

NATIONAL ACTION PLAN AGAINST TRAFFICKING IN HUMAN BEINGS 2020-2021

The National Action Plan against Trafficking in Human Beings for 2020-2021 is the second subsequent document defining tasks in the field of counteracting trafficking in human beings. The first document of this type, titled “National Programme for Combating and Preventing Trafficking in Human Beings” was adopted by the Council of Ministers in September 2003. Beginning in 2009, the name of the document was changed to the National Action Plan Against Trafficking in Human Beings.

Human trafficking is a modern form of slavery. Poland, similarly to other countries where cases of human trafficking are reported, has implemented a number of comprehensive measures aimed at, among others, diagnosing cases of human trafficking in an efficient manner, constant monitoring of the phenomenon, conducting training sessions or proposing changes in legislation. These measures are subject to verification and improvement. The offenders involved are always looking for new ways to recruit more victims. For the last 3 years, some changes have been observed in the forms of the most frequently committed human trafficking offences. Now, there are more cases of exploitation for forced labour, whereas previously exploitation for prostitution and in the pornography, industry predominated among the forms of exploitation. Many persons who wish to improve their life situation choose to look for work abroad, where they fall victim to perpetrators of exploitation and human trafficking crimes. Due to its location, good economic situation and various development opportunities, the Republic of Poland is an attractive place for persons not only from neighbouring countries such as Ukraine or Republic of Belarus, but also from the Far East, such as the Socialist Republic of Vietnam or Federal Democratic Republic of Nepal). Considering the increasing number of persons who seek employment in Poland it is necessary to intensify prevention, information and education activities at all possible levels, and to reach the widest possible groups of persons.

The National Action Plan for 2020-2021 (NAP) aims to intensify preventive and training measures and strengthen the role of Voivodeship Teams for Counteracting Trafficking in Human Beings and introducing remedial action so that at all components which make up the anti-trafficking system are complementary.

Due to the extensive commitment of Voivodeship Teams for Counteracting Trafficking in Human Beings, assumptions of the NAP are implemented with significant effectiveness, as all victims of trafficking in human beings on the territory of Poland are provided with assistance (the above statement is reflected in the implementation of indicators assumed for the implementation of the budgetary task by the Ministry of Interior and Administration). The teams take an active part in the immediate provision of adequate support to victims of trafficking within the social assistance system. Such assistance is organised in agreement with the National Consulting and Intervention Centre for the Victims of Trafficking. The teams also contribute to the distribution of prevention materials at local level. Due to the cooperation and exchange of experiences it was possible to identify certain needs, such as, among others, the need to intensify and extend the scope of training for employees

2021

in contact with persons applying for residence and work permits, informational meetings on trafficking in human beings among young persons in schools, the need to regulate health insurance for persons who are victims of trafficking in human beings, who in most cases do not hold such insurance, the need to increase the awareness of companies on the risk of the phenomenon of forced labour in their operations inside and in the supply chain and to disseminate knowledge on how to prevent and respond to this phenomenon in companies. The new NAP for 2020-2021 will be even more effective in the fight against trafficking in human beings due to its comprehensive approach, identification of new challenges, project leads and implementation of corrective actions.

Trafficking in human beings in Poland and against Polish nationals

Human trafficking is a crime of global proportions, occurring in most countries in the world. Its essence is the enslavement of a person (or persons) using a variety of methods and means to exploit even with their consent. Hence, human trafficking is often referred to as modern-day slavery. Poland is simultaneously the country of origin, a country of transit and a country of destination for the victims of this crime.

Polish nationals a victim of trafficking in human beings

Polish nationals who travel abroad in search of employment and with the intention of improving the livelihood of their families can become victims of exploitation for forced labour, prostitution or begging. Due to the fact that such persons do not have a job or their salary is very low in Poland, they decide to go to countries where they can count on getting an occupation which is not very demanding, but offers and more attractive salary despite their relatively low qualifications. Among Polish nationals, the majority of persons chose countries such as the United Kingdom of Great Britain and Northern Ireland, Ireland, the Federal Republic of Germany, the French Republic, the Kingdom of Belgium, the Kingdom of Sweden, the Kingdom of Denmark, the Republic of Finland. An increase in phenomena related to forced labour is currently observed. Most victims of forced labour are men, who often work in the construction sector or in agricultural production.

It is also important to point out the activities of certain criminal groups whose criminal activity consists in exploiting persons for begging, stealing, or extorting credit and social benefits – this are also forms of exploitation of victims of human trafficking. Even though for these forms of exploitation the gender and age of the victims does not seem to be of particular relevance, it is noted that the majority of victims are male, usually middle-aged. The perpetrators take advantage of their difficult situation on the labour market. The unemployed, persons with addictions and persons with a history of conflict with the law are therefore particularly at risk.

Trafficking in women and girls is nevertheless still evident, however on a smaller scale than a dozen years ago. Polish women are victims of sexual exploitation, including forced prostitution or in the pornography industry, both abroad and within the country.

Trafficking in human beings in the territory of Poland

On the territory of Poland, we currently experience the recruitment of Poles used abroad, exploitation on the territory of our country, but also with the trafficking and exploitation of foreigners. In such sense, Poland is a target country (or one of the target countries) for the organisers of this practice. Foreign victims identified in Poland most often come from European countries

2021

(Romania, Bulgaria, Ukraine), as well as from Asia (e.g., Vietnam, the Republic of the Philippines, the Democratic Socialist Republic of Sri Lanka). They include women, men as well as children. The foreign victims of human trafficking are most often used for forced labour, prostitution or begging. Occasionally, victims of domestic slavery are also identified and forced to commit crimes such as theft, for instance.

