

2024 Trafficking in Persons Report: Poland

POLAND (Tier 1)

The Government of Poland fully meets the minimum standards for the elimination of trafficking. The government made key achievements to do so during the reporting period; therefore Poland was upgraded to Tier 1. These achievements included prosecuting and convicting more traffickers, increasing funding for victim services for the first time in eight years, and increasing funding for NAP implementation for the first time in six years. The government increased efforts to investigate and identify labor trafficking; 79 percent of ongoing prosecutions were for labor trafficking and an overwhelming majority of victims authorities identified were labor trafficking victims. The government funded two NGOs that provided assistance to more potential trafficking victims for the second consecutive year. Courts awarded restitution to trafficking victims in four cases, the first time courts awarded restitution since 2020. In addition, the government created an inter-ministerial anti-trafficking body to enhance coordination efforts. Although the government meets the minimum standards, it identified fewer victims, and observers expressed concern the national system for child victim assistance did not properly address the needs of unaccompanied children, who were vulnerable to trafficking. The government lacked a central mechanism to cross-reference and consolidate law enforcement statistics and did not consistently disaggregate law enforcement data between sex and labor trafficking, undermining the government's ability to assess the scope of the problem and the efficacy of law enforcement efforts.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to proactively identify trafficking victims by screening for trafficking indicators among vulnerable populations, including unaccompanied children, migrants, and asylum-seekers. * Approve and implement the NRM to refer all victims to protection services and train officials on its use. * Continue to proactively identify labor trafficking victims, including by strengthening the capacity of the National Labor Inspectorate (NLI) to identify victims of labor trafficking and refer them to services. * Ensure appropriate victim assistance and protection services for child victims, including unaccompanied children, and appoint trauma-informed officials to conduct child victim-witness interviews in a child-friendly manner. * Increase training for prosecutors and judges on the importance of prosecuting under the anti-trafficking statute, the severity of trafficking crimes, and a trauma-informed, victim-centered approach to conducting trials. * Increase training for law enforcement on the element of coercion in trafficking crimes to ensure that victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked. * Improve central operational coordination and data collection for anti-trafficking activities. * Take steps to eliminate all recruitment or placement fees charged to workers by labor recruiters and ensure employers pay any recruitment fees and related processing fees. * Establish specialized units to ensure trafficking cases are handled by trained prosecutors. * Improve victims' ability to access court-ordered restitution in criminal cases and compensation through civil proceedings.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. Revisions to the criminal code went into effect in October 2023; these changes increased the penalties prescribed under Article 189a and 203. Article 189a of Poland's penal code criminalized sex trafficking and labor trafficking and prescribed penalties of three to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes, such as rape. Article 189a replaced Article 253 of the criminal code, which prosecutors could still use in cases that started when Article 253 was in effect. Article 253 prescribed penalties

of three to 15 years' imprisonment. In addition, Article 203 criminalized inducing an adult into "prostitution" through force, fraud, or coercion and prescribed penalties of two to 15 years' imprisonment. Article 204.3 criminalized inducing a child into "prostitution" and prescribed penalties of one to 10 years' imprisonment.

The government lacked a central mechanism to cross-reference and consolidate law enforcement statistics and did not consistently disaggregate sex and labor trafficking data. Law enforcement authorities initiated 20 investigations under Article 189a, compared with 23 in 2022; two were for sex trafficking, 14 were for labor trafficking (including three for forced begging) and two were for unspecified forms of trafficking. Prosecutors initiated 18 investigations under Article 189a (26 in 2022), and prosecuted 45 defendants under Article 189a, a significant increase from 17 defendants in 2022. The police also initiated one investigation and prosecutors indicted three defendants under Article 203. In 2022, police initiated 16 investigations and prosecutors indicted 11 defendants under Article 203 and/or Article 204.3. The National Prosecutor's Office (NPO) reported courts convicted 10 traffickers under Article 189a, an increase compared with four traffickers in 2022; judges sentenced five to more than five years' imprisonment, two to three to five years imprisonment, and three to up to three years imprisonment. Additionally, courts convicted 12 perpetrators under Articles 203 and 204.3, compared with three in 2022. Seventy-nine percent of the ongoing cases the NPO prosecuted were for labor trafficking. Experts previously reported the government rarely prosecuted labor trafficking cases due to the difficulty in collecting evidence in these cases and the low number of victims who self-identified as forced labor victims. Moreover, observers reported the criminal code did not have a clear definition of what constitutes forced labor, which contributed to law enforcement's under-identification of labor trafficking, and prosecutors and judges often lacked expertise in labor trafficking cases. The government did not report any prosecutions or convictions of government employees complicit in human trafficking crimes. The government reported it continued to investigate the director of a provincial labor office married to the owner of a job recruitment agency that was allegedly involved in the forced labor of foreign nationals in multiple factories.

