**"Contribution to UN GA report 2022”**

Collected data, including updated data on vulnerable groups of children and information pertinent to the reporting examples of vulnerable groups of children under the framework of SDGs.

Polish legislation concerning crimes against minors, including human trafficking and sexual offences, does not differentiate or divide between various kinds of offences. All minors are subject to protection regardless of their characteristics, including race, sex, nationality, religion, or place of origin. They are also entitled to equal support and protection from the state. As a result, everyone falls under the same rules on the prevention, identification, and persecution of sexual offences, as well as on the provision of comprehensive protection and assistance, often in cooperation with other state and local government institutions and non-governmental organisations.

Statistical figures on crime are collected by the Police, the Border Guard, the public prosecution service and courts, within their competence and in the context of actions performed.

Law enforcement authorities collect data on pending pre-trial proceedings (investigations) which may end at that stage already, or end with a bill of indictment submitted to the court (the statistical data concern refusals to initiate enquiries or investigations, discontinuations of enquiries or investigations, submissions to court of bills of indictment).

In turn, courts draft statistical reports on rulings issued. Common court employees complete reports via an IT system dedicated for statistical reporting. One of the functions of the SAP Statistics Application (AS-SAP) is electronic transfer of statistics cards concerning i.a. final and non-appealable rulings issued in the cases of persons accused of human trafficking or sexual offences. This was launched on 1 January 2015, and since then common courts must complete statistics e-cards immediately after the ruling becomes final and non-appealable.

This yields statistical figures concerning:

* the number of people convicted by first-instance district and regional courts for selected crimes and the number of victims of such crimes, including minors (information on people judged and convicted by first-instance courts);
* convicts and victims of human trafficking, taking into account their age.

As part of public statistics activities, information on early and forced marriages is not currently collected, especially since the current Criminal Code does not provide for the crime of “forced marriages.” However, legislative works are ongoing on a bill which would introduce the crime of forced marriages into the Criminal Code under Article 191b, the features of which would correspond to those of Article 37 of the Convention on preventing and combating violence against women and domestic violence.

Information how vulnerable children are at exacerbated threats to sale and sexual exploitation with links to the situation of deprivation of other SDGs. (SDG 1 poverty, SDG 4 education, SDG 5 gender equality, SDG 8 decent work and economic growth, SDG 10 reduced economic inequalities and SDG 11 sustainable cities and communities, SDG 13 climate action, SDG 16 Peace, justice and strong institutions and SDG 17 partnerships for the goals).

Information on child sexual exploitation and circumstances of such offences is obtained during criminal proceedings.

In Poland, investigations concerning human trafficking and illegal adoption are coordinated by the Department for Organised Crime and Corruption. Within this framework, authorities investigate cases concerning offences under Article 189a § 1 and 2 of the Criminal Code (human trafficking). Particular emphasis is placed on proceedings in which minor victims are identified. In 2021, within proceedings for offences under Article 189a § 1 of the Criminal Code, 30 minor victims were identified, including 9 from Poland, 19 from Romania, and 2 from the Democratic Republic of Congo. The findings were that these victims were used for forced labour (6 minors), prostitution (6 minors), and begging (18 minors).

Data obtained through coordinated activities are then transferred to institutions involved in fighting human trafficking, and especially combating these offences where the victims are minors. These data are elaborated on for such entities as GRETA or the US Embassy within the framework of cooperation in reporting under the Trafficking Victims Protection Act of 2000.

The Minister for the Interior and Administration has a Human Trafficking Prevention and Suppression Team consisting of representatives of other ministries and offices as well as non-governmental organisations (https://www.gov.pl/web/handel-ludzmi/zespol-do-spraw-przeciwdzialania-handlowi-ludzmi). In 2021, the Team devised a handbook for law enforcement and judicial authorities and other institutions involved in the suppression of human trafficking on proceedings in human trafficking cases. The handbook has been delivered to the “Prokuratura i Prawo” journal for publication.

The manifestations of sale and sexual exploitation in relation to targets 5.3: which provides to end all harmful practices, such as child, early and forced marriage; 8.7: which provides to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms; and 16.2: which provides to end abuse, exploitation, trafficking and all forms of violence against and torture of children. These manifestations may include children on the move (migrants, conflict-affected, refugees, asylum-seekers, street situations, displaced including climate and disaster related), children from marginalized groups (indigenous, minorities, rural and urban settings), and children with disabilities.

On 22 January 2014, the National Police Headquarters created the Human Trafficking Suppression Division. Its objective is to combat human trafficking, pimping, pandering and facilitating prostitution, as well as to suppress paedophilia and child pornography. Regional police departments and the National Police Headquarters have regional human trafficking teams placed within criminal divisions. Apart from that, all Central Investigation Bureau of Police offices have designated non-full-time coordinators for the suppression of human trafficking.

