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Building the Evidence Base for Effective Antislavery
Governance

Poland Country Profile

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About this report

This report was prepared by Dr Ana Valverde-Cano (Rights Lab Research Fellow in Antislavery Law and Policy), Dr Katarina Schwarz (Rights Lab Associate Director), and Dr Daniel Ogunniyi (Rights Lab Research Fellow).

The report is based primarily on research conducted from 2020-2021 and may not therefore consider more recent emerging evidence. Updates to the report to reflect new and emerging evidence are ongoing.

The authors welcome enquiries on the report and the project more broadly, which may be directed to Katarina Schwarz at Katarina.Schwarz@nottingham.ac.uk

About the project

The report was produced to support the research project ‘Building the Evidence Base for Effective Antislavery Governance in the UK and the Top 20 UK Source Countries’, funded by the Modern Slavery and Human Rights Policy and Evidence Centre. The research team consisted of Dr Katarina Schwarz (Rights Lab, University of Nottingham), Dr Ana Valverde-Cano (Rights Lab), Dr Daniel Ogunniyi (Rights Lab), Alexandra Williams-Woods (CSIS, University of Liverpool), and Prof Jean Allain (Wilberforce Institute, University of Hull).

The **Rights Lab** is a University of Nottingham “Beacon of Excellence” and home to the world’s largest and leading group of modern slavery researchers. Through its five research programmes, impact team, and INSPIRE project, the Rights Lab is underpinning antislavery with an advanced research agenda, collaborating with civil society, business, and government, and elevating survivor-informed research as a key part of knowledge production to help end slavery.

The **Wilberforce Institute** at the University of Hull aims to advance fundamental knowledge of slavery and emancipation, informing policy, business practice and public debate at local, national and international levels. The Wilberforce Institute brings together experts in humanities, law and social sciences to help tackle this global problem head on.

Contents

1. Overview of antislavery and anti-trafficking governance in Poland	1
1.1. The Walk Free Foundation’s Global Slavery Index	1
1.2. TIP Rankings 2001-2020	2
1.3. Quantitative measures on anti-trafficking governance.....	Error! Bookmark not defined.
2. Treaty commitments	6
3. General country context.....	8
3.1. Constitutional structure	8
3.2. Political context	8
3.3. Migration profile.....	9
3.4. Development profile.....	10
3.5. Poland’s human rights record.....	12
3.6. Social support systems	13
4. National modern slavery context.....	15
4.1. Modern slavery profile	15
4.2. Causes and drivers of modern slavery and transnational trafficking	16
4.3. Particularly vulnerable groups.....	16
5. Antislavery governance frameworks.....	18
5.1. Legislative measures.....	18
5.2. Prosecution.....	22
5.3. National policies and plans.....	23
5.4. Victim support and assistance frameworks.....	24
5.5. National institutions and inter-departmental coordination.....	25
5.6. Training and capacity-building for responders	25
5.7. Public awareness raising.....	25
5.8. Efforts to address vulnerabilities and drivers.....	26
5.9. Frameworks for international coordination	26
6. Experiences of modern slavery of Polish nationals in the UK.....	28
6.1. Polish nationals in the UK National Referral Mechanism	28
6.2. Typical journeys from Poland to the UK for trafficking victims	29
6.3. Experiences of exploitation and working conditions.....	29
6.4. Consequent effects of trafficking on survivors.....	30
7. The impact of COVID-19	31
7.1. The Government’s response to COVID-19.....	31
7.2. The impact of COVID-19 on workers and modern slavery victims	31

1. Overview of antislavery and anti-trafficking governance in Poland

1.1. The Walk Free Foundation's Global Slavery Index¹

	Vulnerability		Prevalence			Government response	
	Ranking ²	Score ³	Ranking ⁴	Absolute ⁵	/ 1000 ⁶	Ranking ⁷	Rating ⁸
2013	138 /162	25.7	61 /162	130,000	3.6	-	-
2014	143 /167	25.5	130 /167	71,900	1.9	22 /167	BB
2016	140 /167	26.7	73 /167	181,100	4.8	30 /161	BB
2018	135 /167	24.4	100 /167	128,000	3.4	40 /162	BB

Although the nature of modern slavery makes measuring the phenomenon an inherently difficult task, the Walk Free Foundation's Global Slavery Index (GSI) aims to provide the 'best available data and information about the scale and regional distribution of modern slavery'.⁹ This includes **national prevalence estimates** of the number of people experiencing modern slavery in each country, calculated on the basis of a predictive model that accounts for individual and country-level risk factors.

National prevalence estimates are analysed in the context of results of Walk Free's **Vulnerability Model**. This model uses 'statistical testing and processes to identify the factors that explain or predict the prevalence of modern slavery'.¹⁰ The 2018 Vulnerability Model features five factors, made up of 23 distinct variables: governance issues, lack of basic needs, inequality, disenfranchised groups, and effects of conflict.

Walk Free also tracks **government responses** to modern slavery, tracking government efforts across five milestones: (1) survivors of slavery are identified and supported to exit and remain out of slavery; (2) criminal justice mechanisms function effectively to prevent modern slavery; (3) coordination occurs at the national and regional level, and governments are held to account for their response; (4) risk factors such as attitudes, social systems, and institutions that enable modern slavery are addressed; and (5) government and business stop sourcing goods and services produced by forced labour.¹¹

It should be noted that the scope, methodology, and sources underpinning GSI findings has changed over the years. This means that data between different reporting years is not directly comparable.

¹ Walk Free Foundation, 'The Global Slavery Index 2013' (2013), available [here](#); 'The Global Slavery Index 2014' (2014), available [here](#); 'The Global Slavery Index 2016' (2016), available [here](#); 'The Global Slavery Index 2018' (2018), available [here](#) accessed 04 November 2020.

² Note: a higher ranking (closer to 1) indicates high vulnerability relative to other countries.

³ Note: a higher score indicates increased vulnerability to modern slavery, with a median country score of 47.28 in 2018.

⁴ Note: a higher ranking (closer to 1) indicates a high number of people experiencing modern slavery per 1000 in the overall population relative to other countries.

⁵ Note: absolute prevalence measures the estimated number of people experiencing modern slavery in the country.

⁶ Note: prevalence /1000 measures the number of people estimated to experience modern slavery per 1000 people in the overall population.

⁷ Note: a higher ranking (closer to 1) indicates better government responses to modern slavery relative to other countries.

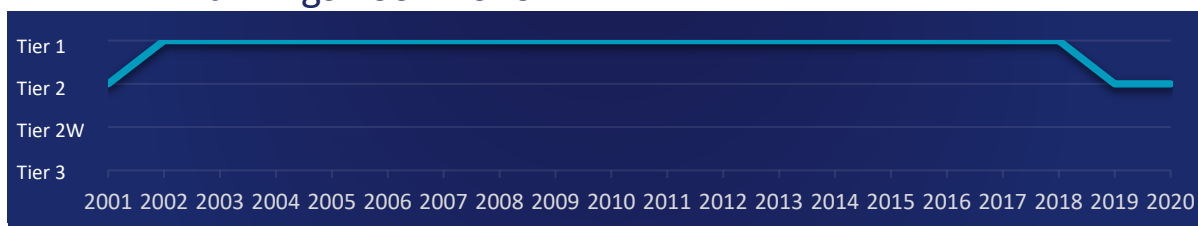
⁸ Note: government response ratings are broken into scoring bands, with an A rating representing the strongest government response to modern slavery (with a score of 70-79.9), followed by BBB (60-69.9), BB (50-59.9), B (40-49.9), CCC (30-39.9), CC (20-29.9), C (10-19.9), and D (<0-9.9).

⁹ Walk Free Foundation, 'Global Findings' (2018), available [here](#).

¹⁰ Walk Free Foundation, 'Methodology: Vulnerability' (2018), available [here](#).

¹¹ Walk Free Foundation, 'Methodology: Government Response' (2018), available [here](#).

1.2. TIP Rankings 2001-2020¹²



The Trafficking in Persons report ranks countries into one of four tiers, as mandated by the Victims of Trafficking and Violence Protection Act 2000 (TVPA). A country's ranking is based on an assessment of the government's efforts to address trafficking in persons, rather than on the extent of trafficking within the country, and considers government action against the TVPA's minimum standards.¹³

Tier 1: Countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking. To maintain a Tier 1 ranking, the country must continue to make progress in its anti-trafficking efforts each year.

Tier 2: countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

Tier 2 Watch List: Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which:

- (a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- (b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- (c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.

Tier 3: Countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so. Countries ranked as Tier 3 may be subjected to restrictions on non-humanitarian, non-trade foreign assistance from the US. Impositions of such restrictions are determined by the President.¹⁴

Across the 20 years of TIP reporting, Poland's rating has been consistently positive, rated as Tier 1 for 17 of the 20 years. However, in 2019, the country's rating fell to Tier 2 as a result of its efforts being considered not to be 'serious and sustained compared to the efforts during the previous reporting period'. Replacement of the high-level interagency coordination body with an auxiliary body, stagnation of funding, inadequate identification and protection for child victims, minimal efforts to address forced labour, and failure to hold labour traffickers accountable were cited as reasons for Poland's downgrading. In 2020, the Government of Poland was noted to have 'demonstrated overall increasing efforts compared to the previous period', including increasing victim identification, convictions, and sentencing without suspended sentences. However, the stagnation of

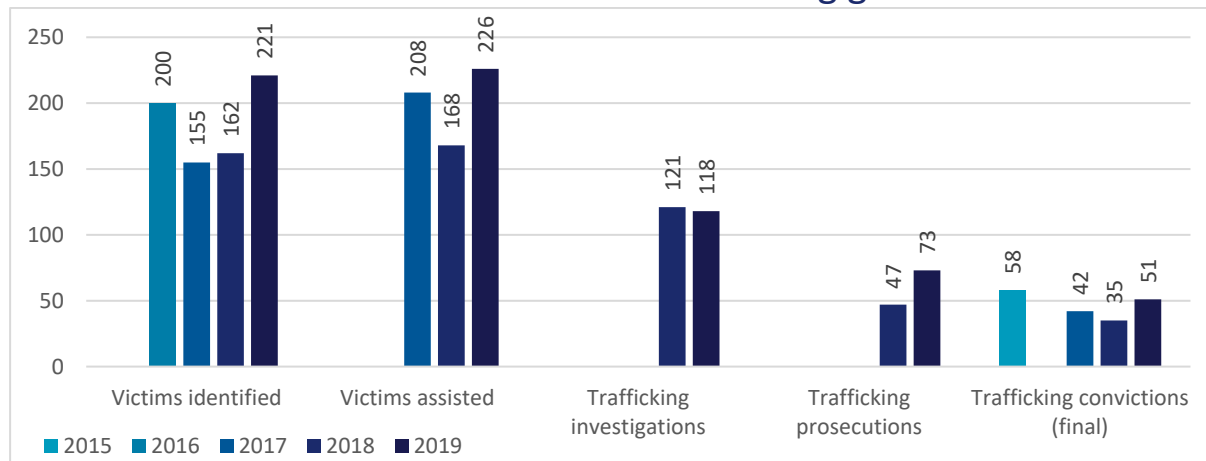
¹² US Department of State, '2020 Trafficking in Persons Report' (2020), available [here](#); (2019) available [here](#); (2018), available [here](#); (2017), available [here](#); (2016), available [here](#); (2015), available [here](#); (2014), available [here](#); (2013), available [here](#); (2012), available [here](#); (2011), available [here](#); (2010), available [here](#); (2009), available [here](#); (2008), available [here](#); (2007), available [here](#); (2006), available [here](#); (2005), available [here](#); (2004), available [here](#); (2003), available [here](#); (2002), available [here](#); (2001), available [here](#).

¹³ Minimum standards for the elimination of trafficking are found in section 108, Victims of Trafficking and Violence Protection Act 2000 (United States), available [here](#).

¹⁴ See further Department of State (2020), above n **Error! Bookmark not defined.**, 40-41.

funding for victim services, inadequate effort to protect child victims, lack of central consolidation of law enforcement statistics, and prosecution of trafficking crimes as lesser offences resulted in the conclusion that the Government did not fully meet the minimum standards established in the TVPA.

1.3. Quantitative measures on anti-trafficking governance¹⁵



Measure	Year	Qty	Source
Trafficking victims identified	2019	221 ¹⁶	[3]
Trafficking victims identified	2018	162 ¹⁷	[3]
Trafficking victims identified	2017	155	[2]
Trafficking victims identified by Polish authorities	2016	119	[8]
Trafficking victims identified by KCIK	2016	200 ¹⁸	[8]
Trafficking victims assisted	2019	226 ¹⁹	[3]
Trafficking victims assisted	2018	168	[3]
Victims of forced labour assisted by NGOs	2018	576 ²⁰	[3]
Trafficking victims supported by KCIK	2017	187 ²¹	[6]
Three-months reflection period granted	2019	120	[3]
Three-months reflection period granted	2018	5	[3]

¹⁵ Sources:

[1] Poland's Government Migration Department, 'Statistics on Migration' (2020), available [here](#).

