



National Reffelar Mechanism



Ministry of the Interior and Administration
Republic of Poland

NATIONAL REFERRAL MECHANISM

Table of contents

1. Introduction	4
2. Legal and Institutional Framework	4
2.1 Definition of Trafficking in Human Beings	4
2.2 National Action Plan	5
2.3 The Inter-Ministerial Team for Counteracting Trafficking in Human Beings.....	6
2.4 Voivodeship Teams for Counteracting Trafficking in Human Beings.....	6
2.5 Entities involved	6
2.5.1 Ministry of the Interior and Administration	6
2.5.2 Police Headquarters	7
2.5.3 Border Guard Headquarters.....	7
2.5.4 Office for Foreigners.....	7
2.5.5 National Public Prosecutor's Office	7
2.5.6 Ministry of Family, Labour and Social Policy	8
2.5.7 State Labour Inspection.....	8
2.5.8 Ministry of Development Funds and Regional Policy	8
2.5.9 Non-governmental and Intergovernmental Organizations	9
2.5.10 National Consulting and Intervention Centre for the Victims of Trafficking.....	9
3. Identification.....	10
3.1 Informal Identification (preliminary)	10
3.2 Formal identification	11
3.3 Certificate Confirming Presumption of Being a Victim of Human Trafficking.....	12
4. First Aid and Protection	13
4.1 Information on Aid Conditions.....	13
4.2 Legal Information.....	13
4.2.1 Temporary Residence	14
4.2.2 Permanent Residence.....	15
4.2.3 Polish Identity Document.....	15
4.2.4 International Protection.....	15
4.3 Needs Assessment	16
4.4 Provision of Assistance and Protection	16
4.4.1 National Consulting and Intervention Centre for the Victims of Trafficking.....	16
4.4.2 Social Assistance System	17
5. Long-term Assistance and Social Inclusion	17

6. Assistance for Voluntary Return and Reintegration.....	18
6.1 Informed Decision to Return.....	18
6.2 Risk Assessment.....	18
6.3 Organizing Safe Transport	19
6.4 Reintegration Assistance.....	19
7. Criminal/civil Proceedings.....	19
7.1 Investigation and Evidence Gathering	19
7.2 Support for Victims and Witnesses of Trafficking During the Process	20
7.3 Claims for Damages	20
7.4 Victim Immunity Clause.....	21
8. Prevention and Training Measures	22
8.1 Preventive Action:	22
8.2 Training Activities:	22
9. Protection of Personal Data	23
9.1 Act of 14 December 2018 <i>on the Protection of Personal Data Processed in Connection with Preventing and Combating Criminal Activity</i>	23
9.2 Code of Penal Proceedings	23
9.3 Protection of Data Obtained during Operational and Exploratory Activities	23
10. Monitoring and Evaluation Mechanism	24
Annex 1 - Polish, European and international law	25
Annex 2 – Reporting form for (presumed) victim of trafficking in human beings	27
Annex 3 – Contact details of institutions providing assistance to victims of trafficking.	29

1. Introduction

The National Referral Mechanism (NRM) was established with a firm commitment to foster cooperation among all stakeholders involved in the fight against human trafficking. The NRM, firmly rooted in national anti-trafficking legislation, aligns with European Union and international acts. The document describes the framework of the system, while maintaining its flexibility and allowing for modifications depending on legislative changes and the emergence of new trends.

The crime of trafficking in human beings can only be effectively combated through systematic cooperation between all stakeholders – governmental entities, prosecutors, border and police services, child and youth welfare institutions, victim protection centres, civil society organizations, etc. NRM defines the criteria for the identification of victims of trafficking in human beings, the specifics of the pre-trial investigation of trafficking offences in order to ensure the efficient and effective detection and prosecution of offences and the proper application of the law and good cooperation with NGOs to provide the necessary assistance to victims of trafficking in human beings from the moment of their identification.

The primary objective of the NRM is to ensure that the human rights of trafficked persons are respected and to provide an effective means of referring trafficking victims to appropriate services.

2. Legal and Institutional Framework

2.1 Definition of Trafficking in Human Beings

The offence of human trafficking is codified in Article 189 a. of the Act of 6 June 1997 of the Penal Code¹ with the definition in Chapter XIV in Article 115 § 22 of the Penal Code. The concept of human trafficking has been presented in a form of three-element definition, which consists of: the perpetrators' modus operandi, the means used and the purpose of use.

The offence of human trafficking is a crime (punishable by imprisonment from 3 to 20 years) prosecuted ex officio by public prosecution. Preparation is a minor offence (punishable by imprisonment from 3 months to 5 years). It is subject to examination at first instance by the district court. The punishability of the offense under Article 189a § 1 of the Penal Code ceases after 20 years from the date it was committed, and after 10 years in cases of preparation. If the victim is a minor, the statute of limitations for the offense specified in Article 189a § 1 of the Penal Code cannot occur before the victim reaches the age of 30.

Definitions Art. 115 § 22 of the PC

'Human trafficking is the recruitment, transportation, delivery, transfer, harbouring, or receipt of a person using:

- 1) violence or an unlawful threat;
- 2) abduction,
- 3) deception,
- 4) misinformation or the exploitation of a mistake or the inability to properly comprehend the action taken;

¹ Ustawa z dnia 6 czerwca 1997 r. Kodeks karny [Act of 6 June 1997 – Penal Code] (Dz.U. 2024, item 17) hereinafter referred to as 'P.C'

5) abuse of a relationship of dependence, taking advantage of a critical position or a state of helplessness;

6) giving or accepting a pecuniary or personal benefit, or the promise thereof, to a person having the care or supervision of another person, for the purpose of exploitation, even with that person's consent, in particular in prostitution, pornography or other forms of sexual exploitation, in forced labour or services, in begging, in slavery or other forms of exploitation degrading human dignity, or in order to obtain cells, tissues or organs in violation of the law.

If the perpetrator's behaviour involves a minor, it constitutes human trafficking, even if the methods or means listed in points 1 - 6 are not used.'

Art. 189 of the Act of 6 June 1997 of the Penal Code

§ 1 Whoever commits trafficking in human beings shall be punished with imprisonment from 3 to 20 years.

§ 2 Whoever makes preparations for the commission of the crime specified in § 1 shall be subjected to the penalty of imprisonment for 3 months to 5 years.

Human trafficking is one of the crimes that do not occur on its own, but coexist with others i.a.:

- against sexual freedom and morality;
- violation of bodily integrity, bodily harm;
- against the rights of persons engaged in gainful employment;
- participation in and leadership of an organized crime group;
- fraud;
- against freedom;
- against the reliability of documents;
- illegal border crossing;
- simple and violent theft.

2.2 National Action Plan

The National Action Plan against Human Trafficking (hereinafter referred to as NAP) is the basic document on the functioning of the system for combating and preventing human trafficking in Poland. It is a government document, adopted by the Council of Ministers, which obliges its addressees to perform specific tasks in combating human trafficking. The addressees of the NAP are individual units of the central administration and other institutions and NGOs that are voluntarily involved in anti-human trafficking activities in Poland. The goal of the NAP is to provide the conditions necessary to effectively counteract human trafficking in Poland and support the victims of this crime. In this context, the detailed objectives of the NAP are as follows:

- to raise the awareness of the problem of human trafficking;
- to raise the standard of support provided to the victims of human trafficking (including minor victims of human trafficking);
- to improve the effectiveness of the institutions responsible for prosecuting the crime of human trafficking by improving the legal tools and the structures, and implementing best practices;
- to improve the skills of the representatives of institutions and organizations involved in counteracting human trafficking and supporting victims of this crime;

- to extend the knowledge of the problem of human trafficking and to improve the effectiveness of the actions taken;
- to strengthen international cooperation.

