

THE PROBLEM OF HUMAN TRAFFICKING AND IRREGULAR MIGRATION IN THE FACE OF THE PROTECTION OF FUNDAMENTAL RIGHTS - CHALLENGES AND EXPERIENCES

EDITORS

ANNA MAGDALENA KOSIŃSKA
MAREK JASZTA



Norway
grants

NMF/PA18/004 „International for security - international cooperation in the field of fundamental rights” the project is financed from the „Internal Affairs” Program implemented under the Norwegian Funds for 2014 - 2021. The program is at the disposal of the Minister of Interior and Administration.



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INTRODUCTION

It is with great pleasure that we hand over to our readers the scientific monograph entitled. *The Problem of Human Trafficking and Irregular Migration in the Context of the Protection of Fundamental Rights - Challenges and Experiences*. Over the last decades, and especially after 2015, when the migration crisis escalated, we have observed the increasing risks accompanying migration processes. The main ones are human trafficking and the exposure of irregular migrants to health and life hazards, as well as human rights violations. Nowadays, in view of the crisis on the Polish-Belarusian border, the influx of people fleeing the war from Ukraine and the existing transit routes to Western Europe, the need for scientific and practical discussion on protective measures and handling strategies seems inevitable.

In terms of migration management, it is necessary for many services to work together, which have never before faced such a large scale of tasks. State services such as the Border Guard and the Police, but also provincial offices, non-governmental organisations and specialised international organisations are involved in ensuring security in the migration process and guaranteeing the safety of the society receiving migrants.

The present monograph focuses on an interdisciplinary analysis of threats related to the issue of human trafficking and illegal migration. Its added value is the characterisation and analysis of the issues by practitioners representing the Police and bodies cooperating with them. An additional asset is the fact that most of the Authors are also experienced in academic work in the area of security and migration.

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The book consists of three main parts. The first of these deals with the issue of the dangers of migration law violations. Thus, in his contribution, dr Piotr Ostrowski presents the results of research into the sense of security in the West Pomeranian region in connection with the phenomenon of cross-border migration, while employees of the Lesser Poland Provincial Office in Cracow (Anna Urban-Toczek, Karolina Bajer-Surówka, Dawid Wiczorkiewicz, Martyn Szumlak, Anna Rerak) analyse the most frequent violations of migration law by third-country nationals and EU citizens. Further, dr Lukasz Swierczewski, together with Sławomir Cisowski and Marcin Lemieszek, introduce readers to the importance and methods of verifying the identity of persons and checking the authenticity of documents in the process of preventing crime related to irregular migration.

The second part of the monograph is devoted to issues related to the contemporary phenomenon of human trafficking. In his chapter, Konrad Szelest presents the history of slavery in the Americas and the consequences of this phenomenon for contemporary human trafficking. Next, dr Marek Jaształ identifies the geopolitical origins of human trafficking in the context of the police's activities on risk analysis. In turn, dr Robert Mroczek characterises the threat of human trafficking from the perspective of the Border Guard. The reflections on trafficking in human beings are further developed in Monika Sokołowska's chapter on the legal analysis of the special act (Law of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed Conflict on the territory of Ukraine) as a tool to combat trafficking in human beings in the face of the armed conflict of that state. This part of the monograph closes with a chapter by Edyta Haszczak on the use of EEG Biofeedback for mental training of police officers countering the crime of human trafficking.

The final, third part of the monograph is a report on the implementation of the project “Integration for Security - International Cooperation in the Field of Fundamental Rights” funded by the Home Affairs Programme, implemented under the Norwegian Financial Mechanism 2014-2021 “Asylum and Migration.” The report contains both a summary of the activities carried out during the project, as well as recommendations for the future in terms of the possibilities for the police to take action in the area of asylum and migration.

CROSS-BORDER MIGRATION AND THE SENSE OF SECURITY IN THE WEST POMERANIAN REGION

Abstract: The article focuses on the results of research conducted in 2016 on the cooperation between the police and the various local government authorities in connection with security in the West Pomeranian Province. The aim of the research was to observe and note which, if any, of the activities of the police in cooperation with the local government have had an impact on improving security in the West Pomeranian region. Furthermore, the objective was also to identify barriers that hinder the said cooperation. An important research element was to diagnose the threats on which the police should cooperate with local government authorities, as well as to determine the factors responsible for the effective cooperation of these bodies. The method of diagnosis used to conduct the research was a survey in the form of a questionnaire. Research results indicate that the cooperation between the police and the local government authorities increases the sense of security among the residents. Due to the research, it is possible to more effectively direct the activities of the police towards more productive cooperation with local government and to eliminate obstacles that hinder it. The cooperation with local government authorities on the community and county level should be the key factor in the strategy of policing in order to improve security in the local environment.

Keywords: public safety, sense of security, migration, refugees, West Pomeranian region

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1. INTRODUCTORY REMARKS

Migration is an interdisciplinary phenomenon. In the subject literature, we find many definitions of migration as a process associated with the movement of people. Referring to the etymology of the term "migration," it comes from the Latin word *migratio*, which means wandering, i.e. movement of inhabitants of a country or region.² The 20th century brought an intensification of migration processes. Among the many reasons for this phenomenon are the economic development of countries and the resulting need for new workers, the emergence of modern means of communication, both in terms of the movement of people and communication, the effects of two world wars, decolonisation, and the ongoing processes aimed at increasing the interdependence of countries, economies, societies and cultures, collectively referred to as globalisation.³ The beginning of the 21st century witnessed an even greater increase in migration processes.

In the literature we encounter many categories and divisions of migration. They arise from the sources of the causes of human displacement, i.e. the factors that stimulate migration processes. The most common migration factors are political, economic, social and religious reasons. One of the basic classifications of the types of migration is the division by range, i.e.: internal – taking place inside the country, region, within the borders of the state and external – international migration.⁴ International migration is a global phenomenon, so migratory movements take place in different directions, across national borders as well as on an intercontinental scale.⁵ In the material legal sense, the nature of internal migration will be that of citizens of the European Union member states. This is due to the adopted treaty arrangements on the freedom of movement of persons, which enabled the abolition of borders between countries that

² J. Tokarski, (ed.), *Słownik wyrazów obcych*, Warszawa 1980.

³ Studies of the Bureau of Parliamentary Analyses of the Chancellery of the Sejm ISSN 2082-0658 4(60) 2019 :[http://orka.sejm.gov.pl/WydBAS.nsf/0/EE9629FAE930FDA8C1258526004BEED0/\\$file/Studia_BAS_60.pdf](http://orka.sejm.gov.pl/WydBAS.nsf/0/EE9629FAE930FDA8C1258526004BEED0/$file/Studia_BAS_60.pdf) (access 17.07.2023).

⁴ B. Mróz, *Wpływ zagrożeń migracyjnych na bezpieczeństwo wewnętrzne państwa*, "Journal of Modern Science", vol 2/33, 2017, p. 285–304 <https://www.jomswsge.com/pdf-79751-15798?filename=Wplyw%20zagrozen.pdf> (access: 18.07.2023).

⁵ *Ibidem*, pp. 285-304.

are members of the so-called Schengen Area.⁶ Increasing migration processes at the beginning of the 21st century associated with the massive influx of foreigners into Europe have dominated European intra-EU politics and polarised public opinion. The perception of people entering Europe has changed in the member states of the European Union. As a result of the mass migration processes and the accompanying information on the dangers of their consequences, these foreigners have gone from being refugees fleeing their homelands from war to being perceived in a large part of European society as migrants seeking a better economic life, culturally different and unwilling to assimilate into life in Europe.⁷

In the subject literature, one can find many positions devoted to the phenomenon of migration in the 21st century. The subject matter of this article is a part of research into the problem of state security policy on a micro-regional scale. The available literature lacks any presentation of the problem of assessing the sense of security of the inhabitants of border counties in the West Pomeranian region. Such research was conducted by the author of this article in 2016.⁸ The research in this area was of cognitive value and crucial in terms of assessing the sense of security of residents living in the counties bordering the Federal Republic of Germany.

The starting point for the research was the descriptive characteristics of the West Pomeranian region, which differentiates it from other regions in the country. The extreme location of the West Pomeranian Province and transit conditions have an impact on the intra-regional situation of the

⁶ With the signing of the Schengen Agreement on 14 June 1985, Belgium, Germany, France, Luxembourg and the Netherlands agreed to the gradual abolition of controls at their internal borders and the introduction of freedom of movement for all citizens of the signatory states, other EU Member States and certain non-EU countries. The Schengen Convention complements the Agreement and establishes the conditions and safeguards for creating an area free of internal border controls. It was signed by the five countries on 19 June 1990 and entered into force in 1995. The Agreement and the Convention, as well as the accompanying agreements and rules, make up the “Schengen acquis,” which was integrated into the EU framework in 1999, becoming part of EU law. According to the Lisbon Treaty, the EU is to provide “an area without internal borders in which the free movement of persons is guaranteed.” Currently, 27 European countries are part of the Schengen area, including 23 of the 27 EU Member States and four European Free Trade Association (EFTA) countries - Iceland, Liechtenstein, Norway and Switzerland. As of 1 January 2023, controls on persons at internal land and sea borders between Croatia and other Schengen countries have been abolished, <https://eur-lex.europa.eu/PL/legal-content/glossary/schengen-agreement-and-convention.html> (access: 22.07.2023).

⁷ B. Mróz, *Wpływ zagrożeń migracyjnych na bezpieczeństwo ...*, pp. 285-304.

⁸ The results of the research are presented in the monographic study: P. Ostrowski, *Analiza poziomu i poczucia bezpieczeństwa w świetle działań policji w województwie zachodniopomorskim, Szczecin 2023* and *Bezpieczeństwo publiczne w obszarze przygranicznym województwa zachodniopomorskiego*, [in:] *Studia zarządzania i finansów Współczesne tendencje zarządzania zasobami ludzkimi w obliczu przemian rynku pracy. Szanse i zagrożenia*, A. Kokie (ed.), Poznań 2018, pp. 139-155.

province. The main research problem was to diagnose and define the factors that influence the sense of security of the inhabitants of the border counties. A hypothesis was formed in which it was presumed that the border location influences the sense of security of the inhabitants of border areas. It was assumed that the feeling of security depends on two factors, i.e.: geographical conditions resulting from the location of the West Pomeranian Province and related economic migration and transit traffic, and border conditions as an important factor of the cross-border character of the region. An important objective of the study was to assess the sense of security of the residents related to the stay of refugees and immigrants allocated in transit centres, in the states of Mecklenburg-Vorpommern and Brandenburg, directly bordering the West Pomeranian Province. Their location close to the Polish border was due to the migration crisis in Europe caused by the mass arrival of people seeking international protection from war-torn countries in Africa and Asia Minor and religious persecution.

In order to solve the presented research problems of the established research objective, research was conducted using a survey questionnaire. A diagnostic survey method was used in the form of a questionnaire survey and research tools by means of a survey questionnaire. Once the statistical material was collected, the results were presented in the form of statistical tables and graphs.

2. DETERMINANTS OF THE CROSS-BORDER CHARACTER OF THE WEST POMERANIAN PROVINCE

The border region of the West Pomeranian Province, due to its geographical and historical conditions, remains an area of interest for regional policy because of its unique role in both political and regional processes. The extreme location of the West Pomeranian Province, which separates the capital of the region from the national capital by more than 500 km and the distant concentration of the country's main development centres from West Pomerania, exposes it to negative phenomena. The region is subjected to a process of drainage of endogenous regional potential by foreign, mainly German and Scandinavian players, characterised by high levels of competitiveness in terms of both working conditions and wages. The proximity of Berlin, the development centre and capital of Germany, and the powerful Scandinavian development centres create the conditions for the development of the West Pomeranian region, but also

pose the threat of increased criminality - mainly in the trade in rationed goods and an assortment of services.

On the other side, the West Pomeranian Province, as well as the entire western border, forms the so-called internal border of the European Union. On 21 December 2007, the Republic of Poland acceded to the Schengen Agreement, an agreement which abolished checks on persons crossing the border between European Union Member States that are members of the agreement. The Agreement on the Freedom of Movement of Persons allows for the unhindered and essentially unrestricted movement of citizens of the member states of this treaty. This is a positive aspect and an unquestionable factor in the development of international cooperation. Free movement within the Schengen area is conducive to the development of border trade, unhindered tourist and labour movement. Positive aspects of migration processes also include increasing the production potential of the national economy, counteracting the negative effects of an ageing population, transfers of knowledge and technology, as well as cultural exchange.⁹ Economic and social integration in the region of Western Pomerania and Mecklenburg-Vorpommern and Brandenburg is also manifested in the settlement of small towns on the German side by Polish citizens. This is facilitated by the economic migration of German citizens from the former German Democratic Republic to the economically and economically developed Lands in West Germany. Favourable real estate offers encourage people from Poland to settle in these regions. Similarly, German citizens are increasingly investing in real estate (flats, land) on the Polish side. This process is particularly noticeable in tourist destinations such as Kołobrzeg, Świnoujście, Międzyzdroje and others. Progressive economic and social integration and the free movement of persons minimises the control of movement within the Schengen area. On the one hand, the agreement on the free movement of persons is conducive to the development of the region and economic and social consolidation, while on the other hand it may pose a threat to the security of border regions.

Referring to the historical context of the pre-1989 period, transit traffic was restricted and the migration of passenger and freight traffic was controlled. On both sides of the border, the socialist block states controlled the lives of the inhabitants. After the reunification of Germany and the transition period in Poland, social processes related to the emergence of unemployment,

⁹ M. Gawrycka, J. Ziętarcki, M. Maier, *Swoboda przepływu osób w krajach Unii Europejskiej Szanse i zagrożenia*, Warszawa 2018, p. 75.

migration in search of work and general frustration followed. A particularly noticeable process of population migration occurred on the German side. This was due to the higher level of wealth and ease of employment in the West German states. The depopulation process in the towns near the Polish border left many abandoned flats and houses. The social policy of the federal states of Mecklenburg-Vorpommern and Brandenburg opened up favourable offers for the purchase of real estate by residents of border municipalities in the West Pomeranian Province. The internal movement of citizens from both countries has had a positive impact on their relationship, increased trust and understanding of local needs, as well as concerns. Cooperation has improved and understanding has increased in the process of achieving common goals to improve security. On the other hand, Poland's entry into the Schengen Area in 2007 has created new phenomena and threats. The free transfer of people, goods and services within the borders of the European Union countries has resulted in an enormous scale of internal migration, especially in economic terms. Internal migration by EU citizens for work purposes implies a higher security risk for Member States. In contrast, the movement of non-EU nationals, whether in transit or for short-term (seasonal) stays, has an impact on the security situation of Member States. This relates to the policy towards persons seeking international protection and seasonal workers.

The West Pomeranian Province is a transit region not only to the west, but also to Scandinavia in the north. The fact that the eastern border of Poland is at the same time the external border of the European Union is of particular importance. This situation results in particular exposure to negative phenomena of international migration. The crossing of Poland's external border by foreigners brings citizens of non-EU countries to the Schengen Area, where free movement of persons, i.e. free travel between the internal borders of the Schengen States, takes place. This situation entails negative phenomena related to illegal international migration, i.e. smuggling channels for refugees from the former Soviet republics in the Caucasus region (Chechnya, Dagestan) and the war-torn region of eastern Ukraine. The smuggling channels for drugs, tobacco and alcohol pass through Poland, including the West Pomeranian region to the west and north. International legal as well as illegal migration, including that related to the smuggling and trafficking of "human beings" through the territory of Poland, are not insignificant in the security sphere. Until 2007, before Poland's accession to the Schengen Area, the area of the West Pomeranian Province was a bridgehead for the smuggling of foreigners from the republics

of the Commonwealth of Independent States and Asian countries. Illegally organised groups were smuggling foreigners across the Oder river as a natural border with Germany.

The Schengen Agreement also allows freedom of transit for non-EU foreigners after a single external border crossing, e.g. crossing the border in Spain allows free transit to the Polish-Belarusian border. This brings with it some risks and negative aspects of international migration. Reducing the possibility to control people crossing the internal border results in an uncontrolled scale of smuggling of goods and the development of crime of an international nature.