[2] US Department of State (2019), above n 12.

[3] US Department of State (2020), above n 12.

[4] US Department of State, '2019 Country Reports on Human Rights Practices: Poland' (2019) available [here](#).

[5] US Department of State, 'Annual Report on International Child Abduction' (2020), available [here](#).

[6] Commission (EU), 'Together Against Trafficking in Human Beings: Poland' (2018), available [here](#).

[7] Suzanne Hoff (La Strada International), "'Rights at Work": Tackling labour exploitation in Poland, Bulgaria and Romania' (2019), available [here](#).

[8] GRETA (Council of Europe), 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Albania. Second Evaluation Round' (GRETA(2017)29, 7 November 2017), available [here](#).

[9] Hungarian Helsinki Committee, 'Pushed Back at the Door: Denial of Access to Asylum in Eastern EU Member States' (2017), available [here](#).

¹⁶ None of the victims were identified by labour inspectors.

¹⁷ None of the victims were identified by labour inspectors.

¹⁸ As there is a degree of double counting between these two sets of figures, it is not possible to give a total number of the presumed and identified victims of THB in Poland.

¹⁹ Of these, 154 were victims of forced labour, 39 of sex trafficking, three of domestic slavery, two of degrading treatment, two of forced criminality, and 26 of other types of exploitation; 136 were male and 90 were female; 168 were foreign victims; and seven were children.

²⁰ However, authorities reported there were very few prosecutions for forced labour.

²¹ Of these, 87 were Polish citizens and 100 foreigners.

Trafficking victims/witnesses entering the Programme for the support and Protection of Victims/Witnesses of THB	2017	21	[6]
Trafficking investigations	2019	118 ²²	[3]
Trafficking investigations	2018	121 ²³	[3]
Labour inspections	2017	7,190 ²⁴	[7]
Trafficking prosecutions	2019	73 ²⁵	[3]
Trafficking prosecutions	2018	47	[3]
Trafficking convictions	2019	51	[3]
Trafficking convictions	2018	33	[3]
Post appeal/final convictions	2018	35 ²⁶	[3]
Post appeal/final convictions	2017	42 ²⁷	[2]
Post appeal/final convictions	2015	58	[2]
Sentences suspended	2018	11	[3]
Sentences suspended	2017	15	[3]
Refugee status and subsidiary protection granted	2020	2,798 ²⁸	[1]
Refugee status and subsidiary protection granted	2019	2,982 ²⁹	[1]
Unaccompanied minors	2016	200 ³⁰	[8]
Refusal of entry of migrants in the border	2016	72,528 ³¹	[9]
Unaccompanied minors	2015	168	[8]
Refusal of entry of migrants in the border	2015	17,376 ³²	[9]
Allocated funds	2019	\$35,630	[2]
Allocated funds to train welfare assistance personnel	2019	\$21,110	[3]
Allocated funds for the implementation of the 2019-2021 national action plan	2019 and 2018	\$35,630 ³³	[3]
Allocated funds to two NGOs that run the National Intervention-Consultation Center for Victims of Trafficking (KCIK)	2018 & 2019	\$290,310	[2]
Allocated funds to train welfare assistance personnel	2018	\$22,380	[2]
Allocated funds to train welfare assistance personnel	2017	\$21,260	[2]
Forced labour victims	2018	109	[4]
Children abducted	2018	6	[5]
Estimates of workers in informal economy	2017	880,000 ³⁴	[4]

²² Law enforcement authorities initiated 22 investigations [9 were sex trafficking cases, 5 forced labour cases, and 8 cases of multiple forms of exploitation]. Prosecutors initiated 67 investigations from cases referred by police and border guards (Article 189a CC). The government also investigated 25 cases under Articles 203 and 204.3 CC.

²³ Both law enforcement authorities and Prosecutors initiated 33 and 79 investigations, respectively.

²⁴ Irregular work was detected at 1,069 inspections, and 5,385 foreigners were identified as working in irregular settings

²⁵ 46 defendants from Prosecution under Article 189a and 27 defendants from the government under Articles 2013 and 204.3 CC.

²⁶ Of these, four were for forced labour

²⁷ Of these, none were forced labour.

²⁸ Of these, 1,282 received refugee status and 1,516 subsidiary protection

²⁹ 1,266 gained refugee status and 1,716 subsidiary protection.

³⁰ There is no information about child victims of trafficking having been identified among these children.

³¹ For the period Jan-Sept 2016.

³² For the period Jan-Sept 2015.

³³ However, 38,000 zloty (\$10,030) came from sources outside the government.

³⁴ It is a 5.4 percent of workforce

2. Treaty commitments³⁵

Instrument	Ratification
1926 Slavery Convention	17 Sep 1930
1953 Protocol to the Slavery Convention	N/A
1930 Forced Labour Convention	30 Jul 1958
2014 Protocol to the Forced Labour Convention	10 Mar 2017
1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	10 Jan 1963
1957 Abolition of Forced Labour Convention	30 Jul 1958
1966 International Covenant on Civil and Political Rights (ICCPR)	18 Mar 1977
1966 Optional Protocol to the ICCPR	7 Nov 1991 (a)
2005 Council of Europe Convention on Action against Trafficking in Human Beings	17 Nov 2008
1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	N/A
1998 Rome Statute of the International Criminal Court	12 Nov 2001
1999 Worst Forms of Child Labour Convention	09 Aug 2002
2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	26 Sep 2003
2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	04 Feb 2005
2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	07 Apr 2005
2011 Domestic Workers Convention	N/A
Regional and bilateral instruments	
1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	19 Jan 1993
2005 Council of Europe Convention on Action against Trafficking in Human Beings	17 Nov 2011
2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse	20 Feb 2015
2011 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence	27 April 2015
2015 Council of Europe Convention against Trafficking in Human Organs	N/A
Agreement between the Minister of the Interior and Administration of the Republic of Poland and the IOM on cooperation in the field of voluntary returns of foreigners leaving the territory of the Republic of Poland	2017
Agreement on bilateral cooperation and exchange of information concluded in Copenhagen between the National Labour Inspectorate of the Republic of Poland and the Working Environment Authority of the Kingdom of Denmark	6 December 2017
Agreement on bilateral cooperation and exchange of information between the National Labour Inspectorate of the Republic of Poland and the Labour Inspection Authority of the Kingdom of Norway	28 September 2017
Key International Commitments	
1948 Universal Declaration of Human Rights	
1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power	

³⁵ UN Treaty ratification info sourced from UN Treaty Collection available [here](#); ILO Convention ratifications available [here](#); Rome Statute ratification status available [here](#). Membership data on the 2017 Call to Action is found at Delta8.7, 'Call to Action' available [here](#), accessed 04 November 2020.

2005 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law
2011 United Nations Global Compact in Poland
2015 UN Sustainable Development Goals (5.3, 8.7)
2017 Call to Action to End Forced Labour, Modern Slavery and Human Trafficking

3. General country context

3.1. Constitutional structure³⁶

The Republic of Poland operates a multiparty, unitary, semi-presidential, parliamentary democracy system with a bicameral legislature.³⁷ The Sejm (the Lower House) and the Senate (the Upper House) are bestowed with legislative power, while executive power is vested in the President of the Republic (currently Andrzej Duda) and the Council of Ministers headed by the Prime Minister (currently Mateusz Morawiecki).³⁸ Judicial power is exercised by courts and tribunals, and the Supreme Court is the highest judicial authority. As is the case in almost all the new democracies of Central and Eastern Europe, the 1997 Constitution established a strong Constitutional Court mirroring the Austro-German model that serves as the guardian of the supremacy of the Constitution (Articles 188-201 of the Constitution).³⁹ Administratively, Poland is organized on 16 provinces—voivodeships—that have administrative authority shared between a government-appointed governor, an elected regional assembly, and an executive board elected by the Regional Assembly.

Poland is a civil law country.⁴⁰ Under Article 91(1) of the Constitution, international treaties ratified and duly published form part of the country's internal legal system and are directly applied, unless application depends on the enactment of a statute.⁴¹

3.2. Political context

In the parliamentary elections held in 2019, the ruling Law and Justice (PiS) party retained its absolute majority in the Sejm (235 out of 460) but lost its majority in the Senate. The Organization for Security and Cooperation in Europe (OSCE), which conducted elections observation, found there was overall confidence in the election administration but admitted polls occurred amid 'deep political polarization' and stated that 'media bias and intolerant rhetoric in the campaign were of significant concern'.⁴² Since returning to power in 2015 the government has instigated a series of contentious reforms that have weakened democratic institutions, polarised public opinion and recast Poland's relationship with the EU.⁴³

Since gaining an absolute majority in the Sejm, PiS has turned the Constitutional Tribunal into a politically pliant entity,⁴⁴ undermining judicial independence by changing the rules governing judges' appointment, tenure and sanctions system.⁴⁵ The EU Commission

³⁶ See an unofficial English translation of the 1997 Constitution [here](#).

³⁷ Economist Intelligence Unit, 'Country Report: Poland' (2020).

³⁸ The president is directly elected to not more than two five-year terms. He nominates the prime minister and, on the prime minister's recommendation, the cabinet, subject to the Sejm's approval. See Encyclopedia Britannica, 'Poland' (2020), available [here](#); Michaela Salamun, 'The Laws on the Organization of the Administration in the Czech Republic, Hungary, Poland, and Slovakia: A Comparative Analysis in the Context of European Integration' (2007) 32 *Review of Central and East European Law* 267, 271.

³⁹ European Justice, 'Poland' (2012), available [here](#).

⁴⁰ Anna Wyrozumska, 'Poland', in Dinah Shelton (ed.), *International Law and Domestic Legal Systems: Incorporation, Transformation, and Persuasion* (Oxford University Press, 2011) 495.

⁴¹ For a detailed description of the Constitutional structure of Poland, see Miroslaw Granat, Katarzyna Granat, *The Constitution of Poland A Contextual Analysis* (Hart Publishing, 2019), and Stanisław Biernat and Monika Kawczyńska, 'The Role of the Polish Constitution (Pre-2016): Development of a Liberal Democracy in the European and International Context', in Anneli Albi and Samo Bardutzky (eds) *National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law* (T.M.C. Asser Press, The Hague, 2019).

⁴² US Department of State, '2019 Country Reports on Human Rights Practices: Poland' (2019), available [here](#).

⁴³ Economic Intelligence Unit, above n 37, 4; Justyna Kajta and Adam Mrozowicki, 'The New Polish Parliament: Between de Right and the radical Right' *FocaalBlog* (19 November 2015), available [here](#); Suzanne Hoff (La Strada International), "'Rights at Work": Tackling labour exploitation in Poland, Bulgaria and Romania' (2019) 25, available [here](#).

⁴⁴ Economic Intelligence Unit, above n 37, 4.