In the Border Guard, it is the operational and investigative division that identifies, prevents, and detects offences with the features of human trafficking. Within each of the nine organisational units of the Border Guard, there are coordinators for the prevention and suppression of human trafficking who perform their duties with the help of experts in this field at Border Guard posts. In turn, coordination of efforts in this respect at the central level lies with the Operational and Investigative Board of the Border Patrol Headquarters.

Identical operational and procedural actions are taken with respect to actual or suspected cases of sexual exploitation of children who are Polish citizens and those who are affected by refugee/migration crises. The Police and Border Guard always determine the specific aspects of the case in which a child being a migrant or a refugee becomes a victim. In this case, if the minor travels without a guardian, or they do have a guardian but the case concerns, e.g., suspected sexual exploitation, law enforcement authorities undertake relevant action based on the procedures prepared. These include a special algorithm prepared for the Police and Border Guard for identifying minor victims of human trafficking, which especially takes into account potential sexual exploitation. This algorithm determines, among other things, which children are particularly vulnerable to becoming a victim (considering with particular emphasis those from abroad migrating without parents), difficulties in identifying minor victims, circumstances and situations which require the attention of the authorities in the identification process, preliminary identification, and actions to be taken by the officers. Furthermore, the algorithm also touches on the problem of identifying potential minor victims in transit.

Circumstances indicated in the algorithm which the law enforcement authorities should pay attention to in contacting minors affected by a migrant crisis, and which may give rise to suspicions that they are exploited sexually, include, among others, the express inconsistency between the physical features of the child and their guardian (if any) – such as skin colour or complexion – the use of language different to that of their guardian, visible inconsistency between the child’s image with that in their travel document, guardians’ control of the child’s behaviour, child’s visible heightened fear in the presence of armed officers, embarrassment in providing information on what they are doing, where they live, whether the marks on their body may be evidence of prior physical violence. In preliminarily identifying  
a person as a potential sexual exploitation victim, the algorithm recommends interview (questioning session) with the victim in friendly conditions, with an interpreter, with questions that may not instil the feeling of guilt in the child, and actions performed by the same officer, so that mutual relations and trust can be developed. If sexual exploitation is suspected, it is also recommended that a psychologist take part and end questioning on circumstances of child exploitation (to be continued in court proceedings pursuant to Article 185a of the Code of Criminal Procedure).

Per the algorithm, right from the start, the child should be separated from third parties (including family members) if there is a suspicion that they may be (co-)perpetrators of criminal offences. Further, the algorithm also specifies actions to be taken later, such as informing the child of their rights and duties, contacting relevant victim assistance institutions, undertaking efforts to determine and confirm the child’s identity, filing an application with a family court to establish a court-appointed guardian or probation officer, and placing the minor in the relevant care centre or foster family.

Foreigners who are suspected to be victims of human trafficking within the meaning of Article 115 § 22 of the Criminal Code are issued a certificate confirming this suspicion pursuant to Article 170 of the Foreigners Act. Such certificates are valid for three months for those who reached the age of majority, or for four months for minors (Article 172(2) of the Foreigners Act). A foreigner’s stay within the Republic of Poland is considered legal for the validity period of the issued certificate referred to in Article 170. A foreigner’s stay is no longer considered legal once the minister competent for the interior enters information in their register that the foreigner:

1) actively, voluntarily and on their own initiative re-established contact with persons suspected of the crime referred to in Article 189a § 1 of the Criminal Code, or

2) crossed or tried to cross the border in contravention of the law.

In Poland, people convicted of sexual offences against children/minors (including sexual exploitation of minors or child sexual abuse) may not pursue professions which require regular contact with children. This is laid down in Article 41 § 1a of the Polish Criminal Code which states that the court shall issue a ruling prohibiting the holding of any and all or specific positions, or pursuit of any and all or specific professions or activities related to the upbringing, education, treatment, or care of or over minors for a definite period or for life in the event that the subject is convicted of a sexual offence against a minor.

Pursuant to Article 21(1) of the Act of 13 May 2016 on the prevention of threats of sexual offences (Polish Journal of Laws of 2016, item 862), before establishing an employment relationship or entrusting the performance of other activities related to the upbringing, education, relaxation, treatment, or care of or over minors, employees or other organisers of such activities are obliged to obtain information whether the details of the persons engaged are entered in the Register of Sexual Offenders. The Register features data on persons convicted of, among other crimes, specific sexual offences against minors, including sexual exploitation. Failing to observe this obligation or violating it (i.e., admitting a person despite knowing they feature in the Register) entails criminal liability pursuant to Article 23(1) of said Act (with the penalty of detainment, community sentence, or fine of at least PLN 1,000.00).