3. SURVEYS OF RESIDENTS IN BORDER COUNTIES

The research, in the form of a diagnostic survey conducted in 2016 among residents living in the districts bordering the Federal Republic of Germany, was primarily intended to diagnose what factors shape and influence the sense of security of residents in this border region. Are there any external factors that shape the feeling of security and, if there are, what conditions influence the feeling of security? One important cognitive element was to find out whether the inhabitants of the western part of the West Pomeranian Province express their fears towards refugees and immigrants allocated in transit centres near the Polish border.

To this end, research was conducted using a survey questionnaire. For the application of this research tool, a series of questions were prepared for the respondents. In the construction of the questionnaire and the analysis of the survey results, methods of mathematical statistics (statistical inference) and the representative method (selection of the necessary sample size and choice of the sampling scheme) were used. On this basis, the minimum size was set at 1,066 statistical units, assuming a 3% maximum estimation error of the fraction of responses obtained. As a result of the research in the form of face-to-face interviews conducted using a survey questionnaire, 990 completed questionnaires were received, resulting in a 92.9% return rate of survey questionnaires. The structure of the number of residents in the border counties and the number of questionnaires received are shown in Table 1.

Both structures, the number of residents and the number of questionnaires received in the border counties of the West Pomeranian Province, show a high degree of similarity. This is also evidenced by the high value of the similarity index of the structures - 98.3%. This means that in terms of the spatial distribution

of the population in the border counties, the random sample was representative and large enough not to exceed the maximum error of 3.11% in the statistical inference process. This allows generalisations to be made on the basis of the results obtained in the random sample to the entire general population, i.e. all inhabitants of the border counties of the West Pomeranian Province.

Table 1. Structure of the number of inhabitants and the number of completed questionnaires in the survey on the sense of security in the border counties of the West Pomeranian Province in 2016.

Counties	Structure of the number of residents	Structure of the number of questionnaires	min (o1;o2)
Gryfino County	11,1%	9,1%	9,1%
Myslibórz County	8,9%	9,5%	8,9%
Szczecin County	53,8%	54,3%	53,8%
Goleniów County	11,0%	11,2%	11,0%
Police County	10,0%	9,9%	9,9%
Świnoujście County	5,5%	6,0%	5,5%
Total	100,0%	100,0%	98,3%

Source: Own calculations based on CSO, Local Data Bank, <https://bdl.stat.gov.pl>

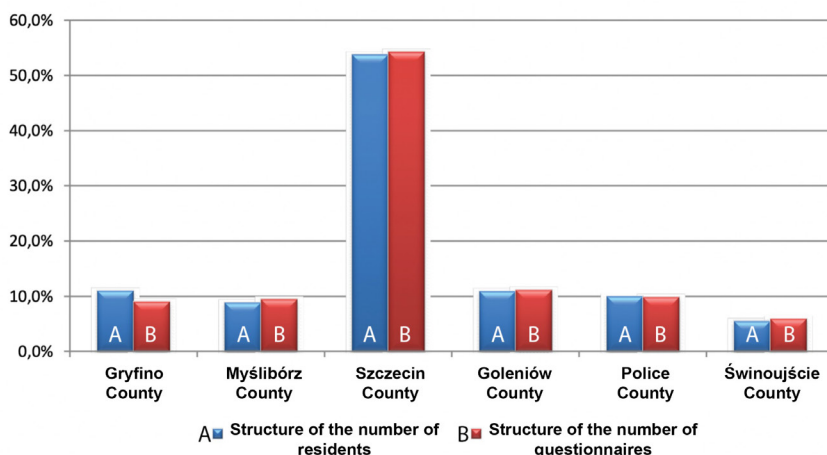


Fig. 1. Structure of the number of residents and the number of completed questionnaires in the survey on the sense of security in the border counties of the West Pomeranian Province in 2016.

Source: Own calculations based on CSO, Local Data Bank, <https://bdl.stat.gov.pl>

First, the study presented the descriptive characteristics of the respondents, which were specified in the survey questionnaire information. The number of people who participated in the survey on the sense of security of residents of border counties was 990, including 978 people who answered the question about gender correctly. Among the inhabitants of border counties, the survey was completed more often by men than women. The structure of respondents by gender is presented in Table 2.

Table 2. Gender structure of the surveyed residents of the border counties of the West Pomeranian Province in 2016.

Gender	n_i
Women	405
Men	573
Total	978

Own calculations.

In the survey on feelings of security in the border counties of the West Pomeranian Province, women accounted for 41.4% of the total number of respondents, while men accounted for 58.5%. With regard to the age distribution of respondents, the dominant group of respondents were people aged 30 to 39, who accounted for 27.3% of the total number of respondents. The second group was those aged 40 to 49 years (24.9%), the least represented in the survey were those aged up to 19 years (9.6%) and the oldest people - 60 years and over (7.0%). The age structure is shown in Table 3.

Table 3. Age structure of the surveyed residents of the border counties of the West Pomeranian Province in 2016

Age (years)	n_i
Under 19	93
20-29	136
30-39	266
40-49	242
50-59	168
60 and more	68
Total	973

Own calculations.

The first question in the survey questionnaire was the following: In your opinion, does the border location of the district/province have an impact on the security situation in the border region? The frequencies of the answers given are shown in Fig.2. and Table 4.

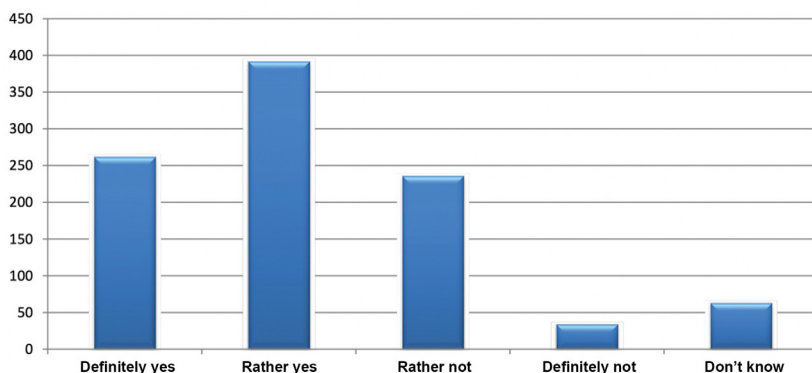


Fig. 2. Frequency of answers to question 1: "In your opinion, does the border location of the county/province affect the state of security in the border region?" in the questionnaire of the survey on the sense of security of the inhabitants of the West Pomeranian Province in border counties in 2016.

Own calculations.

Table 4. Frequency of responses to question 1: "In your opinion, does the border location of the county/province affect the security situation in the border region in 2016.

1. In your opinion, does the border location of the district/province have an impact on the security situation in the border region?	n_i
Definitely yes	262
Rather yes	392
Rather not	236
Definitely not	34
Don't know	63
Total	987

Own calculations.

Question 1 of the survey questionnaire had 987 correct answers, representing 99.6% of all responses. The most common response was that the county's border location has an impact on the security situation in the region, with 262 respondents saying "definitely yes," which accounted for 26.5% of all responses, and 392 respondents saying "rather yes" (39.7% of all responses). This statement

was not supported by a total of 270 people, or 27.4% of respondents, of whom 236 people answered "rather no" and only 34 people "definitely no." Sixty-three people had no opinion on the matter, accounting for 6.4% of the total responses (Figure 3).

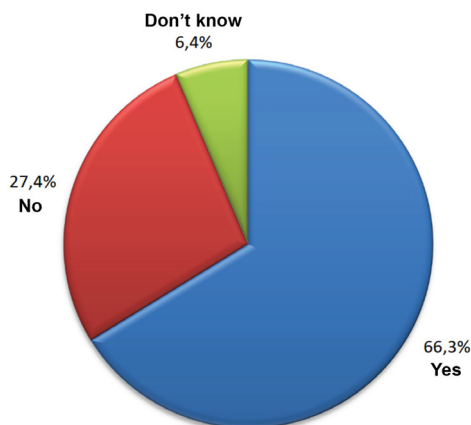


Fig. 3. Structure of the answers given to question 1: "In your opinion, does the border location of the county/province affect the state of security in the border region?" in the questionnaire of the survey on the sense of security of the inhabitants of the West Pomeranian Province in border counties in 2016.

Own calculations.

A total of 66.3% of all respondents (with correct answers to question 1) answered that the border location of the county in which they reside has an impact on the security situation in the border region. Only 27.4% had a different opinion.

The next question was a consequence of the previous question and read: "If yes (answers 1 and 2), what type of threat due to living in a border county/province affects your sense of security?" The question contained a catalogue of threats (ready answers) for which, in addition, it was possible to specify the degree of their impact on one's sense of security: 1 - no impact, 2 - minor impact, 3 - quite major impact, 4 - very major impact. The frequency of responses to question 2 is summarised in Table 5. major

The most frequently indicated threats to the sense of security with the highest degree were "lack of control at the border (open borders)" and "the stay of Middle Eastern and African nationals at the border with Poland," which received 160 and 159 responses respectively. The least frequently indicated threats to the sense of security in the survey were "cross-border trade" and "assaults and robberies", with 129 and 114 responses respectively.

Table 5. Frequency of answers to question 2: "If yes (answers 1 and 2), what type of threat from living in a border county/village affects your sense of security?" in the questionnaire of the survey on the sense of security of the residents of the West Pomeranian Province in border counties in 2016.

Threats to the sense of security	No impact 1	Minor impact 2	Fairly high impact 3	Very high impact 4
Assaults and robberies	114	292	180	47
Fights and beatings	104	294	183	45
Thefts of other people's property	54	236	277	80
Thefts of motor vehicles	63	195	284	114
Organised crime	93	182	248	108
Trafficking in human beings (roadside prostitution)	107	162	245	134
Drug trafficking	57	147	295	141
Stay of foreign nationals from the Middle East and Africa at the border with Poland	96	187	213	159
Cross-border traffic	89	230	231	86
Cross-border trade	129	231	203	71
Lack of border controls (open borders)	74	158	259	160
Other	10	5	3	8

Own calculations.

Table 6 summarises the threats that were most frequently indicated as having 'no impact' or 'little impact' on the sense of security of the residents of the border counties. The five threats with the least impact on the sense of security were: assaults and robberies (rank sum 698), fights and beatings (rank sum 692), cross-border trade (rank sum 591), cross-border traffic (rank sum 549) and theft (rank sum 526).

Table 7 shows the threats with a fairly high and very high impact on the sense of security of the residents of the border counties according to the opinion of the respondents. The five threats with the greatest impact on the sense of security were: drug trafficking (rank sum 1449), lack of border control (open borders, rank sum 1417), car theft (rank sum 1308), the presence of Middle Eastern and African residents near the border with Poland (rank sum 1275) and human trafficking (roadside prostitution, rank sum 1271).

CROSS-BORDER MIGRATION AND THE SENSE OF SECURITY...

Table 6. Sum of the assigned ranks for the answers "none" or "little impact" to question 2 in the questionnaire of the survey on the sense of security of the residents of the West Pomeranian Province in the border counties in 2016.

Threats	No impact or very little impact – total ranks
Assaults and robberies	698
Fights and beatings	692
Cross-border trade	591
Cross-border traffic	549
Thefts	526
Stay of Middle Eastern and African nationals at the border with Poland	470
Organised crime	457
Car thefts	453
Human trafficking (roadside prostitution)	431
Lack of border controls (open borders)	390
Drug trafficking	351
Other	20

Own calculations.

Table 7. Sum of the assigned ranks for the answers "fairly high impact" or "very high impact" to question 2 in the questionnaire of the survey on the sense of security of the inhabitants of the West Pomeranian Province in the border counties in 2016.

Threats	Fairly high or very high impact
Drug trafficking	1449
Lack of border controls (open borders)	1417
Car thefts	1308
Stay of Middle Eastern and African nationals at the border with Poland	1275
Human trafficking (roadside prostitution)	1271
Organised crime	1176
Thefts	1151
Cross-border traffic	1037
Cross-border trade	893
Fights and beatings	729
Assaults and robberies	728
Other	41

Own calculations.

In order to synthetically and holistically evaluate all the answers given, the average rank values assigned to each answer were determined. The results are summarised and presented in Figure 4 and Table 8.

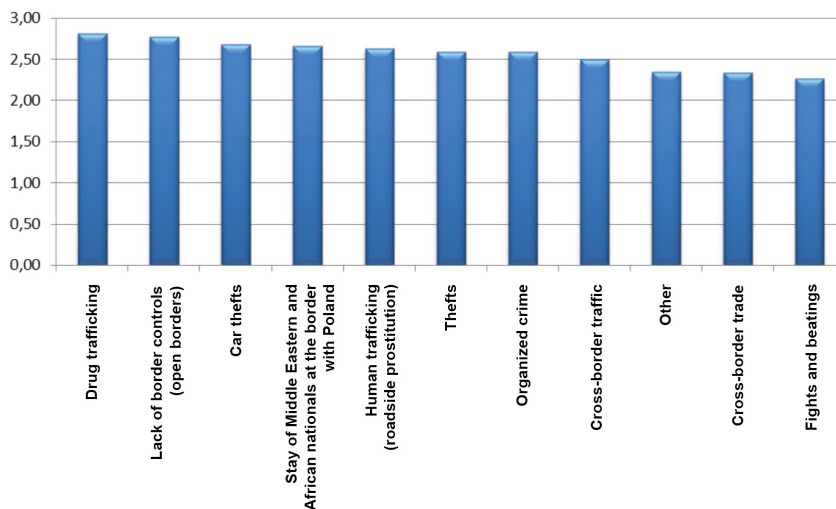


Fig. 4. Average ranks of the threats indicated in the answers to question 2 in the questionnaire of the survey on the sense of security of the residents of the West Pomeranian Province in the border counties in 2016.

Own calculations.

Table 8. Average ranks of the threats indicated in the answers to question 2 in the questionnaire of the survey on the sense of security of the inhabitants of the West Pomeranian Province in the border counties in 2016.

Threats	Average rank
Drug trafficking	2,81
Lack of border controls (open borders)	2,78
Car thefts	2,68
Stay of Middle Eastern and African nationals at the border with Poland	2,66
Human trafficking (roadside prostitution)	2,63
Thefts	2,59
Organised crime	2,59
Cross-border traffic	2,49
Other	2,35
Cross-border trade	2,34
Fights and beatings	2,27
Assaults and robberies	2,25

Own calculations.

The results of the assessment of the overall threats due to the border location of the districts indicate that the greatest threats, according to the residents, are posed by drug trafficking, lack of border control (open borders), theft and the stay of migrants from the Middle East and Africa near the border with Poland. Residents considered cross-border trade, fights and beatings and assaults and robberies to be the least threatening to their sense of security. Other individual threats were also mentioned in the survey questionnaire, such as: illegal imports of waste, media propaganda, kidnapping, abduction, smuggling, Islamisation of Europe and terrorist attacks.

4. SUMMARY

The results of the survey indicate that the vast majority of respondents consider that the border location of the province has a significant impact on the state of security. The most frequently mentioned threats to the feeling of security were the lack of control at the border (openness of the border) and the stay of foreigners from the Middle East and Africa at the border with Poland. In turn, on the basis of the developed threat ranks, the following were considered the greatest threats: drug trafficking, lack of control at the border, car theft, residence of foreigners from the Middle East and Africa at the border with Poland and human trafficking (roadside prostitution). The analysis of the presented research results indicates a high percentage of fears among residents living in the border counties due to the presence of refugees and immigrants from the Middle East and African countries. On the one hand, the research indicates that the internal movement of citizens from both countries Poland and Germany has had a positive impact on mutual relations, greater trust and understanding of local needs and concerns. On the other hand, Poland's accession to the Schengen Area in 2007 has created new phenomena and threats. The free transfer of people, goods and services across the internal borders of the EU countries has resulted in an enormous scale of internal migration, particularly in economic terms. Internal migration of EU citizens for work purposes implies an increased security risk for Member States. In contrast, the movement of non-EU nationals, whether in transit or for short-term (seasonal) stays, has an impact on the security situation of Member States. This relates to the policy on persons seeking international protection of immigrants from Asia Minor and Africa and seasonal workers. Restricting the ability to control people crossing the internal border results

in an uncontrolled scale of smuggling of goods and the development of crime of an international nature. For these reasons, the results of the survey of border district residents are understandable and justified.