The victims of forced labour in Poland are most often recruited in their countries of origin, very often through local recruitment agencies, where they are misinformed about the working conditions, remuneration and accommodation. Upon arrival, the identity documents are taken away from the foreign nationals, and the accommodation and working conditions are far from the generally accepted standards. Victims of forced labour, in particular those from remote Asian countries, require help in getting their residence status in order and in taking up legal employment in Poland. Citizens of EU countries, on the other hand, usually hope for a quick conclusion of the procedural steps and to be able to organise their safe return to their country of origin.

Similarly, to other countries, in addition to forced labour, human trafficking in Poland usually takes the form of forced prostitution and other sexual services. It affects women and girls, most often from Bulgaria, Romania, Ukraine and occasionally from African countries. In these cases, the victims are also recruited in their countries of origin and are sometimes aware that they will engage in prostitution in Poland. Victims exploited for prostitution are often undereducated and highly dependent on the perpetrators, both emotionally and materially. It is exceptionally difficult to prepare an assistance offer for them as, in addition to psychological and medical assistance, these women primarily require long-term support in terms of education, as well as help with social reintegration outside the criminal environment, including a break with their previous functioning in conditions of being forced into prostitution.

In addition to the aforementioned forms of trafficking mentioned above, begging is yet another identified form of exploitation. Romanian citizens are the most affected. Both women, men and children fall victims to such behaviours. Foreigners are recruited in their localities, in their countries of origin. The recruiters seek out persons with visible disabilities, uneducated and in a difficult financial situation. Similarly, as it is the case of exploitation for prostitution, victims in some cases are aware of the form of earning money in Poland, but do not foresee the ever-increasing debt and the violence and threats perpetrators use against them and their families. In the case of victims of begging, the fact that they are freed from their perpetrators and provided with emergency assistance does not constitute full security and protection from revictimization. Most of them require long-term assistance aimed at social integration and activation on the labour market after returning to their country of origin.

Foreign victims, in particular persons coming from Asia, are not always exploited in Poland. Our country serves, in some cases, as a transit area, and the exploitation of persons often happens in countries situated in Western and Northern Europe. In such cases, it is extremely difficult to uncover the practice and consequently to identify and help the victims.

According to the data collected by the Ministry of the Interior and Administration, Poles become victims of human trafficking both in Poland as well as abroad.

2021

The threat of human trafficking affects everyone, regardless of their financial situation or place of residence, including persons who live in rural areas.

Scale of the phenomenon in 2016 - 2018 as presented in the data from the National Prosecutor's Office

In accordance with the data provided by the National Public Prosecutor's Office, in 2018 a total of 79 cases were registered concerning the offence on the basis of Article 189a § 1-2 of the Penal Code (Article 189a § 1 of the Penal Code - 72 cases, Article 189a § 2 of the Penal Code - 7 cases), while in 2017 135 cases concerning the offence of Article 189a § 1-2 of the Penal Code (Article 189a § 1 of the Penal Code - 107 cases, Article 189a § 2 of the Penal Code - 28 cases), and in 2016 - 49.

The nature of exploitation in relation to Article 189a § 1 of the Penal Code in 2018 shows that the most common form of exploitation of persons included forced labour or services of a forced nature.

In 2018, 142 persons were exploited for forced labour, 86 persons were exploited for prostitution or other forms of sexual exploitation, 1 person was exploited in a manner degrading human dignity, while 18 persons were exploited in other manner.

In 2018, 23 preparatory proceedings ended with an indictment to the court, 34 – with a decision to discontinue the investigation, and 8 – with a refusal to initiate proceedings. 13 procedures were suspended.

In 2018, 25 minors were recorded among victims of trafficking, while 30 were recorded in 2017.

In accordance with the data provided by the National Prosecutor's Office, 47 persons were charged in 2018 (including 30 Polish citizens, 3 Bulgarian citizens, 1 Vietnamese citizen, 3 Ukrainian citizens and 10 persons of Roma nationality), while in the 2017 the number was also 47 persons.

The nature of exploitation in connection with Article 189a § 1 of the Penal Code in 2017 shows that the most common form of exploitation of persons was prostitution and forced labour.

In 2017, 34 persons were exploited for forced labour or services of a forced nature, 46 persons were exploited sexually, 6 persons were forced to beg and 43 persons were exploited in other ways.

In 2017, 17 preparatory proceedings ended with an indictment to the court, 28 – with a decision to discontinue the investigation, and 15 – with a refusal to initiate proceedings. 13 procedures were suspended.

In 2017, 47 persons were charged (including 41 citizens of Poland, 3 citizens of Bulgaria, 1 citizen of Romania, 1 citizen of Germany, 1 citizen of Ukraine). In 2015, the number of persons accused of trafficking in human beings was the lowest over the last 4 years, at 22 persons, while in 2016, 30 persons were accused, among whom 28 were of Polish nationality. The other defendants include Bulgarian citizens (2 persons).

In 2017, 453 persons received victim status (including, among others, 212 citizens of Poland, 59 citizens of Ukraine, 15 citizens of Romania, 19 citizens of Vietnam). In 2016, prosecutors granted victim status to 78 persons. At that time, the most frequent victims included Polish citizens (44 persons), while with respect to foreigners, the largest number constituted persons from Ukraine (30

2021

persons). In addition, the victims of human trafficking also included citizens of Romania, Vietnam and the Republic of Zimbabwe. 2 minors were also identified among the victims.

Considering the information presented by the prosecutors' information, Poland is primarily the country of origin of victims of trafficking in human beings, which means that future victims are recruited on the territory of Poland. However, due to the migration of foreigners from other countries (Ukraine, Bulgaria, Romania), Poland is also becoming a target country in the human trafficking chain.