2.3 The Inter-Ministerial Team for Counteracting Trafficking in Human Beings

The Inter-Ministerial Team for Counteracting Trafficking in Human Beings is a subsidiary body of the Prime Minister appointed by virtue of the Prime Minister's Order No. 392 of 18 September 2023 on the appointment of the Inter-Ministerial Team for Counteracting Trafficking in Human Beings (Official Gazette of the Republic of Poland 2023, item 1036). The Team is composed of representatives from central offices, law enforcement agencies, state institutions, and non-governmental organizations. The Team programmes the entire policy related to counteracting and combating the trafficking of human beings in Poland, giving it shape in the form of national anti-trafficking programmes/plans. Within the Team, there are specialised Working Groups. One Group is dedicated to monitoring the implementation of the NAP. Another one focuses on supporting victims of human trafficking. Ad hoc groups are also formed to carry out specific tasks outlined in the National Action Plan.

2.4 Voivodeship Teams for Counteracting Trafficking in Human Beings

Voivodeship Teams for Counteracting Trafficking in Human Beings were established on the basis of Article 22 point 15 of the Act of 12 March 2004 *on Social Assistance*² and Articles 17 and 18 § 2 of the Act of 23 January 2009 *on the Governor and Government Administration*³. The Voivodeship Teams are primarily composed of representatives of voivodeship offices, the Police, the Border Guard, the prosecutors, labour inspectorates, labour offices, local authorities, the education offices and educational institutions, as well as NGOs. The representatives of the institutions participating in the work of regional teams improve the effectiveness of their activities through the ongoing exchange of information and coordination of all undertakings, including those of a preventive nature.

2.5 Entities involved

2.5.1 Ministry of the Interior and Administration

Within the structures of the Ministry of the Interior and Administration, there is an organizational unit responsible for tasks related to trafficking in human beings, in particular:

- proposing tasks in the National Action Plan against Trafficking in Human Beings (NAP);
- monitoring the work related to the implementation of the tasks set out in the NAP;
- monitoring the performance of public tasks concerning support for and protection of victims of human trafficking commissioned by the Minister of the Interior and Administration, (currently Operation of the National Intervention and Consultation Centre for Victims of Human Trafficking¹);
- supporting the work of the Anti-Human Trafficking Team and the Working Groups;

² Ustawa z dnia 12 marca 2004 r. o pomocy społecznej [Act of 12 March 2004 on *Social Assistance*] (Dz.U. 2024, items 1283 & 1572)

³ Ustawa z dnia 23 stycznia 2009 r. o wojewodzie i administracji rządowej w województwie [Act of 23 January 2009 on the *Voivode and Government Administration in the Voivodeship*] (Dz.U. 2023, item 190).

- enhancing awareness regarding the issue of human trafficking

<https://www.gov.pl/web/handel-ludzmi>

2.5.2 Police Headquarters

The Chief Commander of the Police, by a decision of 22 January 2014, established the Unit for Combating Trafficking in Human Beings of the Criminal Service Bureau of the Police Headquarters. The Unit's main tasks include primarily combating crime related to human trafficking, paedophilia and child pornography, as well as a crime against sexual freedom and morality. The Unit for Combating Trafficking in Human Beings cooperates with judiciary authorities, public administration and state audit bodies, non-governmental organizations, community organizations, and public utility institutions. In addition, the Unit carries out international activities through operational and investigative cooperation with law enforcement agencies in other countries.

The work of the Unit for Combating Trafficking in Human Beings includes supervision and coordination of the work of anti-human trafficking units established by the Order of the National Police Headquarters⁴ in the criminal departments of Provincial Police Headquarters. The tasks of the anti-human trafficking units include, in particular, detection of human trafficking, supervision and coordination of the functions performed by district Police headquarters and their subordinate Police units in detecting human trafficking, identification of and support for the process of identification of victims of human trafficking, participation in international operations, in particular in joint investigation teams formed to detect human trafficking, non-police cooperation, and organising and conducting in-service training classes for criminal service police officers in the field of detecting human trafficking.

2.5.3 Border Guard Headquarters

The Border Guard plays a special role in the fight against human trafficking with regard to foreigners. The Operations and Investigations Board of the Border Guard Headquarters coordinates the implementation of initiatives arising from the NAP and exercises substantive oversight over the execution of tasks by the Border Guard's organizational units regarding combating and preventing human trafficking in Poland, including ongoing cases of trafficking in human beings. In each Border Guard unit, in the Operations and Investigations Department, there is part-time anti-human trafficking coordinator who is responsible for coordination and cooperation between the relevant organizational units of the Border Guard, the Police, and other institutions involved in combating this crime.

2.5.4 Office for Foreigners

The Office plays a vital role in the preliminary identification of possible victims of human trafficking among foreigners seeking international protection in Poland. The Office for Foreigners has appointed a supernumerary human trafficking coordinator who will be responsible for coordinating activities and ensuring the proper flow of information.

2.5.5 National Public Prosecutor's Office

The Department for Organized Crime and Corruption is responsible for combating human trafficking at the National Public Prosecutor's Office. The unit coordinates the actions taken by the

⁴ Zarządzenie nr 14 Komendanta Głównego Policji z dnia 22 września 2016 r. w sprawie wykonywania przez Policję niektórych zadań w zakresie wykrywania handlu ludźmi [Order no. 14 of the Chief Commander of Police dated 22 September 2016, regarding Police's performance of certain tasks in the detection of human trafficking] (Dz. Urz. KGP, item 61).

Public Prosecutor's Office to prosecute human trafficking. A special prosecutor-coordinator for human trafficking has been appointed. In each of the Regional Prosecutor's Offices and District Prosecutor's Offices designated prosecutors serve as consultants on human trafficking. Prosecutors handling human trafficking cases can utilize the document titled: ***Guidelines for Conducting Proceedings in Human Trafficking Cases.***

2.5.6 Ministry of Family, Labour and Social Policy

Social assistance plays an important role in supporting victims of trafficking by providing crisis intervention. The Ministry of Family, Labour and Social Policy (MRPiPS), together with the Ministry of the Interior and Administration (MSWiA), the Border Guard and NGOs, conducts an annual series of training courses for the staff of social welfare units on how to support victims of trafficking, including the principles and cooperation with the National Intervention and Consultation Centre. MRPiPS provides participants of a specialised training course on 'Support for Victims of Human Trafficking' with a training resource' - a document titled ***Standards for Safe Shelters for Victims of Human Trafficking.*** This document was developed by the Inter-Ministerial Team for Counteracting Trafficking in Human Beings as a part of the project called 'Implementation of Standards that Institutions Capable and Authorised to Provide Assistance to Victims/Witnesses of Trafficking in Human Beings should meet, as Well as Facilities Where Victims of Human Trafficking May be Placed.' The safe shelter standards presented are not binding norms but merely guidelines for potential use and are recommended by both MRPiPS and MSWiA.

2.5.7 State Labour Inspection

The State Labour Inspection (PIP) is a body established to monitor compliance with labour law regulations, including occupational health and safety laws and the legality of employment. Labour inspectors of PIP, within the scope of their competences, which authorise them to enter work premises at any time, obtain information from employees and other persons on the work premises and, through their powers, inspect labour and temporary employment service providers and the user employers, can identify potential victims of human trafficking for forced labour and notify the law enforcement authorities about that fact. PIP inspections are carried out in close collaboration with Border Guard officers, as per ***the Agreement on the principles of cooperation between the National Labour Inspectorate and the Border Guard of 10 December 2018.*** This joint effort includes not only inspections on the legality of employment of foreigners but also informative and educational activities for entities and foreigners working in Poland. PIP bodies perform – both centrally and at the local level – the tasks included in the National Action Plan against Human Trafficking.