MIGRACJA TRANSGRANICZNA A POCZUCIE BEZPIECZEŃSTWA W REGIONIE ZACHODNIOPOMORSKIM

Abstrakt: Artykuł prezentuje wyniki badań przeprowadzonych w 2016 roku dotyczących oceny poczucia bezpieczeństwa mieszkańców regionów przygranicznych z Republiką Federalną Niemiec. Głównym problemem badawczym było zdiagnozowanie i zdefiniowanie czynników, które wpływają na poczucie bezpieczeństwa mieszkańców powiatów przygranicznych. Założono hipotezę, w której przypuszcza się, że położenie przygraniczne ma wpływ na poczucie bezpieczeństwa mieszkańców obszarów przygranicznych. Istotnym celem badań mieszkańców była ocena poczucia bezpieczeństwa związana z pobytem uchodźców i imigrantów alokowanych w ośrodkach przejściowych w landach Meklemburgii Pomorza Przedniego i Brandenburgii, bezpośrednio graniczących z województwem zachodniopomorskim. Ich umiejscowienie w pobliżu granicy z Polską spowodowane było kryzysem migracyjnym w Europie wywołane masowym przybywaniem uchodźców i imigrantów z krajów afrykańskich i Azji Mniejszej objętych wojnami oraz prześladowaniami na tle religijnym. Do przeprowadzenia badań zastosowano metodę sondażu diagnostycznego w postaci ankiet oraz narzędzi badawczych w postaci kwestionariusza ankietowanego. Do analizy wyników posłużono się metodami statystyki matematycznej. Rezultaty badań pokazują, jakie są największe obawy zagrożeń dla mieszkańców zachodniego regionu województwa zachodniopomorskiego, które mają wpływ na poczucie bezpieczeństwa.

Słowa kluczowe: bezpieczeństwo publiczne, poczucie bezpieczeństwa, migracja, uchodźcy, region zachodniopomorski

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THE MOST COMMON VIOLATIONS OF MIGRATION LAW, IRREGULARITIES AND OTHER ISSUES RECORDED IN THE PRACTICE OF THE DEPARTMENT FOR FOREIGNERS AT THE LESSER POLAND PROVINCE OFFICE IN CRACOW

Abstract: Of all the Schengen countries, Poland is one of the main migration destinations for third-country nationals. However, the ever-increasing number of residency applications filed on the territory of Poland also leads to an increase in the number of abuses of Polish migration law-and, consequently, criminal law. This article presents various types of irregularities and violations of the law disclosed in the Department of Foreigners' Affairs of the Lesser Poland Province Office in connection with proceedings for granting residence permits to foreigners, work permits and also in the process of registering the residence of EU citizens.

Keywords: false address, residence fiction, falsification of documents, residence card, Polish origin, work permit, outsourcing

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1. INTRODUCTORY REMARKS

The number of cases of third-country nationals has increased by more than 400% over several years. This is a considerable challenge for the Lesser Poland Province Office, especially as foreigners expect from the Voivode not only the fulfilment of statutory tasks, but also comprehensive assistance, information, dedication of additional time and flexible reactions to changing migration trends. The increase in the number of applications submitted indicates an increase in the attractiveness of Polish residence permits, which has resulted in a very large scale of the phenomenon of "dishonest representatives" who offer their "legalisation services" to foreigners. This "service" consists in the foreigners being placed under the "care" of a representative and receiving a set of documents necessary for the voivodes to grant them a permit to stay on the territory of the Republic of Poland. These documents contain fictitious data concerning the place of residence or data of the employer with whom they are supposed to take up employment. The above phenomenon constitutes a very serious threat to the migration security of the country and the Schengen Area. In view of the situation described above, a team for cooperation in matters related to the protection of public security and order was established at the Foreigners' Legalisation Unit of the Department of Foreigners' Affairs of the Lesser Poland Province Office in Cracow. The presented article aims at analysing the main problems related to violations of migration law by third-country nationals.

2. TRADING IN RESIDENTIAL LEASES

The Lesser Poland Province Office recorded a significant increase in the number of applications in which it was revealed in the course of the investigation procedure that the foreigner no longer resides or has never resided in the territory of the Lesser Poland Province (residence fiction). This applies both to foreigners who reside in another part of Poland and those who entered Poland only to submit an application, and the Polish residence card obtained in this way is intended to facilitate their stay and movement in the Schengen Area.

From the beginning of 2022 until 22 September 2023, the Lesser Poland Province Office, in the proceedings conducted by the authority, checked 89 addresses indicated as places of residence. During the course of the fieldwork, it was possible to confirm the following violations of the provisions against the credibility of documents: a tenancy agreement concluded with a person deceased

on the date of its conclusion, forging the signatures of the owners of the premises, producing a tenancy agreement for a non-existent address, adding a tenant to a tenancy agreement without the knowledge of the owner of the premises. Already in 2014, specialists in the study of migration processes emphasised the importance of carrying out a visual inspection of the dwelling indicated in the application by the foreigner as a very significant evidentiary activity in the procedure for granting a residence permit. In addition to the evidence from the visual inspection of the premises indicated as the foreigner's place of residence, field activities also include activities related to collecting statements, questioning witnesses, i.e. persons who may have knowledge of the foreigner in question, and own observations, which are recorded in the form of official notes.²

Only in 10 cases it was possible to confirm that foreigners actually reside at the indicated address. As a result of the conducted activities, as of 1.09.2023, decisions on refusal to grant a permit were issued in the case of more than 250 proceedings (in the case of more than 1415 proceedings the explanatory activities are still in progress). Decisions were issued on the basis of ascertaining in the course of explanatory proceedings that the foreigner had provided false information or the files of the proceedings were transferred according to local jurisdiction to another province. There were also situations where a foreigner preferred to discontinue the proceedings rather than submit explanations to the office.³

In the course of explanatory activities, it was revealed that there is a possibility of ordering a tenancy agreement for a flat in order to confirm one's place of residence in the territory of the Lesser Poland province. The scheme of this procedure is as follows: a foreigner finds an advertisement for the possibility of "assistance in obtaining an address" on one of the Internet portals (Facebook, OLX, Telegram, etc.), after contacting the person placing the advertisement via a telephone call, provides his/her data to be included in the tenancy agreement and arranges a meeting. He/she pays between PLN 100 and PLN 800 for the completed document. On the basis of the falsified document, he submits an application to an office for a residence permit in the territory of the Republic of Poland or obtains a temporary registration to pursue his interests. The findings of the Cooperation Team for the Protection of Public Security and Order

² E. Pindel (ed.), *Migranci w Małopolsce : między integracją, asymilacją, separacją, marginalizacją*, Kraków 2014.

³ These data only take into account activities carried out by the office's staff; they do not take into account information obtained as a result of community interviews conducted by the Border Guard or information obtained from police officers (district officers).

show that landlords are unaware that someone is using a copy of their tenancy agreement and forging their signature on these documents. It is worth noting that false tenancy agreements have also been used in the following cases: registering vehicles, registering PESEL numbers, obtaining insurance policies, opening bank accounts and receiving social benefits.

On the basis of the inspection carried out in 2022/2023, a number of other irregularities in the addresses given in the applications were also detected. On many occasions, foreigners indicate as their place of residence addresses of premises that no longer exist or places where there are no residential premises, e.g.: the address of a building that was demolished several years earlier, the address of a restaurant, the address of a museum or the address of the seat of a state authority. There are also cases in which applications include addresses of hotels, found through tourist portals (e.g. booking.com), where the foreigner has never stayed or has stayed for 1-2 days, which has been proven through an inspection and questioning of the employees of the hotel concerned.

The above-mentioned situations mainly concern applications submitted under Art. 114 of the Act on Foreigners, which is the basis for granting a uniform temporary residence and work permit due to the lack of need to provide documents confirming the place of residence for the case file.⁴

3. CREATING THE FICTION OF RESIDENCE

The majority of foreigners arriving in Poland do not speak the Polish language and are not familiar with the Polish legal order, therefore they often fall prey to persons and organised groups offering assistance in legalizing their stay on the territory of the Republic of Poland. In order to obtain legal residence on the territory of the Republic of Poland, they turn to persons who offer to assist them in the above-mentioned process for an appropriate payment. Unfortunately, often the lack of knowledge of the language is exploited by "dishonest representatives" who provide false information in their applications, e.g. regarding the place of residence, so that the applications can be submitted on the territory of the province where the fastest procedures for granting permits are carried out.

In the course of ongoing procedural activities, the local office has uncovered the activities of several economic operators involving the creation of so-called residence fictions, i.e. suspected violations of Article 264a of the Criminal Code.

⁴ Act of Foreigners of 12 December 2013, consolidated text Journal of Laws of 2023, item 519, as amended.

One of the cases mainly concerns citizens of Caucasian countries. An example of such an activity: A foreigner reports to an economic entity "A" with a request for assistance in legalizing his/her stay on the territory of the Schengen Area, then the economic entity "A" submits documents legalizing the work in Poland. On the basis of documents legalizing the work, the foreigner obtains a work visa. Upon arrival in Poland, company "A" charges the foreigner a consultancy fee (as agreed, PLN 800 to PLN 3000). The foreigner submits an application for a temporary residence permit in Poland (for a period of more than 3 months), justifying his/her desire to stay by taking up employment for entity "A". He/she submits the required documents from company "A" to the file. After obtaining the residence permit, the foreigner does not take up employment with entity "A", but fulfils his/her real purpose of stay, which is to continue travelling to the West or to work "illegally" or to engage in trade.

Another practice that has been detected by the Cooperation Team for the Protection of Public Security and Public Order mainly concerns citizens of the Russian Federation. The foreigner obtains legal residence in one of the European countries (usually Italy, Spain, Greece, France, Portugal). The validity of these documents is coming to an end and there is no possibility of extending the validity. He/she then approaches an intermediary in Poland to assist in "extending" his/her stay in the Schengen Area. The intermediary collects a fee from the foreigner (according to the arrangements, about EUR 1,500-3,000) and arranges the date of submission of the application to the office. The foreigner arrives in Poland only on the date of submission of the application, indicating as the purpose of stay the study at a post-secondary school or a Polish language course. After submitting the application, the foreigner leaves the territory of the Republic of Poland and returns to the country where he/she has his/her real purpose of residence. The intermediary, who has a power of attorney from the foreigner, submits for the case file a certificate of post-secondary education issued by a friendly post-secondary school and a false tenancy agreement (usually bought from an advertisement on the Internet). Once a positive decision has been issued, the foreigner arrives in Poland only to collect his/her card and returns to the country where he/she has his/her real purpose of residence. Every 3 months, he/she leaves the Schengen Area in order to "renew" the possibility of stay.

In the course of actions carried out by the Nowy Sącz Branch of the Lesser Poland Province Office in Cracow, it was established that one of the representatives was engaged in creating a residence fiction. A group of foreigners submitted applications for a temporary residence permit assisted by

a representative. In the applications, a house in one of the localities in the Lesser Poland province was indicated as the address of residence. The basis for the foreigners' stay was the performance of work as a bricklayer (profession exempted from the starost's information) for a company registered in another province (where the company's telephone number on the website coincides with the contact number of the above-mentioned representative). As part of the investigation carried out by the immigration service of the Lesser Poland Voivode, it was established that a single woman lived at the address indicated, whose husband had run a room rental business a few years earlier, but had suspended the business after his death - only the signboard remained. In addition, she provided information that the police had already asked about foreigners, and about a week after the police visit (but after the applications had already been submitted), a man appeared who asked about the possibility of renting rooms to foreigners. They were allegedly to work in a nearby meat factory. It was also established that no foreigners were employed or intended to be employed at the above company. As a result of the conducted investigation, at the end of 2022, the Department for Foreigners in Nowy Sącz received requests from the representative to transfer the cases, according to their jurisdiction, to the voivode competent with respect to the actual address of residence.

The abandonment of the requirement to present a document confirming that the foreigner has a guaranteed place of residence, carried out in the course of proceedings for the granting of a temporary residence and work permit, results in a frequent circumvention of the provisions on local jurisdiction by foreigners (and also by representatives). At the same time, it causes a threat to state security and public order, as the data collected in the registers as to the foreigner's place of residence very often do not reflect the actual state of affairs, and foreigners reside in an undisclosed location.

In the case of long-term EU resident permits, where the requirement of a legal title to premises is still valid, we very often see the use of "purchased" tenancy agreements. Unfortunately, demonstrating in the course of the proceedings that the application contained false data or the documents submitted do not reflect the actual state of affairs, does not in itself result in the refusal of the permit applied for (as in the case of temporary residence permits or permanent residence permits).

To summarise, in 2023, during the course of investigations for the granting of a temporary residence permit, the action of representatives aimed at facilitating the obtaining of a residence card was revealed. A foreigner using the services of

such a mandatary, depending on the established purpose of residence, receives a set of falsified documents from the mandatary (e.g. Annex No. 1 - unlawful use of company data when declaring employment of a foreigner, without the knowledge of the employing entity) and submission of applications in order to obtain a stamp, which is necessary for other administrative procedures (e.g. vehicle registration).

4. FALSIFICATION OF DOCUMENTS STATING POLISH ORIGIN

It should be emphasised that frequent cases were recorded in which a foreigner's representative submitted motions concerning the course of proceedings (e.g. discontinuance) without notifying his/her principal - the foreigner. From a legal point of view, such an action is permissible, but in practice, the foreigner was deprived of knowledge of the pending proceedings and in such cases was completely unaware that their proceedings had been completed.

In the proceedings for granting a permanent residence permit on the grounds of Polish ancestry, it happens that foreigners submit forged documents certifying Polish ancestry. Most often this consists in acquiring a blank specimen of an old birth certificate and filling it in with false data, and then submitting the document prepared in this way to the proceedings. Extortion of residence permits is carried out in two ways. Firstly, the foreigner extorted a permanent residence permit by submitting false documents in the proceedings; secondly, the foreigner extorted a Pole's Card by submitting false documents to the consulate and then, on the basis of the Pole's Card, obtained in an unauthorised manner, he extorted permanent residence. In this case, detection of the forgery is possible only after consultation with the originator of the document in question (the national archive of the country of origin or the equivalent of the Registry Office in the country of origin) through a Polish diplomatic mission.

An interesting case was the submission of documents to the case file that were "etched", e.g. with bleach, and supplemented with other data.

5. FALSE RESIDENCE CARDS

Between September 2021 and September 2023, 50 cases of counterfeit residence cards allegedly issued by the Lesser Poland Province Voivode were revealed. The scheme of action in this case usually looks the same: a foreigner applies to an intermediary via a website to obtain a residence card (often the

offer also concerns assistance in finding employment), pays the intermediary a fee (800 - 1,500 euro/dollars depending on the country). This is followed by the "legalisation process" (about one month), as a result of which the foreigner obtains a false residence card.

The information concerning these documents was obtained in most cases from foreigners residing outside the Republic of Poland themselves, who asked the local Office for verification of the residence card by e-mail. Checks carried out at the Centre for Personalisation of Documents of the Ministry of Interior and Administration and at the Office for Foreigners revealed that the above-mentioned residence cards were not personalised and most of them were made on the template of the residence card which was in force until September 2020. It should be noted that the most recently disclosed cases concerned cards made on the basis of currently valid document templates. Therefore, relevant notifications were sent to the competent authorities. The analysis of the circumstances of the case in question indicates that we are dealing with a large-scale criminal practice of counterfeiting important official documents, such as residence cards confirming the legal residence of foreigners in Poland and entitling them to move freely in the Schengen Area.

