs*. It requires registration in the register of entities operating employment agencies.

Control competences in the area of activities of employment agency belong to the State Labour Inspectorate as well as to the Marshal of the Voivodeship as the authority maintaining the register of employment agencies (control competencies of the Marshal includes: the necessary conditions that an entity intending to operate an employment agency must meet, informational obligations towards the Marshal of the Voivodeship, providing information about the agency's activities to the Marshal, and the obligation for an employment agency to have a premises).

The tasks of the State Labour Inspectorate include supervising and controlling compliance with labour law regulations, particularly safety and health regulations, as well as regulations concerning the legality of employment and other paid work of Polish citizens and foreigners. Inspections conducted by the State Labour Inspectorate at employment agencies include:

- Complying with the obligation to register an employment agency in a special register. Operating of the agency depends on obtaining this registration; and
- Operating an employment agency in accordance with the conditions specified in the provisions of the Act of 20 April 2004 – *on the promotion of employment and labour market institutions*.

The new *Act on the Labour Market and Employment Services* defines the principles of operation for employment agencies within the territory of the Republic of Poland.

The *Act on the Labour Market and Employment Services* introduces the obligation for employment agencies to have a premises where services are provided (currently, some agencies use so-called virtual offices). It also introduces a new requirement for agencies that wish to provide services related to posting foreigners to work, which require obtaining a work permit or submitting a statement of entrusting work to a foreigner. An agency will be able to provide this service after two years from registering in the register of employment agencies. Additionally, there will be an extra verification of persons managing or representing employment agencies regarding the criminal/violations records (currently, only the entities themselves are verified, not the individuals managing them). The maximum fine for conducting employment agency activities without the required registration in the National Register of Employment Agencies will be increased from 3,000 to 100,000 PLN (currently from 3,000 to 10,000 PLN).

In the case of an employment agency providing temporary work services, compliance with the provisions of the Act of 9 July 2003 *on employing temporary workers*, the Labour Code, and other legal acts issued based on it, are also subject to assessment.

It should be emphasised that inspections of employment agencies are a permanent task of PIP, carried out – both in previous years and at present – in a comprehensive manner. This includes

agencies providing temporary work services and employment placement services, including the referral of individuals to work abroad for foreign employers, as well as the referral of foreign nationals for employment or other paid work with entities operating in Poland.

The comprehensive assessment of compliance with the law in entities providing employment agency services – both employment placement and/or temporary work – as well as in entities utilising their services – consists of the following thematic inspections:

- Compliance with regulations regarding the conditions for conducting an employment agency
- Compliance with regulations on employing temporary workers;
- Compliance with regulations governing the employment of temporary workers by user employers;
- Circumventing the provisions of the Act on Employing Temporary Workers through outsourcing/leasing;
- Activities of employment agencies conducted by entities/foreigners outside the EU.

The above-presented model of conducting control activities in employment agencies, based on detailed methodological guidelines, assumes that – as a rule – every entity involved in entrusting work to job seekers within Poland, including foreigners, is subject to inspection by a labour inspector.

The scope of thematic control in employment agencies and entities utilising their services was expanded in 2020. This scope is subject to ongoing modifications, taking into account changes occurring in the Polish labour market and revealed practices of circumventing legal regulations, including threats for foreigners seeking employment within Poland, as well as those conducting business activities in Poland, including regulated activities and entrusting work to foreigners.

Therefore, it should be noted that the methodology of inspections in temporary employment agencies, as well as in agencies providing employment placement services, is strengthened annually through updates and improvements that reflect current experiences of labour inspectors conducting controls in this area. These inspectors also possess appropriate specialisation confirmed by a specialised exam with a positive result in the field of employment agency activities, enabling them to inspect entities that deal with mediating employment or leasing personnel.

Inspections at employment agencies are carried out through assessing the validity of complaints from employees or persons using agency services or entities referred to in Article 18c of the *Act on the Promotion of Employment and Labour Market Institutions*. Inspections are also conducted in cases of suspected violations of applicable regulations of this act, particularly illegal provision of services by employment agencies, including in entities selected for such inspections based on ongoing monitoring of mass media (Internet, press, TV, etc.).

Monitoring activities are continued in order to track negative phenomena in the labour market (media monitoring), focusing on the most important issues related to the legality of operations carried out by entities providing employment agency services, namely:

- The legality of conducting activities by entities recruiting people for work;
- Compliance of fee collection with the principles outlined in the *Act on the Promotion of Employment and Labour Market Institutions*; and
- The use of discriminatory practices in published job advertisements and offers.

The main purpose of the inspections carried out within the framework of enforcing the regulations on the conditions of operating employment agencies is to assess compliance with the provisions of the *Act on the Promotion of Employment and Labour Market Institutions* by employment agencies (these entities provide the following services: job placement, personnel consulting, career counselling and temporary work). In addition to the obligation of registration

such an entity, inspections also cover – among other things – duties related to: possessing a premises where services are provided; adhering to the prohibition of discrimination and collecting prohibited fees; drawing up written agreements with persons sent abroad for work or with foreigners directed to work in entities operating within Poland.

Meanwhile, control activities concerning compliance with regulations on employing temporary workers are conducted both towards temporary employment agencies providing temporary work services (either exclusively or together with other services of employment agencies) and towards their client employers (ensuring compliance with regulations governing the employment of temporary workers by user employers). The inspection involves conducting control proceedings that include the same group of temporary workers simultaneously at two different entities. The aim of these control procedures is to eliminate violations of legal regulations concerning persons performing temporary work, taking into account the provisions of the *Act on Employing Temporary Workers*, the Labour Code, and other legal acts issued based on it.

The labour inspector thus examines both the compliance with legal regulations that specifically define the legal situation of a temporary worker (such as directing such a worker to perform tasks that do not fall within the definition of temporary work, and adherence to the prohibition of assigning particularly dangerous work to temporary workers). Additionally, the inspector assesses the employer's basic obligations (such as timely payment of wages, compliance with regulations regarding working hours, ensuring that persons performing temporary work for the user employer work in safe and hygienic conditions, etc.).