2021

The scale of the phenomenon based on the data from the National Consulting and Intervention Centre for the Victims of Trafficking

In 2018, 181 beneficiaries benefited from the assistance of the National Consulting and Intervention Centre for the Victims of Trafficking, including 83 Polish citizens and 98 foreigners. The group of foreigners included 48 citizens of Ukraine, 18 citizens of Philippines and persons from Romania, Belarus, the Republic of Cameroon, Bulgaria, the Syrian Arab Republic, Sri Lanka, Vietnam, the Republic of The Gambia, the Republic of Guinea, the Republic of Indonesia, the Republic of the Union of Myanmar (Burma), the Republic of the Congo, Mongolia, the Republic of Moldova, the United Republic of Tanzania, Burma and the Bolivarian Republic of Venezuela.

NCIC provides assistance within the framework of crisis intervention by providing accommodation in a safe centre, food, basic medical care, psychological support, legal consultations, assistance in contacts with law enforcement authorities and assistance of an interpreter, it also runs shelters, ensures that victims of human trafficking exercise their rights, supports state and local government institutions in identifying and working with victims of human trafficking, and provides preventive counselling to individuals and consultation to institutions providing assistance to victims.

International Context of the Action Plan

European Union

The fight against trafficking in human beings is one of the priorities of the European Union, indicated in the initiatives taken to develop the area of freedom, security and justice. Due to the specific nature of the crime of trafficking in human beings, which constitutes a serious violation of human dignity and rights, it is explicitly prohibited by Article 5 of the Charter of Fundamental Rights of the European Union¹. The need to combat this crime was also highlighted in the European Union Internal Security Strategy and the so-called Stockholm Programme² announced in 2010. In order to define the conditions for granting residence permits of limited duration linked to the length of the relevant national proceedings, in 2004 The European Union adopted Council Directive 2004/81/EC of 29 April 2004 (OJ L 261, 6.8.2004, p. 19, as amended) on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

To support the implementation of the above priority and the effective implementation of the provisions of the Directive by Member States, the European Union established in 2009 Informal Network of National Rapporteurs/Equivalent Mechanisms on Trafficking in Human Beings. An EU Trafficking in Human Beings Coordinator was appointed in December 2010 to coordinate and ensure coherence between EU institutions and agencies, Member States and international entities and to develop new approaches in the fight against trafficking in human beings. A step forward and a foundation for further actions in the area of combating trafficking in human beings was the adoption of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, replacing Council Framework

¹ Official Journal of the European Union 2016/C 202, p. 1

² The Stockholm Programme – An open and secure Europe serving and protecting the citizens, Official Journal of the European Union 2010/C 115/01)

2021

Decision 2002/629/JHA (OJ L 101, 15.04.2011, p. 1, as amended), which obliged Member States to implement comprehensive solutions in the area of combating trafficking in human beings, in particular with regard to prevention, assistance and protection of victims, prosecution of perpetrators and development of cooperation between various entities.

In order to assist Member States in the implementation of Directive 2011/36/EU, the European Commission announced in June 2012. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016*. The Strategy sets out 5 priorities, i.e.,

- 1) identification of victims of human trafficking, protection of and assistance to victims;
- 2) better prevention in the area of human trafficking;
- 3) increased prosecution of perpetrators of human trafficking;
- 4) greater coordination and cooperation with key players and coherence of actions taken;
- 5) increasing the knowledge of and responding more effectively to emerging problems related to all forms of trafficking in human beings.

The time limit for transposition of the Directive expired in April 2013, and in 2015 an assessment, led by the European Commission, began of the extent to which Member States had implemented the provisions of the Directive. A summary report of the evaluation was published in 2016. The Directives, the Strategy and other related documents constitute the EU legal framework comprehensively regulating the area of combating trafficking in human beings and guiding EU and Member State action.

In April 2015. The European Commission announced the *European Security Agenda*³, replacing the 2010 *Internal Security Strategy*, and in May 2015. *European Agenda on Migration*. Combating serious and organised cross-border crime, including trafficking in human beings, is one of the priorities for Europe's internal security, along with preventing terrorist threats and combating cybercrime. The European Agenda on Migration, referring to the Security Agenda, also indicates the need to take action against illegal migration, smuggling of persons and trafficking in human beings. In line with the Agenda, the Commission committed to develop an anti-trafficking strategy for implementation after 2016, building on the experience of the implementation of the 2012-2016 strategy and the existing legal and institutional framework. In order to develop and support the implementation of the next Strategy, the European Commission has extended the mandate of the EU Trafficking in Human Beings Coordinator until 2020.

United Nations

Poland is also a party to the *United Nations Convention against Transnational Organised Crime*⁴ and its supplementary protocols, including the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. *The United Nations Global Plan of Action to Combat*

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Strasbourg, 28.04.2015. COM (2015) 185

⁴ 15 November 2000, Journal of Laws 2005 No. 18, item 158

2021

Trafficking in Persons was developed in 2010, which recommends taking action in areas such as preventing trafficking, protecting and supporting victims, prosecuting, and strengthening cooperation between institutions involved in preventing and combating trafficking, both at the national and international level. Support for these objectives is provided by the United Nations Office on Drugs and Crime (UNODC), which in 2012 adopted a *Comprehensive Strategy to Combat Trafficking in Persons and Smuggling of Migrants*.

The National Action Plan for the Implementation of the UN Guiding Principles on Business and Human Rights 2017-2020 is a document adopted by the Council of Ministers in May 2017. It was developed to ensure that Poland implements the United Nations Guiding Principles on Business and Human Rights adopted in 2011. United Nations Guiding Principles on Business and Human Rights, including the protection of human rights, seeking justice when these rights are violated by business activities, and the phenomenon of forced labour.