6. METHODS OF DETECTING FORGED DOCUMENTS

The Department of Foreigners' Affairs has specialised equipment for examining documents: a system for verifying the authenticity of documents model VSC80i FS made by Foster & Freeman together with a biometric document reader and manual devices for verifying the authenticity of documents model MR 211. The state-of-the-art technology used in the VSC80i model makes it possible to detect forgeries in the case of, among others, passports, visas and identity cards. The device also enables the examination of the authenticity of documents submitted to the Lesser Poland Voivode in order to confirm that the prerequisites for granting the Pole's Card have been met.

7. ISSUING WORK PERMITS FOR FOREIGNERS - CURRENT TRENDS, RISKS AND PROBLEMS

Within the framework of the Work Permits Unit's investigations of applications for work permits, recurring undesirable phenomena have been observed, as in the case of residence permits, in which attempts to forge work

permits or the presentation of fictitious documents and employers' certificates come to the forefront.

The counterfeit work permits we have been dealing with recently mainly come from outside Poland (e.g. from the United Arab Emirates) and are aimed at foreigners wishing to take up legal employment in our country. Counterfeit work permits most often concern citizens of countries which, in order to enter the Schengen Area, must obtain an appropriate visa, e.g. citizens of India or Sri Lanka. Counterfeiters, taking advantage of the fact that foreigners are not aware of the legalisation procedures in Poland, extort money from them by presenting counterfeit permits supposedly entitling them to work in Poland. Due to the fact that work permits are counterfeited abroad, spelling or language errors are often visible on them, which at first inform us that the document in question is not authentic. The problem remains how to counteract this phenomenon. Due to the fact that this procedure takes place outside Polish borders, Polish investigative authorities have limited room for manoeuvre and in most cases proceedings in such cases are quickly discontinued.

Due to the specific nature of the procedure for issuing work permits, the majority of documents submitted to the case file are provided only in copies, which makes it much easier to forge or falsify documents. The investigator in charge of the verification procedure has, of course, the possibility to call for the production of the original document presented in the file, but this is not always possible, e.g. in a situation where it is a document that the foreigner has in his/her country of origin.

Unfortunately, it is becoming increasingly common for employers to present the fiction of holding certain jobs. Liberal migration regulations and the possibility to obtain a work permit relatively easily lead to a flourishing trade in documents issued by voivodes. In order to counteract the above phenomenon, the authority is in many cases obliged to investigate whether the employer has the possibility to actually employ a foreigner. In their applications, employers specify workplaces or assignments in line with the company's statutory activity. However, it sometimes happens that during the verification carried out by the authority, it turns out that the data provided in the application or documentation is false, e.g. the address given does not exist or there is another company/employment establishment in the place indicated.

8. EMPLOYEE OUTSOURCING VS. SERVICE OUTSOURCING

For a long time, both in the Lesser Poland and in other parts of the country, we have been observing a trend related to the departure from the model proposed in the Act on Promotion of Employment and Labour Market Institutions, i.e. making employees available or hiring them under the activity of temporary employment agencies, in favour of providing services by external outsourcing companies. This scheme assumes that employers with specific staffing needs do not hire employees under their own name, but sign contracts with external outsourcing companies to perform a service, specified in the relevant contract, which would normally be performed by the service provider's employees. Importantly, the service in question is to be provided under the direction of the service recipient with the help of the latter's own employees.

The above tendency may pose a potential risk due to the following:

- the failure of the legislator to provide a precise definition of outsourcing in the Labour Code or other legislation;
- failure to specify in the work permit (as opposed to temporary work) the employer in whose establishment the work is performed;
- abuses by outsourcing companies, e.g. deliberate interchangeability of the concepts of outsourcing of services and temporary work;
- the need for additional verification by branch staff of applications and contracts, particularly where the actual purpose of the contract has been identified (the authority is required to verify that the actual purpose of the contractual relationship between the employer and its contractor is not to carry out specific work, but to provide a suitable person to perform it);
- it is necessary to verify the places where foreigners perform their work due to the fact that in most cases it is performed in the contractor's workplace;
- potential circumvention of regulations related to registration and insurance of foreign workers.

In addition, service (process) outsourcing is often confused with employee outsourcing (leasing). Employers, often acting in good faith, fail to distinguish between the above phenomena. In the first case, we are dealing with the performance of work under the direction of the applicant (outsourcing company) in order to perform a specific, contractually defined service. In the second

situation, the purpose of the contract is to transfer the worker to the contractor, who is responsible for entrusting him with the work and controlling its performance. Often there are contracts that mix the two concepts, e.g. although the title of the contract refers to the provision of services, it is clear from the wording of the contract that the purpose of the contract is to transfer/assign the employee.

In conclusion, outsourcing of services has been very popular in recent times, thanks to its flexible approach and the convenience it represents for potential contractors. This form of service provision is, of course, acceptable if it is done as intended and is not merely a form of facilitating the acquisition of a work permit.

9. POSTING OF WORKERS FROM UKRAINE TO POLAND

The provisions of the Act on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of Ukraine have granted Ukrainian citizens a special status that allows free access to the Polish labour market. This means that they can take up employment without the need to obtain a work permit or any other document that legalises the performance of work in Poland. A certain exception to the above rule is the posting of employees from Ukraine to Poland. This is because the legislator has made it possible to employ Ukrainian citizens on preferential terms only by entities registered in Poland. The result of this is the necessity for Ukrainian entities employing Ukrainian citizens to obtain an appropriate work permit.

Due to the fact that many Ukrainian nationals stay in Poland for fear of war or, as in the case of men, have problems crossing the border freely, the execution of the procedure in question becomes problematic. Unfortunately, in this type of proceedings, we often have to deal with attempts to circumvent the provisions on the posting of workers. An employee posted to Poland is still employed by a Ukrainian company, so all state taxes are paid by the employer in Ukraine. This definitely reduces the costs of running such a business and makes it possible to offer prices on the market that entities registered in Poland cannot compete with. However, due to the current international situation, the posting of employees is becoming a major challenge. The Lesser Poland Province Office in Cracow has for a long time been receiving applications which clearly indicate the fact of fictitious employment of a foreigner in Ukraine (which excludes the possibility of issuing an appropriate work permit).

In the proceedings we often encounter a situation in which a Ukrainian citizen who has been residing in Poland for many years is posted from Ukraine to our country. Documents confirming the alleged performance of work abroad are attached to the case file, but after checking with the tools available to us (e.g. verification of border crossing provided by the Border Guard or issued residence permits in the System Pobyt SI), it is clear that the foreigner has been residing in Poland for a long time and has not had the possibility to perform work in Ukraine at the time specified in the contract. The need to verify the above issues means that handling this type of case unfortunately requires considerably more time and a full investigation.

Describing the current trends that can be observed in the conduct of proceedings related to the issuance of work permits, an increase in the number of companies established by foreigners in Poland is evident. This is largely due to the provisions allowing Ukrainian citizens free access to conduct business on the basis of the provisions of the Law on Assistance to Citizens of Ukraine. This applies mainly to sole proprietorships, which account for a large percentage of companies submitting applications to the Mazovian Voivodship Office.

10. VIOLATION OF MIGRATION LAW BY CITIZENS OF THE EUROPEAN UNION

In the course of the proceedings conducted by the Lesser Poland Province Office in Cracow concerning the legalisation of the residence of citizens of the European Union and members of their families, cases of creating a residence fiction were found. Actions taken in the cases by the authority showed that both the residence and business addresses were fictitious addresses, the EU citizens had never resided at the addresses indicated, and the actual business activity had not taken place. The applicants were assisted in the above-mentioned procedure by representatives. Testimonies given during an interrogation by one of the representatives confirmed the fact of the establishment of fictitious business entities by EU citizens in order to obtain financial benefits, the drawing up of fictitious rental agreements, obtaining registration documents on this basis, in a situation when the applicants were not actually resident in Poland.

The EU citizens came to Poland only for the purpose of submitting an application and then returned to the country of their actual residence. In two cases, the applicants provided hotel addresses in their applications, the first of the EU citizens stayed in the hotel for only one night, the second one was never listed

in the hotel reservation system and did not actually live there, which was proven by inspection and questioning of the employees of the above-mentioned hotels.

Checks made by employees of the Lesser Poland Province Office in Cracow, Border Guard officers and Police officers of addresses indicated as places of residence/business activity in proceedings conducted by the authority to register the residence of an EU citizen or to issue a residence card of a family member of an EU citizen resulted in issuing a decision to refuse to register the residence or to issue a residence card. There have been cases of discontinuation of such proceedings by the representative. In the process of self-verification (which was initiated by inspections carried out in current cases) decisions to cancel the registration of residence were issued.

11. CONCLUSION

All the above-mentioned irregularities and problematic situations result in the necessity to carry out additional explanatory actions in administrative proceedings, which prolongs the time of case examination. In addition, the need for the authority to handle a large number of applications submitted to create a "fiction of residence and work" is to the detriment of foreigners who actually live and work in the territory of the Lesser Poland, as they cannot take up work while waiting for a residence and work permit to be issued.

NAJCZĘŚCIEJ WYKRYWANE NARUSZENIA
PRAWA MIGRACYJNEGO, NIEPRAWIDŁOWOŚCI
ORAZ INNE ZAGADNIENIA ODNOTOWYWANE
W PRAKTYCE DZIAŁAŃ WYDZIAŁU SPRAW CUDZOZIEMCÓW
MAŁOPOLSKIEGO URZĘDU WOJEWÓDZKIEGO
W KRAKOWIE

Abstrakt: Ze wszystkich krajów Strefy Schengen Polska stanowi jeden z głównych kierunków migracyjnych dla obywateli państw trzecich. Stale rosnąca liczba składanych na terytorium RP wniosków pobytowych prowadzi jednak również do zwiększenia liczby nadużyć polskiego prawa migracyjnego- a co za tym idzie również prawa karnego. Niniejszy artykuł prezentuje różnego rodzaju nieprawidłowości oraz naruszenia prawa ujawnione w Wydziale Spraw Cudzoziemców Małopolskiego Urzędu Wojewódzkiego w związku z prowadzonymi postępowaniami o udzielanie cudzoziemcom zezwoleń na pobyt, zezwoleń na pracę, a także w procesie rejestracji pobytu obywateli Unii Europejskiej.

Słowa kluczowe: fałszywy adres, fikcja pobytowa, fałszowanie dokumentów, karta pobytu, polskie pochodzenie, zezwolenie na pracę, outsourcing.

THE IMPORTANCE AND METHODS OF VERIFYING THE IDENTITY OF PERSONS AND AUTHENTICITY CHECKS OF DOCUMENTS IN THE PROCESS OF COUNTERACTING CRIME RELATED TO IRREGULAR MIGRATION

Abstract: The essence of identity verification is the determination of the factual correspondence between a person's characteristics and their image, personal data and the data contained in the document and authorised databases. However, no document or database can serve its purpose unless the controller verifies that the document and information are used by an authorised person. On the other hand, the use of even the best security features in documents is meaningless if the inspector cannot assess their authenticity. During the conducted works, it was found that non-comprehensive and intuitive control processes do not fulfil their role, and there is a possibility of misleading the supporting automatic systems. Based on research and empirical expert experience, the validity of using objectified sets of features and data in the overall control sequence was indicated. A scheme for verifying a person's identity and checking the authenticity of documents was developed, taking into account the use of the "identity triangle," which is a method of linking a person, document and data. The result is a comprehensive training program using specialised teaching material and resulting in a confirmed increase in competence and effectiveness of control processes.

Keywords: triangle of identity, identity documents, travel documents, control, identification, verification, authentication, training

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1. MIGRATION: PERSON, INFORMATION, DOCUMENTS

The phenomenon of irregular migration is inextricably linked to the use by individuals of various types of documents, both genuine and false, which are necessary in order to cross borders, but also to legalise their stay or avoid expulsion, and which enable them to function in the country of residence (e.g. to take up employment).⁴ Thus, the problem of verifying the identity of these persons and checking the authenticity of their documents is not limited to border services, but also concerns police officers, officials and employees representing various institutions or entities.

The geopolitical location of Poland determines the risk of increased movement of persons across the national territory with the EU external border. This situation requires special involvement of security and public order services and gives new importance to the issue of reliable identification of persons, and effective assessment of their intentions in connection with their stay in our country and in the Schengen Area. Even minor weaknesses in border protection or in the control of persons on the ground can have serious consequences for public order and state security. The changing nature of terrorist activities, the constant evolution of means of illegal trafficking associated with organised crime are important signals that can be observed in Europe.

The uncontrolled movement of people, especially those wishing to conceal their identity and intentions, can have serious repercussions. Illegal cross-border activities and thus illegal stay, smuggling, trafficking in human beings, the activities of organised criminal groups, as well as the terrorist threat linked to the international situation.

2. THE PRACTICAL ASPECT OF VERIFYING A PERSON'S IDENTITY AND CHECKING THE AUTHENTICITY OF DOCUMENTS

Analyses show that there are several reasons for the use of false identities, including:

- minimizing the risk of the criminal/undesirable person being identified;

⁴ M. Trojanowska-Strzęboszewska, *Nielegalna czy nieregularna imigracja? Analiza wyzwań definicyjnych ze szczególnym uwzględnieniem polityki migracyjnej UE*, "Studia Europejskie – Studies in European Affairs," no. 3, 2020, pp. 149-150.

- impersonating an authorised person - to obtain privileges available to Schengen citizens;
- concealing the identity of victims of trafficking in human beings;
- carrying out criminal activities using false personal data (e.g. fraud).

This is the result of risk estimation by criminals, who are aware that it is relatively rare for a check to involve a thorough and extended verification of identity and documents.⁵

One of the problems faced by officers and officials is the assessment of the similarity of persons and the authenticity of documents. The traditional comparison of people's appearance to the image in the document is based solely on the subjective opinion of the inspector, especially in situations of real or simulated lack of verbal (language) communication. As practice shows, this important element of scrutiny is marginally defined and even linked to the intuitive skills of the scrutineer. This is confirmed, for example, by the recommendations of the UK Home Office in *RECOGNISING FRAUDULENT IDENTITY DOCUMENTS* (2014) and *GUIDANCE ON EXAMINING IDENTITY DOCUMENTS* (2016).⁶ The lack of systemic solutions in this area undermines the ability to act effectively at the level of elementary skills of verifying a person's identity. In particular, in view of the inadequacies with regard to the availability of biometric data, identification on the basis of an image will continue to be the primary method of action for officers. This is particularly relevant in the case of the use of an authentic document by a person impersonating the legitimate holder.⁷

The mere presentation of a document by a person does not confirm anything, as it is only a carrier of information that needs to be skilfully verified. In the process of establishing identity, it is necessary to be able to compare the appearance of a person and his/her image, and to be able to assess the authenticity of documents by checking their security features, validity and legal force. In addition, an element of identification is the use of all the information at one's

⁵ S. Cisowski, Ł. Świerczewski, *Doskonalenie zawodowe funkcjonariuszy służb policyjnych w obszarze identyfikacji dokumentów tożsamości osób na przykładzie inicjatyw podejmowanych przez Komendę Stołeczną Policji w latach 2016 - 2020*, [in:] *Dokumenty w systemie bezpieczeństwa państwa - bezpieczeństwo i kontrola w tym kontrola taktyczna*, Ł. Świerczewski (ed.), Warszawa 2021, p. 7.

⁶ *Guidance on examining identity documents*, National Document Fraud Unit, London 2016.

⁷ S. Cisowski, J. Barwicki, *Doskonalenie zawodowe funkcjonariuszy – niezbędnym warunkiem skutecznego realizowania kontroli autentyczności dokumentów*, "Człowiek i Dokumenty", no. 64, 2022, p. 16.

disposal and available to confirm or deny the information provided by the person being checked.