In cases where inspections are aimed at examining circumventions of the provisions of the *Act on Employing Temporary Workers* through outsourcing/leasing practices, the provision of outsourcing services used to replace temporary work is also evaluated, despite the presence of characteristics typical of temporary employment. The main goal of these proceedings is to diagnose phenomena related to bypassing and violating the provisions of the *Act on Employing Temporary Workers* through outsourcing, leasing, or other forms of entrusting work due to for example time limits on performing temporary work for a single user employer or restrictions on assigning particularly dangerous tasks to persons providing temporary work.

Control procedures are applied both to companies that offer outsourcing services and to those that use them, just like with temporary work agencies. This means that inspections include temporary employment agencies that also provide outsourcing, as well as other companies offering outsourcing services, such as employment placement agencies and companies that use outsourcing.

The inspections of employment agencies run by entities or foreigners from outside the EU focus on checking whether they follow the legal regulations. Inspectors search for violations related to running employment agencies, especially making sure they do not charge foreigners from outside the EU illegal fees during recruitment.

GRETA also considers that the Polish authorities should:

- strengthen labour inspections in sectors and businesses considered at high risks of trafficking, and increase the capacities of labour inspectors so that they can be actively engaged in the prevention of trafficking and the detection of victims;
- strengthen the provision of regular training to labour inspectors to enable them to contribute to the prevention and detection of THB for labour exploitation; labour inspectors should have sectoral expertise, language skills and cultural competences to effectively perform their tasks;
- further train law enforcement officers, prosecutors and judges, on combating THB for the purpose of labour exploitation and the rights of victims;

- further train consular and embassy staff on THB, and ensure screening of risks of trafficking in the framework of visa applications;
- continue raising awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation;
- monitor the use of “declarations on entrusting work to a foreigner” and “civil law contracts”, in particular “specific task contracts”, to ensure that they do not provide a gateway to trafficking, and address any gaps identified, including through legislative changes.

Due to the increasing demand for foreign workers in the territory of the Republic of Poland, in 2025, the control and supervision tasks of the National Labour Inspectorate are particularly focused on issues related to entrusting work in Poland to this group of workers. The conducted inspections will be comprehensive and carried out by special teams of labour inspectors. PIP's activities will cover not only the legality of employment, the assignment of other paid work, and the performance of work by foreigners, but also their working conditions and the correctness of the basis for performing work, especially the validity of concluding a contract other than an employment contract. Experience shows that a significant group of foreigners work based on civil law contracts, which is why the inspections will especially aim to uncover and eliminate, using available tools, cases where such contracts are concluded under conditions appropriate for an employment relationship. The control and supervision activities of PIP will also focus on issues related to foreigners' wages and other entitlements arising from their employment, as well as the minimum hourly rate (in the case civil law contracts), also to eliminate cases of extreme exploitation, which may indicate forced labour. During inspections, the status of foreigners – who are citizens of countries from which foreign workers are traditionally recruited (Ukraine and other countries under so-called simplified procedures) – will be verified. Additionally, citizens of these countries, who in recent times are applying in larger numbers than before for documents legalising their work in Poland and are directed to work for Polish entities (mainly from Central Asian countries and Latin America), will also be checked. Therefore, in the conducted control activities, particular attention will be paid not only to cases of entrusting foreigners with work in the traditional form but also in atypical, flexible employment arrangements and other paid work, including temporary work. Actions of the State Labour Inspectorate will also aim to uncover cases of illegal transfer of foreigners between entities benefiting from their work in Poland, especially within multi-level subcontracting chains and in the form of illegal outsourcing/leasing (used to circumvent regulations on temporary work or the demand for permanent employment).

In the area of occupational safety and health, inspections will focus on issues related to familiarising foreign workers with the appropriate instructions and job-specific training, in order to eliminate work-related hazards resulting from a lack of knowledge of safety and health regulations and principles due to language barriers. Additionally, inspections will focus on cases of illegal assignment of particularly dangerous tasks to foreign temporary workers.

Inspections will be carried out in selected enterprises, especially in entities and on large investments, including those of strategic importance, which:

- involve many subcontractors from various industries (including within special economic zones)
- and employ foreign workers, among others, transferred from employment agencies or delegated to work in Poland by foreign companies cooperating with Polish entrepreneurs.

Depending on the circumstances, these activities will be conducted jointly with officers of the Border Guard.

As a tool for identifying entities for inspection, the register of entities of particular importance to the national economy will be used, as referred to in the provisions of the *law amending certain laws to eliminate irregularities in the visa system of the Republic of Poland*.

The National School of Judiciary and Public Prosecution, as the central institution responsible for continuous training of the staff of common courts and the prosecution service in Poland, consistently provides these personnel with appropriate annual training. The aim is to familiarise them with the specifics of the phenomenon, the profile of the victim, as well as the profile of the perpetrator of human trafficking crimes. These trainings are continued in 2025. As part of a three-day in-person training scheduled in Poznań from September 3 to 5, 2025, entitled *Human Trafficking - Selected Issues*, the legal framework of human trafficking as it relates to national and international law will be discussed, including the forms of exploitation of trafficking victims, also for labour exploitation purposes. The legal situation of human trafficking victims under Polish criminal law will be presented in comparison with international standards, along with the basic procedural rights for these victims. This training is dedicated to judges and judicial assessors presiding in criminal divisions, as well as prosecutors and prosecutors' assessors.

Police officers and Border Guard officers, in accordance with their professional development plans, are regularly trained in combating human trafficking. Due to an increase in cases related to exploiting victims in forced labour, particular emphasis has been placed on this form of exploitation, its prevention, and counteraction during the ongoing training sessions.