2.5.8 Ministry of Development Funds and Regional Policy

The Ministry of Funds and Regional Policy (MFiPR) has a Team for Sustainable Development and Corporate Social Responsibility, an auxiliary body supporting the minister in charge of regional development. The Team is a platform for cooperation between the government administration, business representatives, and socio-economic partners in adapting to the challenges of sustainable development by promoting social responsibility in market practices. Each year, the Team identifies the most pressing challenges for the development of corporate social responsibility practices, as well as for public administration and educational institutions. MFiPR published a practical guide on forced labour in a publication entitled: ***Forced labour. A guide: how to recognise and counteract it.***

2.5.9 Non-governmental and Intergovernmental Organizations

NGOs involved in the fight against human trafficking come together in the Polish Network of Non-Governmental Organizations against Trafficking in Human Beings. Thanks to the Network's activities, selected NGOs from all over Poland are being prepared to work with victims of human trafficking.

The La Strada Foundation Against Trafficking in Human Beings and Slavery works to respect human rights, combat human trafficking, slavery, forced labour and counter exploitation in prostitution, as well as crimes against individual freedom and health.

PoMOC Mary Immaculate Association for Women and Children provides comprehensive assistance to women and their children at risk of or affected by sexual, physical and psychological violence and victims of human trafficking.

Halina Nieć Legal Aid Centre works to protect human rights, primarily by providing free legal assistance to people from groups at risk of social exclusion and discrimination, including the poor, victims of human trafficking and domestic violence, foreigners and refugees.

Empowering Children Foundation supports children and their families by providing legal and psychological assistance in situations of abuse. The Foundation actively cooperates with the Police to combat the crime of sexual abuse of children. It runs the Helpline for Children and Young People 116 111.

Itaka – Centre for Missing People finds missing persons, helps their families and prevents disappearances. It maintains an online database of missing persons, a 24/7 support line for missing persons and their families, and the Missing Child Helpline.

The Light House Foundation works to prevent and combat human trafficking, modern slavery, forced labour and forced prostitution, provides assistance and support to victims.

You Can Free Us Polska (Fundacja Czas Wolności) pursues its mission in three areas: countering human trafficking and illegal migration and supporting children harmed by sexual crimes. The Foundation's activities comprise training, raising social awareness, interventions, victim support, and humanitarian actions.

The International Organization for Migration (IOM) promotes humane and orderly migration. In Poland, IOM supports migrants through various activities in areas such as integration, protection, and direct assistance. It responds to the needs of host communities and builds the capacities of state and non-governmental institutions in countering terrorism trafficking, among other things.

2.5.10 National Consulting and Intervention Centre for the Victims of Trafficking

National Consulting and Intervention Centre for the Victims of Trafficking (KCIK) is a public task implemented and financed by the Ministry of the Interior and Administration, intended for Polish and foreign victims of trafficking in human beings. Every year, NGOs are entrusted with the task by means of an open tender referred to in Article 13 of the Act of 24 April 2003 *on Public Benefit Activity and Volunteer Work*⁵.

⁵ Ustawa z dnia 24 kwietnia 2003 r. o działalności pożytku publicznego i wolontariacie [Act of 24 April 2003 *on Public Benefit Activity and Volunteer Work*] (Dz. U 2024, item 1491).

The objective of the task is to meet the needs of victims of trafficking in human beings – Polish Nationals, Nationals of the European Union and third-country nationals without regard to sex, age, disability, race, nationality, political beliefs, trade union affiliation, ethnic origin, religion, sexual orientation, or any other legally protected characteristic, and to assist persons at risk of trafficking. The task includes:

- running a 24-hour helpline for victims and witnesses of human trafficking and providing preventive telephone counselling for individuals;
- provision of basic living needs, crisis intervention and reintegration assistance;
- the organization and provision of safe accommodation/shelter for victims of trafficking;
- consultation for state and local institutions on working with victims of trafficking, including institutions/entities providing assistance to victims.

Its assignments comprise identification of human trafficking victims, intervention, preventive counselling, consultation for institutions and organizations, and running a specialised shelter for victims. The staff of KCIK provide counselling not only to victims of human trafficking but also to their relatives, organizations and institutions, and people at risk of human trafficking. The person who benefits from the assistance can count on full support, including accommodation, medical and psychological care, and legal consultation.

<https://www.kcik.pl/>

3. Identification

The identification stage is the first phase through which a person is identified as a presumed victim of trafficking. To correctly identify a person as a victim of human trafficking, knowledge of the definition of human trafficking and the phenomenon itself is essential. The identification process consists of an assessment of indicators and an interview with the person. The latter can be divided into two main parts: informal (preliminary) identification and formal identification.

3.1 Informal Identification (preliminary)

Informal identification is the analysis of the signs (symptoms) of trafficking and is carried out by non-law enforcement actors to identify potential victims of trafficking.

Initial identification as a potential victim of trafficking can be performed:

- a) by organizations professionally providing support to victims of trafficking (e.g. organizations operating the National Consulting and Intervention Centre for the Victims of Trafficking – KCIK) or organizations acting on behalf of foreigners;
- b) by employees of the Office for Foreigners on the basis of information contained in the application and/or other documents collected in the course of the pending procedure for granting international protection or during an interview with the foreigner;

The procedure for employees of the Office for Foreigners processing applications for international protection in case of preliminary identification of a foreigner as a victim of human trafficking.

- c) on the basis of a certificate on the identification of persons in need of special treatment in proceedings for granting international protection on the territory of the Republic of Poland or in the field of social assistance, issued by a doctor during examinations under the Epidemiological Filter in the reception centre for foreigners;
- d) by a psychologist/medical staff or employees of the Office for Foreigners during a stay in a centre for foreigners;

- e) by social workers as part of their professional tasks (social welfare centres);
- f) by the inspectors of the State Labour Inspection by informing the competent law enforcement authorities of circumstances disclosed during the inspection which indicate the possibility of committing a human trafficking offence, in particular for forced labour; *(the performance of operational and procedural activities aimed at verifying the information provided by the State Labour Inspectorate falls within the competence of the law enforcement authorities and the judiciary).*

Guidelines for labour inspectors on the methodology for carrying out inspection activities in cases where the offence of trafficking in human beings is suspected, in particular for forced labour.

3.2 Formal identification

Formal identification is a set of activities performed by law enforcement authorities authorised to prosecute human trafficking cases (Prosecutor's Office, Police, Border Guard), aimed at verifying whether there is at least a presumption of being a victim of human trafficking.

A person presumed to be a victim of trafficking may be identified for formal identification by various actors:

- self-reporting by the victim;
- other trafficked persons;
- family or friends;
- every citizen in the state;
- law enforcement personnel;
- detention centre staff;
- prison staff;
- labour inspectors;
- trade union staff;
- NGO staff;
- staff of international organizations;
- health professionals;
- embassy or consulate officials;
- transport workers;
- other.

Formal identification should take place as soon as a person presumed to be a victim of trafficking is referred to law enforcement.

Formal identification is carried out on the basis of:

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

and by means of the identification indicators annexed to the above-mentioned documents. The reporting form of the (presumed) victim of human trafficking (Annex 2) should be sent to:

- the Unit for Combating Trafficking in Human Beings of the Criminal Bureau of the National Police Headquarters. (fax: 22 60,125 55);
- Division I of the Operational and Investigative Board of the Border Guard Headquarters (fax: 22 500 47 97)

During the identification process, it is essential to pay attention to the health of the person being identified and to identify any signs of abuse.

