**Poland’s submission for the elaboration of an OHCHR report devoted to the issue of reparation for child victim and survivors of sale and sexual exploitation**

**Border Guard assistance**

The Border Guard is a formation that performs its statutory tasks and does not have the power and possibilities to provide child victims with compensation in war time and peace.

Claims for damages may be asserted at a later stage of the proceedings, i.e. at the stage of court proceedings on the basis of the Code of Penal Procedure (obligation to repair damage, compensation or restitution), as well as the provisions of the Code of Civil Procedure.

The Border Guard, as a law enforcement agency, may apply a coercive measure, in the form of a security for property, on the established assets of the perpetrator. This measure is intended to prevent the suspect from hiding or disposing of his assets and thus to secure the possibility of future execution of the judgment in respect of fines, the above-mentioned compensatory measures as well as other benefits.

Border Guard officers, in case of revealing an underage victim of trafficking in human beings, are obliged to apply the document "Algorithm of identification and proceedings towards an underage victim of trafficking in human beings for Police and Border Guard officers" (developed under the guidance of the Ministry of Internal Affairs and Administration). The document contains detailed guidelines on how to behave with an underage victim of trafficking in human beings (including a sexually exploited one), which defines the method of initial identification and further intervention proceedings.

The Border Guard makes every effort to prevent undesirable phenomena that may affect children, in particular in places of administrative detention of migrants. As a good practice adopted in guarded centres for foreigners where families with children can be placed, a special approach to minors staying there should be indicated.

In 2018, as a result of cooperation between the Border Guard and the non-governmental organisation "We give Children Strength”, a policy "We protect children in guarded centres" was introduced, including "Procedures for intervention in cases of child abuse in guarded centres". This is an algorithm for dealing with the identification of suspected child abuse in a guarded centre, including sexual abuse, including definitions of child abuse and emotional abuse of a child.

The procedures described therein refer to a situation where there is a threat of child abuse or a suspicion that a child has been abused by a parent, an employee of a guarded centre, or another bystander, including another child. In parallel, trainings were conducted by the aforementioned organisation for employees of guarded centres on the skills of identifying cases of child abuse, including sexual abuse, as well as responding to such phenomena using the introduced procedures.

In the context of the armed conflict in Ukraine, it can be added that during border checks of persons fleeing from Ukraine, special attention is paid to whether a minor travelling without a legal guardian does not show symptoms characteristic of sexual exploitation or trafficking in human beings.

If circumstances giving reasonable grounds for assuming such a situation are revealed, a separate standard 'Algorithm for Identification and Treatment of a Minor Victim of Trafficking in Human Beings for Police and Border Guard Officers', based on the contact with the competent coordinator for combating and preventing trafficking in human beings, applies.

The Ministry of the Interior and Administration prepared and immediately distributed to border crossings the leaflets "Do not trust implicitly", which warned persons fleeing from threats often arising in crisis situations, including sexual exploitation and human trafficking. These leaflets particularly target minors and single young women.

**Medical care**

The rules of granting health care services to foreigners applying for international protection are set out in the Act of June 13, 2003 on granting protection to foreigners in the territory of the Republic of Poland (Journal of Laws of 2022 item 1264 as amended). Health care provided to asylum seekers in Poland is not based on universal health insurance.

Legislation in force in Poland provides asylum seekers with access to medical care financed from a separate budget remaining - in the case of most health care benefits - at the disposal of the Head of the Office for Foreigners.

The state budget provides funding for the prevention and treatment of this group of patients. For certain health care benefits, such as those provided under programmes or vaccinations the source of their funding is the budget of the minister responsible for health affairs or the budget of another state body.

The above does not change the general principle that the Head of the Office for Foreigners is responsible for the proper functioning of the asylum seekers health system. The provision of medical services is based on a civil law agreement concluded between the Office for Foreigners and the Medical Operator.

The scope of eligibility for medical care is in the case of asylum seekers is the same as the scope of eligibility for publicly funded health care benefits provided to persons covered by compulsory or voluntary health insurance. The exception to the above rule is treatment and rehabilitation in sanatorium which are excluded from the catalogue of services provided free of charge to asylum seekers. Hence, foreigners applying for international protection are guaranteed comprehensive medical care including access to mandatory preventive vaccination.

In organizing healthcare for beneficiaries of international protection the involved institutions are: Office for Foreigners, Ministry of Health (for prevention and treatment of infectious diseases) and Private Company which have signed civil-law agreement concluded with the Office for Foreigners and provide medical and psychological care for foreigners applying for international protection.

Medical care for foreigners applying for international protection is carried out in medical locations in all 9 centers for asylum seekers and in one of the premises of the Office for Foreigners in Warsaw. At each point the doctor, nurse and psychologist, provide primary care, as well as direct to specialist consultations (in different facilities or hospitals outside the centers) if required.

Should medical consultation and diagnostic tests require hospitalisation, the physician will refer the foreigner to the nearest hospital that cooperates with the medical service provider.