Issues related to combating human trafficking for labour exploitation and related to the rights of victims are included in the following central professional development initiatives for the Police officers: a specialised course on preventing and combating human trafficking crimes, a specialised course for Police officers conducting investigative activities, and a specialised course for Police officers performing operational and reconnaissance activities.

The Diplomatic Academy of the Ministry of Foreign Affairs regularly organises consular training for candidates going to work at Polish missions abroad. The training covers issues related to combating human trafficking and related crimes. These topics are presented to participants by representatives of MIA, the Police, and the Border Guard.

The Consular Department of the Ministry of Foreign Affairs has prepared a *Guide for Polish consular staff on the threat related to human trafficking and ways to assist its victims*, which has been distributed to all consuls with a recommendation to conduct regular training based on it for staff without consular powers (including local employees).

In the fourth quarter of 2023, MIA carried out an online information and educational campaign aimed at raising public awareness about the phenomenon of human trafficking, especially regarding forced labour exploitation. The campaign involved broadcasting a 30-second video about human trafficking on social media platforms (YouTube, Facebook, Instagram, Twitter/X), along with information on where to seek help. The target group for the campaign was people aged 16-45, including Polish citizens, Ukrainians, and residents of Latin American countries. The campaign reached over 2 million viewers.

Since 2023, four editions of the educational project *Escapetruck* have been organized in Poland (another edition is planned from October 2025, and due to high interest, the initiative will continue in the coming years). The project was an initiative of the Dutch Reshape Foundation and was implemented in Poland with financial support from the Dutch Police and the Embassy of the Kingdom of the Netherlands in Poland. The organization of the project in Poland was made possible through cooperation with the Polish Police, Border Guard, and the Human Trafficking Research Centre at the University of Wrocław, and from this year, additionally, MIA and IOM. The issue of human trafficking is presented here in an extremely innovative form – participants are shown a situation similar to that of human trafficking victims, inside of a truck

arranged as an escape room. The rooms inside the vehicle are designed to reflect the very difficult living conditions of trafficking victims, highlighting their suffering and trauma. Due to the sensitive nature of the topic and the special effects used in the van (such as sound and smell), the primary target group for this preventive initiative was mainly people over 16 years old.

The event was covered by press materials, featured on websites, television, and radio, reaching a significant number of audiences across various social groups. The goal of the project is to educate society on how to prevent becoming potential victims of human trafficking, to increase awareness about this crime, and to evoke the same emotions experienced by trafficking victims.

In 2024, MIA in cooperation with the Border Guard Headquarters, prepared a nationwide information campaign titled *Employed in Slavery* focused on forced labour. The goal of the campaign was not only to effectively draw public attention to the serious problem of human trafficking but also to raise social awareness and mobilise action to prevent human rights violations. As part of the campaign, the following promotional and educational materials were developed and printed, and then distributed to the Police Headquarters, the Border Guard Headquarters, and the Regional Teams for Counteracting Human Trafficking:

- One pop-up display intended for the Police Headquarters;
- 40 roll-up banners;
- 9,999 posters;
- 500 posters designed for selected Police units, with blank space for putting contact details of the local Police coordinator for human trafficking.

Additionally, during the campaign implementation, 17,000 comic books for young people were reprinted, developed as part of the *You Are Not for Sale* campaign.

In total, MIA allocated 66,375.72 PLN for this activity.

In 2023 and 2024, a mobile exhibition titled *Faces of Human Trafficking* organised by MIA was displayed across various voivodeships (including district offices of voivodeship authorities, Police units, schools, family assistance centres at the county level, airports). The exhibition took place, among other locations:

- at "Lublinek" Airport and at the University of Łódź;
- at the Kuyavian-Pomeranian Voivodeship Office in Bydgoszcz
- at the Warsaw Family Assistance Centre, in the main building of the Masovian Voivodeship Office in Warsaw and in the building of its branch in Ostrołęka;
- at the University of Zielona Góra and at the Provincial Police Headquarters in Zielona Góra;
- in the hall of Gdańsk Main Train Station, at the Higher School of Security in Gdańsk, and at the Police School in Słupsk;
- at Białystok University and on its campus;
- in the building of School Complex No. 2 in Jędrzejów named after Gen. Stefan Rowecki "Grot".

Police officers across all voivodeships continuously carried out educational and informational activities, which included distributing posters and leaflets during family picnics, festivals, and other events, providing advice, and talking with residents. Additionally, information about human trafficking threats was posted on Police units' websites, including details on current dangers, risk groups, recruitment methods, and perpetrators' operational tactics. Contact phone numbers where help can be obtained were provided along with links redirecting to www.handelludzmi.eu. Officers participated in training sessions and meetings of Voivodeship Teams for Counteracting Human Trafficking and also served as speakers during training sessions, conferences, or other events.

Educational and informational campaigns are an integral part of the activities included in the national strategy titled the National Action Plan Against Human Trafficking. In 2024, as part of the implementation of this Plan, the following were carried out:

- At least 645 events/campaigns aligned with Action II.1 of the National Action Plan, which involves *educational and informational activities addressing the issue of human trafficking, targeted at the general public, including informational campaigns*. The entities responsible for these activities included the Ministry of Interior and Administration, the Police (National Police Headquarters and Provincial Police), the Border Guard Headquarters, regional teams for counteracting human trafficking – particularly voivodship offices, labour inspectorates, employment offices, non-governmental organizations, educational authorities, and family support centres.
- Under Action II.2 of the KPD, *the development and distribution of informational materials about human trafficking, with particular emphasis on child trafficking, including the preparation of educational and informational materials for teachers and students*:
 - Reprinting and nationwide distribution of 17,000 comics by MIA, and distribution of at least 21,000 leaflets, brochures, etc., about human trafficking by the Police,
 - Training sessions for school children, students, teaching staff, and government institutions conducted by the Border Guard—approximately 4,500 people trained,
 - Development and distribution of materials by voivodship offices.
- As part of Action II.3 of the KPD, aimed at *spreading knowledge about human trafficking among school children and job seekers through informational meetings*, approximately 7,000 meetings were held:
 - Organised by the Police, which trained about 200,000 students, pupils, and job seekers, as well as staff at centres for foreigners, unemployed individuals, and tourists.
 - A series of meetings conducted by the Border Guard, e.g., 24 meetings by the Warmian-Masurian, the Nadwiślański and Silesian Border Guard Divisions, attended by over 1,300 people—including primary and secondary school students, vocational and technical school students, university students, and social assistance system personnel.
 - Regional labour inspectorates carried out a total of 349 informational and training activities for nearly 24,000 students and pupils as part of the "Legitimate Work" campaign, which in 2022-2024 aimed to raise awareness of occupational hazards in the work environment and to create a safety culture among young workers.
 - Employment offices also conducted informational activities, including meetings, informational campaigns, and conferences about working abroad and safe employment practices.
- Over 700 events aimed at raising social awareness (training sessions, conferences, campaigns) took place as part of activity II.4 of the NAP titled *celebrations of the European Day Against Human Trafficking, held – among others – in Police schools, Border Guard training centres, the Provincial Police Headquarters, and in subordinate Police units and among school children, as well as organizing conferences*. The implementation was made possible thanks to regional teams, crisis intervention centres, employment offices, non-governmental organizations, IOM, universities and the Police.

Currently, the latest edition of the NAP for 2025-2027 also includes a series of educational and informational activities. The campaign *Employed in Slavery* is continued this year.

The Ministry of Family, Labour and Social Policy has carried out and plans to carry out a number of informational activities aimed at increasing awareness among people at risk of exploitation in the labour market, including victims and potential victims of human trafficking.

As part of these activities, informational leaflets have been prepared in several foreign languages, concerning working in Poland based on a declaration of entrusted work.

Furthermore, in 2025, within the framework of the Polish EURES network, educational and informational campaigns are planned in the form of workshops, seminars, posting on internet portals (social media), group contacts, open days, and information sharing at job fairs. The goal of these activities is to disseminate knowledge about human trafficking, promote principles of conduct that help minimise the risk of this phenomenon, and raise awareness of the dangers of exploitation and forced labour.

The main partners in these activities are expected to be the Voivodeship Teams for Counteracting Human Trafficking and, where possible, the Police and Border Guard units. The target group consists of unemployed individuals and those seeking employment.

Additionally, in 2025, the implementation of the project *Working and Living in Poland – Multi-channel Platform for Supporting Foreigners*. Although this project is not directly focused on human trafficking issues, it is not excluded that it may contribute to its reduction by increasing awareness. The planned activities aim to provide informational support to entities involved in migration processes related to employment and integration into the labour market (migrants, employers, offices) through the development and implementation of tools that offer comprehensive information on employment and work rules in Poland, residence, and access to available public benefits and services. This will be achieved through modernisation and development of the *Green Line* public employment information and consultation centre.

As part of the duties imposed by the KPD, Police officers conduct lectures, talks, organize picnics and meetings throughout the year to inform the public about human trafficking crimes. They also give presentations dedicated to job seekers or school children, during which they warn about job advertisements published in the media that may serve as a form of recruitment of victims by organized criminal groups.

Similarly, as part of the duties assigned by the KPD, Border Guard officers participate annually in meetings with school youth and students, where they deliver lectures on human trafficking crimes, how to avoid becoming a victim, who to notify if they find themselves in a victim's situation, or if they observe another person as a potential victim of human trafficking. All these activities aim to increase public awareness about this crime.

Regarding the monitoring of foreigners' work based on declarations of entrusting work, it is important to note that the results of the inspections carried out by the National Labour Inspectorate in 2024 show that over half of the foreigners checked were working not on the basis of a work permit or declaration, but through a simplified legalisation method, namely a notification referred to in Article 22(1) of the *Act on Assistance to Ukrainian Citizens in connection with the armed conflict in that country*.

This solution, dedicated to Ukrainian citizens, was their main method of legalising work (two-thirds of the inspected Ukrainian citizens used it). The remaining foreigners checked were working under the rules specified in the *Act on Employment Promotion and Labour Market Institutions*, particularly based on work permits and declarations of entrusting work to foreigners.

It is worth emphasising that as part of the amendment to the *Act on Assistance to Ukrainian Citizens in connection with the armed conflict on the territory of that country*, which came into force on 1 July 2024, a number of significant changes have been introduced, thanks to the PIP legislative proposals, regarding the legality of entrusting work to Ukrainian citizens and their employment on Polish territory. These include, in particular:

- Reducing the notification period for informing about entrusting work to a Ukrainian citizen via the tele-information system work.gov.pl from 14 days to 7 days;
- Supplementing the notification content with information relating to the employer;
- Organising the content of the provision concerning the entrustment of work to a Ukrainian citizen based on notification (Article 22(1)) – as an exception to the general rule that entrusting work to a foreigner requires obtaining a work permit;
- Adding a new condition for the legality of entrusting work to a Ukrainian citizen, which stipulates that the remuneration received by the Ukrainian citizen must meet the requirements set out in the regulations on minimum wages, where these regulations apply;
- Establishing a list of situations in which there is an obligation to resubmit a notification about entrusting work to a Ukrainian citizen.

In the context of the control activities of the National Labour Inspectorate regarding the legality of foreigners' employment, a positive change on the Polish labour market should also be brought by the Act of 20 March 2025 *on the conditions for the admissibility of entrusting work to foreigners in the territory of the Republic of Poland*. Its aim is, among other things, to limit existing abuses and to streamline procedures related to entrusting foreigners with work. The Act introduces provisions regarding elimination of irregularities resulting from the use of outsourcing as a means to circumvent regulations on temporary work, as well as solutions to prevent employment of foreigners in entities that hinder inspection activities (e.g., by not presenting required documents or failing to respond to authorities). It is also positive to note the removal of the possibility to use so-called "Ukrainian companies," which, in the case of foreigners, were exploited to bypass the regulations requiring work permits. A significant change is also the introduction of a new philosophy for imposing penalties for illegal entrusting of work to foreigners. The new Act increases the fine amount for violations related to the legality of foreigners' employment and links its level to the number of foreigners to whom a given entity has entrusted illegal work.