The National Police maintained an anti-trafficking department with 11 officers, along with 16 regional offices, each with three to eight officers investigating trafficking, child pornography, and child sexual abuse. The Central Bureau of Investigations maintained an anti-trafficking coordinator at its headquarters and in each of its 17 regional branches, and the Border Guard (SG) operated a specialized central team and had nine regional anti-trafficking coordinators. Eleven NPO branches, 11 regional prosecutorial offices, and 33 district prosecutorial offices all had a trafficking expert to assist local prosecutors and who could assume responsibility for more complex cases. In May 2023, the SG established a special unit to analyze online criminal activity, including human trafficking, and established cooperation with foreign wire transfer companies to collect evidence and analyze illicit financial flows.

The government continued to provide institutionalized training programs for police, border guards, prosecutors, judges, consular officers, asylum officers, social workers, crisis intervention center staff, and labor inspectors on various anti-trafficking issues including victim identification, trauma-informed prosecutions, and combating forced labor. Experts reported prosecutors and judges lacked familiarity with victim-centered approaches, the impact of trauma on victims, and the severity and complexity of the crime; observers reported the frequent rotation of officials focused on trafficking, both at the national and provincial levels, negatively impacted the government's understanding of the complexity of the crime. NPO monitored all trafficking cases throughout the country that were classified as trafficking in the investigation stage. However, experts reported district prosecutors often qualified trafficking as lesser crimes, such as "pimping" or violation of workers' rights. Observers noted it was difficult to meet the evidentiary threshold to prosecute a crime under the trafficking statute. NPO continued using a formal mechanism for law enforcement to refer discontinued or dismissed trafficking investigations and prosecutions for review to the prosecutor responsible for coordinating trafficking investigations. The government reported law enforcement did not refer cases for review to NPO in 2023; in 2022, law enforcement referred two cases to NPO. Separately, through an informal mechanism, civil society referred three cases to NPO (three in 2022) for reconsideration; two were reclassified as human trafficking and the third remained under review at the end of the reporting period.

The National Police participated in two large-scale international operations initiated by EUROPOL under the framework of the European Multidisciplinary Platform Against Criminal Threats; one focused on identifying child trafficking victims and victims among Ukrainian refugees and the other focused on combating labor trafficking among migrant workers. The National Police participated in five Joint Investigative Teams (JITs), including two new JITs, one with the United Kingdom (UK) and one with Germany; one JIT focused on an organized criminal group exploiting Polish citizens for forced labor in the UK. In early 2024, the National Police joined a newly established international taskforce focused on investigating cases of Ukrainian women exploited in commercial sex in Western Europe. In March 2024, media reported Polish and Spanish authorities collaborated to arrest 17 alleged traffickers and identified 13 sex trafficking victims.

PROTECTION

The government increased victim protection efforts. The government identified 88 victims, compared with 141 in 2022, 94 in 2021, and 82 in 2020; traffickers exploited 79 victims in labor trafficking, including seven in forced begging, and nine in sex trafficking. The majority of victims identified were foreign nationals, including from Colombia (38), Venezuela (11), Moldova (8), and Ukraine (8); 54 were male and 34 were female. The government reported all victims were offered services and/or referred to services by NGOs. Authorities referred 49 victims to care facilities, compared with 46 in 2022. The National Intervention-Consultation Center for Victims of Trafficking (KCIK), run by two government-funded NGOs, provided assistance to 295 potential victims (254 in 2022), including 25 victims of sex trafficking, 223 victims of labor trafficking (including seven exploited in forced begging, two exploited in domestic servitude, and one exploited in criminal activity), and 47 victims of other types of exploitation related to trafficking; 130 were female and 165 were male, 280 were adults and 15 were children, and 277 were foreign victims.