⁴⁵ See an urgent Opinion issued in 2020 by the Council of Europe's Venice Commission, which concludes that the amendments to laws on the judiciary passed by the Sejm on 20 December 2019 further undermine judicial independence, available [here](#); International Amnesty, 'Poland' (2019), available [here](#); Human Rights Watch, 'Events of 2019- Poland' (2019), available [here](#); US Department of State, above n 42; Parliament (EU), 'Rule of

responded to this in 2017, triggering Article 7 disciplinary proceedings against Poland. Article 7 is the EU’s punishment clause, allowing it to discipline Member States when there is a ‘clear risk of a serious breach’ of the bloc’s core principles. The European Commission requested EU action in December 2017 in view of the perceived threats to rule of law and the independence of the judiciary.⁴⁶ The European Commission finally launched the infringement procedure in April 2020.⁴⁷

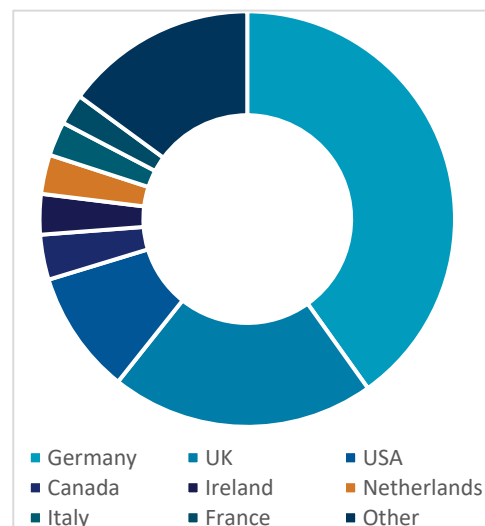
In the 2019 Democracy Index, Poland was labelled as a ‘flawed democracy’, falling below Hungary for the first time, ‘as Poland’s ruling conservative-nationalist Law and Justice (PiS) party continued its efforts to turn the country into an “illiberal democracy”, including by constraining the independence of the judiciary and consolidating media ownership in Polish hands’.⁴⁸

3.3. Migration profile

Poland has experienced high migration rates since joining the EU in 2004.⁴⁹ Even with the drop in emigration in 2009—largely due to the global economic crisis—Polish emigration flows remain larger than inflows.⁵⁰ In mid-2019, the country’s emigrant population was estimated to be 4.4 million, while the number of international migrants residing in the country estimated at 656,000 (1.7% of the total population).⁵¹ Germany has traditionally been a primary destination country for Poles. However, after Poland’s accession to the European Union it shifted to the UK and Ireland. United States, France, Italy, and the Netherlands have also become popular destinations.⁵²

Poland hosts a large number of Ukrainian, Belarusian, Russian, Moldovan, and Armenian immigrants.⁵³ Other large migrant groups are citizens from Asian countries such as Vietnam, the Philippines, and China.⁵⁴ Poland is also one of the main European countries of destination of North Koreans workers.⁵⁵ Although it is difficult to assess the scale of illegal migration to Poland, reports show that Ukrainian and

Polish migrant stock in top destination countries (mid-2019)



law in Poland and Hungary has worsened’ *News European Parliament* (Press Release, 16 January 2020), available [here](#).

⁴⁶ See Alice Cuddy, ‘What is ‘Article 7’ and why was it triggered against Poland?’ *Euronews* (20 December 2017), available [here](#).

⁴⁷ Commission (EU), ‘Rule of Law: European Commission launches infringement procedure to safeguard the independence of judges in Poland’ Press Release (29 April 2020), available [here](#); Committee on Civil Liberties, Justice and Home Affairs (EU), ‘Draft Interim Report on the proposal for a Council decision on the determination of a clear risk of a serious breach by the Republic of Poland of the rule of law’ (2017/0360R(NLE), 13 May 2020), available [here](#). For a summary of recent developments regarding threats to rule of law in Poland, see Thomas Wahl, ‘Threat of Rule of Law in Poland –Recent Developments’ *Eucri* (19 May 2020), available [here](#).

⁴⁸ Economist Intelligence Unit, ‘Democracy Index 2019: A year of democratic setbacks and popular protest’ (2019) 31, available [here](#).

⁴⁹ Paweł Kaczmarczyk, ‘Highly skilled migration from Poland and other CEE countries – myths and reality’ (Center for International Relations, Warsaw, 2006), available [here](#).

⁵⁰ Krystyna Iglicka and Magdalena Ziolk-Skrzypczak (Migration Policy Institute), ‘EU Membership Highlights Poland’s Migration Challenges’ (2010), available [here](#).

⁵¹ Migration Data Portal (2019), available [here](#).

⁵² Krystyna Iglicka and Magdalena Ziolk-Skrzypczak (Migration Policy Institute), above n 50.

⁵³ Dominik Rozkrut (Statistics Poland), ‘Migration statistics in Poland. Data and Methodology’ (2018), available [here](#) and [here](#).

⁵⁴ Suzanne Hoff (La Strada International), above n 43, 28. Association for Legal Intervention, ‘Unprotected–Migrant Workers in an Irregular Situation in Central Europe’ (2014).

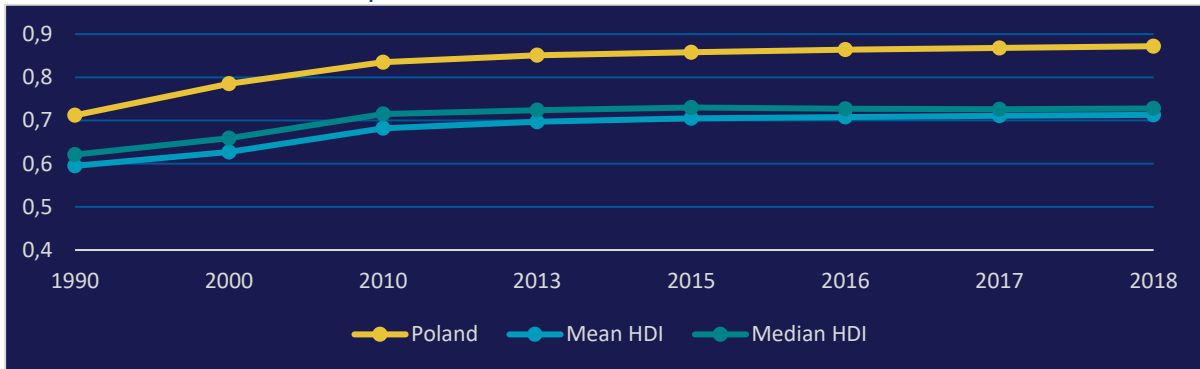
⁵⁵ Suzanne Hoff (La Strada International), above n 43, 44.

Vietnamese citizens dominate the population of unauthorised migrant workers.⁵⁶

Data from 2019 reveals that only 2,798 people received refugee protection status in Poland in that year,⁵⁷ the lowest rate in the EU.⁵⁸ This is partly due to the Polish government withdrawing from the EU resettlement and relocation scheme in 2015, combined with reluctance to accept refugees for resettlement in Poland.⁵⁹

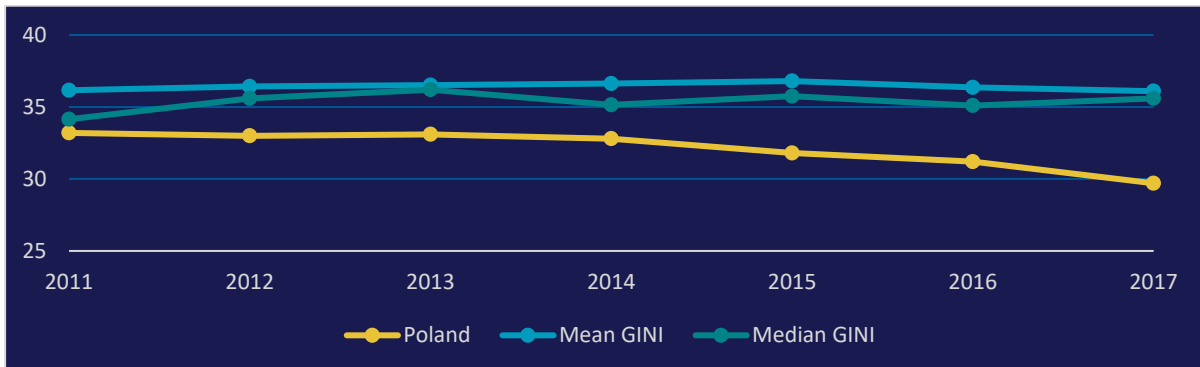
3.4. Development profile

3.4.1. Human Development Index⁶⁰



The Human Development Index (HDI) measures average life expectancy, level of education and income for each country in the world. Each country is given a score between 0 and 1 - the closer a country gets to 1, the more developed it is.⁶¹ Poland's scores place it in the 'Very High Human Development' grouping.

3.4.2. GINI Co-efficient⁶²



Gini index measures the extent to which income distribution or consumption expenditure among individuals or households within an economy deviates from a perfectly equal distribution. A Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality.⁶³

3.4.3. Poland's achievement of the Sustainable Development Goals⁶⁴

Year	Rank	Score
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⁵⁶ Krystyna Iglicka and Katarzyna Gmaj, 'Undocumented Migration In Poland: Counting the Uncountable: Data and Trends across Europe' (Clandestino Project, December 2008).

⁵⁷ Migration Data Portal, above n 51.

⁵⁸ Suzanne Hoff (La Strada International), above n 43, 29.

⁵⁹ Amnesty International, above note 37; Commission (EU), 'Relocation: Commission refers the Czech Republic, Hungary and Poland to the Court of Justice' (Press Release, 07 December 2017), available [here](#); Dominik Rozkrut (Statistics Poland), above n 53.

⁶⁰ UNDP, 'Human Development Indicators - Poland' (2019), available [here](#).

⁶¹ UNDP, 'Human Development Reports', available [here](#).

⁶² World Bank, 'Gini index (World Bank estimate) - Poland' (2017), available [here](#).

⁶³ World Bank, 'Metadata Glossary', available [here](#).

⁶⁴ Sustainable Development Report (2020), available [here](#); Poland, 'Implementation of the Sustainable Development Goals in Poland: The 2018 National Report' (2018), available [here](#).

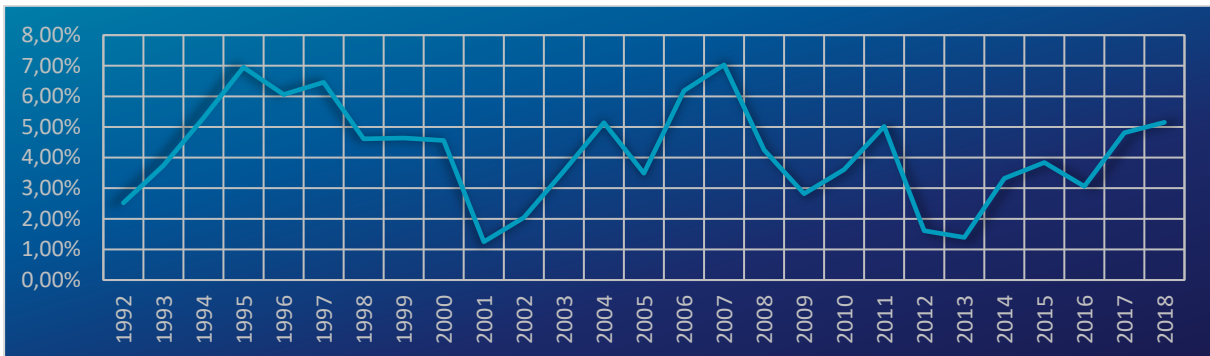
2020	23	78.10	The Sustainable Development Reports assess implementation of, and progress towards, the 2015 UN Sustainable Development Goals. The SDG Index and Dashboards summarise countries' current performance and trends across the 17 SDGs. All SDGs are weighted equally in the index. Changing indicators, data, and methodology used to determine rankings and scores mean that SDG index results are not comparable over time. ⁶⁵
2019	29	75.9	
2018	32	73.7	
2017	27	75.8	
2016	38	69.8	

3.4.4. Poland's GDP Rates

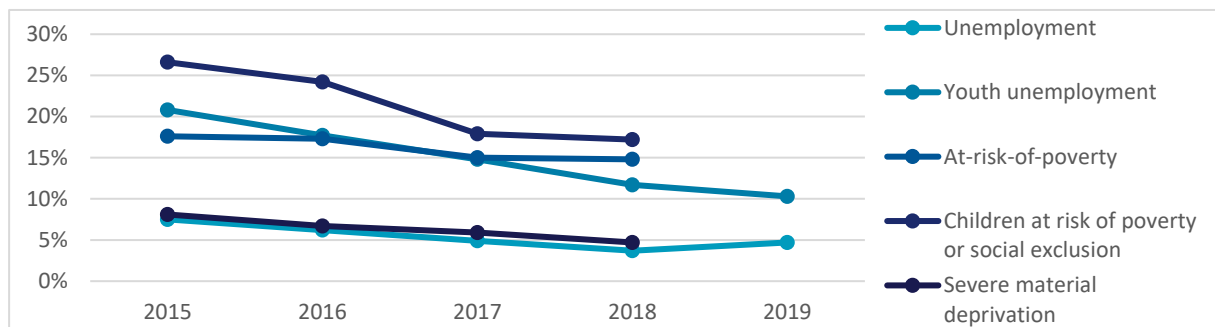
GDP per capita (Constant LCU)⁶⁶



GDP Growth Rate



3.4.5. Other relevant indicators⁶⁷



A Gender Inequality Index score of 0.132 (2017) demonstrates further improvements for women in Poland. Eurostat data for 2017 shows that 19.5% of population were at risk of poverty or social exclusion, which means a decrease of 2.4 percentage points compared to the previous review period.⁶⁸

⁶⁵ Bertelsmann Stiftung and Sustainable Development Solutions Network, 'Sustainable Development Report 2019' (June 2019) 19.

⁶⁶ World Bank, 'GDP per capita (constant LCU) - Poland', available [here](#).