However, regarding the provisions of the new law concerning declarations of entrusting work under Article 68, it is clearly specified that the entity entrusting work to a foreigner, who has had their declaration entered into the register of declarations, has certain obligations. Similar to the work permit process, the entity entrusting work will be required to include in the employment contract the conditions specified in the declaration or the modified conditions, which do not require the entry of a new declaration into the register. Additionally, the employer must adjust the foreigner's salary to the current minimum wage and increase the salary proportionally to the increase in working hours during which the foreigner performed work under an employment contract. The Act also includes an obligation for the employer to inform the foreigner about the entry of the declaration into the register and to provide the employer or user with a copy of the declaration if it concerns work for a temporary employment agency. Similar to the work permit process, paragraphs 2 and 3 of this article introduce a 'remedial mechanism' that allows fulfilling the obligations mentioned in paragraph 1 and paying any overdue wages to avoid negative legal consequences.

As with work permits, Article 68, paragraph 1, point 4 of the abovementioned Act, provides for the possibility of increasing the working hours to a full-time schedule, provided that the salary is proportionally increased, without the need to enter a new declaration of entrusting work to the foreigner into the register.

Article 70 of the Act outlines the informational obligations of the entity entrusting work to a foreigner and the legal consequences that may arise from these obligations regarding the validity of the entry of the declaration of entrusting work to the register of declarations. Paragraph 1 – similar to the *Employment Promotion Act* – imposes on the employing entity the obligation to notify the district governor, who has entered the declaration into the register of

declarations, about the commencement of work by the foreigner within 7 days from the start date, and about the non-start of work within 14 days from the date specified in the register. Failure to fulfil these obligations within the specified deadlines is subject to a fine under Article 84(10) of the Act. Due to the lack of restrictions on the number of declarations that can be submitted in connection with the work of a single foreigner, the notification of whether work has been started or not will help determine whether the foreigner is performing work for the given entity. Paragraph 2 states that the entity entrusting work should notify the authority that entered the declaration into the register about the termination of the foreigner's work or about the lack of intention to continue work based on the declaration. As a result, this notification will lead to the elimination of the declaration from legal circulation through the automatic invalidation of the entry in the declaration register by law. The Act provides that these notifications will be submitted electronically, via the tele-information system referred to in the *Employment Market and Employment Services Act*.

In accordance with the content of the Act of 20 March, 2025, on the conditions for permitting foreigners to work on the territory of the Republic of Poland, a ground for refusal to grant a work permit has been introduced. This applies when it results from information held by the authority reviewing the application for a work permit that the probable purpose of obtaining the permit is a sham employment of a foreigner or that the foreigner will not perform work in the territory of Poland under the conditions specified in this permit. Furthermore, an obligation has been imposed on the entity commissioning the work, to submit to the authority that issued the permit or recorded an entry in the declaration register, a copy of the agreement concluded with the foreigner.

While recognising the serious challenges faced in relation to the situation at the border with Belarus, GRETA urges the Polish authorities to 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

Although victims of human trafficking and persons at risk of human trafficking are not explicitly mentioned in the Refugee Status Convention, they can still be granted international protection in situations where, under international or EU law, they qualify for refugee status or for international protection.

According to Article 33a(1) of the Act of 13 June 2003 on *granting international protection to foreigners*, the right to submit an application for international protection may be temporarily restricted in certain circumstances, namely when there is an instrumentalisation (weaponisation) of migration, and the actions undertaken as part of this instrumentalisation pose a serious and real threat to the security of the state or society. This restriction can only be introduced if it is necessary to eliminate the above threat and if other measures are insufficient to do so. The provision refers to exceptionally dangerous actions by a hostile state carried out intentionally and systematically. The decision on the possible suspension of the right to apply for international protection is made by the Council of Ministers of the Republic of Poland, which issues a relevant regulation specifying the temporal and territorial scope of the restriction. This regulation is signed by the Prime Minister.

It is worth noting that the aforementioned article of the Act further specifies categories of persons to whom such a restriction cannot be applied. According to Article 33b(2), these categories include:

- 1) Unaccompanied minors,
- 2) Pregnant women,
- 3) Persons who may require special treatment, particularly due to their age or health condition,
- 4) Persons for whom circumstances exist that, in the assessment of the Border Guard authority, clearly indicate that they face a real risk of serious harm in the country from which they have come directly to the territory of the Republic of Poland,
- 5) Citizens of the state engaging in instrumentalisation, from whose territory foreigners arrive on the territory of the Republic of Poland.

Although victims of human trafficking and presumed victims of human trafficking are not explicitly listed, they can be classified under other circumstances mentioned above.

To ensure proper observance of the guarantees referred to in Article 33b(2) of the aforementioned Act, the Chief Commander of the Border Guard has ordered the implementation of appropriate identification procedures. At the border section with the Republic of Belarus, the use of a recognition questionnaire has been made mandatory. This questionnaire is completed by a Border Guard officer based on the information obtained from the foreigner, as well as the officer's own observations. It records all circumstances related to the border crossing, the period preceding the arrival in Poland, as well as the individual's health condition and behaviour. Through this process, vulnerable individuals—including potential victims of human trafficking—are identified. These are precisely the categories of persons to whom the provisions suspending the right to submit an application for international protection do not apply.

It should be emphasized that the recognition questionnaire was consulted with representatives of the UNHCR Office and introduced with the approval of UNHCR.