The National Police and SG used SOPs to identify and refer victims; these SOPs included tools to identify child victims and potential victims among vulnerable groups and during the asylum process. The government updated the SOPs, including by adding guidance on a trauma-informed approach to working with child victims. The government finalized an NRM for the identification and referral of victims to protection services; the NRM was pending approval by the new Inter-Ministerial Anti-Trafficking Team at the end of the reporting period. Authorities reported screening individuals from vulnerable populations, including individuals in commercial sex and migrants, during law enforcement operations. Police and prosecutors previously acknowledged that authorities lacked the expertise to identify forced labor and child victims, particularly among unaccompanied children. In response to an influx of third country nationals from the Middle East, Asia, and Africa attempting to cross the border from Belarus, the government continued the practice of pushbacks, permitting the SG to return to Belarus any migrants who crossed the border irregularly as part of what media and NGOs characterized as a migrant smuggling operation facilitated by the Russian and Belarusian governments. Experts expressed concern this practice violated asylum-seekers' right to protection and alleged that authorities may have pushed back unidentified trafficking victims, although international organizations noted authorities pushed back fewer migrants as of December 2023. The government reported authorities advised migrants of their right to apply for asylum and transferred injured migrants to hospitals. Authorities transferred adults seeking asylum to detention centers for processing, while they transferred children seeking asylum to foster homes if available, or to detention facilities. An international organization provided services to some of these asylum-seekers in detention facilities and reported the SG screened them for trafficking indicators. Civil society reported effective cooperation with the National Police and SG on victim referral procedures.

KCIK provided Polish and foreign national adult and child victims with medical and psychological care, shelter, legal counseling, welfare support, reintegration services, and referrals to orphanages and foster care for child victims. Non-governmental experts expressed concern the national system for child victim assistance did not properly address the needs of unaccompanied children and noted the government placed unaccompanied child victims in foster families or orphanages unprepared to assist child victims. Observers reported unaccompanied children remained vulnerable to trafficking.

Following Russia's full-scale invasion of Ukraine, the Polish government required all unaccompanied children entering Poland from Ukraine be provided a court-appointed temporary guardian authorized to represent the child and exercise custody over the child and the child's property and maintained a register of all unaccompanied children coming from Ukraine. Experts expressed concern about a parallel institutionalized care system for unaccompanied and separated children from Ukraine outside the national system. Ukrainian caregivers who were unlicensed in Poland oversaw this parallel system; Polish authorities only transferred the most severe cases of reported abuse to the Polish national child protection system for partial oversight, although the cases remained in the Ukrainian institutionalized care system. As of February 2024, the government hosted approximately 1,200 children evacuated from Ukrainian institutionalized care facilities. Many of these children were initially placed in large group facilities in Poland. After civil society expressed concerns these facilities did not meet the children's needs, the government collaborated with Ukrainian officials and international partners to relocate more than 100 of these children to more age and development-appropriate smaller homes; the government supported the establishment of a Child Relocation Working Group to facilitate coordination among government officials and international organizations. In February 2024, the government amended the law on counteracting sexual crimes to include child protection standards; the law also required the introduction of child protection standards at tourist facilities.

KCIK operated two shelters for adult female victims, including one for women with children and a small shelter for men, and it rented apartments for victims who did not prefer shelters. The government allowed victims to seek employment and work while receiving assistance and to leave the shelters at will and unchaperoned; shelters and housing were available for victims with disabilities. An expert noted shelter capacity for male victims was insufficient given the increasing number of male labor trafficking victims. The government provided specialized shelter to 70 victims in 2023 (61 in 2021). The government could also provide victims general assistance (social, medical, psychological, and legal) in 163 crisis intervention centers operated and funded by local governments, 18 of which maintained staff trained on assisting trafficking victims; KCIK arranged accommodations for 72 victims using crisis centers and other locations (96 in 2022).

For the first time since 2015, the government increased its allocation to two NGOs that run KCIK for victim services, from 1.1 million zloty (\$280,330) to 1.7 million zloty (\$433,230). Additionally, the Ministry of Family and Social Policy allocated 80,000 zloty (\$20,390) to train social workers on victim service provision. All non-European Economic Area (EEA) victims were entitled to social welfare benefits, including crisis intervention assistance, shelter, meals, necessary clothing, and financial assistance. Victims from the EEA had access to the full scope of welfare benefits offered to Polish citizens if they could prove habitual residency. Legislation went into effect in January 2021 allowing law enforcement to issue certificates to potential victims from EEA countries, facilitating their access to welfare benefits.