The status of an presumed victim of trafficking in human beings is confirmed by the Prosecutor's Office, the Police and the Border Guard by issuing a certificate confirming the existence of a presumption that the foreigner is a victim of trafficking in human beings pursuant to Article 170 of the Act of 12 December 2013 on *Foreigners*⁶/41a of the Act of 14 July 2006⁷ *on the Entry into, Residence in and Departure from the Territory of the Republic of Poland of Nationals of the European Union Member States and their Family Members*.

During the identification process, conducted prior to procedural actions, an interpreter is provided by the authority carrying out the action or by a non-governmental organization implementing KCIK.

3.3 Certificate Confirming Presumption of Being a Victim of Human Trafficking

Pursuant to **Article 170 of the Act on Foreigners**⁸/41a of the Act on the Entry into, Residence in and Departure from the Territory of the Republic of Poland of Nationals of the Member States of the European Union and their Family Members⁹ the authority competent to conduct proceedings on the crime of trafficking in human beings issues certificates to a foreigner who is presumed to be a victim of trafficking in human beings within the meaning of Article 115 § 22 of the Penal Code. It entitles to legal residence on the territory of the Republic of Poland for a period of 3 months, and in the case of a minor foreigner – for a period of 4 months from the date of its issue.

The stay of a foreigner (pursuant to Article 171(2) of the AOF), for whom a certificate has been issued, shall cease to be considered legal as soon as the minister in charge of internal affairs records in the relevant register that the foreigner:

- has actively, voluntarily and on his/her own initiative re-established contact with suspected trafficking offenders, or
- crossed or attempted to cross the border in violation of the law.

The minister responsible for internal affairs keeps a register of certificates issued in the POBYT system (**Article 428(1)(7) of the Act of 12 December 2013 on Foreigners**).

The Act of 14 July 2006, *on the Entry into, Residence in and Departure from the Territory of the Republic of Poland of Nationals of the European Union Member States and their Family Members* contains provisions analogous to those in the Act on Foreigners, allowing for the issuance of a certificate confirming that there is a presumption that a citizen of the European Union (as well as a citizen of the EEA or the Swiss Confederation) and a member of their family is a victim of human trafficking within the meaning of Article 115 § 22 of the Penal Code. **Article 41a** – a certificate confirming the existence of this presumption shall be issued to an EU citizen or a non-EU family member who is presumed to be a victim of trafficking in human beings within the meaning of Article 115 § 22 of the Penal Code.

This solution makes it possible for foreigners and their family members to benefit from the right to social assistance benefits in the form of crisis intervention, shelter, meals, necessary clothing and targeted allowances, including for Nationals of the EU/EEA/Switzerland and their family members.

⁶ Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach [Act of 12 December 2013 on *Foreigners*] (Dz. U. z 2024, items 769 and 1222) hereinafter: AOF.

⁷ Ustawa z dnia 14 lipca 2006 r. o wjeździe na terytorium Rzeczypospolitej Polskiej, pobycie oraz wyjeździe z tego terytorium obywateli państw członkowskich Unii Europejskiej i członków ich rodzin [Act of 14 July 2006 on the *Entry into, Residence in and Departure from the Territory of the Republic of Poland of Nationals of the Member States of the European Union and their Family Members*] (Dz. U. z 2024, item 633).

According to Article 41b (2) of the amended Act of 14 July 2006, on *the Entry into, Residence in and Departure from the Territory of the Republic of Poland of Nationals of the Member States of the European Union and their Family Members*, the first certificate may be issued for a period of 3 months, and in the case of a minor EU citizen or a minor family member who is not an EU citizen, for a period of 4 months from the date of its issuance.

The presumed victim of trafficking in human beings shall receive in writing in a language they understand a briefing on their rights and obligations regarding status and residence based on the certificate received. The foreigner shall sign the instruction sheet in the language version of their choice (or in the Polish version after its content has been translated into a language they understand by an interpreter) in two copies: one copy is intended for the foreigner, and the other is attached to the case file.

The certificate referred to in Article 41a(1) shall be cancelled, in particular in the event that:

1. the grounds for its issue have ceased to exist, or
2. in the certificate issuance procedure the applicant:
 - a) filed an application containing false personal data or false information or attached documents containing such data or information to the application, or
 - b) they testified untruthfully or concealed the truth, or forged or modified a document to use it as an authentic one, or used such a document as an authentic one, or
3. it is required for reasons of national security or defence, the protection of public order and safety.

The authority that issued it shall cancel the certificate.

4. First Aid and Protection

The first stage of providing assistance and protection is crucial for the person who is a victim/potential victim of trafficking in human beings. Assistance includes meeting basic needs and providing accurate information about social and legal assistance. A risk assessment is also carried out to exclude potentially life-threatening situations. The assistance aims to support and protect the person who is a victim/potential victim of trafficking while helping them to make fully informed decisions about their future life.

4.1 Information on Aid Conditions

This is to provide clear and detailed information about first aid, the rights and responsibilities involved and the consequences of breaching the rules. The offer of assistance from the National Consulting and Intervention Centre for the Victims of Trafficking (KCIK) is presented. If a person does not wish to use KCIK, a list of other NGOs offering help and support is provided (Annex 3). This assistance includes safe temporary housing, food, clothing, counselling and psychological support, medical assistance, social support.

The authorities making the formal identification provide information on KCIK. There is a designated person at KCIK who will work with the person. In the case of foreigners, an interpreter is provided.

4.2 Legal Information

Proceedings to provide accurate information on available legal options and rights related to the possibility of: applying for temporary or permanent residence, international protection, cooperating with the competent authorities, seeking compensation in criminal and civil proceedings. Legal information is provided by law enforcement officers and lawyers. An interpreter is provided.

Legal assistance to victims of trafficking is initiated from the moment the presumed victim of trafficking is identified. If a person is assisted by KCIK, the implementation of legal aid is organized by the NGO implementing the task. KCIK provides legal consultations on criminal procedures, residence law (in the case of foreigners), and family law. These consultations allow the victim to understand their legal situation, make informed decisions, and to exercise their rights.

In the course of a criminal trial, the victim may, at any stage of the trial, appoint an attorney and benefit from his or her legal assistance (lawyer) ex officio subject to a request for inability to bear the costs of representation.

Children identified as victims of trafficking or children travelling unaccompanied are appointed a guardian through judicial proceedings. According to the Act of 5 August 2015 *on Free Legal Aid, Free Counselling and Legal Education*⁸. Nationals are entitled to free legal aid, free counselling and legal education. Free legal aid and free civic advice are available to an entitled person who is unable to bear the costs of paid assistance.

4.2.1 Temporary Residence

A temporary residence period for victims of human trafficking shall be granted to a foreigner who meets each of the following conditions:

- if he/she resides in the territory of the Republic of Poland;
- has cooperated with an authority competent to prosecute a trafficking in human beings offence and, in the case of a foreign minor, has been granted the status of a victim in a trafficking in human beings offence, and
- has severed contacts with suspected trafficking offenders (Article 176 of the AOF).

The minimum validity period of a temporary residence permit shall be 6 months (Article 177 of the AOF). Part of the provisions on refusal to initiate proceedings for granting a temporary residence permit for victims of trafficking in human beings and most of the provisions on refusal to grant a temporary residence permit do not apply in proceedings for granting a foreigner a temporary residence permit.

An analogous solution is also provided for Nationals of the European Union, the EEA and Switzerland and their family members in accordance with Article 41b(3) of the Act of 14 July 2006 on *the Entry into, Residence in and Departure from the Territory of the Republic of Poland of Nationals of the European Union Member States and their Family Members*, in the form of the possibility to issue another certificate referred to in Article 41a(1) of that Act for a period of at least 6 months, but for no longer than 3 years.