Regarding foreigners staying on the territory of the Republic of Poland who are first granted the status of presumed victims of human trafficking and subsequently recognized as victims of human trafficking, there are separate provisions in the *Act on Foreigners* that secure their stay in Poland. These include the Certificate referred to in Article 170 of the Act on Foreigners and the temporary residence permit referred to in Article 176 of the same Act. For this category of persons, decisions to enforce return are not carried out. The actions of Border Guard officers are also governed by non-codified regulations, including:

- Algorithm of Conduct of Law Enforcement Officers in Case of Revealing a Crime of THB,
- Algorithm for Identifying and Conduct with a Child Victim of Human Trafficking for the Police and Border Guard officers.

Reiterating its previous recommendations, GRETA urges the Polish authorities to 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;

Police officers, as part of their training, are familiarised with the issue of children being exploited within the framework of human trafficking crimes. Due to the particularly vulnerable social group that minors represent, special operations are carried out to combat human trafficking in various forms of exploitation, with particular emphasis on the situation of children. Annually, a joint European operation called *Joint Action Days op. Global Chain* is organised to implement these objectives. As part of these activities, officers from the Provincial Police Headquarters/Warsaw Police Headquarters and subordinate units conduct inspections of places where at-risk individuals may be present and verify the identities of those present there.

Law enforcement officers follow the *Algorithm for Identification and Conduct in case of minor victims of human trafficking for Police and Border Guard Officers*, which outlines basic principles for identification and approaches to children during ongoing activities.

MIA in cooperation with non-governmental organizations, has begun work on developing a guide for staff working in institutional foster care facilities regarding the threats associated with human trafficking and the risk of this crime occurring among children in those facilities.

Poland places particular emphasis on organising training for law enforcement. In January 2025, workshops dedicated to building interdisciplinary and interagency pathways for the protection of children from Ukraine took place in Poland. Organised by the Kids in Need of Defense (KIND) Foundation with support from the Howard G. Buffett Foundation, in cooperation with the MIA and the Norwegian government, these meetings brought together experts as well as representatives from law enforcement agencies and organisations involved in child protection. This initiative, carried out as part of the *Suzir'ya - The Ukraine Child Trafficking and Core Crime Prevention and Accountability Project*, was a response to the growing challenges related to combating human trafficking and protecting children affected by the armed conflict in Ukraine. Within the framework of the project, one-day workshops were organized in Rzeszów (24 January 2025) and Lublin (27 January 2025), addressed to Police officers, Border Guard personnel, social workers, and representatives of organizations involved in child protection. Additionally, a three-day workshop held in Warsaw (January 29-31, 2025) gathered international experts and practitioners who focused on advanced methods of identification and counteracting human trafficking.

Police officers, as part of their training, are familiarised with the issue of children being exploited within the framework of human trafficking crimes. Training for officers is conducted regularly in accordance with the professional development plan. Special emphasis is placed on training related to the sexual exploitation of minors. Below is a list of trainings conducted by and for Police officers:

- specialized training (combating crimes related to human trafficking) at Police School in Piła - the panel dedicated to combating CSAM (Child Sexual Abuse Material) crimes (identification of minor victims based on photos and videos, international cooperation, methods and techniques used by perpetrators). During this training, 40 officers were trained (March and November 2024). In 2025, one course has already taken place, training 20 officers, with three more courses planned;
- Planned training on access to the International Database of Images of Sexually Exploited Children (Interpol ICSE Database) for officers from the Criminal Departments of Police Units and Central Office for Combating Cybercrime. Due to the

acquisition of trainer qualifications by an officer from the National Police Headquarters, it is now possible to train new users without traveling to Interpol in Lyon, France.

- In collaboration with the Central Office for Combating Cybercrime and Research and Academic Computer Network (NASK), as part of the implementation of the *National Plan to Counter Crimes Against Sexual Freedom and Morality to the Detriment of Minors for 2023-2026*, a three-day training session was prepared and conducted (November 2024) for Police and Border Guard officers, as well as for representatives of the National Prosecutor's Office. The training focused on identifying minor victims depicted in digital materials and combating CSAM on the Internet;
- training prepared by the National School of Judiciary and Public Prosecution, resulting from the implementation of the *National Plan to Counter Crimes Against Sexual Freedom and Morality to the Detriment of Minors for 2023-2026*. The training was titled *Practical Aspects of Preventing and Combating Crimes Against Sexual Freedom and Psychosocial Phenomenon of Child Sexual Exploitation*. Currently, work is underway at National School on another edition of this training.

The Central Office for Combating Cybercrime will continue organising training sessions on the topic: *Detecting Perpetrators and Combating Crimes Related to the Sexual Exploitation of Children in Cyberspace*. The goal of the training is, among other things, to familiarise participants with methods for identifying victims depicted in digital materials and detecting perpetrators of crimes against sexual freedom and morality that harm minors.

Child victims of human trafficking, who are unaccompanied, are directed, based on court decisions, to various facilities depending on their situation and needs. They may be placed, for example, in foster care or care and educational institutions. At the same time, each identified minor victim of human trafficking – if they agree to receive assistance from KCIK – remains in contact with a case manager from the La Strada Foundation as part of the implemented public task. KCIK also provides consultations for institutions, within which a specialised non-governmental organization supports facilities in caring for child victims of human trafficking.

In the course of the work of the group for developing dedicated anti-trafficking law, solutions are being introduced to establish a support system for minor victims of human trafficking. A meeting of this working group entirely dedicated to proposals aimed at supporting and protecting child THB victims was held in May 2025.

Further, GRETA once again considers that the Polish authorities should review the age assessment procedures applying to victims of trafficking, ensuring that the best interests of the child is effectively protected. In particular, the age assessment must not rely only on medical examination, but on a comprehensive assessment of the child's physical and psychological development, and the refusal of the child to participate in the age assessment procedure should not entail any automatic decision that he/she is an adult. Reference is made to the Committee on the Rights of the Child's Joint General Comment No. 4 and No. 23,169 as well as to the Council of Europe Guide for policy makers on age assessment for children in migration.