The necessity of introducing and using a "non-intuitive" scheme is also confirmed by scientific studies. Tests carried out by an international group of researchers indicate that the number of errors made by controllers in comparing a person's image to a photograph in a document oscillates between 15 and 20 percent. Furthermore, research shows that the experience of professional controllers has no effect on the number of errors in relation to a comparison group of volunteers without practice. These data confirm the importance of the need for appropriate controls to comprehensively verify a person's identity using not only an effective image and photo comparison scheme, but also other identifiable characteristics.⁸

Another problem area is the practically established lack of knowledge by controllers of the elementary principles of securing documents and methods of verifying their authenticity and ability to determine what they entitle the holder to. Counterfeiters are constantly improving their techniques for imitating original security features, including those implemented by higher-level manufacturers. In doing so, they not only use modern software and equipment, but employ more sophisticated printing methods and techniques. This significantly increases the level of risk to document security, so an effective form of counterfeiting prevention is the continuous development of document production techniques and the introduction of further security features that are difficult to incorporate in forgeries. However, it is worth remembering that the effectiveness of security features in documents is not only about the ongoing development of the technology in which they are created, but also about the state of the art and the practical ability of users to recognise their authenticity.⁹

3. EFFECTIVE PATTERN OF CONTROL ACTIVITIES AND THE "TRIANGLE OF IDENTITY"

Faced with the observed competence deficit, the aim of the Warsaw Police Headquarters' experts was to develop a simple set of rules for checking

⁸ D. White, R.I. Kemp, R. Jenkins, M. Matheson, A.M. Burton, *Passport Officers' Errors in Face Matching*, "PLoS ONE", no. 9(8), 2014, pp. 3-8.

⁹ A. Gryniewicz, *Wiedza - jednym z najlepszych zabezpieczeń*, "Człowiek i Dokumenty" no. 43, 2016, p. 83.

and evaluating the authenticity of documents and to develop a scheme to help compare the face of a person and his/her photo,¹⁰ and furthermore to indicate the ways in which the legal force of a document may be assessed.¹¹ This takes into account the risks arising from the use of the document by a look-a-like person and manipulation of the holder's image (morphing).

A. The types of behaviour associated with attempts to deceive using a document are systematised:

1. use of an original document by an unauthorised person,
2. use of a manipulated document,
3. use of a forged document - a document which has been falsified in its entirety,
4. use of an invalid document,
5. using a document without legal value (pseudo-document).

B. The necessity of direct physical contact between the inspector and the document was emphasised, due to the anti-counterfeiting safeguards used in the documents. In addition, the necessity of each time using the content of the document and the graphic data contained therein in the control process was demonstrated, including:

1. comparison of the person's face with the facial image in the document,
2. comparison of the facial features contained in the document
3. taking into account the age progression - the changes in appearance that should have been caused by the passage of time between the taking of the photograph appearing in the document and the time of the check,
4. interviewing the holder with regard to the data contained in the document,
5. carrying out additional checks in case of doubt (e.g. verification of the ability to produce a signature).

C. A simple, non-intuitive way of comparing a person's appearance with his/her likeness and the drawing data contained in the document is indicated, based on a comparison of morphological features (shape, size and arrangement of the various parts of the head), using geometric relationships, in particular proportions and their position relative to each other.

¹⁰ M. Lemieszek, S. Cisowski, *Osoba - Dokument., Weryfikacja zabezpieczeń dokumentów tożsamości, podróży i innych. Poradnik praktyczny*, Warszawa 2016, p. 5.

¹¹ S. Cisowski, *Dokument i pseudodokument – znaczenie mocy prawnej dokumentu*, [in:] *Prawo a kryminalistyka*, K. Konopka (ed.), Warszawa 2021, pp. 270 – 281.

This method involves comparing the shape of the face and the elements that influence a person's appearance (e.g. hairstyle and make-up) and assessing the parts of the face (frontal, nasal and maxillary), taking into account the analysis of:

- the position of the eyes in relation to the ears,
- distance between nose and chin,
- the position of the mouth in relation to the ears,
- distance between eyes.

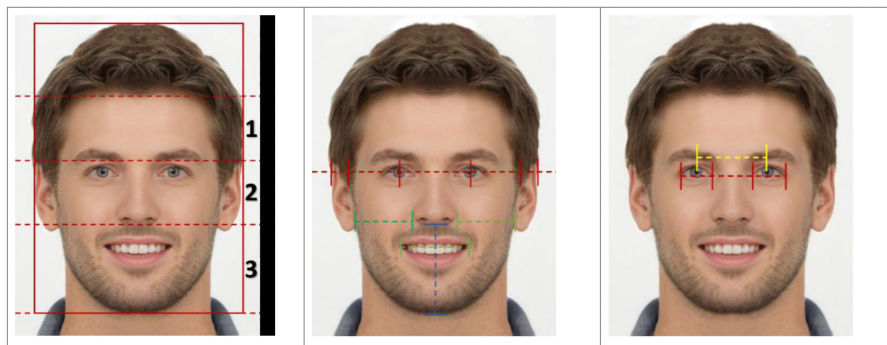


Fig. 1. Graphics from *"Person - Document, Control and Security, verifying the security of identity, travel and other documents. A practical guide,"* Warsaw 2021.

In addition, the following are assessed:

- the size of the eye, the position of the eye crevice, the seating of the eye and the upper and lower eyelids,
- the nose (dorsum, apex, nostrils, base),
- auricle, position of its connection to the head, type of earlobe,
- zygomatic bones, outline of the maxilla and mandible, features of the chin and chin,
- scars and birthmarks,
- furrows and folds of skin and "dimples,"
- other skin elements and special features.

Attention should also be paid to image features that may indicate morphing, i.e. manipulation resulting from combining the likenesses of two people into one false image.

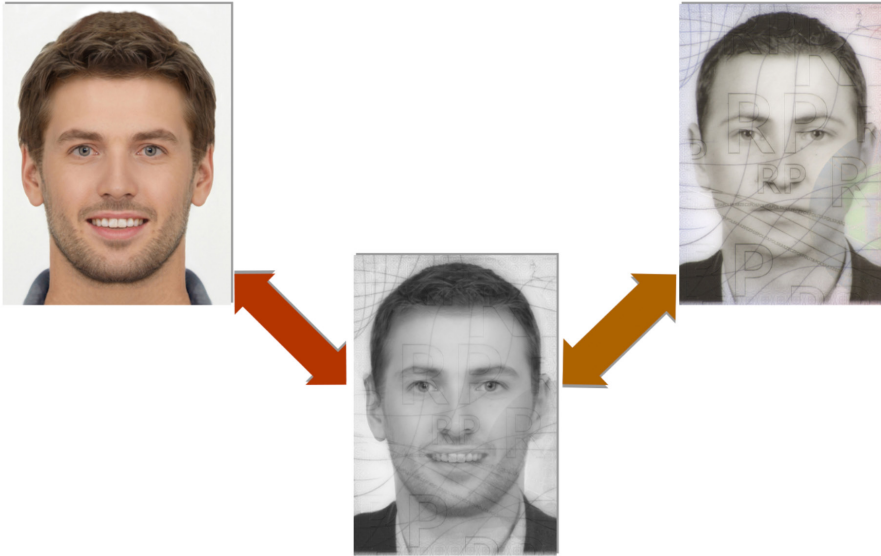


Fig. 2. Graphics from "Person - Document, Control and Security..."

D. Six rules are proposed for the verification of documents secured against forgery:

1. Look at the document in visible light,
 2. Touch the document - check for tactile elements,
 3. Look against the light - check for the presence of safety features such as see-through registers
 4. Move and look at the document at an angle - check for optically variable elements,
- If you have the supporting tools of a magnifying glass and an ultraviolet lamp - use them.
5. View the document under a magnifying glass,
 6. View the document under ultraviolet light.

The knowledge in question is contained in the practical guide "Person - Document, Control and Security, verifying the security of identity, travel and other documents"¹² drafted in Polish and 8 language versions (English, Czech, German, Norwegian, Slovak, Turkish, Ukrainian and Hungarian)¹³ and on two information boards¹⁴ presenting "Principles of verification

¹² M. Lemieszek, S. Cisowski, Ł. Świerczewski, *Person – Document, Control and Security, verifying the security of identity, travel and other documents. Practical guide*, Warszawa 2021.

¹³ The authors would like to thank all the foreign police officers who were involved in the linguistic proofreading of the material in question.

¹⁴ 20,000 boards went to administrative offices, services and police units.

of documents secured against forgery" and "Identity card model 2021 principles of verification of authenticity." All materials have been prepared in a digital version, which is available on the website of the Metropolitan Police Headquarters.¹⁵

An innovative expert approach allowed the development of a comprehensive training system, supported by dedicated teaching and learning materials and specialised testers. In this way, it became possible to impart the elementary competences, essential for all controllers, in any situation of contact with a person's documents to confirm his or her identity, entitlements or qualifications. This aspect of verification, referring not only to identity documents, is of increasing importance in view of the different types of migration resulting in foreigners arriving to take up jobs requiring confirmation of the authenticity of the documents they present (e.g. driving licenses, professional certificates).

The proposed model for the action of an officer, official or employee verifying identity on the basis of documents is based on the "identity triangle," i.e. the link between the person and the documents (allowing his/her identity to be confirmed) and the information (data from databases, information provided by the controller, the controller's observations and perceptions).

The solution is comprehensive, enabling repeated efficiency in the identification of persons, checking the authenticity of documents and their legal validity, also covering the tactical aspect of identity verification.

Experts of the Warsaw Police Headquarters have undertaken a number of activities allowing them to become comprehensively acquainted with the issues in question, also within the framework of ongoing training projects and participation in specialist conferences, gaining the opportunity for direct working contacts, broadening experience and implementing didactic solutions, among others on the basis of exchanging experience with officers of various services and offices, in particular the Norwegian KRIPOS.¹⁶ Significant and inspiring substantive support was provided by the cooperation with Major of Border Guard Grzegorz Filipiak from the Forensic Laboratory of the National Border Guard Headquarters and the expert team of the Centre for Education and Training of the Polish Security Printing Works, led by Ms. Aleksandra Gryniewicz, Board Advisor for Training and Expertise. The experiences gathered were the direct cause for the search, testing, development and implementation of

¹⁵ Links and QR-codes to download these materials are provided in Appendix no. 1.

¹⁶ Den nasjonale enhet for bekjempelse av organisert og annen alvorlig kriminalitet - national unit for the fight against organised and other serious crime.

the above-mentioned solutions by experts from the Warsaw Police Headquarters, the results of which have a national and international scope.

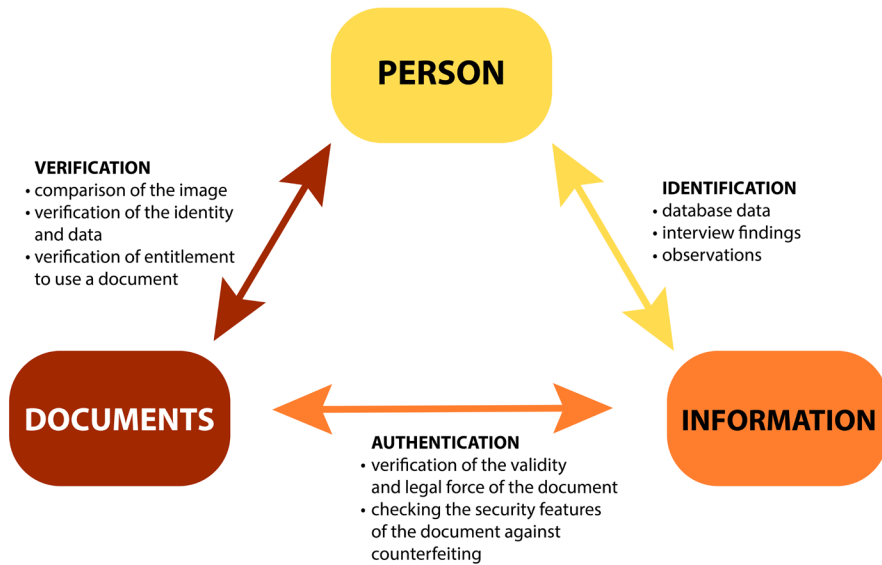


Fig. 3. Graphics from "Person - Document, Control and Security..."

4. KNOWLEDGE, SKILLS, CAPACITIES AND COMPETENCES - EDUCATION, TRAINING, TOOLS AND DIDACTICS

Warsaw Police Headquarters, in partnership with the Polish Security Printing Works¹⁷ and the Norwegian Nasjonalt ID-senter¹⁸ has implemented the pre-defined project "Documents - security and control, including tactical control" since 2020,¹⁹ which was funded by the "Home Affairs" Programme implemented under the Norwegian Funds 2014-2021. The programme was at the disposal of the Minister of the Interior and Administration of the Republic

¹⁷ https://www.pwpw.pl/Inne/norway_grants.html (accessed: 20.10.2023).

¹⁸ National Identification Centre - an independent expert body under the administrative authority of the Norwegian Police Directorate.

¹⁹ <https://ksp.policja.gov.pl/pl/stoleczna-policja/ksp-w-unii-europejskiej/norweski-mechanizm-fina/54869,NARZEDZIE-W-WALCE-Z-FALSZYWYMI-DOKUMENTAMI-NMF-2014-2021.html> (accessed: 20.10.2023).

of Poland. It included two expert conferences (inaugural²⁰ and concluding²¹) and activities aimed at enhancing expertise²², increasing specialist competences, as well as presenting the results of the work carried out²³ and a scientific publication.²⁴

The core element of the project was a nationwide specialised training aimed at a group of 100 trainers and 10,000 participants. As a result of the activities undertaken, 150 trainers and more than 20,000 participants were actually included in the training process in 2021 and 2022,²⁵ while it continues in its teaching and expertise dimension.

The significant potential of the developed solutions also influenced the positive assessment of the Ministry of Funds and Regional Policy, which recommended the project to the so-called database of good projects - model examples of effective implementation of the Norwegian Financial Mechanism in Poland.



Fig. 4. "Educational Booklet" – own materials

²⁰ <https://ksp.policja.gov.pl/wdz/aktualnosci/102662,Konferencja-Inauguracyjna-Projekt-Dokumenty-bezpieczenstwo-i-kontrola-w-tym.html> (accessed: 20.10.2023).

²¹ <https://ksp.policja.gov.pl/wdz/aktualnosci/112159,Ekspercka-Konferencja-Podsumowujaca-projekt-Komendy-Stolecznej-Policji-pn-Dokume.html> (accessed: 20.10.2023).

²² <https://ksp.policja.gov.pl/wdz/aktualnosci/112153,Wymiana-wiedzy-na-pozimie-eksperckim-w-Tallinie.html> (accessed: 20.10.2023).

²³ <https://ksp.policja.gov.pl/pl/dzialania/aktualnosci/57936,Uczestniczyliśmy-w-konferencji-Prawo-a-kryminalistyka.html> (accessed: 20.10.2023).

²⁴ *Dokumenty w systemie bezpieczeństwa państwa - bezpieczeństwo i kontrola w tym kontrola taktyczna*, Ł. Świerczewski (ed.), Warszawa 2021.

²⁵ <https://ksp.policja.gov.pl/pl/stoleczna-policja/ksp-w-unii-europejskiej/norweski-mechanizm-fina/61252,Dokumenty-i-ich-kontrola-podsumowanie-dwuletniego-projektu-KSP.html> (accessed: 20.10.2023).

A unique training material used in practical classes is the "Educational Booklet," prepared by Warsaw Police Headquarters (KSP) and developed in the Polish Security Printing Works (PWPW),²⁶ which is in fact a personalised passport booklet providing a practical introduction to various security techniques. The material has attracted the interest of many specialists and has been implemented in the training process of, among others, the Norwegian ID-senter and the Polish Police, as well as the Border Guard.²⁷

In connection with the Russian war against Ukraine, didactic content was supplemented by publications on Ukrainian identity documents²⁸ and driving licenses.²⁹ In particular, in view of the risk of the use of original blank Ukrainian documents by Russian services, what became important was the ability to carry out a comprehensive check, using available databases.

Empirical experience of experts in the course of the work carried out, confirmed by the widening of the circle of recipients of the solutions worked out, has shown that in the current situation the issues of verification and control cannot be seen only through the prism of the competence of border services. They have become an indispensable part of daily life in the face of different types of migration and related illegal phenomena.