A permanent residence permit shall be granted to a foreigner or refused to be granted by the voivode competent with respect to the place of residence of the foreigner, by way of decision.

A foreigner staying on the territory of the Republic of Poland based on a temporary residence permit for victims of trafficking is entitled to:

- a. work permit exemption;
- b. education in public post-secondary schools, public art schools, public teacher training institutions and public establishments;
- c. benefits in the form of crisis intervention, shelter, meals, necessary clothing and targeted benefits.

⁸ Ustawa z dnia 5 sierpnia 2015 r. o nieodpłatnej pomocy prawnej, nieodpłatnym poradnictwie obywatelskim oraz edukacji prawnej [Act of 5 August 2015 on *Free Legal Aid, Free Counselling and Legal Education*] (Dz. U. 2024, item 1534).

Nationals of the European Union, the EEA and Switzerland and their family members are entitled to work on the territory of Poland without a work permit. Holders of the certificate referred to in Article 41a(1) of the Act on *the Entry into, Residence in and Departure from the Territory of the Republic of Poland of Nationals of the European Union Member States and their Family Members* are entitled to benefits in the form of crisis intervention, shelter, meal, necessary clothing and purpose-specific benefit.

4.2.2 Permanent Residence

A permanent residence permit shall be granted to a foreigner for an indefinite period of time, upon their application, if (Article 195(1)(5) of the AOF):

- they are a victim of human trafficking within the meaning of Article 115 § 22 of the PC and they
 - resided in the territory of the Republic of Poland, immediately before filing an application for a permanent residence permit, for a period of no less than 1 year, on the basis of a temporary residence permit for victims of human trafficking,
 - cooperated with law enforcement authorities in criminal proceedings for an offence referred to in Article 189a § 1 of the PC,
 - have a well-founded concern of being returned to the country of origin.

A person must meet the above conditions cumulatively.

4.2.3 Polish Identity Document

A foreigner (victim of trafficking in human beings) may receive a Polish identity document if they meet the following conditions:

- a. are staying on the territory of the Republic of Poland based on a certificate confirming the presumption that they are a victim of trafficking in human beings issued pursuant to Article 170 of the AOF;
- b. do not have a travel document and it is not possible for them to obtain other proof of identity;
- c. shall submit an application for such a document - in which case he shall be exempt from producing a valid travel document or other document proving his identity.

The Polish identity document for a foreigner is valid for one year from the date of issue. During its validity period, it confirms the foreigner's identity during their stay in the territory of the Republic of Poland but does not confirm their nationality. It does not entitle a holder to cross borders.

4.2.4 International Protection

International protection is one of the options through which a trafficked person can obtain protection in a country. However, it is subjected to legal restrictions. An applicant for international protection must prove the existence of a well-founded fear of persecution or a real risk of suffering serious harm.

The authority responsible for examining applications for international protection is the Head of the Office for Foreigners. In the course of examining a foreigner's application for international protection, appropriately trained employees are responsible for checking whether, in the light of the information they have, the foreigner may be a victim of trafficking in human beings (i.e., whether the behaviours of the perpetrator mentioned in the definition of human trafficking – Article 115 § 22 of

the Penal Code – occurred in relation to the foreigner and whether means or methods were used to exploit the person). The employees of the Office for Foreigners (UdSC) follow the procedure from the *'Procedure for Employees of the Office for Foreigners Processing Applications for International Protection in Cases of Preliminary Identification of a Foreigner as a Victim of Trafficking in Human Beings.'*

4.3 Needs Assessment

After an informal 'pre-/formal identification, the person undergoes an initial needs assessment. The person's health is checked and basic medical assistance, safe accommodation, clothing, hygiene products and food are provided if necessary. An interpreter and/or cultural mediator is provided if necessary, and the assistance of a lawyer if warranted. Mental fitness is assessed and internal or external psychological counselling provided as required. Beneficiaries are provided with an analysis of the legal situation and given basic information on criminal procedure and migration law in a form they can understand.

4.4 Provision of Assistance and Protection

The provision of support services is based on a needs assessment to meet immediate or urgent needs and to ensure the safety of the person being assisted. Services to victims of trafficking in Poland mainly consist of assistance provided within the social assistance system and by the National Consulting and Intervention Centre for the Victims of Trafficking (KCIK) entrusted to non-governmental organizations.

All victims of trafficking in Poland have the right to assistance in various forms, whether they want to cooperate with law enforcement or not.

Assistance and protection providers avoid the risk of re-victimisation, do not discriminate because of nationality, ethnicity, gender, legal status, age, health, do not judge the assisted person's experiences and current choices and behaviours, maintain confidentiality, respect any decisions made by the assisted person.

4.4.1 National Consulting and Intervention Centre for the Victims of Trafficking

Victims/presumed victims of trafficking are entitled to 24-hour crisis intervention assistance provided by the National Consulting and Intervention Centre for the Victims of Trafficking (KCIK). The assistance provided by the Centre aims to offset the effects of the danger victims were in (i.e. the rapid provision of basic material, medical, psychological needs).

As part of the assistance offered by KCIK, victims are entitled to:

- a. free legal aid;
Legal aid is provided both in the form of ad hoc legal consultations and advice as well as direct assistance by a lawyer in regulating one's legal situation in Poland;
- b. free consultations;
Consultation services are provided by KCIK either directly (during meetings with a Centre staff member) or by telephone via the 24-hour helpline (possibly by email/e-mail);
- c. a safe shelter;
KCIK provides victims of human trafficking with safe accommodation under the care of specialised staff;
- d. psychological support;

Any victim of human trafficking can benefit from a psychologist's assistance or psychological support (depending on their needs and psychological condition).

4.4.2 Social Assistance System

Social assistance plays a key role in supporting the victims of human trafficking. Social assistance allows for carrying out crisis intervention directly due to the need to protect the victims. Pursuant to Article 5a of the Act of 12 March 2004 on *Social Assistance*, a foreigner to whose detriment a human trafficking offence has been committed is entitled to benefits in the form of crisis intervention, shelter, a meal, necessary clothing and a purpose benefit. General principles of providing social assistance or a separate catalogue of benefits indicated for a given group of foreigners are applied to victims/presumed victims of trafficking in human beings of Polish Nationals and foreigners indicated in Article 5.

Social services can provide monetary and non-monetary assistance to people in need.

5. Long-term Assistance and Social Inclusion

Long-term assistance is provided to persons who are victims of trafficking, i.e. who have been granted victim status and who have expressed their willingness to accept such help. The victim agrees to the terms of assistance after a thorough explanation of the possibilities and principles of assistance. The person should be informed about the accommodation and related conditions, the rules of admission and the reasons for termination of assistance, what rights and responsibilities must be respected, as well as safety rules. The assisted person should be given a clear description of the services and activities offered in a language they understand.

Assistance is provided by the professional and trained staff of the National Consulting and Intervention Centre for the Victims of Trafficking (KCIK). The Centre is responsible for:

- ensuring safety;
- helping the person to regain a sense of control and self-determination;
- supporting the mental stability of the person;
- avoiding secondary victimisation;
- supporting independence;
- assisting with social integration.

Long-term assistance and social inclusion aim to ensure that the victim of trafficking fully participates in the decision-making process, has access to their fundamental rights and participates in economic and social life.

For this purpose, KCIK draws up a tailor-made assistance plan, which includes a detailed description of specific actions and steps such as:

- accommodation;
- social counselling;
- psychological counselling;
- psychiatric care;
- free legal advice and assistance;
- medical assistance
- accompaniment in legal, social and health matters;
- language training;
- educational activities;

- vocational training,
- employment counselling;
- assistance in finding work;
- leisure activities;
- monitoring and evaluating of cases.