The current legal framework, as defined by the Act of 12 December 2013 *on foreigners* specifies the procedures in this matters, indicating that medical examinations can only be conducted when it is not possible to determine the actual age of the foreigner based on the documentation collected in the case regarding their identification.

The regulations do not specify a catalogue of documents that would allow for unambiguous identification of a person's age, but they should be documents that enable linking the holder of the document with the person, for example, through a photograph included on them. The

regulations condition the admissibility of a medical examination to determine the age of a minor foreigner admitted to a guarded centre for foreigners or when submitting an application for international protection in Poland on the fact that doubts have arisen in the authority. Therefore, in cases where there are doubts about the age of a foreigner who claims to be a minor and does not possess identity documents, they are subjected — with their consent or with the consent of their legal representative — to appropriate medical examinations aimed at assessing biological age. The results of these medical examinations indicate an estimated biological age of the person, along with an error margin. It should be noted that until the actual age of the foreigner is determined, a person claiming to be under 18 is treated as a minor — based on the presumption of minority principle. If, after conducting a medical examination, doubts about the actual age still remain, the person is also treated as a minor. At the same time, it should be emphasized that medical examinations objectively determine the actual age of the examined individual with minimal error margin. Such examination involves a one-time visit to a doctor and does not cause unnecessary discomfort or stress to the person being examined. The methodology used so far for medical examinations aligns with accepted standards applied in other European countries. Therefore, at present changes to legal regulations in this area are not necessary.

GRETA considers that the Polish authorities should take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for in the Convention, in particular by:

- finalising the preparation of and putting into place a National Referral Mechanism defining the role to be played and the procedure to be followed by all stakeholders that may come into direct contact with victims of trafficking;**
- further strengthening the provision of systematic training to Border Guard officers, police officers and public prosecutors, as well as staff of the Office for Foreigners, social workers, medical staff and other staff working in detention centres, on the identification of victims of trafficking and the procedures to be followed, in particular in light of the forthcoming National Referral Mechanism**
- ensuring that coordinators on THB in the Police, Border Guard and National's Prosecutor's Office have enough resources to effectively perform their role in the victim identification process;**
- enabling specialised NGOs with experience in identifying and assisting victims of trafficking to have regular access to facilities for asylum seekers and administrative detention centres for migrants.**

After two years of work, on 9 April 2024, Poland adopted the *National Referral Mechanism for Victims of Human Trafficking* through a resolution of the *Interministerial Team for Counteracting Human Trafficking*.

Training in identification is extremely important to MIA. We continuously expand these activities to include additional groups of people who may come into contact with potential victims. Both the current edition of the national action plan and the previous one included separate activities dedicated to education.

In 2025, MIA plans to finance training for operators of emergency phones 112.

Police officers regularly undergo training in identifying victims of human trafficking. Additionally, to support their work, updates are made to operating procedures used for identifying victims of this crime, such as: the *Algorithm for conduct in case of discovering a human*

trafficking crime for Police and Border Guard officers and the Algorithm for identification and conduct concerning child victims of human trafficking for Police and Border Guard officers.

The Office for Foreigners systematically conducts training for its staff on identifying and assisting victims of human trafficking. These trainings are included in the new *National Action Plan Against Human Trafficking for 2025-2027*. For example, in 2024, the Office trained 30 employees.

In common organisational units of the prosecutor's office, coordination activities are carried out by prosecutors serving as coordinators of preparatory proceedings in cases concerning crimes under Article 189a (human trafficking and its preparation) and Article 211a (illegal adoption) of the Penal Code. The coordinators operate at the central level – within the Department for Organised Crime and Corruption of the National Prosecutor's Office, as well as in all Regional Prosecutors' Offices and all District Prosecutors' Offices.

According to Order No. 14 of the Commander-in-Chief of the Police dated 22 September 2016 *regarding the performance of certain tasks related to human trafficking by the Police*, organizational units dedicated to combating human trafficking have been established within the criminal, investigative and preventive services, or a coordinator has been appointed to fight human trafficking. This practically means that each Police unit has an officer with knowledge in the field of human trafficking. Such a structure allows the Police to conduct investigations even of a significant complexity. The substantial number of coordinators, combined with regularly conducted trainings on human trafficking, significantly increases the chances of correctly identifying individuals as victims of human trafficking. Efforts are being made to improve this system which gives hope for strengthening the structures dedicated to combating human trafficking and for the training of new Police officers.

Currently, each Border Guard Branch has a supernumerary human trafficking coordinator, who has deputies located in every Border Guard unit. These officers are trained and have specialist knowledge in the field of prosecuting the crime of human trafficking. Actions are planned to support and strengthen the current structure.

When it comes to the detention facilities within the Border Guard's organisational structure aiming to secure foreigners' stay during administrative proceedings related to return decisions or international protection applications in Poland, must be noted that foreigners during these proceedings have access to representatives from NGOs providing free legal advice (including the Legal Intervention Association, Helsinki Foundation for Human Rights, Halina Nieć Legal Aid Centre, and UNHCR) and external entities (IOM, Caritas) that conduct various activities. NGO representatives can always report suspicion of identifying a potential victim of human trafficking to the Border Guard coordinator to provide suitable assistance.

Another type of state facilities dedicated to foreigners are reception centres led by the Head of the Office for Foreigners. The access of representatives of non-governmental organizations or other civil society organizations to the mentioned above reception centres takes place in accordance with the Regulations on the stay in the centre for foreigners, which are binding on all residents. Based on this regulations, whoever wants to entry the facility needs to get the special permission (which can be one-time or multi-time permission). This excludes: representatives of UNHCR, public order authorities (Police, Border Guard), the Ombudsman and the Ombudsman for Children.

As an example, the non-governmental organizations that have obtained permission to enter the premises of the reception centres for foreigners and are involved in identifying victims of human trafficking include:

1) La Strada – Foundation against Human Trafficking and Slavery – March 2024; August 2024;

2) Halina Nieć Legal Aid Centre – January–December 2024; permission granted for the entire year 2025.