⁶⁷ Commission (EU), 'Country Report Poland 2020' (Communication) (2020) 150 final, 55-56, available [here](#).

⁶⁸ BTI, 'BTI 2020 Country Report' (2020), available [here](#).

3.5. Poland's human rights record

Poland has ratified the majority of relevant international human rights instruments. However, it has not ratified several relevant treaties, including the International Convention for the Protection of All Persons from Enforced Disappearances and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Significantly, in December 2018 Poland refused to endorse the UN Global Compact on Migration.⁶⁹ Significant human rights issues persist in Poland, including: concerns pertaining to the independence of the judiciary and the prosecution service; rights of women, gender equality and domestic violence; criminal defamation penalties;⁷⁰ violence or threats of violence targeting lesbian, gay, bisexual, transgender, or intersex (LGBTI) persons; and crimes involving violence or threats of violence targeting members of ethnic minorities.⁷¹

Poland's wide-ranging judicial reform, which is still on-going, has had a major impact on the functioning and independence of practically all key building blocks of the country's justice system. It has fundamentally affected several justice mechanisms, including the Constitutional Tribunal, the Supreme Court,⁷² and the prosecution service.⁷³ This has been accompanied by a publicly-financed campaign to discredit judges and disciplinary proceedings against them, which has undermined independence and public confidence in the judiciary.⁷⁴

There has been an increase in the number of incidents of violence, hate speech and discrimination based on race, nationality, ethnicity, religion and sexual orientation and insufficient responses by the authorities to such incidents.⁷⁵ Particularly, a widespread anti-LGBTI rhetoric from politicians and the media has been identified.⁷⁶ The Committee Against Torture has noted the growing prevalence of racial violence and other acts of racial abuse targeting persons of Arab, Asian or African origin, and manifestations of anti-Semitism, as well as persistent discrimination against members of the Roma community.⁷⁷

Despite the presence of anti-discrimination legislation in Poland, ineffective application of the law has been highlighted, especially concerning compensation, redress, and application of administrative sanctions in cases of sex- and gender-based discrimination and gender violence.⁷⁸ Against a backdrop of public discourse against the 'gender ideology', the CoE Commissioner for Human Rights has noted that the 'abrupt and/or unexplained interruption of access to central government funding which affected several well-established and reputable women's rights organisations in recent years has led these to limit the scope of their activities, negatively affecting their ability to help victims'.⁷⁹

⁶⁹ Suzanne Hoff (La Strada International), above n 43, 29.

⁷⁰ 'According to the Helsinki Foundation for Human Rights and the Association of Polish Journalist, the criminal defamation law may have a chilling effect on journalists, especially in local media, since local authorities may use the law against journalists. Furthermore, Laws regulating broadcasting and media prohibit, under penalty of fines, license revocation, or other authorized sanctions, the promotion of activities endangering health or safety, or the promotion of views contrary to law, morality, or the common good. The law also requires that all broadcasts "respect the religious feelings of the audiences and, in particular, respect the Christian system of values"'. See US Department of State, above n 42.

⁷¹ Ibid; Commissioner for Human Rights (Council of Europe), 'Report following her visit to Poland from 11 to 15 March 2019' (2019), available [here](#).

⁷² For instance, a 2018 Polish law lowered the retirement age for the country's Supreme Court judges, which forces out some of the judges.

⁷³ Commissioner for Human Rights (Council of Europe), above n 71, 2. Council of Europe Human Rights Commissioner, Dunja Mijatovic, raised concerns about dismissals, replacements, and demotions of judges and prosecutors, and called on Polish authorities to 'ensure that disciplinary proceedings are not instrumentalised'.

⁷⁴ Ibid, 1.

⁷⁵ Human Rights Council, 'Compilation on Poland. Report of the Office of the United Nations High Commissioner for Human Rights' (A/HRC/WG.6/27/POL/2, 22 February 2017) 3.

⁷⁶ International Amnesty, above n 45.

⁷⁷ See Committee against Torture, 'Concluding observations on the combined fifth and sixth periodic reports of Poland' (CAT/C/POL/CO/5-6, 23 December 2013), para 25.

⁷⁸ Human Rights Council, above n 75, 9; See also Committee on the Elimination of Discrimination against Women, 'Concluding observations on the combined seventh and eighth periodic reports of Poland' (CEDAW/C/POL/CO/7-8, 14 November 2014), para 11.

⁷⁹ Commissioner for Human Rights (Council of Europe), above n 71.

The Helsinki Foundation for Human Rights has flagged government action for restricting access to the asylum procedure.⁸⁰ Pushbacks of asylum seekers, most from the Russian Republic of Chechnya and Central Asia, to Belarus, continued. A 2018 Polish court ruling to halt the practice has been inconsistently applied in practice, allowing this to continue.⁸¹

3.6. Social support systems

The social security system in Poland is composed of the social insurance and social provision system; health insurance system; unemployment benefits and family benefits.⁸² The 1998 Social Insurance System Act split into 2 different insurance schemes: the Social Insurance Institution (ZUS) for employees, and the Agricultural Social Security Fund (KRUS) for farmers. These mainly cover old-age pension,⁸³ disability and survivors insurance, sickness and maternity insurance, and insurance against accidents at work and occupational diseases. The Polish health care financing system is an insurance-budgetary system. Free health care is provided either if a person is covered by general health insurance or if they are a Polish citizen and meet the income criterion set by the Act on Social Assistance.⁸⁴

Poland has a system of family benefits, social assistance benefits, and unemployment benefits.⁸⁵ Social assistance is granted to beneficiaries of international protection whose income does not exceed a minimum threshold—PLN 701 (161 €) for a single person, or PLN 528 (121 €) for a person in the family. Beneficiaries of international protection and Polish nationals are also entitled to family benefits and supplements if they reside in Poland, and the average monthly family income per person in a family does not exceed the minimum of 674 PLN (152€) or 764 PLN (173€) if a child in the family is certified as disabled. For instance, people have a right to apply for: family allowance, parental benefit and the '500+ Programme'.⁸⁶ However, beneficiaries face a range of hurdles for obtaining social assistance in practice, 'ranging from lack of awareness of their rights and language barrier, to the discretion of authorities in the limits of financial assistance granted, to the requirement of translated forms and official documents which cannot be obtained from their country of origin e.g. alimony judgment to receive the 500+ child benefit. The need for the entire family to reside in Poland may also pose difficulties'.⁸⁷

Concerning victims of trafficking, the legal basis for assisting them is also provided through social assistance. Assistance is financed by the State budget, as delegated to local self-governments or to NGOs, and by the budgets of the local governments. The assistance measures to which victims of trafficking are entitled include psychological and legal support, social assistance, safe accommodation, medical care, food in the form of whole-day board or cash benefit for subsistence, clothing, and an allowance for special purposes.⁸⁸

In 2018, almost 1 million people concluded a 'mandate contract' without having a standard labour contract, which offers the possibility not to pay social security contributions. Simultaneously, self-employed workers benefit from significant discretion in determining the level of their social security contributions. This is likely to reduce the adequacy of future pensions and the minimum income support, which was below the EU average in 2017.⁸⁹ 'The biggest increase in extreme poverty reported by the household budget survey

⁸⁰ US Department of State, above n 42.

⁸¹ Human Rights Watch, 'World Report 2020: Poland' (2020), available [here](#).

⁸² A more in-depth analysis in ZUS (Social Insurance Institution), 'Social Security in Poland' (2019) 13, available [here](#).

⁸³ Polish age pension is paid from age 65 with 25 years of insurance coverage for men and age 60 with 20 years of insurance coverage for women.

⁸⁴ Employment, Social Affairs & Inclusion (EU), 'Your Social Security Rights in Poland' (2019) 7, available [here](#).

⁸⁵ Ibid.

⁸⁶ AIDA, 'Social Welfare in Poland', available [here](#). See also OECD, 'Pensions at a Glance 2019: How does Poland compare?' (27 November 2019), available [here](#).

⁸⁷ AIDA, above n 86.

⁸⁸ GRETA (Council of Europe), above n 15.

⁸⁹ Commission (EU), above n 67, 17.

concerns people/families living on allowances (other than pensions and disability pensions) signalling the weaknesses in the social security system'.⁹⁰

⁹⁰ Ibid.

4. National modern slavery context

4.1. Modern slavery profile

Poland is a country of origin, transit, and destination for men, women, and child victims of labour and sexual trafficking. Labour trafficking in particular is growing in Poland, with most victims originating from Ukraine, Belarus, Romania, and Bulgaria, as well as from Asian countries including Vietnam, the Philippines, Sri Lanka, and North Korea.⁹¹ Labour trafficking was particularly prevalent among Poland's growing Ukrainian migrant population, and an increasing number of Vietnamese victims transit Poland en route to Western Europe after being subjected to labour trafficking in Russia.⁹² A trend was also identified regarding North Korean workers. Despite UN and EU sanctions forbidding the hiring of workers from North Korea, 'with the complicity of private companies and Polish state agencies, North Korean workers continue to work in Poland and to be exploited by the State'.⁹³ Concerning victims subjected to sex trafficking, they are mostly women and children from Bulgaria, Romania, and Ukraine.⁹⁴ Children, particularly Roma, are recruited for forced begging,⁹⁵ and recently Poland has become a transit country for trafficked children from other Eastern European countries.⁹⁶

Statistics reveal that labour exploitation in Poland proliferates in sectors of an informal nature, such as agriculture (growing and picking), construction, shipyard sectors, and food industries, as well as housekeeping and cleaning.⁹⁷ A 2014 study examining human trafficking trends in Poland pointed to different methods of recruitment, including through employment agencies or individual recruiters operating in countries of origin offering no contracts or contracts written in a language that migrant workers cannot understand.⁹⁸ Recruiters are often victims' fellow-citizens, and create a fraudulent debt⁹⁹ and offer legal entrance into the country. Victims are often poor, relatively young, poorly educated or unskilled individuals, with strong family connections (used against them), who do not speak the language of the country of destination and who find themselves in a hard situation.¹⁰⁰ Other recruitment methods consist of taking advantage of workers' vulnerable position when already in Poland, or of the system of statement/declaration of the intention to employ a foreigner.¹⁰¹ In the latter case, exploitation is made possible because the State does not monitor whether the employee in fact works in the agreed position. Thus, migrants are exposed to exploitative practices by employers.¹⁰²

⁹¹ Commission (EU), 'Together Against Trafficking in Human Beings: Poland' (2018), available [here](#); GRETA (Council of Europe), above n 15, 7.

⁹² Commission (EU), above n 91.

⁹³ Suzanne Hoff (La Strada International), above n 43, 46; Leiden Asia Centre, 'North Korean Forced Labour in the EU: the Polish Case' (6 July 2016), available [here](#). According to the NGO Human Rights Without Frontiers, Polish governmental data revealed that 299 North Korean citizens applied for a work permit in 2016, of which 187 were granted. See OSCE, 'Poland: Exploitation of North Korean Overseas Workers' (18 September 2017), available [here](#); US Department of State (2019), above n 12, 385.

⁹⁴ Commission (EU), above n 91.

⁹⁵ GRETA (Council of Europe), above n 15, 35; Commission (EU), above n 91.

⁹⁶ Commission (EU), 'Study on High-risk groups for trafficking in human beings. Final Report' (2015) 39, available [here](#).

⁹⁷ Lukasz Wieczorek et al, 'Human Trafficking for Forced Labour in Poland -Effective prevention and Diagnostics of Mechanisms' (2014), 37, available [here](#); Suzanne Hoff (La Strada International), above n 43, 37, 44.

⁹⁸ Dorota Hall (FRANET), 'Severe forms of Labour Exploitation Supporting victims of severe forms of labour exploitation in having access to justice in EU Member States - Poland, 2014' (2014) 28, available [here](#).

⁹⁹ Ibid, p28.

¹⁰⁰ Lukasz Wieczorek et al, above n 97, 37.

¹⁰¹ 'An employer issues such a statement or declaration that s/he intends to employ a particular person for specific work. Such a statement has to be registered in the District Labour Office having jurisdiction over the registered office or place of residence of the declarant and then signed. A registered original of the statement must be delivered to the foreigner who on this basis can obtain a Polish visa in the nearest Embassy or consulate. An entity is required to employ a foreigner (when s/he comes to Poland), which was the subject of a declaration of intent to perform work in accordance with the applicable provisions of the Labour Code. The period of performance of work by citizens of those countries should not exceed six months within the next 12 months'. See *ibid*, 39.

¹⁰² Ibid, 38; Dorota Hall (FRANET), above n 98, 29.