The government granted foreign adult victims a three-month reflection period, during which they could stay legally in Poland to decide whether to participate in criminal justice proceedings; 86 victims used this benefit, compared with 109 in 2022. Foreign adult victims were eligible for a temporary residence permit – valid for up to three years – which entitled them to work, and could apply for permanent residency, though both benefits were contingent upon participation in criminal justice proceedings; authorities granted residence permits to 46 foreign victims, compared with 21 in 2022. The government granted a four-month reflection period to child victims and did not require child victims to participate in criminal proceedings to receive a residence permit. The government coordinated with an international organization to repatriate 14 foreign victims (48 in 2022). Polish law permitted victims to provide testimony via video or written statements; audio-video recording of testimony was obligatory for victims younger than 15 and for victims of sexual crimes, including sex trafficking. The government required judges interview children in the presence of a psychologist. A government-funded NGO provided legal assistance to 175 victims, compared with 128 in 2022. However, some experts noted some law enforcement and prosecutorial interview techniques lacked a trauma-informed approach, hindering opportunities to build rapport with traumatized victims, who then were less likely to provide reliable testimony. NGOs reported judges sometimes did not receive training on child-friendly, victim-centered, or trauma-informed

interviewing techniques. The government reported courts awarded restitution in four cases (none in 2022 or 2021).

PREVENTION

The government increased prevention efforts. In September 2023, the government established an Inter-Ministerial Team for Counteracting Human Trafficking, replacing the former Ministry of Interior (MOI) advisory board, which had operated since 2019; the Deputy Minister of Interior served as the team's chair and the Deputy Commander of the National Police as deputy chair. The team included civil society representation and was tasked with evaluating the implementation of anti-trafficking efforts and projects, including the 2022-2024 NAP, and preparing annual reports. Due to these organizational changes, the body did not meet; however, two working groups – one to monitor NAP implementation and another focused on victim protection – each met once. Additionally, provincial-level interagency anti-trafficking teams met at least once. The government continued to implement its 2022-2024 NAP and, for the first time in six years, increased funding for NAP implementation, allocating 170,000 zloty (\$43,320), compared with 135,000 zloty (\$34,400) in 2022. The government published an annual NAP implementation report, a report on efforts by provincial-level anti-trafficking teams, and a report on the work of the previous MOI anti-trafficking advisory body. MOI commissioned a legal analysis to evaluate the creation of a comprehensive anti-trafficking law; the report recommended against drafting a new law but highlighted several recommendations to strengthen anti-trafficking efforts, including criminalizing knowingly soliciting a sex trafficking victim, providing more effective tools to law enforcement to investigate and prosecute online trafficking crimes, ensuring victims are not penalized for offenses committed as a direct result of being trafficked, and creating an independent body to monitor anti-trafficking efforts. The government maintained a web portal with relevant statistics, publications, and information on victim assistance.

The government provided awareness-raising materials in various languages, including Ukrainian, Spanish, English, and Vietnamese. A government-funded NGO designed culturally sensitive leaflets for foreign nationals from Asian countries; the government distributed the leaflets through Polish consulates and embassies and shared on embassies' websites. The government conducted a social media campaign to raise awareness about forced labor among Polish, Ukrainian, and Latin American citizens. Provincial-level interagency anti-trafficking teams in all 16 regions continued prevention and public awareness campaigns, including by distributing leaflets and showing a mobile exhibition on trafficking risks and victim resources. The teams also organized trainings on trafficking risks for employers and individuals working with refugees from Ukraine. Observers noted these provincial-level anti-trafficking teams were, at times, uncoordinated and inconsistent in their effectiveness. The government continued implementing a three-year trafficking awareness project targeting young people and women in prisons. A government-funded NGO operated a 24-hour hotline for trafficking victims and witnesses, and conducted 2,927 consultations through this hotline, compared with 4,334 in 2022. The government reported calls to the hotline led to victim identification; however, the hotline did not maintain statistics on how many calls were trafficking-related or resulted in investigations and victims identified.