Long-term assistance and social integration can be provided in the country where the trafficked person remains either after the reflection period or upon return to the country of origin.

6. Assistance for Voluntary Return and Reintegration

All foreigners (as well as Nationals of the European Union) who have been recognised as victims of trafficking in human beings by the authority competent to prosecute the case and who declare their willingness to leave the territory of the Republic of Poland, may make use of the free assistance of IOM and safely return to their country of origin or their country of permanent residence. IOM provides the foreign national with:

- a. reliable information on the return and the situation in the country of return;
- b. counselling on return and reintegration after return;
- c. accommodation and meals before returning;
- d. conducting a return risk assessment in the event of trafficking;
- e. verification of the validity of travel documents and support in obtaining them;
- f. safe travel from the territory of Poland to the final destination in the country of return;
- g. medical escort and medical consultation to assess fitness to travel, if necessary;
- h. reintegration assistance after return, in cooperation with the IOM office in the country of return.

The voluntary return programme is implemented based on the *2005 Agreement between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on Cooperation in the Field of Voluntary Returns of Foreigners Leaving the Territory of the Republic of Poland* (Official Gazette of the Republic of Poland of 2006, item 46) and the provisions of the Act of 12 December 2013 *on Foreigners*.

IOM implements the programme in cooperation with the Border Guard and the Office for Foreigners.

6.1 Informed Decision to Return

Participation in a voluntary return assistance programme is based on a decision made by the individual knowingly and independently, using information given in a language they understand. IOM staff meet the person concerned directly or contact them by telephone, providing detailed information on how to organize the return and the extent of assistance (including reintegration assistance) available through IOM.

The person concerned fills in an application for return assistance and signs a declaration in which they agree that IOM will take measures to organize their return to the country of origin. The person concerned may withdraw their application at any stage of the return arrangements.

6.2 Risk Assessment

The International Organization for Migration (IOM) in Poland, upon receiving an application for assistance in voluntary return to the country of origin from a person who has been recognised in

Poland as a (presumed) victim of trafficking in human beings carries out a risk analysis of the return and an assessment of the reintegration needs, taking into account all the circumstances, including the person's health status. The risk assessment performed in cooperation with the IOM office in the country of origin: IOM staff estimate the level of potential risk of return based on the information collected. Information is collected during an interview with the victim and obtained from the victim's family, relatives, and local institutions and organizations.

6.3 Organizing Safe Transport

IOM offers a comprehensive range of services for the preparation and implementation of the return. This includes providing short-term accommodation, medical consultations, assistance in obtaining travel documents, scheduling the departure date, choosing the most convenient connection and means of transport, purchasing tickets, and providing transportation to the airport/railway station. If required due to the foreigner's age, state of health, or other circumstances, this may also include an escort by medical personnel, a social worker, a legal guardian, or an IOM employee. Moreover, IOM staff offer transit assistance to the victim when direct connections to the country of return are not available, and reception assistance: IOM staff in the country of return organize safe travel from the airport/train station to the final destination. For safety reasons, air transport is the preferred form of transport.

In exceptional situations, the National Consulting and Intervention Centre for the Victims of Trafficking in Human Beings (KCIK) organizes travel to the country of origin, e.g. when the victim wants to return to the country of origin to deal with personal matters and then return to Poland to continue cooperation under the procedure in force.

6.4 Reintegration Assistance

Reintegration assistance is provided after the foreigner's return to their country of origin and includes financial and in-kind assistance tailored to individual needs. In-kind assistance is provided, inter alia, to facilitate entry into or continuation of education, entry into employment, entry into business, entry into or continuation of medical treatment, etc. Persons recognised as victims of trafficking, in addition to being able to benefit from the aforementioned reintegration assistance, are also provided with additional support that can be used for immediate needs, including housing.

7. Criminal/civil Proceedings

Poland ensures access to justice and fair treatment for victims of trafficking. These people receive full information and support during civil or criminal proceedings. This is crucial in enabling them to actively participate in the proceedings, reduce psychological stress and effectively exercise their rights.

7.1 Investigation and Evidence Gathering

Determination through formal procedures whether a person is a victim of human trafficking (formal identification) by qualified and authorised authorities – the Police, the Border Guard and the Public Prosecutor's Office. These authorities collect evidence for the purposes of the investigation and for presentation in court proceedings: to prove or disprove the issue under investigation. A person presumed to be a victim of trafficking in human beings shall be considered a victim as soon as the competent authorities have the slightest indication that they have been a victim of a trafficking offence.

Such a person shall be informed of his or her rights and obligations when cooperating with law enforcement authorities and/or participating in court hearings (related to interrogation, providing confidential information about the perpetrators, giving false explanations, court proceedings, security, confidentiality of information, etc.).

7.2 Support for Victims and Witnesses of Trafficking During the Process

A trafficked person needs to be fully aware of their rights and obligations when they decide or have to act as a witness/victim in criminal proceedings. Such a person is notified of their rights and obligations before the hearing begins. The victim has the right to attend hearings, to provide new testimonies and ask questions in court, to a closed hearing, to have a lawyer (if acting as a witness), to psychological support, and to security measures.

Voivodeship Chief Commanders of the Police and the Metropolitan Police Commander may provide assistance to victims of human trafficking in the event of a threat to the life or health of the victim/their family members, in the form of protection and assistance measures, including:

- 1) protection for the duration of the procedural activity;
- 2) personal protection;
- 3) assistance with relocation.

(Articles 1-17 of the Act of 28 November 2014 on *Protection and Assistance to the Victim and Witness*⁹

Ensuring the safety of victims also involves informing them of what they can expect during the criminal case and afterwards in terms of the possible risks arising from victims agreeing to testify against their traffickers. Information about what victims can do and receive includes:

- ways in which the victim can participate in the proceedings or express their views;
- ways of obtaining protection and ensuring safety;
- ways of accessing victim support services (health services, counselling, shelter, etc.);
- ways of receiving compensation or reimbursement;
- ways of obtaining further information, clarification and assistance.

The provision of safety, psychological and legal support in court proceedings minimises the risk of re-traumatisation. This allows the victim to feel safe and give meaningful testimony.

In Poland, a victim has the right to receive free medical, psychological, rehabilitative, legal and material assistance in the Assistance Network for Victims of Crime pursuant to **Article 43 § 8(1) of the Act of 6 June 1997 – Executive Penal Code**¹⁰. This right also applies to those closest to the victim.

<https://www.funduszprawiedliwosci.gov.pl>

7.3 Claims for Damages

It is a procedure that supports the victim in obtaining material and moral compensation from the perpetrator(s) and/or the state for physical and psychological damage and lost earnings as a result of trafficking and exploitation. Compensation is seen as a means of redressing violations of rights suffered by trafficked persons. The victim is informed about the right to compensation and the legal procedures involved.

Two institutions are envisaged: compensation and reparation.

⁹ Ustawa z dnia 28 listopada 2014 r. o ochronie i pomocy dla pokrzywdzonego i świadka [Act of November 28, 2014 on the *Protection and Assistance to the Victim and Witness*] (Dz. U. 2015 item 21, 2024 item 1228).

¹⁰ Ustawa z dnia 6 czerwca 1997 r. Kodeks karny wykonawczy [Act of 6 June 1997. Executive Penal Code] (Dz. U. 2024, item 706) further referred to as: EPC.

The value of the compensation for the damage suffered consists of the amount for the so-called actual loss and the amount of lost profits. On the other hand, compensation may be awarded for the harm and moral suffering suffered.

There are four ways for victims of trafficking to obtain compensation:

1. in the course of criminal proceedings, pursuant to Article 46 of the Penal Code;
2. in civil proceedings if the criminal court decision did not provide fair compensation;
3. in civil proceedings, independently of criminal proceedings, in accordance with the general rules;
4. under the Act on State Compensation to Victims of Certain Criminal Acts.