Common methods for subordinating and controlling people in exploitation include: confiscating documentation, lowering wages motivated by the provision of food and/or accommodation,¹⁰³ threatening to report to the police, transporting them back and forth from barracks to the workplace, limiting victims' contacts with the external world (for instance, removing access to internet, not allowing them to approach windows) or taking advantage of their susceptibility to alcohol. 'The objective of the employer is to manipulate emotions and intensify stress. [...] Continuous promises of future benefits replaced with threats about being removed from work or losing some of the earned money or being punished with a financial penalty which means that the employee's debts will not be paid any time soon (or ever), that s/he will disappoint her/his relatives'.¹⁰⁴

Men and women from Poland are frequently subjected to forced labour in Europe, primarily Western and Northern Europe. Polish citizens trafficked abroad were most often identified in the UK, the Netherlands and Germany. A growing trend is trafficking of people by organised crime groups in order to obtain loans or social benefits on their behalf, usually to Germany and the UK.¹⁰⁵ Further, women and children from Poland are subjected to sex trafficking within the country and also in other European countries.¹⁰⁶

4.2. Causes and drivers of modern slavery and transnational trafficking

Most reports demonstrate that two crucial individual factors—a history of abuse and a vulnerable emotional state—underpinned by material deprivation, create high-risks of becoming a victim of human trafficking. Similarly, social exclusion and marginalisation are commonly associated with poverty and lack of options, which drive people into exploitative situations.¹⁰⁷ A 2014 study on severe forms of exploitation in Poland points to both individual and structural factors as drivers of extreme exploitation, such as language and cultural barriers, lack of education, poverty, and migrants' lack of awareness of their rights, particularly in relation to those with irregular migration status in Poland.

Trafficking and exploitation are low-risk activities for offenders, given the low probability of being prosecuted and punished,¹⁰⁸ coupled with corruption, lack of protection for migrants,¹⁰⁹ and the lack of institutions effectively monitoring the situation of workers in sectors of the economy where labour exploitation occurs (especially in the agriculture and the domestic work sectors).¹¹⁰ The internet also enables perpetrators to easily get in touch with potential victims, particularly in the context of sexual exploitation. Use of technology often makes it more difficult to effectively prosecute these behaviours.¹¹¹

4.3. Particularly vulnerable groups

Among Poland's migrant population, there is increasing vulnerability to labour trafficking amongst **Ukrainian and Belarusian citizens**, particularly in restaurants and

¹⁰³ Dorota Hall (FRANET), above n 98, 28.

¹⁰⁴ Lukasz Wieczorek et al, above n 97, 41-42.

¹⁰⁵ GRETA (Council of Europe), above n 15, 7.

¹⁰⁶ Commission (EU), above n 91.

¹⁰⁷ Commission (EU), above n 96, 39.

¹⁰⁸ The 2020 US TIP Report points to the following reasons: 'law enforcement had difficulty identifying forced labor; many offenses occurred abroad; there was no clear definition of what constitutes forced labor in the criminal code; and prosecutors and judges often lacked expertise in labor trafficking cases. Additionally, observers reported prosecutors and judges lacked familiarity with victim-centered approaches, the impact of trauma on victims, and the severity and complexity of the crime': US Department of State, above n 12, 410.

¹⁰⁹ Dorota Hall (FRANET), above n 98, 33.

¹¹⁰ Ibid, p. 32, 38.

¹¹¹ Commission (EU), above n 96, 64.

construction.¹¹² **North Korean labourers** in the country are also highly vulnerable to forced labour in shipyards, construction, and agriculture sectors.¹¹³

Unaccompanied children are more vulnerable to labour exploitation, which pairs with a lack of clear procedures for dealing with exploited migrant children.¹¹⁴ A 2014 study on severe forms of exploitation in Poland outlined that 'the system is full of gaps which would most probably come to the fore in cases involving such victims', due to multiple factors.¹¹⁵ Those who belong to **Roma communities** are also increasingly recruited for forced begging.¹¹⁶

Among the **asylum-seeker population**, there has been a reported increase of individuals who were denied the possibility to apply for international protection at the eastern border crossing points of Poland, in particular Chechens in Brest-Terespol, between Belarus and Poland.¹¹⁷ Therefore, despite the legislative framework, undue application by Border Guard officers increases their vulnerability to trafficking and exploitation.¹¹⁸

Against a backdrop of PiS' continuous discouragement of efforts to promote gender equality or combat violence against women,¹¹⁹ and limited training on gender-sensitive investigation methods for law enforcement officers,¹²⁰ **women and girls** are particularly vulnerable to sexual exploitation in Poland.¹²¹ More generally, according to a report by the European Union Agency for Fundamental Rights, Poland was one of the countries where **workers in the grey economy** were most vulnerable.¹²²

¹¹² US Department of State (2018), above n 12, 353 ff; Dorota Hall (FRANET), above n 98, 39.

¹¹³ Ibid; Suzanne Hoff (La Strada International), above n 43, 46. At the 106th ILC session (2017), the ILO Committee discussed indications of severe exploitation of North Koreans in Poland. As a result it called upon the government of Poland to increase its efforts to ensure that migrant workers are fully protected from abusive practices and conditions amounting to forced labour; to provide information on the measures taken to identify cases of forced labour to the Committee of Experts paying particular attention to the situation of workers from the Democratic People's Republic of Korea; take immediate and efficient measures so that the perpetrators of such practices, if they occur, are prosecuted and that dissuasive penalties are issued; to ensure that identified victims of forced labour have access to adequate protection and remedies. See [here](#); Leiden Asia Centre, above n 93.

¹¹⁴ Dorota Hall (FRANET), above n 98, 32, 66.

¹¹⁵ Ibid, 32; GRETA (Council of Europe), above n 15, 28.

¹¹⁶ US Department of State (2020), above n 12, 410; ECPAT, 'Sex trafficking of children in Poland' (2009), available [here](#).

¹¹⁷ Hungarian Helsinki Committee, 'Pushed Back at the Door: Denial of Access to Asylum in Eastern EU Member States' (2017) 16, available [here](#).

¹¹⁸ Ibid, 17.

¹¹⁹ Since the new government has come to power, there have been calls for Poland's withdrawal from the Istanbul convention, including draft legislation to do so. This was later dropped, however calls for withdrawal remain. See Clare Nuttall, 'Domestic violence treaty rattles governments across Eastern Europe' *Intellinews* (31 May 2018), available [here](#).

¹²⁰ CEDAW, 'Concluding observations on the combined seventh and eighth periodic reports of Poland' (14 November 2014) CEDAW/C/POL/CO/7-8, available [here](#).

¹²¹ Dorota Hall (FRANET), above n 98, 36.

¹²² See ILO discussion at 106th ILC session (2017), available [here](#).

5. Antislavery governance frameworks

5.1. Legislative measures

5.1.1. Poland's Constitution 1997¹²³

The 1997 Constitution of Poland establishes a general provision for protection of labour (Article 24), and the right to freely choose and to pursue occupation and place of work (Article 65(1)).¹²⁴ However, Article 65 also allows for situations in which some people, including children, may be obliged to carry out specific works or services. In the Constitutional Tribunal's opinion, the provision guarantees the right for protection against forced labour.¹²⁵ Children are subject to specific protection against hazardous working conditions and 'permanent labour' pursuant Article 65(3).¹²⁶

Article 91 deals with the implementation of international law in the country and establishes that a ratified international agreement shall constitute part of the domestic legal order and shall be applied directly once it is promulgated in the Official Gazette, unless its application depends on the enactment of a statute.

5.1.2. Poland's Criminal Code 1995¹²⁷

Until 2010, Polish criminal law criminalised human trafficking in Article 253 without defining it,¹²⁸ as well as criminalising forcing an adult into prostitution (Article 203) and inducing a minor into prostitution in Articles 204(3) and (4), prescribing punishments of one to ten years' imprisonment. Pursuant the Act of 20 May 2010, a definition of trafficking in human beings was introduced under Article 115(22) CC. A new Article 189a was added concerning the legal classification of trafficking, prescribing punishments of three to fifteen years' imprisonment.

Thus, human trafficking is prohibited in Article 189a in accordance with the 115(22) CC definition:

Article 189a.

1. Whoever conducts trafficking in human beings shall be subjected to the penalty of deprivation of liberty for a minimum term of 3 years.
2. Whoever makes preparations for the offence specified in § 1 shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years

Article 115(2)

Human trafficking means recruitment, transportation, transfer, harbouring or receipt of persons with the use of the following:

- 1) violence or unlawful threat,
- 2) abduction,
- 3) deception,
- 4) fraud or taking advantage of inability for proper understanding of taken actions,
- 5) abuse of dependence in the relationship, abuse of critical situation or a state of helplessness,

¹²³ Unofficial translation of the 1997 Constitution available [here](#).

¹²⁴ 'Work shall be protected by the Republic of Poland. The state shall exercise supervision over the conditions of work'.

¹²⁵ Lukasz Wieczorek et al, above n 97, 20.

¹²⁶ 'The permanent employment of children under 16 years of age shall be prohibited. The types and nature of admissible employment shall be specified by statute'.

¹²⁷ See an unofficial English translation of the Criminal Code [here](#); 2016 Penal Code available [here](#).

¹²⁸ Derogated.

6) provision or acceptance of material or personal benefit or promise thereof to a person taking care or having custody of another person,

in order to abuse such person even if such abuse is performed upon the consent of such abused person, especially in prostitution, pornography or other forms of sexual abuse, in forced labour or services, begging, slavery or other forms of abuse of human dignity¹²⁹ or for the purpose of acquiring cells, tissues or organs in violation of the provisions of law. If the conduct of the perpetrator is directed against a minor, it constitutes human trafficking, even if methods or measures mentioned in sections 1-6 have not been applied.¹³⁰

Art. 203.

Forcing into prostitution. Anyone who, by force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation, subjects another person to practice prostitution is liable to imprisonment for up to 10 years.

The Criminal Code defines slavery as the 'state of dependence in which a person is treated as property' in Article 115(23). It does not criminalise it separately but in relation to human trafficking. The same is true for forced labour, despite the fact that Poland has ratified all relevant ILO Conventions. Sub-contractors can be held liable if their activity can be considered as aiding and abetting or soliciting commission of a trafficking offence (Article 18 CC). It is important to note the absence of a non-punishment clause preventing victims of trafficking from criminalisation for their involvement in unlawful activities connected to their exploitation.¹³¹

The Criminal Code also lists acts related to employment, including malicious or persistent worker's rights infringements (Article 218), infringements of regulations related to worker's social insurance (Article 219), and endangering workers' health and safety (Article 220). Related issues are also covered by Article 221, which concerns the failure to report an accident at work or a case of occupational disease to relevant authorities.

Article 218. § 1a. Whoever, when performing activities in the field of labour law and social insurance, maliciously or persistently infringes the rights of the employee resulting from a work-contract relationship or social insurance, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

§ 2. The person specified in § 1a, who refuses to reinstate in work although ordered to do so by an appropriate authority shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 3. The person specified in § 1a who when obliged by a court ruling to pay remuneration for work or other benefit related to employment fails to fulfil this obligation, shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 3 years."

Article 219. Whoever violates provisions on social insurance by not reporting, even with the consent of the person concerned, the required data or provides false data affecting the right to benefits or the amount thereof shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to 2 years.

Article 220. § 1. Whoever, being responsible for occupational health and safety, does not fulfil the duties involved and by this, exposes an employee to an immediate

¹²⁹ The Polish authorities has maintained that, in light of the Constitutional Tribunal's case-law, 'servitude', 'forced marriage' and 'illicit adoption' are covered by the term 'other forms of abuse of human dignity'. See GRETA (Council of Europe), above n 15, 35.

¹³⁰ GRETA (Council of Europe), 'Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Poland report. First evaluation round' (GRETA(2013)6, 6 May 2013) 20, available [here](#).

¹³¹ GRETA (Council of Europe), above n 15, 36-37.

danger of loss of life or a serious detriment to health, shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. If the perpetrator acts unintentionally, he/she shall be subject to a fine, the penalty of restriction of liberty or the penalty of deprivation of liberty for up to one year.