The scope and effects of the activities carried out contributed to the involvement of the experts of the Warsaw Police Headquarters in the work of Project NMF/PA18/004 "Integration for security - international cooperation in the field of fundamental rights," carried out by the Szczecin Provincial Police Headquarters, within the framework of the Norwegian Financial Mechanism 2014-2021, under the "Home Affairs" Asylum and Migration Programme (PA18). The interdisciplinary and inter-institutional dimension of the project also plays an important role in the implementation of the individual tasks, demonstrating that migration issues do not relate only to the issue of border protection, but affect many areas of the functioning of different services, institutions and entities.

²⁶ S. Cisowski, J. Barwicki, *Doskonalenie zawodowe funkcjonariuszy – niezbędnym warunkiem skutecznego realizowania kontroli autentyczności dokumentów*, "Człowiek i Dokumenty" no. 64, 2022, pp. 19 – 26.

²⁷ S. Cisowski, *Dokumenty – bezpieczeństwo i kontrola, w tym kontrola taktyczna, wiedza i szkolenia w służbie skutecznej weryfikacji tożsamości osób i kontroli dokumentów*, [in:] *Prawo a kryminalistyka*, K. Konopka (ed.), Warsaw 2021, pp. 93-110.

²⁸ *Ukraińskie dokumenty tożsamości. Poradnik praktyczny*, "Stołeczny Magazyn Policyjny" no. 4, 2022, p. 19.

²⁹ *Ukraińskie dokumenty tożsamości. Poradnik praktyczny część II*, Stołeczny Magazyn Policyjny", no. 6, 2022, p. 19.

An important element of the measures taken in the area is to make inspectors aware that for effective verification of document security, it is necessary to have at their disposal not only the appropriate qualifications, but also specialised technical equipment, ensuring that at least magnification and ultraviolet lighting can be used. Appropriate organisation of work, entrusting these tasks to persons with skills and experience and the ability to use equipment and databases³⁰ results in an effective response. Proper control tactics and constant updating of knowledge make it possible to identify situations in which there may be attempts to use documents fraudulently and to use forged, counterfeit or false documents. This makes it possible to prepare appropriate procedures and to profile persons who may try to mislead the controllers.


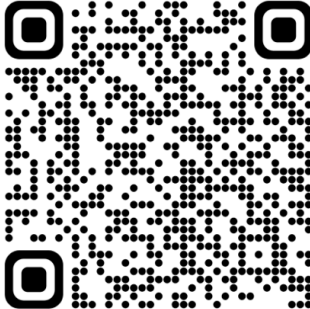


5. EFFECTIVE VERIFICATION AND EFFICIENT CONTROL

Establishing a factual match between a person's physical features and his or her image, personality and data contained in a document, and using authorised databases, is the essence of establishing identity. However, no document and database will serve its purpose unless the controlling person establishes that the document and information in question is being used by an authorised person. On the other hand, the application of even the best security features to documents is meaningless if the controller is unable to assess their authenticity. This is why it is so important for controllers to be effectively prepared in this area, as it has an important practical dimension, as it is an indispensable element in ensuring public security at various levels, wherever a person and document are dealt with.

³⁰ Links and QR-codes enabling the use of publicly available databases are provided in Appendix 2.

APPENDIX 1

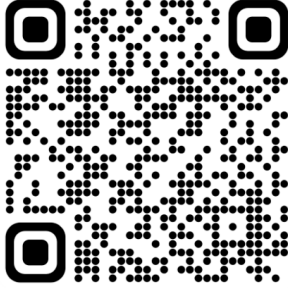
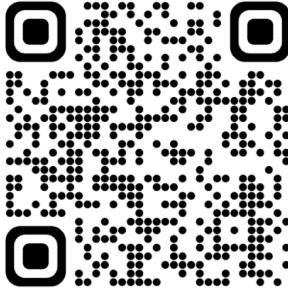
Links and QR-codes for downloading learning materials

<p>Teaching and information materials available on the Internet (Polish version):</p> <p>https://ksp.policja.gov.pl/pl/stoleczna-policja/ksp-w-unii-europejskiej/norweski-mechanizm-fina/58450,Szanowni-Panstwo.html</p>	
<p>- handbook (brochure):</p> <p>PERSON - DOCUMENT, CONTROL AND SECURITY, VERIFYING THE SECURITY OF IDENTITY, TRAVEL AND OTHER DOCUMENTS. A PRACTICAL GUIDE</p> <p>https://ksp.policja.gov.pl/download/168/109828/OSOBA-DOKUMENTporadnikpraktyczny2021HD.pdf</p>	
<p>- information board:</p> <p>RULES FOR VERIFYING DOCUMENTS PROTECTED AGAINST FORGERY</p> <p>https://ksp.policja.gov.pl/download/168/109829/Zasadyweryfikacjidokumentow.pdf</p>	
<p>- information board:</p> <p>IDENTITY CARD MODEL 2021 AUTHENTICATION RULES</p> <p>https://ksp.policja.gov.pl/download/168/109827/DowodOsobistywz2021zasadyweryfikacji.pdf</p>	

<p>- scientific publication (in Polish and English):</p> <p>DOCUMENTS IN THE SECURITY SYSTEM - SECURITY AND CONTROL, INCLUDING TACTICAL CONTROL</p> <p>https://ksp.policja.gov.pl/download/168/109826/DokumentyPLDocumentsEN2021.pdf</p>	
<p>Teaching and information materials available on the Internet (language versions: CZ, DE, EN, HU, NO, SK, TR, UA):</p> <p>https://ksp.policja.gov.pl/pl/stoleczna-policja/ksp-w-unii-europejskiej/norweski-mechanizm-fina/58511,Documents-Security-and-Control-including-tactical-identity-check-training-materi.html</p>	
<p>- handbook (brochure):</p> <p>UKRAINIAN IDENTITY CARDS, PRACTICAL GUIDE (PASSPORT)</p> <p>https://magazyn-ksp.policja.gov.pl/download/196/222298/WkladkaUkrainskieDokumenty.pdf</p>	
<p>- handbook (brochure):</p> <p>UKRAINIAN IDENTITY CARDS, PRACTICAL GUIDE PART II (DRIVING LICENCE)</p> <p>https://magazyn-ksp.policja.gov.pl/download/196/225519/UkrainskiedokumentytozsamosciPRAWOJAZDY.pdf</p>	

APPENDIX 2

Links and QR-codes allowing the use of publicly available databases

<p>PRADO - Online public register of authentic identity and travel documents</p> <p>https://www.consilium.europa.eu/prado/pl/prado-start-page.html</p>	
<p>PRADO Glossary</p> <p>https://www.consilium.europa.eu/prado/pl/prado-glossary/prado-glossary.pdf</p>	

ZNACZENIE ORAZ METODY WERYFIKACJI TOŻSAMOŚCI OSÓB I KONTROLI AUTENTYCZNOŚCI DOKUMENTÓW W PROCESIE PRZECIWDZIAŁANIA PRZESTĘPCZOŚCI ZWIĄZANEJ Z NIEREGULARNĄ MIGRACJĄ

Abstrakt: Stwierdzenie faktycznej zgodności cech fizycznych człowieka z jego wizerunkiem, personaliami i danymi zawartymi w dokumencie oraz autoryzowanych bazach danych to istota ustalenia tożsamości. Jednak żaden dokument i baza nie spełnią swej funkcji, jeżeli kontrolujący nie ustali, czy danym dokumentem i informacjami posługuje się osoba uprawniona. Z drugiej strony stosowanie nawet najlepszych zabezpieczeń w dokumentach nie ma znaczenia, jeżeli kontrolujący nie potrafi ocenić ich autentyczności. W trakcie prowadzonych prac ustalono, że niekompleksowe i intuicyjne procesy kontroli nie spełniają swojej roli, ponadto istnieje możliwość wprowadzenia w błąd także wspierających systemów automatycznych. Na podstawie badań i empirycznych doświadczeń eksperckich, wskazano zasadność użycia zobiektywizowanych zestawów cech i danych w całościowej sekwencji kontrolnej. Opracowano schemat weryfikacji tożsamości osoby oraz kontroli autentyczności dokumentów, uwzględniając zastosowanie "trójkąta tożsamości", stanowiącego metodę powiązania osoby, dokumentu i danych. Efektem jest kompleksowy program szkoleniowy, wykorzystujący wyspecjalizowany materiał dydaktyczny i skutkujący potwierdzonym zwiększeniem kompetencji i efektywności procesów kontrolnych.

Słowa kluczowe: trójkąt tożsamości, dokumenty tożsamości, dokumenty podróży, kontrola, identyfikowanie, weryfikowanie, uwierzytelnienie, szkolenie

THE HISTORY OF COLONIAL SLAVERY IN THE NEW WORLD AS THE ORIGIN OF THE CONTEMPORARY PHENOMENON OF HUMAN ENSLAVEMENT

Abstract: The article is an attempt to discover the basis of the modern enslavement of a human being, the beginning of which can be traced back to Christopher Columbus reaching the shores of the New World in 1492. It shows how colonial slavery led to the complete destruction of human dignity and freedom, while providing the colonists with prosperity and position in the world at that time. It is also an indication of the role of the economy and industry, which from the end of the 15th century became a tool for using people as a guarantor of achieving monetary profit. Comparing the phenomenon of slavery on both American continents from the end of the 15th century to the end of the 19th century in various overseas colonies of European countries makes it possible to place slavery and its current form in the modern world in a broad historical context.

Keywords: great geographical discoveries, slavery, overseas colonies, abolitionism

1. INTRODUCTORY REMARKS

The discovery of the New World by Europeans is described as one of the dates marking the end of the Middle Ages. The space in the western hemisphere allowed for the economic and commercial development of European countries, which began to colonise hitherto unknown areas. With human activity on the American continent, the "door" was opened to the most inhumane and degrading

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practice of treating human beings.² The purpose of this article is to introduce the phenomenon of slavery in the New World as the basis of today's human enslavement in different latitudes. By referring to colonial oppression and the restriction of basic rights for those assigned to work on plantations in South and North America, it contributes to the study of today's dimension of forced labour and the phenomenon of human trafficking. By using a comparison of the different methods of handling according to the colonisers' nations, a picture emerges, the remnants of which can still be seen today in various corners of the world.

It cannot be denied that the era of the Great Geographical Discoveries represented the greatest contribution to the development of slavery in the modern world. When Christopher Columbus reached the coast of the Bahamas in 1492, the Kingdom of Portugal was already engaged in advanced trade with the tribes inhabiting West Africa. Despite the relatively short distance between the Iberian Peninsula and the west coast of the Black Continent, this was the beginning of a transatlantic trade that laid the foundations for the intercontinental movement of goods and slaves. This phenomenon became known as the triangular trade³. The name referred to the availability of material goods in three different regions of the world at the time.

Ships departing from Portuguese or Spanish ports were heading for Africa, with weapons, alcohol or tools in their holds. These goods were exchanged at colonial trading posts - factories - for labour in the form of black slaves. These slaves were put into the holds, which were emptied of weapons or crates of alcohol, and sailed for more than two months to the coast of South America in degrading conditions. In Brazil, Portuguese colonisers paid no small amount of money for human labour. The sailors, in turn, used their profits to buy premium colonial goods: cane sugar or tobacco. They returned to Europe and sold valuable products to merchants on the old continent, for which they received a generous payment.⁴ The slave trade became the most profitable activity that played out on the world stage of colonial rivalry between the superpowers. As calculated, between 12 and 15 million people were transported from the African continent to the Americas between the 16th and 18th centuries. This was forced transport as part of the aforementioned triangular trade. The largest number of people,

² J. Heydrich, *Od Lincolna do Obamy – problem niewolnictwa w USA*, "Przegląd Politologiczny", no. 4, 2008, p. 101.

³ <https://sknep.pl/2017/11/22/niewolnictwo-od-starozytnosci-do-wspolczesnosci> (accessed: 10.10.2023).

⁴ <https://www.economiafinanzas.com/pl/comercio-triangular> (accessed: 10.10.2023).

nearly 50 per cent of the total number of slaves, found their way to the Americas in the 18th century.⁵

2. THE INTERESTS OF COLONIAL POWERS AND THE PLANTATION ECONOMY

The second half of the 18th century was a period when there was a reshuffling of the distribution of power in the colonial world. Britain came to the fore, distancing Portugal, Spain and France. The actions of the superpowers towards the African continent led to a double collapse: a depletion of nearly 15 million inhabitants over three centuries and a slowdown in the economic development of the Black Continent. The inhabitants of the Gulf of Guinea region, seeing how profitable it was to cooperate with the colonial factories, abandoned other indigenous economic activities and focused exclusively on the slave trade. This led to the disruption of the entire process of establishing local economic structures and, consequently, to the complete flattening of the development levers of the various regions. This problem has created far-reaching consequences that are still visible today. Many countries on the continent face internal struggles for influence, corruption and quasi-dictatorial policies based on the exploitation of their own people, and destructive actions towards natural resources. Africa has been brutally exploited by monarchies and governments in Paris, Lisbon, Madrid or London. The lack of basic and elementary guarantees of human rights in colonial times led to a situation that today, in the 21st century, is reflected locally and internationally. Illegal immigration, the struggle for better living conditions for people who want to enter the highly developed countries of continental Europe at any cost, is a stigma of the past, which in previous centuries reduced the inhabitants of the colonies to human commodities for sale, devoid of dignity and self-determination.

Was there an ideology behind the slavery of the age of great geographical discoveries? This question is a crucial issue of sorts, which can be understood by delving into a reading of the chronicle of Gomes Eanes de Zurara, Portuguese courtier and archivist to King Edward I Aviz. In it, the author of the chronicle states that Portuguese society, with the passage of time and the development of the slave trade, moved away from expressing sympathy towards the black indigenous African population to the historical, biblical justice that

⁵ <https://sknep.pl/2017/11/22/niewolnictwo-od-starozytosci-do-wspolczesnosci> (accessed: 10.10.2023).

was the propaganda and manipulative trend in 15th and 16th century Portugal. A narrative was spread treating black Africans as descendants of Cham, the cursed son of the biblical Noah. As part of their punishment, they were condemned to eternal servitude to others.⁶ An additional element justifying the conduct of slave traders and those who bought live labour was the mission to save them. The precedent was precisely the care of the oppressors for the spiritual values of the slaves. Every person imprisoned and for sale had to be baptised and receive the teachings of the Catholic Church as part of their subsequent servitude. The humanity and dignity of the slave may not have existed, but the element of Catholic education had to be demonstrated at all costs.

Plantations played a special role in the development of colonial economies. The basis of their operation was slavery, providing a steady supply of labour. One example of the implementation of planning for a plantation economy was the Island of St Thomas located in the Gulf of Guinea, a short distance from mainland Africa. Discovered in the 1570s, it provided the perfect environment for the cultivation of sugar cane, which produced the desired commodity in Europe - sugar. However, being poorly suited for the hot equatorial climate, the Portuguese did not settle on the island. Therefore, the Portuguese King John II sent convicts to the island to work off their guilt on the plantations.⁷ Over time, their place was taken by imported black slaves from present-day Angola and the Congo. By the mid-16th century, the number of slaves on this small island was around 2,000. They performed hard labour on the sugar cane plantations and served in the houses of the planters. The clearing and burning of forests for future crops severely affected people. They worked six days a week except Sunday. Slaves were malnourished, exhausted and often died of disease. Those who served in the homes of their owners were in a marginally better situation. There were cases in which it was this group that had the best chance of liberating themselves, acquiring property and adopting the way of life and culture of the Portuguese colonists. Portuguese landowners often had sexual relations with black female slaves. Many children were born who were Mulatto and who were freed or free from birth. However, even regardless of this fact, they were discriminated against for their origins. Black slaves had a definite advantage over white colonists on St Thomas Island. On more than one occasion, they escaped from the plantations, took refuge in the mountains and jungle, and then formed

⁶ <https://oko.press/jak-argumentowano-ze-ludy-afryki-sa-stworzone-do-niewolnictwa> (accessed: 10.10.2023).

⁷ I. Biezuńska-Małowist, M. Małowist, *Niewolnictwo*, Warszawa 1987, p. 328.

something like a resistance movement and attacked the estates of the Portuguese masters.⁸ The history of the island in the Gulf of Guinea was a small-scale version of the history of the powerful Portuguese colony of Brazil, which went through all the stages of the colonial revolution until independence.