Foreigners use the same medical facilities as Polish citizens, have access to the same diagnostic and therapeutic methods, including surgical ones, obtain free medicines and dental assistance. If there are clinical indications, they are qualified for drug treatment, including antiretroviral therapy. Children participate in vaccinations programs, if necessary individual vaccination calendars are designed for them (for example- COVID-19 vaccination was organized separately for each aging group and 557 persons were vaccinated). Foreigners can use rehabilitation services, both on an outpatient and hospital basis. If there is such need, they are also placed in care-and-treatment centres and hospices ( for long-lasting care 24 hours/day).

In addition, the Office for Foreigners implements epidemiological protection procedures, which provide for thorough control of the health status of foreigners crossing the Polish borders and applying for international protection, which aims primarily to diagnose, isolate and immediately treat patients suffering from infectious diseases. The implementation of this assumption is carried out through epidemiological filters operating at the reception centres in Biała Podlaska and Dębak - Podkowa Leśna.

Each foreigner admitted to reception centres for foreigners undergoes a special three-stage procedure under the epidemiological filter, including, among others: interview with a medical questionnaire and medical examination, blood and urine laboratory examination (including for viral B and C inflammation, HIV and positive (+) VDRL syphilis) and chest X-ray.

It is also worth mentioning that all foreigners applying for international protection who appear at reception centres for foreigners receive on the first day of their stay a set of information on the medical care system provided by the Office for Foreigners. The information is translated into the languages most commonly used by foreigners (Russian, Ukrainian, Georgian, Arabic and English) and indicates: the scope of healthcare available, the place of providing services, the possibility of using a medical helpline dedicated to foreigners, how to act in the event of a sudden threat to life and health or in case of a sudden deterioration of health at night, on weekends and public holidays, as well as how to implement prescriptions for medicines and medical supplies.

The medical operator provides, at his own expense, the presence of an interpreter during the provision of health or psychological care in the event of difficulties in communication between a doctor, nurse or psychologist and a foreigner, and arranging on his own to translate the medical documentation of foreigners necessary for further treatment.

Medical care for foreigners living out of the centers is carried out by the medical facilities in provincial cities. Registration and coordination of medical visits is done by the private operators call center, where the applicant obtains information about the date and place of the visit and the implementation of the prescriptions.

In case of a sudden illness or sudden deterioration of health on workdays between 6.00 p.m. and 8.00 a.m. on the following day, Saturdays, Sundays and other public holidays, health care services are provided on the basis of holiday and night-time medical care all around the country.

Holiday and night-time medical care services are provided free of charge and without doctor’s referral. All facilities that provide holiday and night-time medical care are listed according to the place on websites of Voivodship Branches of the National Health Fund.

In case of amedical emergency that requires immediate action, foreigners use the Emergency Medical Services available to the general public in Poland. All foreigners applying for international protection who appear at reception centres for foreigners receive on the first day of their stay a set of information on the system medical care provided by the Office for Foreigners. Information translated into the languages most commonly used by foreigners (Russian, Ukrainian, Georgian, Arabic and English) indicate: the scope of healthcare available, the place of providing services, the possibility of using a medical helpline dedicated to foreigners, how to act in the event of a sudden threat to life and health or in case of a sudden deterioration of health at night, on weekends and public holidays, as well as how to implement prescriptions for medicines and medical supplies.

The Medical Operator provides the basic medicines and medical supplies at outpatient facilities at centres for foreigners. In order to receive medicines, a foreigner to whom services are provided at a centre for foreigners should submit a properly issued prescription from a physician employed by the medical service provider or a medical patient to the outpatient facility at the particular centre where the medical staff will handle the order.

Foreigners who receive financial assistance to live out of the center and rent houses or flats for themselves may receive medicines prescribed by a physician by sending the prescription by e-mail or purchasing prescribed medicines and then applying for reimbursement of the costs.

**Psychological care**

The psychological care for asylum seekers is provided in all centers for asylum seekers and other facilities for those, who live outside the centers. Psychological activities include: psychological support, educational activities, psychotherapy in cognitive-behavioral approach and crisis intervention, and are implemented on the basis of the current *Standards of psychological assessment of asylum seekers and refugees in Poland* prepared by Polish Psychological Association.

If a psychological assessment indicates the need to include a specialist treatment, patient is referred to a mental health clinic. Individual approach to the patient and close co-operation of psychologists with other medical staff allows to provide the comprehensive psychological care to every asylum seeker, especially to a vulnerable person, who needs this care the most.

Additionally, in cases recognized by the Office for Foreigners as exceptional, the medical operator provides a psychologist consultation for children and adolescents. The need to provide a child with immediate psychological consultation at the Centre for foreigners with territorial jurisdiction over the child's place of stay is reported by phone by an employee of this center, and the date of the scheduled consultation may not be longer than 2 working days from the date of notification.