Compensation can be obtained from the perpetrator(s) through criminal and civil proceedings and/or from the State through the Justice Fund. The claim shall be submitted by the trafficked person or their legal representative to the competent court. The Justice Fund provides immediate and free emergency assistance to victims of crime, witnesses and their next of kin in terms of legal aid, psychological support and material assistance.

List of establishments providing assistance in Poland:

<https://www.funduszsprawiedliwosci.gov.pl/pl/znajdz-osrodek-pomocy>

24-hour Victim Support Line +48 222 309 900 (available in English, Russian and Ukrainian).

Assistance is offered both at the pre-criminal stage and during criminal proceedings.

The victim may apply to the court for compensation under the terms of the **Act of 7 July 2005 on State Compensation to Victims of Certain Criminal Acts¹¹**. The application covers lost earnings or other means of subsistence, costs related to medical treatment and rehabilitation and funeral expenses when they result from a criminal act. An application can only be made if funds cannot be obtained from the offender, from insurance or from social assistance.

The victim (including the public prosecutor) may submit a request for reparation of damage or compensation for the harm suffered until the conclusion of the court proceedings under Article 49a of the **Penal Code¹²**. The request may be made in writing or orally for the record.

Prosecutors are obliged under the Rules of Procedure of the common organizational units of the public prosecutor's office to determine the assets of suspects in order to secure, among other things, the obligation to make reparation.

The court is also entitled to award compensation or damages ex officio in the event of a conviction for any offence, which has resulted in damage or harm.

7.4 Victim Immunity Clause

Principle regarding exoneration of the victim from criminal liability. Recognising a victim of trafficking as a victim of a crime means that the victim cannot be treated as a criminal. In many cases, the trafficked person has committed crimes, e.g. by acting under the duress of a trafficker or group of traffickers. At the same time, given the victim's fear for their safety and the likelihood of retaliation by

¹¹ Ustawa z dnia 7 lipca 2005 r. o państwowej kompensacie przysługującej ofiarom niektórych czynów zabronionych [Act of July 7, 2005 on *State Compensation to Victims of Certain Criminal Acts*] (Dz. U. 2016, item 325)

¹² Ustawa z dnia 6 czerwca 1997 r. Kodeks postępowania karnego [Act of 6 June 1997 – the Code of Criminal Procedure] (Dz.U 2024, items 37, 1222, 1248), hereinafter referred to as **C.C.P.**

traffickers, the additional fear of prosecution and punishment discourages the victim from seeking help and justice.

In Poland, there is no general non-criminality clause, i.e. no one can be punished for an act committed under duress. Such acts are considered on a case-by-case basis.

8. Prevention and Training Measures

Prevention and training activities and the entities responsible for their implementation are defined in the National Action Plan against Trafficking in Human Beings.

8.1 Preventive Action:

- education and information activities addressing the issue of human trafficking to the general public, including information campaigns;
- development and distribution of information materials on the phenomenon of trafficking in human beings, with particular emphasis on the phenomenon of child trafficking, including the preparation of information and education materials for use by teachers and students;
- dissemination of knowledge about the phenomenon of human trafficking among schoolchildren and jobseekers by organizing information meetings;
- organization of celebrations of the European Day against Trafficking in Human Beings, inter alia in police schools and training centres of the Border Guard and the Provincial Police Headquarters and the Metropolitan Police Headquarters, as well as subordinate police organizational units and among school pupils, as well as organization of conferences;
- strengthening cooperation with institutions organizing job fairs in order to disseminate knowledge about human trafficking and to popularise rules of conduct that serve to minimize the risk of this phenomenon;
- promoting and implementing the *Code of Conduct* aimed at protecting children from commercial sexual exploitation in tourism;
- creating awareness of the risks of exploitation and forced labour, e.g. through poster campaigns, informational meetings;
- development of information materials and implementation of informational meetings and workshops for entrepreneurs on due diligence procedures in the area of human rights in business. Activities will address the issue of trafficking in human beings for forced labour and the obligations of companies in light of new legislation on developing environmental and human rights due diligence procedures.

8.2 Training Activities:

- Workshops for Police officers, Border Guard officers and prosecutors on cooperation in prosecuting perpetrators of human trafficking offences, exchange of experiences, best practices and analysis of case law on human trafficking;
- training workshops for police officers from the organizational units responsible for combating human trafficking in the Provincial Police Headquarters/Metropolitan Police Headquarters and the Central Bureau of Investigation (CBŚP) to exchange experience and information;
- training workshops for coordinators from municipal police stations/police district commands and for prevention officers on the issue of human trafficking;
- training for Border Guard officers as part of a comprehensive training system on human trafficking;

- training workshop on the forensic, criminological and legal aspects of human trafficking for probation officers, judges and prosecutors;
- pursuing the topic of trafficking in human beings (as part of the crimes against freedom module) as part of the judicial application and the prosecution application;
- specialised training for, among others, social workers;
- specialised trainings for employees dealing with the legalisation of stay, staff of crisis intervention centres, operators of emergency numbers in emergency notification centres, employees of labour 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;
- training workshop on the phenomenon of trafficking in human beings for Polish consular staff of target countries of Polish victims of trafficking identified abroad;
- training for employees of the Office for Foreigners interviewing applicants for international protection and working in centres for foreigners on identifying victims of trafficking, interviewing and countering forced labour;
- training for labour inspectors on the phenomenon of trafficking in human beings for forced labour.

9. Protection of Personal Data

9.1 Act of 14 December 2018 *on the Protection of Personal Data Processed in Connection with Preventing and Combating Criminal Activity*

The rules for the protection of personal data in criminal proceedings are set out in the Act of 14 December 2018 *on the Protection of Personal Data Processed in Connection with Preventing and Combating Criminal Activity*¹³. The provision of Article 26 of the same act establishes the grounds for prohibiting the release of data in case of danger to life or health and several other procedural reasons.

9.2 Code of Penal Proceedings

Victims' and witnesses' data such as residence and place of work, e-mail address and telephone or fax number are not disclosed in the case file. They are placed in a separate annex solely for the information of the authority conducting the proceedings. They can only be disclosed exceptionally (Articles 148a and 156a of the Code of Penal Proceedings).

9.3 Protection of Data Obtained during Operational and Exploratory Activities

Law enforcement authorities, ensure the protection of the forms and methods of carrying out operational and exploratory activities, information and their own facilities or identification data of officers. This implies a prohibition on disclosing the sources of information and how it was obtained. Disclosure of this data can only take place on an exceptional basis and only in accordance with the procedures set out in the individual competence laws.

¹³ Ustawa z dnia 14 grudnia 2018 r. o ochronie danych osobowych przetwarzanych w związku z zapobieganiem i zwalczaniem przestępczości [Act of 14 December 2018 *on the Protection of Personal Data Processed in Connection with Preventing and Combating Criminal Activity*] (Dz. U. 2023, item 1206).

10. Monitoring and Evaluation Mechanism

The tools for evaluating activities are:

- a report on the implementation of the National Action Plan approved by the Inter-Ministerial Team for Counteracting Trafficking in Human Beings;
- a report on the work of the Inter-Ministerial Team for Counteracting Trafficking in Human Beings submitted to the Minister of the Interior and Administration by the end of February each year;
- meetings of the Working Group for Monitoring the Implementation of the NAP.