3. PORTUGUESE BRAZIL

Brazil, being Portugal's largest colony, was somehow underestimated by the monarchy until the mid-16th century. It was not until the interest of French settlement on the Brazilian Atlantic coast that Portugal began to invest in its colony. The investment consisted of exporting basil wood from the country, which yielded a valuable red dye - used in the production of textiles. The real treasure, however, was the climate and fertile land for growing sugar cane. And, as with the island of St Thomas, the north-east coast of Brazil needed a labour force to do the hardest work. The indigenous inhabitants of these lands, the Brazilian Indians, did not have the capacity to work on the plantations that had been established. Their wariness and low level of cultural adaptation necessitated the importation of black slaves from Africa. Initially, transportation was severely problematic due to distance and by the end of the 16th century, the number of slaves from Africa did not exceed 15,000 people in Brazil. The establishment of more and more sugar cane plantations meant that between 1570 and 1670 there were around 400,000 enslaved indigenous Africans permanently in Brazil. The ethnic composition of black people sold to work in South America was changing. With the conquest of more and more lands in the Black Continent by the Kingdom of Portugal, by the mid-16th century, the largest number of slaves came from the Sudan area. They came to Brazil via Lisbon or the Cape Verde Islands. At the end of the 16th century, Portugal began the conquest of what is now Angola and the Congo.⁹ This resulted in labour from the region flowing into Brazil. Portugal's largest colony was described as a "hell of blacks."¹⁰ Slaves were forced to do hard labour on vast plantations, in harsh tropical conditions with high temperatures and extreme humidity. In addition to men, women and children were also forced to work.

From the mid-seventeenth and into the eighteenth century, the activities of the Portuguese monarchy were strongly distanced by the British

⁸ Ibidem, pp. 329-330.

⁹ Ibidem, p. 344.

¹⁰ Ibidem, p. 345.

and the French. The territories that attracted the interest of the above nations were the islands of the Caribbean basin and North America. Brazil continued to be a Portuguese colonial bastion that, in addition to sugar, also provided gold, diamonds and, at a later stage, cotton. Estimates, but probably incomplete figures for the African slaves who fuelled the Portuguese economy in Brazil, put the number of African slaves at 3 million people who populated the Portuguese colony over the centuries¹¹. The situation began to change when Brazil took up the struggle for independence. After a series of events in Europe, including the defeat of the Napoleonic campaign, the Portuguese monarchy was in crisis. The recognition of Brazil as a sovereign part of the Kingdom of Portugal, Brazil and the Algarve was the first step towards independence. Eventually, Portuguese troops suffered defeat in a series of clashes with Brazilian forces. In August 1825, Lisbon recognised Brazil's independence and the son of Portuguese King John VI was given the title of emperor, and as Peter I became the ruler of independent Brazil. A fundamental turn towards the abolition of slavery in Brazil was made by the son of Emperor Peter I, Peter II, who reigned since 1840.¹² Officially, slavery was already abolished in free and independent Brazil by the so-called "Golden Law," passed by the local parliament in 1888. A year later, Brazil became a federal republic along the lines of the United States Constitution. The Brazilian Empire ceased to exist.¹³

4. SPANISH COLONIES

The colonial rivalry in the Iberian Peninsula between Portugal and Spain gave the Madrid monarchy a strong foothold in the Caribbean, Mexico and the north of the South American continent. The enlistment of African slaves in Spanish-controlled areas began with the beginning of the 16th century. Slaves played a huge role in the cultivation of sugar cane, tobacco, cocoa or coca. Factories specializing in the production of the above goods were located in southern Mexico, Venezuela, Colombia, Ecuador and parts of Central America. Slaves began to play a primary role from the 18th century onwards in Cuba, a Caribbean island famous for its sugar production. From the first

¹¹ <https://www.rp.pl/historia/art9361031-krotka-historia-handlu-niewolnikami> (accessed: 10.10.2023).

¹² K. Szelest, *Od kolonii do niepodległości, Rzecz o Historii*, „Rzeczpospolita”, no. 209, 2017, pp. J4 - J5.

¹³ <https://www.rp.pl/historia/art9361031-krotka-historia-handlu-niewolnikami> (accessed: 10.10.2023).

decade of the 18th century, however, it was not the indigenous Spanish fleet that supplied labour to the Spanish colonies, but English ships. Such an opportunity arose with the conclusion of the Peace of Utrecht in the so-called War of Succession, where Spain and Britain stood on opposite sides of the barricade. From then on, London was able to supply the Spanish colonies with slaves on its ships. A further step in giving precedence to the English was Madrid's recognition of freedom in the slave trade. This meant the absence of any restrictions on the free operation of the slave business worldwide.

How did the situation of slaves in the overseas territories of the Spanish crown compare with Portuguese traditions and methods? Certainly, similarities as to the reality in Portuguese Brazil could also be observed in Spanish Cuba, but the colonial owners there did not interact closely with the African arrivals. The level of assimilation and freedom to form formal and informal relationships between white men and black women was much smaller than in Brazil. Another difference was the control over the plantations, which the Spanish owners did not exercise personally but delegated to subordinate officials. This, in turn, created an opportunity for the over-exploitation of slaves who, burdened with too much effort, failed to meet the established labour standards. Consequently, this hit the planters themselves, who were in a way robbed by their own officials, who sabotaged the growth of production and revenue for their employers' plantations.

The fate of the black slaves forced them, as in Brazil, to undertake escapes and incite rebellions against the plantation owners. There were even collaborations between local Indian tribes and black slaves.¹⁴ This was also reflected in the emergence of persons who are of mixed African and Indigenous American ancestry (the term *Zambo* is now considered racist and was used in the Spanish Empire).¹⁵ Descendants of the black and red races today make up about 5-20% of Colombia's population and 10% of Ecuador's population.¹⁶

Indians, unlike black slaves, were granted personal freedom and a kind of protective umbrella from exploitation in various industries by the Spanish authorities. Their fierce defenders included the clergy. Slaves arriving in the Spanish colonies in the Americas became a recipe for labour shortages in the overseas dependent territories controlled by Madrid. The authorities had no qualms about officially confirming the practice of buying black Africans

¹⁴ I. Biezuńska-Małowist, M. Małowist, *Niewolnictwo...*, pp. 365-366.

¹⁵ <https://encyklopedia.pwn.pl/haslo/Zambo;4000144.html> (accessed: 10.10.2023).

¹⁶ <https://pl.wikipedia.org/wiki/Zambo> (accessed: 10.10.2023).

as slaves, as well as the full right to dispose of them by plantation owners. Racial segregation in the Spanish colonies was implemented to a greater extent than in the Portuguese colonies. However, as mentioned earlier, Spaniards were reluctant to enter into intimate relations with black women.

Established in 1789, the Code of Laws for the Black Population (Codigo Negro) was a document regulating the status and rights of the black population in the areas under the authority of the King of Spain.¹⁷ The document upheld the procedure of slavery with regard to black African labour, while at the same time regulating plantation owners' control over slaves and, to some extent, limiting their self-rule in basic matters¹⁸. The colonists were not happy with the imposition of obligations and restrictions on their attitude towards slaves. A wave of protest ensued, which eventually led to the withdrawal of the code in 1794.¹⁹

The 19th century brought the establishment of sovereign states in South America, which until then had been Spanish colonies. Although Mexico, Colombia or Ecuador became independent countries, slavery did not disappear on their territory. Slavery in plantation form lasted longest in Caribbean Cuba. The enormous growth of sugar cane cultivation on the island meant that Spain enjoyed the greatest benefit of its overseas colony almost until the end of the 19th century. Madrid's control of Cuba came to an end in 1898 and the island gained independence in 1902, after a four-year occupation by US forces (caused by the four-month long US-Spanish war between April and August 1898).²⁰

5. GREAT BRITAIN AND FRANCE

Compared to the Portuguese and Spanish colonies, the fate of black slaves in the British overseas territories on the American continent was much more difficult. The problem here was that there was little oversight by superior authority over slave owners, who had enormous autonomy in their operations in the British West Indies. Plantation owners contracted the care of slaves to plantation managers and paid caretakers, who often treated their assigned workers in a bestial and inhumane manner. It is particularly astonishing

¹⁷ <https://www.labrujulaverde.com/2016/09/el-codigo-negro-y-la-real-cedula-de-1789-los-reglamentos-esclavistas-de-francia-y-espana> (accessed: 10.10.2023).

¹⁸ I. Biezuńska-Małowist, M. Małowist, *Niewolnictwo...*, p. 371.

¹⁹ Ibidem, p. 372.

²⁰ <https://www.polskieradio.pl/39/156/artykul/1609321,wspaniala-mala-wojna-%E2%80%93-koniec-izolacjonizmu-usa> (accessed: 10.10.2023).

that plantation slavery in Britain's largest colonial island, Jamaica, thrived despite the 1807 ban on slavery established by the British Parliament.²¹ This had to do with attempts to save Jamaica's sugar production, which had been losing out in quality and price to sugar from the French colonies since the mid-18th century. British planters were suffering losses and often their anger was directed at the slaves, who were accused of being inefficient. The prospect of the collapse of the slave system, caused by the growth of the abolitionist movement in Europe, had been heralded since the early 19th century, but for slaves the last decades of forced labour in Jamaica's factories represented a period of brutal exploitation that had to compensate for the imminent fragmentation of the trade.²² As a further example of the inconsistency of the system operating in the British West Indies and Jamaica in particular, was the fact that the authorities in London were the first to take a step in abolishing slavery. In 1772, the practice was outlawed within Britain. The following years were an arduous journey towards the partial and then total banning of slavery within the United Kingdom.²³

The history of slavery in the French colonies in the New World is best documented by the example of San Domingo on the Caribbean island of Haiti in the Greater Antilles archipelago. San Domingo led the way among the islands of the Caribbean basin, becoming a hegemon in sugar production.²⁴ Supplying other Caribbean colonies became a proverbial vein of gold for Paris, taking exports of this commodity to skyrocketing levels. The land on San Domingo, compared to Jamaica or other smaller British or Spanish islands, was unencumbered by the long-term cultivation of sugar cane, thus providing better quality and cheaper sugar.²⁵ Behind the flourishing plantation economy in the 18th century in San Domingo was the supply of black labour from Africa. The slaves were completely dependent on their masters. From the end of the 17th century, France and the French colonies had the "Code Noir" - the so-called Code of Laws concerning the black population.²⁶ The Code was

²¹ https://www.maitri.pl/gazetka/my_53/html/historia.html (accessed: 10.10.2023).

²² I. Biezuńska-Małowist, M. Małowist, *Niewolnictwo...*, pp. 372-373.

²³ <https://www.polityka.pl/pomocnikhistoryczny/1591237,1,zniewolona-sila-robotcza.read> (accessed: 10.10.2023).

²⁴ <https://historia.dorzeczy.pl/xix-wiek/21770/santo-domingo-wyspa-tylko-dla-pola-kow-niemcow-i-czarnych.html> (accessed: 10.10.2023).

²⁵ I. Biezuńska-Małowist, M. Małowist, *Niewolnictwo...*, p. 377.

²⁶ M. Maskowski, J. Ślęzak, *Ludwik XIV - Le Code noir (1685), Pan - niewolnik, czyli mistrz i nauczyciel w szkole katolicyzmu, i nie tylko*, [in:] *Mistrzowie i uczniowie. Przekaz i dialog kulturowy w dawnych literaturach romańskich*, A. Loba, J. Dimke-Kamola (ed.), Poznań 2014, p.158.

created to keep white Frenchmen safe and to completely subjugate the black population. One of the main issues of the Code Noir was catechisation and the oppression applied to black slaves. They were the property of their masters, at their disposal and could be sold to another owner. The masters could inflict corporal punishment on them. In the case of capital punishment and the cutting off of hands, for example, slaves had to stand before a public court. Underage children could not be separated from their mothers. The most serious crime was the attempted murder of one's master and his family. An equally serious crime was the theft of valuables. For the above crimes, the death penalty was provided for, inflicted in a cruel manner²⁷.

Slaves in San Domingo were not allowed to take part in gatherings with other people working on local plantations. They were completely prohibited from drinking alcohol. They had contact with firearms only when hunting, and only with the permission and in the company of their owners.²⁸

The French colonists wanted to have as much influence as possible over the behaviour and control of the slaves. However, they paid little attention to the spiritual values of their subjects. There was a mixing of local African beliefs with Christianity on the island. Illiteracy was also a problem. The planters, owners and overseers did not bother to have the slaves undertake the study of French, either spoken or written. The issue of education was regarded by the colonists as a dangerous element that could lead black labour to revolt against white masters. The issue of slave demoralisation was raised, which could have dire consequences in terms of the efficiency of plantation labour. It is important to note that such rhetoric creates an image of white French colonists as people full of concern about enhancing the dignity of their dependent slaves.²⁹ Black slaves received only a basic "working" education, which allowed them to understand the work they were doing and their tasks whether on the plantation or in service on their masters' estates. In addition, there was a division into groups that could only perform specific jobs. This resulted in a greater need for more slaves, as undereducated and untrained people were only able to do a particular type of work.³⁰ Therefore, in estates where there were several different types of crops, stables or factories, the number of slaves must have been much higher than in identical places in the Spanish or Portuguese colonies.

²⁷ I. Biezuńska-Małowist, M. Małowist, *Niewolnictwo...*, pp. 378-379.

²⁸ *Ibidem*, p. 379.

²⁹ *Ibidem*, p. 380.

³⁰ *Ibidem*.

San Domingo, as a symbol of French oppression of slaves in the New World, became the site of change that came from Europe. In 1789, the Great Revolution broke out in mainland France, bringing an end to the rule of the Bourbon monarchy.³¹ Influenced by events in Europe, the slaves took up arms and defied the colonial authorities in 1790. This date is considered the outbreak of the Haitian Revolution, which ended in 1804.³² Meanwhile, the mulatto population initially supporting the white colonists eventually went over to the side of the freedom-fighting black slaves. In 1793, the Convention in power in revolutionary France announced the abolition of slavery in all French colonies.³³ The plantation aristocracy found itself trapped, losing the support of the central authorities. At the same time, Spanish and British forces landed on the island in a bid to maintain the pre-revolutionary status quo. Indeed, San Domingo was the richest and most colonial-owned island in the Caribbean. Maintaining sovereignty over San Domingo guaranteed handsome profits. The island supplied 60% of the world's coffee production and 40% of the world's sugar production.³⁴ Black insurgents on the island began to tip the balance of power in their favour. The Spanish withdrew in 1795, the British three years later, in 1798. Despite the support that came from mainland France and the defeat of the rebel forces in 1803, the insurgency was not pacified until the end.³⁵ The determination of the local troops allowed the units to reform and form a new battle front. The French forces received support in the form of soldiers from the Polish Dąbrowski Legions.³⁶ A string of defeats for French troops, including at the Battle of Vertieres, led to the evacuation of the French from the island. On 1 January 1804, San Domingo became a free state and, as Haiti (from the name of the island - author), proclaimed its independence³⁷. It was the second country from the North American region to declare its full sovereignty.

³¹ <https://www.gazetakongresy.pl/wielka-rewolucja-w-podswiadomosci-francuzow> (accessed: 10.10.2023).

³² <https://www.polskieradio.pl/39/156/artykul/1491078,powstanie-niewolnikow-na-haiti> (accessed: 10.10.2023).

³³ <https://www.rp.pl/historia/art2644371-niewolnicze-korzenie-leseferyzmu> (accessed: 10.10.2023).

³⁴ J. Rogozinski, *A Brief History of the Carribean*, New York 1999, p. 85.

³⁵ <https://encyklopedia.pwn.pl/haslo/rewolucja-haitanska;3967484.html> (accessed: 10.10.2023).

³⁶ <https://histmag.org/Legiony-Polskie-i-tlumienie-rewolucji-haitanskiej-18754> (accessed: 10.10.2023).