According to the National Action Plan for the Implementation of the UN Guiding Principles on Business and Human Rights 2017-2020, the Ministry of the Interior is an institution with joint responsibility for the implementation of two tasks in the so-called *Pillar I Obligation of the State to ensure the protection of human rights*, item 6. *Follow-up to the Council of Europe recommendations on human rights and business*:

- subparagraph 2: the document lists a number of institutions, i.e. the Ministry of Interior and Administration, the Ministry of Investment and Development (now the Ministry of Development Funds and Regional Policy), the Ministry of Family, Labour and Social Policy, the Ministry of Justice, the Ministry of Foreign Affairs, the Government Plenipotentiary for Equal Treatment, the Government Plenipotentiary for Civil Society and Equal Treatment – in cooperation with other relevant ministries and other bodies, which will disseminate the Recommendation CM/Rec(2016)3 for Member States on Human Rights and Business within the scope of their jurisdiction (hereinafter: Recommendation) among competent public authorities, competent state control authorities, courts, prosecutors, police, entrepreneurs, business and workers' organizations, social dialogue bodies, human rights entities, personnel of diplomatic and consular missions. The recommendation should also be incorporated to an appropriate extent in the training programmes conducted.
- subparagraph 3: The document lists a number of institutions, including the Ministry of Interior and Administration, Ministry of Investment and Development (now Ministry of Development Funds and Regional Policy), Ministry of the Family, Labour and Social Policy, Ministry of Justice, Government Plenipotentiary for Equal Treatment, Government Plenipotentiary for Civil Society and Equal Treatment as competent to analyse, within the scope of their jurisdiction, the Recommendation in order to assess the conformity of the law and practice applied in Poland and to formulate proposals for possible actions necessary to implement it.

The NAP 2020-2021 will identify actions related to countering and combating forced labour. The publication of the documents led the Ministry of the Interior to accept the task of developing an analysis of forced labour activities.

Council of Europe

Poland is a party to the Council of Europe Convention on Action against Trafficking in Human Beings, drawn up in Warsaw on 16 May 2005, which entered into force on 1 March 2009. (Journal of Laws

2021

no. 20 item 107). Within the framework of the Convention there is a mechanism for evaluation of its implementation, which is the responsibility of GRETA (Group of Experts on Action against Trafficking in Human Beings). The first round of evaluation was completed in 2014. GRETA positively assessed many legal and institutional solutions introduced in Poland after the Convention entered into force. The group also provided its recommendations, which were included in the National Action Plan against Trafficking in Human Beings for 2013-2015 and were successively implemented. The second round of the evaluation was conducted in 2016, the same year the Polish government's response to the EC questionnaire was published. In July 2017, the Report on Poland's implementation of the Council of Europe Convention on Action against Trafficking in Human Beings was adopted and published in November. Early February 2018 saw the formal adoption of the report by the Committee of the Parties. In February 2019, Poland submitted information on the implementation of the recommendations.

In this context, it is also important to carry out further analysis of the work of international bodies competent in anti-trafficking matters, as well as ongoing monitoring of case law lines of, inter alia, the European Court of Human Rights⁵. The obligations of the Member States with respect to acts amounting to trafficking in persons identified by international entities relate in particular to the provision of an appropriate legal and regulatory framework, the identification of victims, effective investigation and adequate judicial response to such cases, and adequate protection and reparation for victims of trafficking. In formulating the positive obligations of states, the European Court of Human Rights takes into account the standards arising also from the aforementioned international agreements binding Poland, in particular the already mentioned Council of Europe Convention on Action against Trafficking in Human Beings and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

On this basis, it is therefore advisable to continue work aimed at implementing recommendations and recommendations, developing appropriate regulatory frameworks, algorithms of conduct, manuals for the administration of justice, as well as programmes and training materials for the Police, the Border Guard, prosecutors and judges.

Council of the Baltic Sea States

Countering human trafficking is also one of the priorities of the Council of Baltic Sea States. In order to strengthen cooperation among Member States, to work towards improving protection and support for victims and to develop legislative measures, there is a Task Force on Trafficking in Human Beings within the CBSS, undertaking a number of initiatives identifying weaknesses in the Council Member States' approaches and potential solutions to improve the effectiveness of the fight against trafficking in human beings in the Baltic Sea Region.

The aim of the activities undertaken within the framework of the National Action Plan Against Trafficking in Human Beings for 2020-2021 is, inter alia, to strive to improve prevention, support and protection of victims and prosecution of perpetrators of trafficking in human beings and to further strengthen international cooperation at various levels. Poland is obliged to regularly report

⁵ The European Court of Human Rights issues judgments concerning, inter alia, the issue of trafficking in human beings, examining complaints of violations of the prohibition of slavery and forced labour provided for in Article 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms (cf. e.g. Rantsev v. Cyprus and Russia, no. 25965/04, judgment of 7 January 2010; L.E. v. Greece, no. 71545/12, judgment of 21 January 2016; J. and Others v. Austria, no. 58216/12, judgment of 17 January 2017; Chowdury and Others v. Greece, no. 21884/15, judgment of 30 March 2017).

2021

on the progress in implementing international policies and strategies to prevent and combat trafficking in human beings.

Objectives of the Action Plan

The main objective of the Plan is to create conditions necessary for efficient preventing and combating of trafficking in human beings and protection of victims of such crimes in Poland. In this context, the **specific** objectives of the Plan are as follows:

- to raise the public awareness of the phenomenon of trafficking in human beings;
- to increase the standard of support provided to victims of trafficking in human beings (including underage victims of trafficking);
- to improve the effectiveness of actions taken by institutions responsible for prosecuting human trafficking by means of enhancing legal tools and structures and implementing the best practices;
- to improve the qualifications of representatives of institutions and organisations involved in preventing human trafficking and supporting the victims;
- to extend knowledge of the phenomenon of trafficking in human beings and the effectiveness of action taken, in particular in the context of forced labour;
- to consolidate international cooperation.

The achievement of these objectives is detailed in the text of this Plan (in subsequent sections).

Tasks planned for implementation under the NAP have a nationwide range: they concern activities of central institutions in the scope of creating commonly implemented legal regulations or model practices, as well as activities undertaken in all regions through competent units (in particular voivodeship teams for counteracting trafficking in human beings).