§ 3. The perpetrator who has voluntarily averted the impending danger shall not be subject to the penalty.¹³²

Aggravating circumstances are not specifically stipulated in relation to human trafficking. However, according to the GRETA Report, they 'are being applied not only through cumulative legal qualification (Article 11(2) of the CC) and the possibility to invoke a breach of Article 160 of the CC (endangering life and health), Article 200 (sexual abuse of a minor), Article 231 (abuse of power) or Article 258 (organised crime) in conjunction with Article 189a (trafficking in human beings), but also through the general guidelines on the determination of the penalty set out in Article 53 of the CC'.¹³³

5.1.3. Act on Criminal Liability of Corporate Entities 2002

The Act on Criminal Liability of Corporate Entities lists the types of offences that can give rise to corporate criminal liability. Trafficking in human beings is included (Article 16(1) of the Law). The criteria require that the relevant act was committed by natural persons acting on behalf of or in the interest of a corporate entity, exercising their right or obligation to represent it, to take decisions on its behalf, or to exercise internal control. Corporate liability may also apply when the conduct by a natural person representing the corporate entity caused, or could cause, an advantage to that entity (even non-financial).¹³⁴ The penalties envisaged for corporate entities include, *inter alia*, a fine from 1,000 to 20,000,000 PLN (approximately 250 to 5,000,000 €).¹³⁵

5.1.4. Criminal Procedure Code (CCP)

The CCP envisages relevant provisions regarding human trafficking, such as protection of victims and witnesses' identity (Article 191 of the CCP), the possibility to testify without the presence of the defendant (Article 390(3) of the CCP), and the right to be informed of their rights, including right to compensation (Article 300 CCP).¹³⁶ According to Article 87 CCP, a victim who has the status of a party to the proceedings can have access to free legal aid, provided that the victim demonstrates inability to bear the costs of such aid (Article 88 in conjunction with Article 78 of the CCP).¹³⁷

The CCP provides additional protection for child victims of crimes, such as audio-visual recording of the interview. For instance, all interviews with child victims or witnesses of human trafficking must be conducted in child-friendly interview rooms.¹³⁸

5.1.5. Law on Social Assistance 2011

This Law regulates the system of providing social assistance to different beneficiaries, including national or foreign victims of trafficking. Thus, victims of trafficking are entitled to short-term assistance and have a right to receive social services such as shelter, meals,

¹³² Dorota Hall (FRANET), above n 98, 10.

¹³³ GRETA (Council of Europe) above n **Error! Bookmark not defined.**, 46. They include, 'among others, the nature and extent of the consequences of the offence (Article 24, item b), the mode of the offender's conduct (Article 24, items a and d), the extent and nature of a breach of duties (Article 24, item c) and the degree of the harm to the society. The latter is ascertained taking into account the nature and character of the infringed interest, the amount of damage inflicted or threatened, the mode and circumstances of the commission of the offence, the gravity of duties breached, and the offender's intent, motivation, the nature of duty of care breached and the degree of breach' (p. 46).

¹³⁴ GRETA (Council of Europe), above n 15, 36.

¹³⁵ GRETA (Council of Europe), above n **Error! Bookmark not defined.**, 47.

¹³⁶ GRETA (Council of Europe), above n 15, 40.

¹³⁷ However, in the GRETA Report is highlighted that the 'funding provided by the State to ex officio lawyers (100 euros for the length of the proceedings) is too low to ensure the quality of the legal aid provided to victims. As regards irregular migrants, only NGOs provide legal assistance and aid to them as they are not covered by the Law on Free Legal Aid'. See GRETA (Council of Europe), above n 15, 32.

¹³⁸ *Ibid*, 41.

necessary clothing and designated benefit (financial support for specific purposes), as well as the 'emergency' psychological assistance and—when appropriate—free social or legal aid.¹³⁹

5.1.6. Law on Foreigners 2014¹⁴⁰

Article 53a (2)(4) of the Law on Foreigners regulates the recovery and reflection period for foreign victims of trafficking, without requiring the victim to co-operate with criminal justice proceedings.¹⁴¹ It also allows victims of trafficking to be issued residence permits either on the basis of their co-operation with the competent authorities or when required by their personal situation.¹⁴² According to Article 302(1)(4), a third country national should be issued an obligation to return to their home country if they have worked without a relevant work permit or declaration of intent. There are two exceptions to this rule: (1) If an employer has been punished for misusing or abusing the employee's professional dependency, or their inability to understand their actions, in order to employ them irregularly; (2) If there is a certain situation or condition that requires an obligation to return should not be ordered, in the interests of the worker.¹⁴³ The latter of these requirements aligns with Article 14(1)(a) of the Council of Europe Convention on Action against Trafficking in Human Beings, which requires States Parties issue residence permits to victims whose stay in the country is necessary owing to their personal situation.

5.1.7. Law on Social Assistance of 2004¹⁴⁴

The Law on Social Assistance provides the legal framework for taking care of foreign children without parental care and defines the benefits provided to victims of trafficking who are third-country nationals.

5.1.8. Law on the Consequences of Employment of Foreigners Illegally Staying in the Territory of Poland 2012¹⁴⁵

Within this law, the definition of particularly exploitative working conditions is set out. According to Article 10(3):

particularly exploitative working conditions refer to the labour conditions of a person or persons who were charged with work in violation of the law, offending human dignity, in circumstances which are significantly different, in particular with regard to gender, in comparison to the working conditions of persons charged with work in accordance with the law, affecting particularly workers' health or safety.

It is further stipulated that whoever charges a foreigner without valid documents, authorising him or her to stay on Polish territory and work in particularly exploitative working conditions, shall be punished with imprisonment for up to three years (Article 10(1)). The same penalty applies to a person who charges a foreigner victim of human trafficking with work without valid documents authorising the foreigner to stay on Polish territory (Article 10(2) of the Law).

5.1.9. Law on State Compensation for Victims of Certain Prohibited Acts 2016

According to Article 4 of the Law on State Compensation for Victims of Certain Prohibited Acts, compensation shall be granted if an offence was committed on the territory of the Republic of Poland to the detriment of a person permanently residing in that territory or on the territory of another Member State of the European Union.¹⁴⁶ This Law applies to victims who have suffered severe harm as a result of a crime, although it does not specifically refer to human trafficking victims. The following conditions need to be fulfilled:

¹³⁹ Commission (EU), above n 91.

¹⁴⁰ Commission (EU), above n 91.

¹⁴¹ GRETA (Council of Europe), above n **Error! Bookmark not defined.**, 65.

¹⁴² GRETA (Council of Europe), above n 15, 44.

¹⁴³ Suzanne Hoff (La Strada International), above n 43, 40.

¹⁴⁴ GRETA (Council of Europe), above note 52, p. 11.

¹⁴⁵ Dorota Hall (FRANET), above n 98, 11.

¹⁴⁶ GRETA (Council of Europe), 'Reply from Poland to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties' (GRETA(2016)5, 16 February 2016) 13.

the offence caused death, serious detriment to health, disturbance to the functioning of a bodily organ or disturbance to health; the victim or her/his relatives have made an application; the compensation cannot be paid by the perpetrator.¹⁴⁷

5.1.10. Law on the National Labour Inspectorate

The National Labour Inspectorate (NLI) is the main labour monitoring institution subordinated to the Polish Parliament. The NLI is not entitled to inspect private households or private agriculture because farmers have special status. NLI and the Border Guard are endowed with the task of investigating the legality of foreigners' employment, and it is formalised due to the agreement of 2008 between the Chief Labour Inspector and the Border Guard Commander in Chief.¹⁴⁸ Since the NLI's mandate refers to labour law, it focuses on 'labour law infringements'. Correspondingly, labour inspectors are not obliged to use a checklist or guidelines for assessing 'labour exploitation' or identifying 'victims of labour exploitation'. However, they have a checklist for identifying human trafficking for forced labour prepared by the Border Guard, and they draw on the guidelines prepared by the International Labour Organisation and published in an ILO manual which addresses these issues.¹⁴⁹

5.1.11. Labour Standards

In Poland, the Labour Code¹⁵⁰ and Act on Promotion of Employment and Labour Market Institutions are the main regulations protecting workers against labour rights infringements.¹⁵¹ One of the basic principles of Polish Labour Law is the freedom of work (Article 10 of the Labour Code).¹⁵² Furthermore, the Labour Code lists a number of acts related to the situation of exploitation, and to work performed by juveniles.¹⁵³

Within the Act on Promotion of Employment and Labour Market Institutions, Article 120(1-3) attaches a penalty of fines to driving 'a foreigner to perform work by misleading the foreigner, taking advantage of a mistake, professional dependence or an inability to properly understand actions that are being undertaken'.¹⁵⁴

In 2018, provisions were introduced to tighten the simplified procedure of employing foreigners on the basis of declaration of the entity entrusting work, registered in Local District's Labour Office, with the aim of limiting abuses in this respect. This Law also provides legal basis for the National Labour Inspectorate to access the central registry of cases concerning work permits, seasonal work permits and statements on entrusting work to foreigners.¹⁵⁵

5.2. Prosecution

In 2019, 116 trafficking investigations were initiated from law enforcement authorities, while in 2018 there were 47 prosecutions.¹⁵⁶ As noted by GRETA, it is important to bear in mind that there is a degree of double counting between these datasets as a result of ongoing prosecutions spanning multiple years.¹⁵⁷ First-level courts issued 51 convictions under Article 189a and Article 203. The government did not track first instance convictions.¹⁵⁸ The vast majority of prosecutions initiated during this period were for sex trafficking crimes.¹⁵⁹ In 2018, the most recent year for which post-appeal judgments were available, judges issued 10 convictions under Article 189a and Article 253, 7 convictions under Article 204(3), and 18 convictions under Article 203 of the Criminal Code. Of these,

¹⁴⁷ GRETA (Council of Europe), above n **Error! Bookmark not defined.**, 43.

¹⁴⁸ See Dorota Hall (FRANET), above n 98, 14.

¹⁴⁹ Ibid, 14.

¹⁵⁰ See an unofficial translation of the Labour Code [here](#).

¹⁵¹ See Lukasz Wieczorek et al, above n 97, 29.

¹⁵² Suzanne Hoff (La Strada International), above n 43, 39.

¹⁵³ See further Lukasz Wieczorek et al, above n 97, 24.

¹⁵⁴ Lukasz Wieczorek et al, above n 97, 29; Suzanne Hoff (La Strada International), above n 43, 40.

¹⁵⁵ GRETA (Council of Europe), above n 146, 24.

¹⁵⁶ US Department of State (2020), above n 12, 409-410.

¹⁵⁷ GRETA (Council of Europe), above n 15, 7.

¹⁵⁸ US Department of State (2020), above n 12,409-410.

¹⁵⁹ US Department of State (2019), above n 12,384.

four were for forced labour (none in 2017). Judges issued 32 traffickers sentences ranging from one year's imprisonment to five to eight years' imprisonment, and three traffickers received community service. However, authorities suspended 11 of these sentences.¹⁶⁰ In 2017, judges issued a total of 42 final convictions (58 in 2015 and 58 in 2016) under Article 189a and 224 final convictions under Article 253 of the old Criminal Code (34 in 2016 and 30 in 2015), 11 final convictions under Article 203 (17 in 2016 and 16 in 2015), and 7 final convictions under Article 204(3) (7 in 2016 and 12 in 2015).¹⁶¹ The Prosecutor's Office registered 135 cases under Article 189 (1-2) of the Criminal Code, an increase compared to 2016, where the number of cases was 49. The number of victims in 2017 was 453, while in 2016 it was only 199.¹⁶²

Importantly, the US TIP Report noted that 'there were very few prosecutions for forced labor for several reasons: law enforcement had difficulty identifying forced labor; many offenses occurred abroad; there was no clear definition of what constitutes forced labor in the criminal code; and prosecutors and judges often lacked expertise in labor trafficking cases. Additionally, observers reported prosecutors and judges lacked familiarity with victim-centered approaches, the impact of trauma on victims, and the severity and complexity of the crime.'¹⁶³

5.3. National policies and plans¹⁶⁴

5.3.1. National Action Plan against Trafficking in Human Beings for 2019–2021

On 12 December, 2018 the National Action Plan against Trafficking in Human Beings for 2019–2021 (National Action Plan) was adopted by the Inter-Ministerial Committee for Combating and Preventing Trafficking in Human Beings. The action plan outlines national policy in the area of prevention, victim support and protection, improving the effectiveness of prosecution, improving capacity/competence, knowledge gathering/evaluation and international cooperation. As of 2018, seven Programmes/Action Plans had been adopted.¹⁶⁵

As stated by the Polish authorities, the National Action Plan envisages the need to introduce additional legislative changes. For instance, 'it is planned to introduce, among others, an amendment of the Act of 27 August 2004 concerning the Public Funding of Healthcare, with regard to the payment of health insurance premiums for Polish and foreign victims of trafficking'.¹⁶⁶ Furthermore, further action for improving the identification of child victims of trafficking is envisioned.¹⁶⁷ It is important to note that no independent evaluation of the implementation of the National Action Plan Against Trafficking in Human Beings has yet been undertaken.¹⁶⁸ The government allocated 135,000 zloty (\$35,630) for the implementation of the 2019-2021 National Action Plan in 2018 and 2019. However, 38,000 zloty (\$10,030) came from sources outside the government.¹⁶⁹

5.3.2. National Action Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights 2017-2020¹⁷⁰

In May 2017 Poland adopted the National Action Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights 2017-2020,¹⁷¹ coordinated by the Ministry of Foreign Affairs. It aims at raising awareness of all those involved in the labour market; strengthening the capacity of law enforcement, Labour Inspectorates and other authorities that are, or should be, involved in eliminating labour exploitation; and

¹⁶⁰ US Department of State (2020), above n 12, 409-410.