The 2021 action plan of the Minister of Development, Labour and Technology, designed for, i.a., the government administrative division for tourism (continued by the Minister of Sport and Tourism), envisages in PART C: Other objectives to be achieved in 2021:

* + drafting a bill or guidelines governing:
  + short-term rentals, hospitality services, tour leaders and tourist guides;
  + promotional activities and operations of the Polish Tourism Organisation;
  + the financing of tourism promotion – introduction of a nationwide tourist fee.

The year 2021 saw internal works carried out in this respect. Current legislative efforts are taken within the framework of the document titled “Assumptions for the bill on types of tourist services, amending certain other acts.” This document lays out the demand that every tourist accommodation facility which provides accommodation services should obligatorily have rules and regulations, featuring especially a provision ensuring safety to minors, preventing child sexual exploitation. District Councils would be able to set out, by virtue of resolutions, additional conditions which such rules and regulations would have to specify.

Protection needs and contextual challenges amid the efforts to combat sale and sexual exploitation of children such as; COVID-19, climate change and disasters, safety in digital space, and increasing conflict outbreaks.

Practical measures taken to address the vulnerabilities in institutional, family and online settings to ensure no child is left behind with respect to protection against sale and sexual exploitation. Examples of good practices are kindly requested to be as concrete as possible and preferably include a description of practical outcomes or results.

In Poland, efforts are taken to make punishments for sexual offences more severe.

The Act of 13 May 2016 on the prevention of threats of sexual offences (Polish Journal of Laws of 2020, item 152) introduces the Register of Sexual Offenders referred to hereinabove, and specifies places posing a particular threat of sexual offences (the so-called police map of sexual offence threats). The objective of this act was to strengthen preventive measures against offences committed with sexual motivation. It was furthermore supposed to have a dissuasive effect and facilitate proceedings (especially criminal proceedings) carried out by specific state authorities and institutions.

The Act of 23 March 2017 amending the Criminal Code, the Act on proceedings in cases concerning minors and the Code of Criminal Procedure (Polish Journal of Laws of 2017, item 773) was yet another legislative interference aimed at combatting sexual offences, its objective being improving protection of minors, especially those below the age of 15, as well as of people vulnerable due to their mental or physical condition. Among other things, the act in question amended the general principles for determining punishments and other measures by supplementing the list of circumstances taken into account by the court in imposing punishment. Pursuant to that Act, in determining the punishment, the court should also account for the fact that the perpetrator commits the crime against a minor (Article 53 § 2 of the Criminal Code).

Works are ongoing on making amendments to the Criminal Code aimed at, among other objectives, making more sever the punishments for sexual offences.

The expansion of the Internet in the recent years caused interpersonal relationships to move to the online world. In particular, this change concerns young people, as social media platforms have become a place where they build and maintain their relationships, shape their identity, and express themselves.

The widespread nature of self-generated child sexual exploitation material and distribution thereof via social media platforms has led the team at Dyżurnet.pl to initiate research aimed at capturing its features from the perspective of young people. The respondents, divided into two age groups, aged 18−21 (28 respondents) and aged 22−24 (9 respondents), were asked for their experiences with sexting and self-generated sexual content when they were still minors. The study involved online in-depth interviews (via Zoom) between respondents and interviewers. In September 2021, 37 interviews were held in total, with 15 men and 22 women.

The main observation of the study was that both sexting and self-generated child sexual exploitation material was much more prevalent than assumed. The study also confirmed that minors were often not aware that such material may be published without their consent, and that strangers they meet online were not necessarily who they claimed to be. In consequence, these practices made minors vulnerable to sexual violence and harassment online and offline.

In response to the problems outlined by that study, NASK (the Research and Academic Computer Network) prepared an Internet campaign addressed to minors aged 13−17 (<https://vm.tiktok.com/ZMLAJ2kdc/>). The campaign was based on six 30-second educational clips posted on TikTok, where the Polish Safer Internet Centre opened its account.

As for identifying such crimes, relevant departments and organisational units of the Police monitor, within the scope of their competence, the content of listings posted on the Internet using OSINT (**o**pen-**s**ource **int**elligence) analysis and collecting information from publicly available sources which are subsequently verified in depth.

In January 2020, the Ministry of Digitisation inaugurated the Working Team for Child and Adolescent Security in the Internet, and a public prosecutor serving in the Cybercrime Department was designated to work in this Team as well.