Action Plan implementation and monitoring system

The system for implementation and monitoring of tasks provided for in the Action Plan consists of the following elements:

- **Committee for Combating and Preventing Trafficking in Human Beings** which is chaired by the Minister for Internal Affairs and Administration. The Committee includes the representatives of the departments of the Ministry of the Interior and Administration, as well as other government administration bodies (i.e. the minister in charge of health matters, the minister in charge of education and upbringing, the minister in charge of social security, the Minister of Justice, the minister in charge of foreign affairs, the minister in charge of internal affairs and public administration, the minister in charge of regional development, the National Prosecutor, the Head of the Office for Foreigners, the Head of the Internal Security Agency, the Chief Commandant of the Police, the Chief Commandant of the Border Guard), as well as invited institutions (the Chief Labour Inspectorate, the National School for Judiciary

2021

and Public Prosecution, the Ombudsman for Civil Rights, the Children's Rights Ombudsman, the Chancellery of the Prime Minister and the National Public Prosecutor) and non-governmental organisations that deal with issues related to human trafficking (La Strada Foundation Against Trafficking in Human Beings and Slavery, Maria Immaculate Association for Women and Children, the Itawa Foundation, the Polish Migration Forum, the Polish Migration Forum, the Polish Human Rights Foundation, the Polish Human Rights Council, the Polish Human Rights Council, the Polish Human Rights Council, the Polish Association of the Polish Working Group on Equal Opportunities). Maria Niepokalana, ITAKA Foundation - Centre for Missing Persons, Halina Nieć Legal Aid Centre, Salvation Army, You Can Free Us Poland Foundation and Light House Foundation), as well as the International Organisation for Migration (IOM).

- **Working Group for monitoring the implementation of the NAP**, consisting of experts representing the institutions participating in the work of the Team.
- **Working Group for support for victims of trafficking in human beings**, consisting of experts representing the institutions participating in the work of the Team.
- **Ad hoc Working Group for a handbook for judicial and law enforcement authorities, as well as other authorities involved in counteracting trafficking in human beings, on the handling of trafficking cases.**
- Based on Article 22 section 15 of the Act of 30 March 2004 on Social Assistance (Journal of Laws of 2019, item 1507, as amended) and Articles 17 and 18(2) of the Act of 23 January 2009 on the Province Governor and Government Administration in the Province (Journal of Laws of 2019, item 1464) in connection with the National Action Plan against Trafficking in Human Beings until 2016, the so-called **Voivodeship Teams for Counteracting Trafficking in Human Beings** were established in Poland.

The Voivodeship Teams are composed of representatives of various public institutions, law enforcement bodies and non-governmental organisations at the regional level. The participation of representatives of individual institutions depends on the decision of the voivode. The representatives of voivodeship offices, the Police, the Border Guard, the prosecutor's office, the labour inspectorate, labour offices, local governments, school superintendents and educational institutions and non-governmental organisations take part in the work of the appointed teams so far.

The representatives of the institutions participating in the work of the regional teams increase the effectiveness of their activities through the ongoing exchange of information and coordination of all undertakings, including those of a preventive nature.

The tools for periodic evaluation of the implementation of the Action Plan include:

- a report on the implementation of the National Action Plan approved by the aforementioned Team, and
- a report on the work of the Team for Counteracting Trafficking in Human Beings submitted to the Minister of the Interior and Administration by the end of February each year.

2021

Basic lines of action for 2020--2021

The priority task for the coming years is to improve the National Referral Mechanism (NRM) by, inter alia, systematising the principles of its operation, strengthening the competences of law enforcement bodies in the area of identification of victims of trafficking in human beings, as well as extending institutional facilities in the area of professional support for victims of this procedure (including victims of minors or victims of forced labour).

Invariably, an important task conditioning the efficient functioning of the system for counteracting human trafficking is constant increase of the society's awareness of current threats resulting from exploitation of persons for human trafficking. Hence, actions are taken to raise awareness on the threats of human trafficking among persons who may be exposed to the risk of human trafficking, e.g., young persons (studying, looking for seasonal jobs during holidays), the unemployed, as well as among the general public, in which persons in debt or struggling with family and personal problems may also be at risk of human trafficking. Support will be provided for activities aimed at strengthening cooperation of law enforcement authorities (the Police, Border Guard and the Public Prosecutor's Office) and other participants of the system for preventing and combating trafficking in human beings. In this Plan, an important role is also played by activities aimed at improving the skills and competences of all participants in the system who are competent and responsible both for prosecuting the crime of trafficking in human beings and identifying and supporting its victims.

An important role in an efficient anti-trafficking system is also played by the entrepreneurs themselves, to whom persons who are victims of trafficking in human beings for forced labour may provide work. This can give rise to not only legal and criminal risks, but also business risks associated with the loss of contracts. Entrepreneurs are therefore an important target group for prevention and awareness-raising activities on forced labour. Some industries are particularly vulnerable to this type of phenomenon. Therefore, the public administration, in line with the provisions of the National Action Plan for the Implementation of the UN Guiding Principles on Business and Human Rights, will take measures to support the business sector in both response and prevention of forced labour.

It is also important to analyse on an ongoing basis the work of international bodies competent in anti-trafficking matters, as well as the case law of the European Court of Human Rights, and to incorporate their conclusions into the relevant regulatory framework, procedural algorithms, manuals for judicial authorities, as well as training programmes and materials.

Bearing in mind, however, that any undertaking remains effective only in the situation of having reliable and detailed information on the phenomenon, collecting and analysing data on the crime of trafficking in human beings invariably remains one of the key areas of activity detailed in this document.

The Ministry of Family, Labour and Social Policy within the framework of the Operational Programme Knowledge Education Development, II Priority Axis – Effective public policies for the labour market, economy and education, in Measure 2.8 Development of social services provided in the local environment, “Enhancing the competences of representatives of local government units and personnel of the family support and foster care system” plans to introduce training issues concerning underage victims of trafficking in human beings in the context of foster care.