Annex 1 - Polish, European and international law

- Act of 6 June 1997 the Code of Penal Proceedings (i.e. Dz. U. 2024, item 37).
- Act of 6 June 1997 the Penal Code (Dz. U. 2024, items 17 and 1228);
- Act of 6 June 1997 the Executive Penal Code (Dz. U., 2024, item 706)
- Act of 12 December 2013 on *Foreigners* (Dz. U. 2024, items 769 and 1222);
- Act of 12 March 2004 on *Social Assistance* (Dz. U. 2024, items 1283 and 1572);
- Act of 15 June 2012 on *the Effects of Entrusting Work to Foreigners Residing in the Territory of the Republic of Poland Against Regulations* (Dz. U. 2021, item 1745)
- Act of 13 June 2003 on *Granting Protection to Foreigners Within the Territory of the Republic of Poland* (Dz. U. 2023, item 1504 and 2024, item 854);
- Act of 7 July 2005 on State Compensation to Victims of Certain Criminal Acts (Dz. U. 2016, item 325)
- Act of 28 November 2014 on *the Protection and Assistance to the Victim and Witness* (Dz. U. 2015, item 21, of 2024, item 1228)
- Act of 14 July 2006 on *the Entry into, Residence in and Departure from the Territory of the Republic of Poland of Nationals of the European Union Member States and their Family Members* (Dz. U. 2024, item 633)
- Act of 23 January 2009 on *the Voivode and Government Administration in the Voivodeship* (Dz. U. 2023, item 190)
- Act of 24 April 2003 on *Public Benefit Activity and Volunteer Work* (Dz. U. 2024, item 1491)
- Act of 5 August 2015 on *Free Legal Aid, Free Counselling and Legal Education* (Dz. U. 2024, item 1534)
- Act of 14 December 2018 on *the Protection of Personal Data Processed in Connection with Preventing and Combating Criminal Activity* (Dz. U. 2023, item 1206)

International law regulations:

- The Council of Europe Convention on *Action against Trafficking in Human Beings* (Dz. U. 2009, item 107).
- The Directive 2011/36/EU of the European Parliament and of the Council on *preventing and combating trafficking in human beings and protecting its victims* (OJ L 101, 15.4.2011).
- The Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime (OJ L 315, 14.11.2012).
- The Council Directive 2004/81/EC of 29 April 2004 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* (OJ L 261, 6.8.2004).
- *The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*, adopted by the United Nations General Assembly (Dz. U. 2005, item 160).
- *The Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime*, adopted by the United Nations General Assembly (Dz. U. 2005, item 162).

- The United Nations *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* (Dz. U. 1952, item 278).
- The International Labour Organization Convention No. 182 concerning *the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour* (Dz. U. 2004, item 1474).
- The International Labour Organization Convention No. 105 concerning *the Abolition of Forced Labour* (Dz. U. 1959, item 240).

Annex 2 – Reporting form for (presumed) victim of trafficking in human beings

1.	Date and place of reporting (disclosure) of the person.	
2.	Nationality of the person.	
3.	First name(s)	
4.	Last name	
5.	Date of birth (enter).....	adult ☐ minor ☐
6.	Gender of the person.	female ☐ male ☐
7.	Legal status of residence of the person (<u>applies to foreign nationals only</u>).	legal ☐ illegal ☐
8.	Form of exploitation:	A. in prostitution, pornography, or other forms of sexual abuse; B. in forced work or services; C. in begging; D. in slavery or other forms degrading human dignity; E. for the purpose of obtaining cells, tissues or organs in contravention of the law. F. Other.....
9.	The country on whose territory the exploitation took place.	
10.	Police/Border Guard unit handling the case – case no.	
11.	Competent prosecutor's office - case no.	
12.	Does the person <u>want to</u> benefit from the support of	KCIK (National Consulting and Intervention Centre for the Victims of Trafficking YES NO Other organization YES ☐ NO ☐
13.	The certificate pursuant to Article 170 of the Act on Foreigners The certificate pursuant to Art. 41a of the Act on the Entry into, Residence in and Departure from the Territory of the Republic of Poland of Nationals of the European Union Member States and their Family Members	YES NO YES NO

The completed form should be sent to:

– Police – Unit for Combating Trafficking in Human Beings of the Criminal Bureau of the National Police Headquarters (**fax:** 22 60,125 55)

– Border Guard – Division I of the Operational and Investigative Board of the Border Guard Headquarters (**fax:** 22 500 47 97)

.....

(name of the Police/Border Guard officer, contact
telephone number
Notifying entity)

Annex 3 – Contact details of institutions providing assistance to victims of trafficking.

- **Ministry of the Interior and Administration: National Consulting and Intervention Centre for the Victims of Trafficking**

24-hour helpline and prevention telephone counselling. Phone **+48 22 628 01 20** The helpline operates around the clock (24/7).

- **National Police Headquarters, Unit for Combating Trafficking in Human Beings**

Phone **(22) 60-148-33** (secretariat)

664 974 934 – hotline for victims of human trafficking

E-mail: whl.bk@policja.gov.pl

Police officers operate the helpline on weekdays from 8am to 8pm. During the night hours, reports on the crime and any information can be recorded on an answering machine and officers contact those interested in providing information. In emergencies involving risks to life or health, the emergency numbers 112 or 997 should be called.

- **Border Guard Headquarters, the Operational and Investigative Board**

Phone: **(22) 50-040-41** (secretariat), **660 40 41**

E-mail: zos.kg@strazgraniczna.pl, fax: **500 47 97**

Border Guard operates a 24-hour telephone number to report emergencies directly affecting security or concerning the situation at the border. These reports may also relate to incidents in the area of human trafficking. In addition, it is possible to report an incident using the *Report anonym* function achievable on the Border Guard's public website. You can also make contact with the nearest Border Guard unit and, in emergency situations, use the 112 call.

- **International Organization for Migration (IOM) Poland**

Migrant Info Helpline: **22 490 20 44** - Open Monday to Friday from 9:00 to 17:00 Foreigners interested in obtaining assistance in voluntary return are asked to contact IOM employees by phone: **666 34 34 99 / 789 739 657** or e-mail: iomwarsawvr@iom.int <https://poland.iom.int/kontakt>

- **La Strada – Foundation Against Human Trafficking and Slavery**

Helpline: **+48 22 628 99 99*** (assistance, advice) Monday to Thursday 9 am to 6 pm, Fridays 9 am to 2 pm, Wednesdays 2 pm to 6 pm on-call service in Russian

Phone number for Vietnamese-speaking clients: **+48 22 621 56 18**

Foundation office: **+48 22 622 19 85** (administrative and office phone number)

E-mail: strada@strada.org.pl
<https://www.strada.org.pl/>

- **PoMOC Mary Immaculate Association for Women and Children**

Hotline: **511 801 161**

Association's office: phone + 48 32 255 38 69

E-mail: biuro@Po-MOC.pl

<https://www.po-moc.pl/pl>

- **Fundacja Czas Wolności**

Phone: + 48 515 192 292

E-mail: biuro@czaswolnosci.pl

www.czaswolnosci.pl

- **Salvation Army**

E-mail: armia.zbawienia@armia-zbawienia.pl

- **Halina Nieć Legal Aid Centre**

E-mail: biuro@pomocprawna.org, porady@pomocprawna.org

- **Empowering Children Foundation**

E-mail: <https://fdds.pl/szukasz-pomocy/>

Phone: **116 111** Child and Youth Helpline (open 24/7)

Phone: **800 100 100** – Phone number for parents and teachers on child safety

- **Itaka Foundation – Centre for Missing People**

support line +48 22 654 70 70

- **Caritas Polska**

<https://caritas.pl/szukam-pomocy/>

- **Ombudsman for Children**

Children's Helpline Ombudsman for Children: **800 12 12 12** (on selected days also in Ukrainian) – 24-hour toll-free number

24-hour chat available at: <https://czat.brpd.gov.pl/>