In 2023, the Ministry of Foreign Affairs created a manual for consular officials on trafficking risks, victim identification, and referral mechanisms. The government continued prevention efforts targeting refugees from Ukraine. The National Police operated a hotline dedicated to refugees fleeing Russia's full-scale invasion of Ukraine but did not report if any calls led to victim identification or referrals. In cooperation with an international organization, the government organized an information exchange for prosecutors, police investigators, SG officers, and judges from Moldova, Poland, and Ukraine to examine current and emerging trafficking trends occurring because of Russia's full-scale invasion of Ukraine. The NLI distributed informational leaflets, launched a website in Ukrainian with information on legal and safe employment in Poland, and continued to run a nationwide hotline in Ukrainian where Ukrainians could obtain free legal advice on legal employment and workers' rights. An NLI regional branch office organized an informational meeting and trainings for Ukrainian citizens on safe and legal employment and anti-trafficking resources. NGOs, international organizations, and law enforcement identified eight

Ukrainian trafficking victims, although the government did not report if all had fled the war. The government granted Ukrainian citizens fleeing Russia's full-scale invasion of Ukraine temporary residence permits; however, the law excluded individuals who had refugee status in Ukraine, stateless persons, and most other third country nationals who fled Ukraine and could not return to their countries of origin.

Local authorities could ban employers previously convicted of trafficking from hiring foreign nationals; the government did not report whether any entities were banned. The law prohibited recruitment fees for employment within Poland and abroad, but recruitment agencies could charge fees for four categories of expenses to secure work abroad: to cover transportation, visas, medical examinations, and translation of documents. NLI referred 85 job recruitment agencies to local authorities for operating illegally (72 in 2022) and the government removed 33 job recruitment agencies from the official registry of legally operating recruitment agencies (35 in 2022). NLI conducted inspections of 492 job recruitment agencies (494 in 2022). NLI reported continued worker "outsourcing," in which employers evaded certain provisions of the law on temporary workers by "outsourcing" labor through recruitment agencies or other business entities. NLI expressed concern this may increase exploitation risks for migrant and temporary workers, and that "outsourcing" is not fully regulated in law nor is NLI able to apply administrative penalties in such instances. In May 2023, the NLI trained 16 labor inspectors and three labor inspection experts on combating and preventing trafficking, with a focus on forced labor. NLI inspections led to two referrals to local prosecutors for potential trafficking, including one that remained under investigation at the end of the reporting period. Polish law allowed foreign nationals with a combined residence and work permit to change employers or positions within a company without seeking a new permit; however, observers reported authorities took six to 12 months to issue the initial combined residence and work permits to migrants, who often worked undocumented during this time and were vulnerable to exploitation. During 2023, NLI participated in joint inspections with counterparts from Belgium, Germany, the Netherlands, and Norway; the inspections focused on legal employment and safe living conditions of migrant workers. In June 2023, NLI and its Czech counterpart signed an agreement to exchange information on irregularities revealed during inspections, violations of workers' rights, and information about job recruitment agencies. The government implemented its 2022-2025 Government Procurement Strategy; the strategy included prioritizing sustainable and innovative public procurement, under which the government must consider whether forced labor was used when deciding to grant a contract. The government continued to utilize its NAP for implementing the UN Guidelines on Business and Human Rights for 2021-2024, which included a focus on labor laws, rights, and forced labor prevention; according to NGOs, the NAP had not yet been useful in implementing the UN guidelines. The government did not provide anti-trafficking training to its troops prior to their deployment as peacekeepers. The government did not make efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic and foreign victims in Poland, and traffickers exploit Polish victims abroad. Traffickers exploit Polish women and children in sex trafficking in Poland and in Europe, particularly Western Europe. Traffickers exploit men and women from Poland in labor trafficking in Europe, primarily Western and Northern Europe, and particularly Germany, the Netherlands, Norway, Sweden, and the UK. Traffickers exploit women and children from South America and Eastern Europe – particularly Bulgaria, Romania, and Ukraine – in sex trafficking in Poland. Labor trafficking is the predominant form of trafficking in Poland, and traffickers increasingly use coercion and fraud instead of physical violence or threats of violence; victims originate from Central and South America – particularly Colombia, Guatemala, Mexico, and Venezuela – and from Europe, Asia, and Africa. Traffickers exploit migrants among Poland's growing Ukrainian, Belarusian, Bulgarian, Moldovan, Thai, and Vietnamese populations in labor trafficking, particularly in agriculture, restaurants, construction, domestic servitude, and the garment and fish processing industries. As a result of Russia's full-scale invasion of Ukraine, Poland hosts the second largest number of Ukrainian refugees in Europe. Approximately 950,000 Ukrainian refugees, predominantly women and children, remain in Poland under temporary protection and these refugees are particularly vulnerable to trafficking. Traffickers

recruit Romanian men, women, and children, particularly from the Romanian Romani population, for forced begging in Poland; persons with disabilities are particularly vulnerable.