2021

Financing sources

2020 and 2021

The Ministry of the Interior and Administration for the implementation of the tasks envisaged in the National Action Plan Against Trafficking in Human Beings for 2022 secured funds in the state budget in the total amount of PLN 1,235,000, including PLN 1,100,000 for the continuation of comprehensive protection of the needs of victims and victims-witnesses of trafficking in human beings (item III.4 of the Plan) and PLN 135,000 for other current activities resulting from the Plan. The amount of funding is at the same level as in 2019. Funds are secured on an annual basis.

In addition, the **Ministry of Family, Labour and Social Policy** earmarked funds of PLN 80,000 in the 2020 budget for trainings of welfare assistance personnel that teach them how to approach a victim/witness of trafficking in human beings. For 2021, the Ministry of Family, Labour and Social Policy envisages securing funds at a similar level.

In total, PLN 1,315,000 is secured in the budgets of the Ministry of the Interior and Administration and the Ministry of Labour and Social Policy for 2020.

State budget expenditures for the implementation of the Plan carried out by the Ministry of Interior and Administration and the Ministry of Family, Labour and Social Policy scheduled to be incurred in 2020-2021 will be financed within the part of the state budget in a given year and within the allocated limit, without the need to apply for additional funds from the state budget for this purpose.

The costs of operation of Voivodeship Teams for Counteracting Trafficking in Human Beings in the years 2020-2021 will be financed by voivodes within the limits of expenditure set for a given budgetary year, without the need to apply for additional funds for this purpose from the state budget.

The final amounts will result from budgetary acts, while the possibility of providing funding for the activities of Voivodeship Teams for Counteracting Trafficking in Human Beings will be analysed.

It should be emphasised that in order to optimally perform their tasks, institutions and organisations involved in their implementation, as in previous years, may apply for funding from external sources such as European Union funds (including the Asylum, Migration and Integration Fund and the Internal Security Fund), the Norwegian Financial Mechanism and similar.

Part I

Coordination of activities

I.1 Organization of meetings of members of Voivodeship Teams for Counteracting Trafficking in Human Beings

The task will be implemented by: Ministry of the Interior and Administration.

Timeframe: 2020-2021.

Indicator: number of meetings organised/number of attendees.

I.2 Organisation of meetings of the members of the Team for Counteracting Trafficking in Human Beings and of the working groups established within the Team

The task will be implemented by: Ministry of the Interior and Administration in cooperation with the members of the Team.

Timeframe: 2020-2021.

Indicator: number of meetings organised/number of attendees.

Part II

Preventive measures

In connection with the implementation of prevention activities aimed at promoting and disseminating knowledge on human trafficking, the Ministry of Interior and Administration, together with the Ministry of National Education and the Centre for the Development of Education, are planning to strengthen the competences of pedagogical personnel in educational institutions through training for pedagogues and teachers on human trafficking. Training on trafficking in human beings is also essential for unemployed persons oriented towards gaining/deepening knowledge on labour rights, risky behaviour and contemporary labour market threats related to trafficking in human beings.

II.1 Organisation of information activities addressing the issue of human trafficking, addressed to the general public, including information campaigns

The task will be implemented by: Ministry of Interior and Administration in cooperation with the institutions/organisations concerned.

Timeframe: 2020-2021.

Indicator: number of events/campaigns organised.

II.2 Development and distribution of information materials on the phenomenon of trafficking in human beings, with particular emphasis on the phenomenon of trafficking in children, including the preparation of information and education materials to be used by teachers and students

The task will be implemented by: Ministry of Interior and Administration in substantive cooperation with the Ministry of National Education and other interested institutions/non-governmental organisations.

Timeframe: 2020-2021.

Indicator: circulation of materials for distribution.

II.3 Dissemination of knowledge on the phenomenon of human trafficking among schoolchildren and students through the organisation of information meetings

The task will be implemented by: Ministry of Interior and Administration, Voivodeship Teams for Counteracting Trafficking in Human Beings, and especially representatives of probation offices, public order services, district labour inspectorates.

Timeframe: 2020-2021.

Indicator: number of meetings held/number of participants in meetings.

II.4 Organisation of the celebrations of the European Anti-Trafficking Day in police academies and Border Guard training centres.

The task will be implemented by: Police and Border Guard academies, the General Headquarters of Police, the Border Guard Headquarters, Voivodeship Teams and the Ministry of Interior and Administration.

Timeframe: 2020-2021.

2021

Indicator: number of training and information activities aimed at improving the knowledge of students + number of participants.

II.5 Promoting and implementing the Code of Conduct, the purpose of which is to protect children from commercial sexual abuse in the tourism sector.

The task will be implemented by: Foundation "Give Strength to Children" with the support of the National Police Headquarters and the Ministry of Economic Development.

Timeframe: 2020–2021

Measures: number of trained personnel in tourism industry / number of companies that implement child protection policies, number of conferences / number of reports to the police via www.stopseksturystyce.fdds.pl.

II.6 Initiating cooperation with business organisations and entrepreneurs in order to raise awareness about trafficking in human beings for forced labour and popularise rules of conduct and tools that serve to minimise the risk of forced labour

The task will be implemented by: Ministry of the Interior and Administration in cooperation with the Ministry of Development Funds and Regional Policy and the Ministry of Foreign Affairs, among others.

Timeframe: 2020-2021.

Indicator: number of organisations / businesses which were included in the cooperation

II.7 Initiating cooperation with temporary employment agencies in preventing trafficking in human beings for forced labour

The task will be implemented by: Ministry of the Interior and Administration in cooperation with the Ministry of the Family, Labour and Social Policy, the Ministry of Development Funds and Regional Policy and the National Labour Inspectorate, among others.

Timeframe: 2020-2021.