¹⁶¹ US Department of State (2019), above n 12, 384.

¹⁶² Commission (EU), above n 91.

¹⁶³ US Department of State (2020), above n 12, 410.

¹⁶⁴ The National Action Plan against Trafficking in Human Beings for 2016 – 2018 is available [here](#)

¹⁶⁵ Commission (EU), above n 91.

¹⁶⁶ GRETA (Council of Europe), above n 146, 3.

¹⁶⁷ Ibid, 7.

¹⁶⁸ Ibid, 18.

¹⁶⁹ US Department of State (2020), above n 12, 410.

¹⁷⁰ Available in English [here](#).

¹⁷¹ US Department of State (2020), above n 12, 410.

establishing an effective system of supervision over the labour market and all actors operating there.¹⁷²

In September 2016, the Minister for Economic Development and Finance established the Advisory Board for Sustainable Development and Corporate Social Responsibility (the CSR Advisory Board). This board, comprised of a range of different stakeholders, is responsible for developing recommendations and proposals for sustainable development.¹⁷³

5.4. Victim support and assistance frameworks

The National Consulting and Intervention Centre for Victims of Trafficking (KCIK), managed by two NGOs, constitutes the core of the Polish victim support system. The Centre is addressed to victims identified by law enforcement agencies, but also to potential victims who have not been officially identified. The assistance offered by the Centre is not dependent on victims' cooperation with law enforcement agencies. Its main responsibilities include informal identification of victims, intervention, provision of medical, legal and psychological assistance, interpreter services, and prevention advice and consultations. KCIK operated two shelters for adult female victims, a small shelter for men with capacity to accommodate three adult male victims, and rented apartments for victims who did not prefer shelters. The shelters and apartments housed a combined total of 58 victims in 2019 (38 in 2018), and 170 crisis intervention centres offered general assistance. In 2019 and 2018, the government allocated 1.1 million zloty (€245,490) to the two NGOs that run KCIK. The government also allocated 80,000 zloty (€17,850) to train welfare assistance personnel on assisting trafficking victims and witnesses, compared with 84,000 zloty (€18,746) in 2018.¹⁷⁴

As highlighted in the 2020 US TIP Report, the Polish government maintained insufficient protection measures. Victim services remained understaffed and the government allocated inadequate funding and resources, particularly outside Warsaw and Katowice. For instance, shelter capacity for male victims for labour exploitation was insufficient, and there was no clear system of assistance to meet the needs of unaccompanied children.¹⁷⁵ Authorities identified 221 potential victims in 2019 (162 in 2018) and referred 104 to care facilities (47 in 2018). The KCIK provided assistance to 226 potential victims (168 in 2018).¹⁷⁶ 'The government maintained SOPs [Standard Operating Procedures] for the identification, referral, and support of trafficking victims, including standardized indicators and specific indicators to identify child victims. However, police and prosecutors acknowledged authorities lacked the expertise to identify forced labor victims and child victims, particularly among unaccompanied children. Labor inspectors did not identify any victims in 2019 and 2018, and noted challenges in determining whether an offense constituted as a violation of workers' rights or forced labor. Law enforcement used indicators with sample questions focused on freedom of movement but did not take psychological coercion or subtle forms of force into consideration'.¹⁷⁷

In addition to KCIK services, other relevant provision regarding victims' safeguarding are envisaged within the Act on Social Assistance, which entitles victims of trafficking to receive short-term assistance.¹⁷⁸ However, although victims from the EEA had access to the full scope of welfare benefits offered to Polish citizens if they could prove habitual residency, NGOs reported victims from Romania and Bulgaria had problems proving this.¹⁷⁹

¹⁷² Suzanne Hoff (La Strada International), above n 43, 41-42.

¹⁷³ Ibid, 42-43.

¹⁷⁴ US Department of State, above n 12, 410.

¹⁷⁵ Ibid.

¹⁷⁶ 154 were victims of forced labour, 39 of sex trafficking, three of domestic slavery, two of degrading treatment, two of forced criminality, and 26 of other types of exploitation; 136 were male and 90 were female; 168 were foreign victims seven were children. Ibid.

¹⁷⁷ Ibid, 410.

¹⁷⁸ Commission (EU), above n 91.

¹⁷⁹ US Department of State (2019), above n 12, 384.

5.5. National institutions and inter-departmental coordination

The Ministry of Interior leads the co-ordination of anti-trafficking action in Poland. The **Inter-Ministerial Committee for Combatting Trafficking in Human Beings** (Inter-Ministerial Committee) is a consultative body, which is responsible for the overall policy coordination of anti-trafficking action in Poland. It comprises representatives of Ministries, NGOs, and international organisations. Within the Inter-Ministerial Committee, a **Working Group** was set up for monitoring the implementation of their actions. The **Unit of the European Migration Network and Prevention of Trafficking** serves as Secretariat to the Inter-Ministerial Committee, and is subordinated to the Analyses and Migration Policy Department of the Ministry of Interior. While the Inter-Ministerial Committee functions as a mechanism equivalent to a National Anti-trafficking Rapporteur, in practice the Unit of the European Migration Network and Prevention of Trafficking participates in the Informal EU Network of National Rapporteurs or equivalent mechanisms.

Within the National Police Headquarters, a **Unit for Combating Trafficking in Human Beings** was established, aimed at monitoring, co-ordinating, and supporting Police in their activities against trafficking and sexual abuse of children. There are also **regional anti-trafficking teams** in each of Poland's voivodships, with the aim to co-ordinate prevention, assistance and training activities, which include representatives of the offices of the regional administrations and the regional structures of the Police, Border Guard, State Labour Inspectorate, Customs Service, social assistance offices, employment offices, and NGO representatives. A nationwide network of NGOs against trafficking was created in July 2014, led by the La Strada Foundation.

5.6. Training and capacity-building for responders

In the last few years, the government has maintained institutionalised anti-trafficking training programmes aimed at law enforcement officials, border guards, judges, prosecutors, teachers, educators, employees of crisis intervention centres, and health-care professionals.¹⁸⁰ For instance, the US TIP report noted that in 2019, Polish authorities provided training on victim identification to 61 prosecutors and judges, 57 Police, 835 border guards, 164 consular officers, 29 labour inspectors, 43 employees of crisis intervention centres, and 20 officials who interview asylum-seekers.¹⁸¹ Police and prosecutors, however, acknowledged authorities lacked the expertise regarding identification of forced labour victims and child victims.¹⁸²

5.7. Public awareness raising

Poland's government has carried out several public awareness raisings campaigns, including the creation of a website (www.handelludzmi.eu) with information about trafficking.¹⁸³ A wide range of public awareness activities are described in the Polish government reply to GRETA recommendations, including meetings, festivals, and competitions.¹⁸⁴

The GRETA Report, while recognising the efforts of Poland's government, noted that 'the impact of awareness-raising campaigns is usually evaluated by the institutions conducting them, but it appears that the evaluation is often limited to the assessment of whether the indicators or specific output goals that were planned for the campaign were reached, rather

¹⁸⁰ GRETA (Council of Europe), above n 146, 11, 29, 31, 33.

¹⁸¹ US Department of State, above n 12, 410.

¹⁸² Ibid.

¹⁸³ GRETA (Council of Europe), above n 15, 15.

¹⁸⁴ See GRETA (Council of Europe), above n 146, 19 ff. For instance, the International human trafficking film festival "18/18, the competitions "Human trafficking in my eyes" for artistic work, and a project entitled "Migrants rights in practice" conducted by International Organisation for Migration, Ministry of the Interior and General Labour Inspectorate – a three year project initiated in 2010 targeted at those foreign nationals who receive the most long-term (above 12 month) residence and work permits and are vulnerable to human trafficking and labour rights abuse – Armenians, Belarusians and Ukrainians. Actions were directed at migrants staying in Poland as well as those staying in their home countries and planning to travel to Poland for work. See further awareness programmes available at Commission (EU), above n 91.

than the actual impact of the campaigns'.¹⁸⁵ Thus, the implementation of independent evaluation studies is recommended as an integral part of future projects to raise awareness.

5.8. Efforts to address vulnerabilities and drivers

To date, Poland has no national plan for gender equality nor comprehensive strategy aimed at preventing and eliminating all forms of violence against women.¹⁸⁶ Although it adopted the National Action Plan for Equal Treatment covering the period from 2013-2016, this has not yet been replaced by a new equivalent plan.¹⁸⁷

The key component of assistance for the Roma community is the Programme of Integration of the Roma Community in Poland for 2014–2020 (in continuation of the initiatives in 2004–2013). Funding is mainly provided from the State budget at PLN 10 million per annum. The Programme's goal is to improve integration of the Roma community in civic society by providing support in four areas: education and cultural education (improved participation in education of pupils and students of Roma origin, measures improving awareness about the Roma community); housing; promotion of employment; and healthcare.¹⁸⁸

5.9. Frameworks for international coordination

Poland is part of the EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings, which ensures coordination and coherence between EU institutions and EU agencies as well as with Member States and international actors, as well as developing new anti-trafficking solutions. International information exchange takes place via Polish liaison officers, foreign liaison officers accredited in Warsaw, as well as via Interpol and Europol. At the bilateral operational level, the Polish Border Guard co-operates in particular with Frontex, Europol, and its counterparts in Romania, the Netherlands, Lithuania, Germany, and the UK.¹⁸⁹ It is also possible to exchange evidence directly between Prosecutors' Offices within the framework of Joint Investigation Teams (JITs).¹⁹⁰ Cooperation with the UK¹⁹¹ and the Netherlands has been intensified due to a large number of Polish victims affected by trafficking in human beings in these countries.¹⁹²

The Polish government has cooperated with countries of origin for victims identified in Poland, such as Ukraine and Moldova,¹⁹³ and has participated in the work of the Council of the Baltic Sea States' Task Force against Trafficking in Human Beings. Furthermore, in 2018, Poland supported the project called 'Paving the Way for a Harmonized Operational Framework in the Baltic Sea Region', which aims to strengthen and extend the anti-

¹⁸⁵ GRETA (Council of Europe), above n 15, 15

¹⁸⁶ Human Rights Council, above n 75, 9; CEDAW/C/POL/CO/7-8, para 25 (b).

¹⁸⁷ See Commissioner for Human Rights (Council of Europe), above n 71. The National Action Programme for Equal Treatment for 2013–2016 is an important instrument of the Government's policy of equal treatment (among others, on grounds of gender). The Programme defines the goals and priorities of actions for equal treatment in the following areas: raising awareness of the general public on equal treatment, including reasons and consequences of breaches of the principle of equal treatment; preventing breaches of the principle of equal treatment; collaboration with social partners, NGOs and others to promote equal treatment. See Human Rights Council, 'National Report- Poland' (A/HRC/WG.6/27/POL/1, 2017) 10.

¹⁸⁸ Ibid.

¹⁸⁹ Commission (EU), above n 91.

¹⁹⁰ The first one was established with Romania in 2014 concerning trafficking of Romanian citizens to Poland for exploitation in the form of forced begging. The second JIT was set up with the United Kingdom in 2014 and aimed at investigating trafficking of Polish nationals to the UK for the purpose of labour exploitation. See GRETA (Council of Europe), above n 15, 42.

¹⁹¹ The two Governments have agreed on the creation of an anti-trafficking co-operation plan, which includes co-operation between NGOs in the field of identification of, and assistance to, victims of trafficking, preventive actions, organisation of study visits and exchange of law enforcement officials. Authorities collaborated on investigations with counterparts in the UK, extraditing two Polish nationals to the UK on trafficking-related charges. See US Department of State (2019), above n 12, 384. See also GRETA (Council of Europe), above n 146, 40,41

¹⁹² Commission (EU), above n 91.