GRETA urges the Polish authorities to 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.

In the course of the work of the group on developing the draft act on counteracting human trafficking, the Ministry of Health proposed a solution that ensures all victims of human trafficking (not just those who may be covered by health insurance in Poland) have continuous access to necessary medical care during their stay in Poland, taking into account their needs resulting from their current health condition.

Victims of human trafficking can find shelter in crisis intervention centres (OIK). As of 31 December 2023, there are 170 crisis intervention centres in Poland, including 27 OIKs that are prepared to accommodate victims of human trafficking. In OIKs, men, women, and children can find shelter.

From 2025 onwards, as part of KCIK, the Dialogue Foundation from Białystok receives a grant; it has safe shelter facilities for male victims of human trafficking, including a special place for disabled individuals.

Additionally, the La Strada Foundation recently acquired a new apartment primarily used to accommodate men (two apartments used primarily for men are currently maintained and financed through state budget).

GRETA also considers that the Polish authorities should ensure the sustainability of state funding and extend the duration of the public funding allocated to the National Consulting and Intervention Centre for Victims of Trafficking (KCIK).

A public task related to the operation of KCIK is commissioned based on the provisions of the *Act on Public Benefit Activity and Volunteering* in relation to the adopted budget law for a given year. This task is carried out as part of policies to counter human trafficking, included in national strategies adopted for a three-year period, i.e., the *National Action Plans Against Human Trafficking*. As part of work on the new anti-trafficking law, it is planned to include the public task (KCIK) in the legal regulations to ensure financial stability.

Further, GRETA invites the Polish authorities to grant presumed victims of trafficking a cash allowance with a view to ensuring their financial autonomy.

Presumed victims of human trafficking do not have the right in Poland to receive a financial benefit that would ensure their financial independence.

However, it is worth emphasising that under the *Social Assistance Act*, victims of human trafficking residing in Poland based on a certificate referred to in Article 170 of the *Foreigners*

Act, or on a temporary residence permit referred to in Article 176 of the *Foreigners Act*, are entitled to receive a targeted benefit.

This right also applies to citizens of European Union member states, member states of the European Free Trade Association (EFTA) – parties to the European Economic Area agreement, or the Swiss Confederation, as well as their family members within the meaning of Article 2, point 4 of the Act of 14 July 2006 *on entry into, stay, and exit from the territory of the Republic of Poland*, who hold a certificate referred to in Article 41a, paragraph 1 of that Act (Article 5a, point 3 of the *Social Assistance Act*).

It is important to highlight that a targeted social assistance benefit is a one-time monetary aid that can be granted to meet a specific need, referred to as an essential living need. However, it does not constitute a permanent source of income for victims of human trafficking.

GRETA considers that the Polish authorities should:

- ensure that all presumed foreign victims of trafficking, including EU/EEA nationals, are effectively offered a recovery and reflection period, including by further raising awareness among professionals in charge of identifying victims;
- ensure that victims of THB can effectively and in a timely manner benefit from the right to be issued residence permits, including by consistently informing victims, in a language they can understand, about the application procedure.

According to the procedure outlined in the law enforcement algorithms, authorities provide a reflection period by issuing a certificate of presumption that a foreigner, including an EU/EEA citizen, is a victim of human trafficking. This issue is discussed in detail during all training sessions for law enforcement officers.

Regarding temporary residence permits for victims of human trafficking, issued under Article 176 of the *Foreigners Act*, in 2022 - 24 such permits were granted; in 2023 - 46; and in 2024 - 39. The number of permits issued depends on the number of applications submitted in these cases. Foreigners identified as potential victims of human trafficking are informed about the possibility of submitting such an application and about the conditions for its granting.

The average processing time for these cases is:

in 2023 - 170 days;

in 2024 - 224 days.

Prolonged administrative procedures related to issuing residence permits are a phenomenon that Poland has been struggling with for some time, due to the continuously increasing migration pressure. To streamline the procedures for issuing residence permits to foreigners, a number of actions are being undertaken, including strengthening the staffing of immigration authorities, legislative changes, and organizational adjustments. Among the planned measures is the introduction of the possibility to submit residence permit applications entirely online (as part of the Case Handling Module (MOS 2.0)), which is addressed by the bill amending the *Foreigners Act* and some other laws. This should help ease the workload of administrative bodies and improve these procedures.

Consideration will be given to the possibilities of introducing solutions aimed at streamlining and speeding up procedures related to granting temporary residence permits to victims of human trafficking. This includes the potential implementation of standardised certificates confirming that the foreigner has cooperated with the authority responsible for conducting proceedings regarding a human trafficking offense. In the case of a minor foreigner, such a certificate would confirm that they have obtained the status of a victim in proceedings

concerning such an offense. Additionally, measures will be considered to confirm in the form of a standardised certificate that the foreigner has severed contacts with persons suspected of committing this crime.

Regarding the continuous informing of victims of human trafficking, in a language they can understand, about the procedure for submitting an application for a temporary residence permit, as referred to in Article 176 of the *Foreigners Act*, it should be noted that this issue is covered by the so-called *National Referral Mechanism*. This mechanism was established to set out cooperation obligations among national stakeholders involved in combating human trafficking. It describes actions and entities responsible, among other things, for carrying out informational activities related to the legalization of victims' stay. Additionally, the procedures are outlined in the *Algorithm of Conduct for law enforcement officers in case of discovering a human trafficking crime*.

Detailed information regarding the procedure for granting a temporary residence permit to victims of human trafficking is available on the information pages of the Case Handling Module, managed by the Head of the Office for Foreigners. These details are accessible in Polish, English, Ukrainian, Russian, and French.

<https://www.mos.cudzoziemcy.gov.pl/informacje/dla-ofiar-handlu/wprowadzenie>
[MOS - Temporary residence permit for victims of human trafficking](#)