Indicator: number of entities with which cooperation has been established.

II.8 Expanding cooperation with businesses in developing and implementing tools to minimize the risk of forced labour in business activities. Dissemination of tools for companies to counteract these risks and detect cases of forced labour

The task will be implemented by: The Ministry of Development Funds and Regional Policy, together with its cooperation partners in the Team for Sustainable Development and Corporate Social Responsibility

Timeframe: 2020 – 2021

Indicator: Estimated number of entities reached by the toolkit to minimise the risk of forced labour, as well as the number of events where information on the problem was provided and knowledge on how to combat this phenomenon

II.9 Poster action to build awareness of the dangers of exploitation and forced labour

The task will be implemented by: Ministry of the Family, Labour and Social Policy in cooperation with Voivodship Teams

Timeframe: 2020

2021

Indicator: Number of institutions equipped with posters (provincial offices, labour offices, employment agencies).

Part III

Support for and protection of victims

III.1 Development and publication of the rules of the National Referral Mechanism for victims of trafficking in human beings

The task will be implemented by: Ministry of Interior and Administration, in cooperation with the institutions and organisations involved in preventing trafficking in human beings.

Timeframe: 2020-2021.

Indicator: development of the document and its publication.

III.2 Strengthening the role of the Voivodeship Teams for Counteracting Trafficking in Human Beings

The task will be implemented by: Voivodeship Teams for Counteracting Trafficking in Human Beings and the Ministry of Interior and Administration.

Timeframe: 2020-2021.

Indicator: Number of consultation meetings.

III.3 Developing legal solutions related to the provision of health insurance for victims and witnesses of human trafficking

The task will be implemented by: Ministry of Health, Ministry of Justice and other institutions and bodies involved.

Timeframe: 2020-2021.

Indicator: Development of legal solutions.

III.4 Continuation of comprehensive provision for the needs of victims and witnesses of human trafficking

The task will be implemented by: Ministry of Interior and Administration, in cooperation with the institutions and organisations involved in preventing trafficking in human beings.

Timeframe: 2020-2021.

Indicator: number of persons supported.

III.5 Disseminating information for identified victims of trafficking in human beings on their rights (in a language a victim would be able to understand).

The task will be implemented by: The Ministry of Interior and Administration, in cooperation with the institutions and organisations involved in preventing trafficking in human beings.

Timeframe: 2020-2021.

Indicator: circulation of leaflets.

III.6 Development of the Programme for support and protection of juvenile victims of trafficking in human beings.

The task will be implemented by: Ministry of Interior and Administration in cooperation with the Ministry of Family Affairs, Labour and Social Policy, Government Plenipotentiary for Equal Treatment (GPfET) and NGOs.

2021

Timeframe: 2020-2021.

Indicator: conception of the Programme and proposal for its implementation.

Part IV

Prosecution of the crime of trafficking in human beings

IV.1 Ongoing analysis / Coordination of cooperation between the Police, Border Guard and the Prosecutor's Office in supporting victims and combating trafficking in human beings

The task will be implemented by: working group on support for victims of trafficking in human beings.

Timeframe: 2020-2021 (ongoing).

Indicator: number of meetings.

IV.2 Organization of meetings of representatives of the Border Guard and the National Labour Inspectorate involved in the implementation of the control of the legality of employment on the territory of the Republic of Poland, taking into account the issues of trafficking in human beings and forced labour

The task will be implemented by: Chief Labour Inspectorate, Border Guard Headquarters.

Timeframe: 2020-2021.

Indicator: number of meetings.

IV.3 Meetings with Polish liaison officers and those accredited in Poland to strengthen cooperation and information exchange in combating trafficking in human beings

The task will be implemented by: National Police Headquarters.

Timeframe: 2020-2021.

Indicator: number of meetings/number of participants.

IV.4 Development and implementation of a new "Algorithm of activities to be undertaken by the Police and Border Guard officers in the event of identifying a human trafficking crime" – commencement of work on preparation of a new Algorithm.

The task will be implemented by: Ministry of the Interior and Administration, National Police Headquarters, Border Guard Headquarters.

Timeframe: 2020-2021.

Indicator: Development of a document / referral for use in Police and Border Guard units.

IV.5 Development of a handbook for judicial and law enforcement authorities, as well as other authorities involved in combating trafficking in human beings, on the handling of trafficking cases

The task will be implemented by: expert group Team. (with the participation of the Ministry of Interior and Administration, Ministry of Justice, National Police Headquarters, KGSG, GPfET).

Timeframe: 2020-2021.

Indicator: publishing the handbook.

IV.6 Development of guidelines for labour inspectors on the methodology of conducting control activities in cases where there is a suspicion of human trafficking, in particular forced labour

2021

The task will be implemented by: working group of the Team (with participation of the Ministry of Interior and Administration, Ministry of Foreign Affairs, Ministry of Finance, NPH, KGSG), in cooperation with the Chief Labour Inspector.

Timeframe: 2020-2021.

Indicator: development and implementation of guidelines.

Part V

Training activities

V.1 Workshops for Police officers, Border Guard officers and prosecutors on cooperation in prosecuting perpetrators of human trafficking, exchange of experiences, best practices and analysis of case law on human trafficking

The task will be implemented by: National Police Headquarters, Border Guard Headquarters in cooperation with the Ministry of Interior and Administration, the National Public Prosecutor's Office.

Timeframe: 2020-2021.

Indicator: number of workshops/number of participants.

V.2 Training workshops for police officers from police organisational units responsible for combating trafficking in human beings from voivodeship/metropolitan police headquarters and the CIBP in order to exchange experience and information

The task will be implemented by: National Police Headquarters.

Timeframe: 2020-2021.

Indicator: number of workshops/number of participants.

V.3 Training workshops for coordinators from KMP/KRP/KPP

The task will be implemented by: National Police Headquarters.

Time limit for implementation: 2020-2021.