¹⁹³ Ibid.

trafficking cooperation network by establishing direct contacts with the countries of trafficking victims' origin, that is Bulgaria, Romania and Ukraine.¹⁹⁴

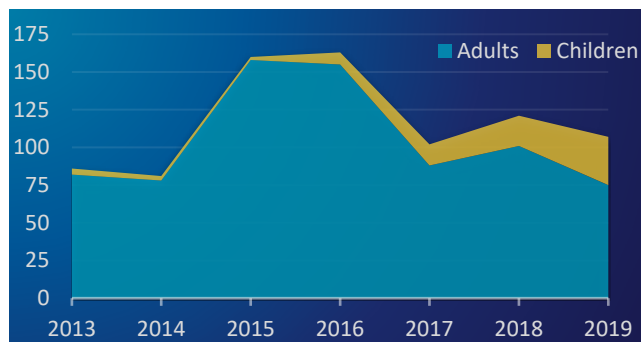
¹⁹⁴ GRETA (Council of Europe), above n 146, 42.

6. Experiences of modern slavery of Polish nationals in the UK

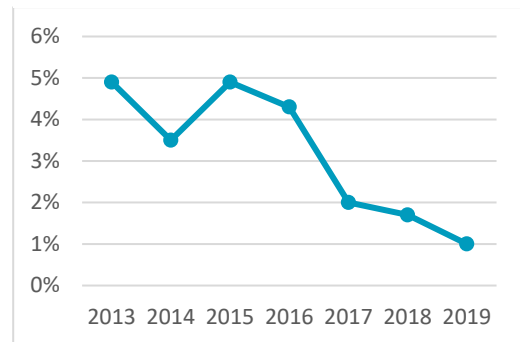
6.1. Polish nationals in the UK National Referral Mechanism

Polish nationals have consistently been in the top twenty nationalities represented in National Referral Mechanism referrals, although they have typically represented less than 5% of all referrals. The number of Polish nationals referred into the NRM has varied from 81 potential victims referred in 2014, up to 163 referrals in 2016. Adults have always made up the majority of Polish nationals referred into the NRM, with between 2 (2015) and 32 (2019) Polish nationals referred who were minors at the time of their exploitation from 2013-2019.¹⁹⁵ However, since 2015, the proportion of Polish nationals referred, as a proportion of all referrals, has been steadily decreasing.

Number of Polish nationals referred into the NRM by age at time of exploitation

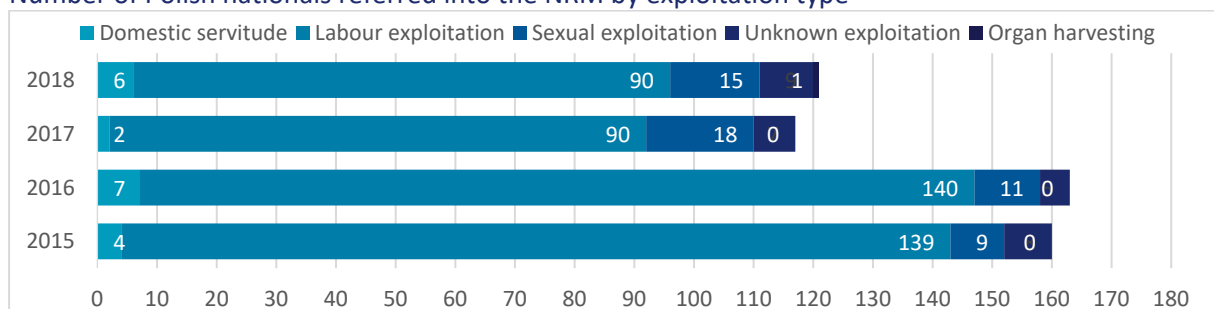


Proportion of potential victims referred into the NRM that are Polish nationals



Polish nationals referred into the NRM typically experience labour exploitation, with only a small proportion of Polish potential victims recorded as having experienced domestic servitude or sexual exploitation. While gender data was not disaggregated by nationality from 2015-2019, NRM reports included such data in the 2013 and 2014 reports. In these years, the majority of Polish nationals referred into the UK NRM were male (74% in 2013 and 71% in 2014)—consistent with the trend of victims of labour exploitation being majority male.

Number of Polish nationals referred into the NRM by exploitation type¹⁹⁶



¹⁹⁵ Home Office, 'National Referral Mechanism Statistics UK: End of Year Summary 2019: Data tables' 2nd edn available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2018' (2019) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2017' (2018) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2016' (2017) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2015' (2016) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2014' (2015) available [here](#); National Crime Agency, 'United Kingdom Human Trafficking Centre: National Referral Mechanism Statistics 2013' (2014) available [here](#).

¹⁹⁶ Ibid. Note that exploitation type data is not disaggregated by nationality in the 2013, 2014, or 2019 data and these years are therefore excluded.

In 2019, one of the largest modern slavery cases ever brought to trial in Europe (Operation Fort) concluded. Following a complex and lengthy investigation, the criminal gang responsible were brought to justice and the victims safeguarded. The criminal gang responsible trafficked over 400 potential victims from Poland to the UK for forced labour.¹⁹⁷

6.2. Typical journeys from Poland to the UK for trafficking victims

A study conducted by Anti-Slavery International, ECPAT UK, and Pacific Links Foundation, revealed that Poland is a common transit country for Vietnamese trafficking victims en route to the UK, among other countries.¹⁹⁸ In 2019, the UK's largest modern slavery gang to date was identified and apprehended (Operation Fort). This criminal group had trafficked more than 400 Polish victims into the UK.¹⁹⁹ The Polish national traffickers, by deceptive means, contacted vulnerable people in Poland with the promise of free accommodation and well-paid employment in the UK. Once in the country, they were subjected to violence, extortion, abuse, exploitation, deprivation of food and water, and social exclusion.²⁰⁰

A UK Home Office study on the Typology of Modern Slavery Offences in the UK—including Polish victims—analysed the relation between the type of exploitation and methods of recruitment. In cases of labour exploitation of Poles, recruitment tended to be in-person, either in the victim's country of origin or in the UK, through offers of 'good jobs', and transport arranged by recruiters.²⁰¹ In criminal exploitation activities, recruitment was almost always within the UK and victims were most commonly transported between locations by car.²⁰²

6.3. Experiences of exploitation and working conditions

There is a lack of reliable data about the specific experiences of exploitation of Polish nationals into the UK. Although the majority of Polish victims identified in the Home Office Annual Report on Modern Slavery were women subjected to sexual exploitation,²⁰³ referrals of Polish nationals into the NRM are overwhelmingly related to labour exploitation, with historical data indicating a majority male population. The 400 Polish victims identified in connection to Operation Fort 'were housed in cramped, substandard accommodation' and their exploiters 'gave them so little food that many were forced to attend soup kitchens'.²⁰⁴ The victims were making sheds and fences that are supplied to well-known retailers and were picking vegetables at a farm which supplies a company contracted to many high street names.²⁰⁵

The UK study on the Typology of Modern Slavery Offences concluded that victims in labour exploitation, 'worked directly for the offenders, in businesses or sites the offenders owned or controlled. This tended to be unskilled or manual labour, in largely cash-based businesses mostly in urban areas. Labour sectors included construction, cleaning, factory work, agricultural work, restaurants, nail bars and car washes'.²⁰⁶ In relation to criminal exploitation—forced labour in illegal activities—the only non-Vietnamese victim noted was a Lithuanian adult male. They 'were confined to a private house or flat and were told to look after cannabis plants. They would either be alone or with one or two other victims. They were not paid for their work, and in some cases were told that they owed money to the offenders for their transport to the UK. Methods of control, where known, included

¹⁹⁷ UK Home Office, '2019 UK Annual Report on Modern Slavery' (2019), 5, available [here](#).

¹⁹⁸ ECPAT-UK/Anti-Slavery/Pacific, 'Precarious Journeys- Mapping Vulnerabilities of victims of trafficking from Vietnam to Europe' (2019) 9, available [here](#).

¹⁹⁹ Chris Baynes, 'UK's largest modern slavery gang trafficked more than 400 victims' *Independent* (5 July 2019), available [here](#).

²⁰⁰ Palko Karasz, 'Modern Slavery' Ring in U.K. Ensnared up to 400 Polish People, Authorities Say' *The New York Times* (5 July 2019), available [here](#).

²⁰¹ UK Home Office, 'A Typology of Modern Slavery Offences in the UK' (2017) 26, available [here](#).

²⁰² *Ibid*, 35.

²⁰³ UK Home Office, above note 197, p 10.

²⁰⁴ CPS, 'CPS secures convictions in largest ever modern slavery prosecution', (5 July 2019), available [here](#).

²⁰⁵ Independent Anti-Slavery Commissioner Strategic Plan 2019-2021.

²⁰⁶ *Ibid*, 16.

violence and threats of violence, surveillance and restriction of movement, and distrust of the authorities'.²⁰⁷

6.4. Consequent effects of trafficking on survivors

In general terms, human trafficking exerts psychological effects on survivors that persist after intervention, and even after community reintegration. Effects include anxiety, depression, alienation, disorientation, aggression, suicidal ideation, attention deficit, and posttraumatic stress disorder (PTSD). In this context, community support and coping mechanisms may mitigate these effects.²⁰⁸ To date, there don't appear to have been any studies specifically interrogating particular impacts of modern slavery or consequent needs of Polish nationals exploited in the UK.

²⁰⁷ Ibid, p 38.

²⁰⁸ See generally David Okech et al, 'Social Support, Dysfunctional Coping, and Community Reintegration as Predictors of PTSD Among Human Trafficking Survivors', (2018) 44 *Behavioral Medicine*, 209-218, and Asefach Haileselassie Reda, 'An investigation into the experiences of female victims of trafficking in Ethiopia', (2018) 11 *African and Black Diaspora: An International Journal* 87.

7. The impact of COVID-19

7.1. The Government's response to COVID-19

In March 2020, the Polish Government adopted an emergency law to prepare for managing the COVID-19 crisis, closing its national borders on 15 March. Since then, the Government progressively expanded social distancing measures and adopted various packages and measures to combat the economic effects of COVID-19.²⁰⁹ Although the number of people infected per capita was lower in Poland than in the other 22 EU countries, on 20 March, the Prime Minister declared the country in a state of 'epidemic threat'. As of May 2020, the Government started the de-confinement process. It has been reported that the Polish Government's response to the Covid-19 crisis yielded very positive results overall.²¹⁰

In the University of Oxford's Government Stringency Index—a composite measure of the strictness of policy responses²¹¹—Poland reached a score of 83.3 out of 100 during a short period of time (April-May), then subsequently dropped and maintained a relatively low score up to October 2020.²¹² Measures in different areas have been adopted to mitigate the effects of the COVID-19 pandemic, including economic stimulus, employment-related and tax-related measures.²¹³ Poland has benefited from the European Commission State Aid Temporary Framework.²¹⁴ However, in November 2020 Poland vetoed EU budget for conditioning economic aid on a rule-of-law provision to the budget.²¹⁵ Generally, the COVID-19 crisis 'has ultimately proved to be an opportunity for the Polish government to try and force through some controversial laws and strengthen the position of Andrzej Duda, the outgoing president and candidate for re-election.'²¹⁶

7.2. The impact of COVID-19 on workers and modern slavery victims

The COVID-19 pandemic is expected to have a considerable impact on the Polish economy into the future. According to various scenarios, GDP growth is expected to vary between a rise of 1.7% and a decrease of 10.7%, and unemployment may rise to a rate of between 5.4% and 10.2%. It is likely that the Polish economy will not begin to recover from the crisis until 2021. Given that Poland has one of the highest rates in the EU of workers not covered by unemployment insurance, the economic impact of the crisis could disproportionately affect vulnerable workers.²¹⁷ Regarding young workers, an ILO study revealed that the pandemic has been very taxing on young Polish workers from both employment and career perspectives. Young women have been more affected than men, in that almost 30 per cent lost their job compared to around 25 per cent of men.²¹⁸

²⁰⁹ Maryla Klajn, 'Politicizing the pandemic: Poland's response to COVID-19' *European border communities* (1 May 2020), available [here](#).

²¹⁰ Roman Krakovsky, 'Europe Versus Coronavirus – Poland, Between Reactivity and Opportunism' *Institut Montaigne* (7 May 2020), available [here](#).

²¹¹ See in depth [here](#).

²¹² Our World in data (2020), available [here](#).

²¹³ For a description, see Roman Krakovsky, 'Europe Versus Coronavirus – Poland, Between Reactivity and Opportunism' (7 May 2020), available [here](#).

²¹⁴ See [here](#).

²¹⁵ Jack Arnholz, 'EU in turmoil after Poland and Hungary block coronavirus relief plan' ABC News (17 November 2020), available [here](#).

²¹⁶ Roman Krakovsky, above n 213.

²¹⁷ Ibid.

²¹⁸ ILO, 'Youth and COVID-19 in Poland: Impacts on jobs, education, rights and mental well-being' (12 August 2020), available [here](#).