Indicator: number of workshops/number of participants.

V.4 Trainings for Border Guard officers in the framework of a comprehensive system of trainings devoted to trafficking in human beings.

The task will be implemented by: Polish Border Guard Headquarters.

Timeframe: 2020-2021.

Indicator: number of persons trained.

V.5 Continuation of training workshop on forensic, criminological and legal aspects of trafficking in human beings for probation officers, judges and prosecutors

The task will be implemented by: National School of Judiciary and Public Prosecution.

Timeframe: 2020-2021.

Indicator: number of trainings/number of participants.

V.6 Implementing the subject of trafficking in human beings (within the module of crimes against freedom) within the framework of judicial and prosecutorial application

The task will be implemented by: National School of Judiciary and Public Prosecution.

Timeframe: 2020-2021.

Indicator: number of trainee attorneys trained.

2021

V.7 Training on methodology of conducting classes on human trafficking for prevention officers conducting meetings with young persons

The task will be implemented by: National Police Headquarters.

Timeframe: 2020-2021.

Indicator: number of trainings/number of participants.

V.8 Specialized trainings for employees dealing with legalization of stay, personnel of crisis intervention centres, operators of emergency numbers in rescue notification centres, employees of employment offices (career counsellors and employment intermediaries), district police officers and trainings for members of Voivodeship Teams for Counteracting Trafficking in Human Beings, as well as other interested services in the field of identification of victims of trafficking in human beings, crisis intervention, principles of dealing with victims of trafficking in human beings and principles of cooperation with other institutions

The task will be implemented by: Ministry of the Family, Labour and Social Policy, Ministry of the Interior and Administration in cooperation with, among others, the Border Guard and NGOs.

Timeframe: 2020-2021.

Indicator: number of trainings/number of participants.

V.9 Organisation of trainings on trafficking in human beings for Polish consular personnel who work in destination countries for Polish victims of trafficking in human beings identified abroad.

The task will be implemented by: Ministry of Foreign Affairs in cooperation with Ministry of Interior and Administration, in cooperation with the institutions and organisations involved in preventing trafficking in human beings.

Timeframe: 2020-2021.

Indicator: number of trainings/number of participants.

V.10 Trainings devoted to identification of victims of trafficking in human beings for personnel of the Office for Foreigners who interview those applying for the refugee status and of Centres for Refugees.

The task will be implemented by: Office for Foreigners in cooperation with non-governmental organisations

Timeframe: 2020—2021.

Indicator: number of trainings/number of participants.

V.11 Trainings for labour inspectors devoted to trafficking in human beings for forced labour.

The task will be implemented by: Chief Labour Inspectorate in cooperation with the Ministry of Interior and Administration and Border Guard Headquarters.

Timeframe: 2020-2021.

Indicator: number of trainings/number of participants.

2021

V.12 Implementation of information meetings, workshops for entrepreneurs on the issue of trafficking in human beings used for forced labour, presentation of tools to be used in economic procedures to minimise the phenomenon of forced labour

The task will be implemented by: Ministry of Development Funds and Regional Policy in cooperation with external partners cooperating within the Team for Sustainable Development and Corporate Social Responsibility and its working groups

Timeframe: 2020-2021.

Indicator: Number of businesses participating in events.

Part VI

Studies on trafficking in human beings / Evaluation of actions

VI.1 Development and dissemination of quantitative and qualitative analyses on the crime of trafficking in human beings, including annual reports on trafficking in human beings in Poland

The task will be implemented by: Ministry of Interior and Administration, in cooperation with the institutions and organisations involved in preventing trafficking in human beings.

Timeframe: 2020-2021.

Indicator: number of analyses.

VI.2 Preparation and dissemination of reports and contributions to reports for the EC, the Council of Europe (GRETA) and other international institutions

The task will be implemented by: Ministry of Interior and Administration in cooperation with the Police Headquarters, Border Guard Headquarters, Ministry of Justice, National Prosecutor's Office, Chief Labour Inspectorate, Ministry of Family and Social Policy and other institutions/organizations involved in counteracting human trafficking.

Timeframe: 2020-2021, as required.

Indicator: number of developed information – contributions to reports and studies.

VI.3 Monitoring the situation of victims of human trafficking

The task will be implemented by: The Ministry of the Interior, in cooperation with the institutions and organisations involved in preventing trafficking in human beings

Timeframe: 2020-2021.

Indicator: development of analysis.

VI.4 Continuation and development of international cooperation

The task will be implemented by: Ministry of the Interior and Administration.

Timeframe: 2020-2021.

Indicator: number of activities (including international meetings).

2021

Part VII

Legislative changes

- VII.1 Development of a draft amendment to the Act of 27 August 2004 on health care services financed from public funds (Journal of Laws of 2019, item 1373, as amended). States with regard to the payment of health insurance premiums for Polish and foreign victims of trafficking in human beings, including a study of the effects of the regulation with an indication of financing sources.**

The task will be implemented by: Ministry of Health in cooperation with the Ministry of the Interior and Administration and the Ministry of Family, Labour and Social Policy.

Timeframe: 2020-2021.

- VII.2 Amendment of the Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of nationals of the European Union Member States and their family members (Journal of Laws of 2019, item 293) in the provision of social assistance benefits for persons referred to in the Act, together with the payment of health insurance premiums. This amendment may require the amendment of the Act on Foreigners of 12 December 2013 (Journal of Laws of 2018, item 2094, as amended).**

The task will be implemented by: Ministry of the Interior and Administration with the cooperation of the Ministry of Family Affairs, Labour and Social Policy and the Ministry of Health.

Timeframe: 2020-2021.

- VII.3 Analysis of the need to supplement the provisions of the Penal Code with a definition of forced labour**

The task will be implemented by: Ministry of Justice in cooperation with the Ministry of Development Funds and Regional Policy.

Timeframe: 2020-2021.