³⁷ <https://encyklopedia.pwn.pl/haslo/Haiti-Historia;4574230.html> (accessed: 10.10.2023).

6. UNITED STATES OF AMERICA

The first country to win its independence was the United States of America. African slaves first appeared in the British colonies in North America in 1619.³⁸ The development of slavery was particularly evident in the southern colonies, where tobacco, sugar cane and cotton cultivation developed. The British colonies of Virginia, South Carolina and Georgia needed a huge labour force to ensure the supply of valuable material goods to the European continent and other dependent overseas territories. As the colonists struggled for sovereignty of territory from Britain, there was development and area expansion of land that supplied tobacco or cotton. The War of American Independence, between the Kingdom of Great Britain and the 13 North American colonies between 1775 and 1783, led to the creation of a new state formation: The United States of America.³⁹ The new country grew, acquiring new territories. Louisiana was sold to the Americans by Napoleon Bonaparte in 1803.⁴⁰ Texas, which had been a Spanish colony since the 16th century and a province of independent Mexico since 1821, was annexed by the United States in 1845.⁴¹ The above two regions were of strategic value due to the development of cotton cultivation, for which slave labour was essential. Parallel to the cultivation and sale of cotton and tobacco, the Americans developed a large-scale internal slave trade.⁴² Although it already existed in the British colonies in the first half of the 18th century, it was wealthy landowners and planters who brought the internal circulation of black slaves to a high level. Americans appreciated the opportunity to use their own indigenous slaves far more than importing labour from Africa across the Atlantic Ocean. The purchase of slaves on the Black Continent was unprofitable, due to the small holds of American merchant ships and the epidemics that raged on them, which could deplete each ship's slave transport stock by 12%.⁴³ From 1808, the importation of slaves from outside the United States was completely banned. The native "producers" of slave labour were three states: Virginia, Maryland and Louisiana.⁴⁴

³⁸ K. Wasilewski, *Grzech pierworodny Ameryki*, "Tygodnik Przegląd", no. 43, 2019, p. 37.

³⁹ <https://www.rp.pl/historia/art9287941-kto-finansowal-rewolucje-amerykanska> (accessed: 10.10.2023).

⁴⁰ H. Kissinger, *Dyplomacja*, Warszawa 2016, p. 32.

⁴¹ T. Łepkowski, *Historia Meksyku*, Wrocław 1986, p. 246.

⁴² I. Biezuńska-Małowist, M. Małowist, *Niewolnictwo...*, pp. 390-391.

⁴³ *Ibidem*, p. 389.

⁴⁴ *Ibidem*, p. 392.

The ownership of large swathes of land and significant numbers of slaves was indicative of social prestige in the southern United States. In economic terms, fixed capital in the form of land and labour was a far better investment than owning currency. Southern planters did not physically have more cash, their wealth was just deposited in slaves and land.

Investing in the purchase of slaves was so profitable that even local banks were lending first for the purchase of labour, then for the purchase of land and for non-productive purposes.⁴⁵ Financiers knew very well which banking operations could yield the highest percentage of profits.

Slavery in the southern states can be described as the backbone of the economy in the region. Without black labour, the textile or manufacturing industries would not have been able to function. Additionally, the creation of a *premium* class among the most prosperous planters allowed for the development of a large number of different economic activities that strengthened the entire country. Underpinning these structures was the hard, slave labour of people who were the product of indigenous living labour "production."

Already in the first half of the 19th century, the different views of the north and the south clashed. The abolitionist movement associated with large urban centres like New York and Boston in the North came out with harsh criticisms and condemnations of slavery. In contrast, the authorities of the states in the South, which recorded gigantic profits from the production of cotton, tobacco and rice, could not imagine abolishing the use of black slaves for forced labour.⁴⁶ In a book entitled *Slave Trading in the Old South*, Frederic Bancroft was particularly critical of southern planters, highlighting the tragic dimension of the inhumane treatment of black workers.⁴⁷

The author of the work *American Negro Story*, Ulrich Bonnell Phillips, condemned slavery on the one hand and advocated for it on the other. The duality of Phillips' argument was based on the evolution of slavery, which from the 19th century onwards, in the author's view, put forced labourers in a better social position, and the introduction of a reform process would ultimately lead to its abolition anyway.⁴⁸ Another scholar, Frank Tannenbaum, in his book *Slave and Citizen*, accused Southern states of even pursuing a policy of absolute evil in exploiting, destroying

⁴⁵ Ibidem.

⁴⁶ https://books.google.pl/books/about/Slave_trading_in_the_Old_South.html?id=y9FBAAAAIAAJ&redir_esc=y (accessed: 10.10.2023).

⁴⁷ Ibidem.

⁴⁸ <https://www.gutenberg.org/cache/epub/11490/pg11490.html> (accessed: 10.10.2023).

and stripping slaves of their human dignity. Comparing the situation of slaves in the Spanish and Portuguese colonies to the activities of the independent American state, he stated unequivocally that slaves "produced" in the American South were far worse off. He listed, among other things, the non-recognition by owners of the marriages of their slaves, the separation of families and the complete abandonment of education for black labour. In addition, illiteracy and spiritual breakdown were rampant, as attention to evangelism was also wiped out.⁴⁹ To sum up Tannenbaum's theses, slaves were in the worst position of all social classes in the United States. They were the absolute property of their owners, who disposed of them according to their own needs and interests. Slaves were not allowed to leave the plantation grounds without their master's permission, they were prohibited from owning firearms and, in the case of court cases, slave testimony had no legal force. The separation of slave family members was not forbidden, and there were cases where a husband and wife were sent to distant plantations, hundreds or even thousands of kilometres apart. It was considered a privilege not to separate children under the age of 10 from their mothers.

As the signatories of the abolition movement from the North grew stronger, southerners began to reduce the repression applied to slaves. The other side of the coin was the fear of a decline in the production of material goods. Poorly treated slaves did not do their work properly and even the penalties imposed did not have an effect here. Instead of punishing and acting in an unworthy manner, which often led to the death of representatives of the workforce, it was necessary to ensure adequate living conditions and to curb the abuses used on the plantations by overseers.⁵⁰

As the following decades showed, the conflict between the industrial North and the agricultural South eventually led to a civil war within the United States. The secession of the southern states was the beginning of a bloody war that claimed more than 600,000 lives.⁵¹ The defeat of Confederate troops in a clash with Union forces led the southern states to economic and military ruin. As President Abraham Lincoln underscored, the main reason for the outbreak of the Civil War was the issue of slavery. Differing approaches and visions of politics in the United States led to a violent conflict between

⁴⁹ <https://archive.org/details/in.ernet.dli.2015.84031> (accessed: 10.10.2023).

⁵⁰ I. Biezuńska-Małowist, M. Małowist, *Niewolnictwo...*, p. 399.

⁵¹ <https://www.newsweek.pl/historia/dlaczego-wybuchla-wojna-secesyjna/rfnrwy5> (accessed: 10.10.2023).

the North and the South.⁵² In 1862, while the war was still in progress, Abraham Lincoln proclaimed the Emancipation Proclamation abolishing slavery in the southern states that had seceded. However, this act did not have the force of law, as Lincoln proclaimed it in his capacity as Union commander-in-chief and not as president of the entire country.⁵³ It was not until the 13th Amendment to the Constitution came into force on 18 December 1865 that slavery was outlawed throughout the United States. Abraham Lincoln did not live to see this happen as he died in an assassination attempt, shot by Confederate supporter John Wilkies Booth, on 15 April 1865 in Washington DC.⁵⁴ As a result of a constitutional amendment, some 4 million African-Americans, who were formerly slaves, became citizens of the United States. Slavery had collapsed, but was replaced by ideological racism and racial segregation, which cast a shadow over the democratic ideals that the United States had always upheld.⁵⁵

7. CONCLUSION

Leaving behind the history of slavery in the New World and moving to the present, the question arises, can we say today in 2023 that slavery does not exist? Are the examples of exploitation of slaves in the factories of Brazil, Haiti or the plantations of southern Louisiana merely a trauma of times past? According to the historical facts, the old-world order ended with the second half of the 20th century. The colonial empires ceased to exist and the lands known as dependent territories were transformed into independent states. In particular, the countries emerging from the North and South American continents are the economic foundation of that part of the world. Brazil, the undisputed superpower in South America, ranked 9th on the list of the world's largest economies in the middle of the second decade of the 21st century.⁵⁶ Some analysts have shown that it will soon be just behind the big three: the United States, China and India.⁵⁷ However, the global crisis caused by the Covid-19 coronavirus pandemic

⁵² Ibidem.

⁵³ <https://www.polskieradio.pl/39/156/Artykul/2868929,156-lat-temu-zniesiono-niewolnictwo-w-Stanach-Zjednoczonych> (accessed: 10.10.2023).

⁵⁴ R. Castleden, *Morderstwa polityczne, spiski, tajne umowy*, Warszawa 2009, p. 127.

⁵⁵ <https://www.polskieradio.pl/39/156/Artykul/2868929,156-lat-temu-zniesiono-niewolnictwo-w-Stanach-Zjednoczonych> (accessed: 10.10.2023).

⁵⁶ <https://www.paih.gov.pl/wp-content/uploads/0/145701/145795.pdf> (accessed: 10.10.2023).

⁵⁷ Ibidem.

has made the country's situation worse. Currently, in the 2023 ranking Brazil is ranked as the 13th largest economy in the world by GDP.⁵⁸ The development of infrastructure, services and industry gave Brazil the chance to emerge from the shadows with the collapse of the bipolar world in the early 1990s. However, parallel to economic development, there has been no improvement in the living conditions of those living in the poorest areas of the South American giant. This begs the question: have the areas that, prior to 1888, were the site of slave labour and exploitation of the black population changed their face? It must be stated emphatically that Brazil has not rid itself of its "slave roots," which in modern times have taken the form of modern slavery, i.e. the phenomenon of human trafficking. As early as the 1990s, a brutal form of human trafficking was noticed in the Brazil-Colombian border region. Organised criminal groups were trafficking underage girls from the Tariana, Uanana, Tucano and Bare Indian tribes. The vast majority of victims were destined for sex work. The value of one child was the equivalent of around €10. Despite the fight against sex trafficking being waged by the federal government, local authorities and the institution of the Catholic Church, the problem is one of the biggest issues faced by Brazil today.⁵⁹ The country is full of contrasts, where splendour and wealth mix with unimaginable poverty, illiteracy and crime. The corruption prevalent in the country allows impunity for many criminal groups and procurers of prostitutes. It is particularly evident in the provinces, where local authorities and law enforcement agencies have arrangements with local tycoons, a large proportion of whom use the services of human traffickers who supply children and women. It will not be too much of an overstatement here to formulate the thesis that contemporary white Brazilians with links to the business sector and local government are reflections of the factory owners who, from the 16th to the 18th century, exploited social conditions to trade and exploit slave labour in Brazilian territory. We are currently dealing with a completely different rationale, where the person himself/herself is a value for the sake of his/her own existence, while in past centuries it was the strength of people's hands at work that counted. However, this does not change the fact that there is a deep-rooted categorisation of people within Brazil, with its basis in colonial times.

⁵⁸ <https://www.paih.gov.pl/wp-content/uploads/0/145701/145795.pdf> (accessed: 10.10.2023).

⁵⁹ <https://www.rp.pl/historia/art9361031-krotka-historia-handlu-niewolnikami> (accessed: 10.10.2023).

The Gulf of Guinea area in Africa supplied the New World with black slaves who powered the factories of the European colonial powers. Today, hundreds of thousands of the area's inhabitants in Nigeria, Benin or Equatorial Guinea are used for inhuman labour in the search for gold and diamonds. Even without a division by latitude, the highest rate of slavery occurs where there is a huge demand for low-skilled workers.⁶⁰ Working in factories, mines or fields of crops are industries where people have always struggled with poor respect for dignity, not to mention the fundamental importance of personal and equality rights. Whether we are referring to 18th century Jamaica under British rule or 21st century sovereign Benin, the situation of those referred to as cheap labour has hardly changed at all. We can highlight here the stages in the development of human rights, which have undergone a significant evolution over the centuries. In the 18th century, rights were considered in the context of group membership; only privileged individuals could count on them. Rights were given or taken away by the authorities.⁶¹ Colonial slaves, in the power of their masters, could only count on their good gesture, kindness or forbearance. This, as a rule, was rare. Nowadays, the principle prevails (initiated in 1945, after the end of the Second World War) of the universality of human rights, where their scope should cover the entire globe.⁶² The key word here is "should", where the value of the human individual, his or her humanity and right to self-determination is still not respected in places around the world. Here we are not only looking towards the former colonial slave hinterland of central Africa, but also the Middle East or the Asian continent, characterised by the largest population worldwide. The garment factories of Bangladesh, Indonesia or Cambodia conceal many of the dramas behind the human traffickers and their victims, whose pair of hands is a grain of sand in the machine mode of the production of T-shirts, jeans or shoes of renowned fashion brands from Milan, Paris or New York. And just as today people in Poland, the Czech Republic and Hungary walk the streets wearing clothes with the logos of famous fashion houses, so too in the 18th and 19th centuries in the cafes of Paris and Madrid coffee and tea was sweetened with sugar from San Domingo or Cuba. But before the finished product arrived in sumptuous crystal or porcelain sugar bowls, it was prepared by people working 18 hours a day, beaten, starved and deprived of any dignity. The symbolism

⁶⁰ <https://sknep.pl/2017/11/22/niewolnictwo-od-starozytnosci-do-wspolczesnosci> (accessed: 21.10.2023).

⁶¹ <https://prawo.uni.wroc.pl/sites/default/files/studentsresources/Prawa%20cz%C5%82owieka%20historia.pdf> (accessed: 21.10.2023).

⁶² Ibidem.

of today's human trafficking in relation to the history of slavery, oppression, and the depreciation of humanity in the New World shows a certain dependency that, despite the continuous development of human rights and education, continues to impinge on the overall picture of freedom and ethical issues. Phenomena such as racism, racial segregation and the categorisation of people on the basis of social inequalities open the door to the development of the criminal practice of human trafficking, despite legal protection and high public awareness.

HISTORIA KOLONIALNEGO NIEWOLNICTWA W NOWYM ŚWIECIE JAKO ZAŁĄŻEK ZJAWISKA WSPÓŁCZESNEGO ZNIEWOLENIA CZŁOWIEKA

Abstrakt: Artykuł charakteryzuje podstawy współczesnego zniewolenia jednostki ludzkiej, którego początek można odnaleźć wraz z dotarciem Krzysztofa Kolumba do wybrzeży Nowego Świata w 1492 roku. Pokazuje, jak kolonialne niewolnictwo doprowadziło do całkowitego zniszczenia ludzkiej godności i wolności, równocześnie zapewniając kolonistom dostatek i pozycję w ówczesnym świecie. Porównanie ze sobą zjawiska niewolnictwa na terenie obydwu kontynentów amerykańskich na przestrzeni od końca XV do końca XIX wieku w różnych koloniach zamorskich krajów europejskich daje możliwość osadzenia w szerokim kontekście historycznym niewolnictwa i jego aktualnej postaci we współczesnym świecie.

Słowa kluczowe: Wielkie odkrycia geograficzne, niewolnictwo, kolonie zamorskie, abolicjonizm

IDENTIFICATION OF GEOPOLITICAL SOURCES OF HUMAN TRAFFICKING FOR THE NEEDS OF POLICE ACTIVITY RISK ANALYSIS

Abstract: The aim of this article was to demonstrate the importance of taxonomy and continuity of activities in the field of identification, analysis and response to risk in the area of threats related to irregular migration and trafficking in human beings. Particular attention should be paid to the cooperation of the Police, international services and non-profit institutions in promoting behaviours that identify the sources and reduce the scale of human trafficking.

Keywords: trafficking in human beings, migration, Police, risk management

1. PRELIMINARY REMARKS

Security is a state or process that guarantees the existence of an entity and the possibility of its development. It provides a sense of certainty of existence and guarantees its preservation as well as opportunities for improvement. Security is the paramount need of individuals and social groups, and it is also the basic need of national states. The state is a coercive organisation endowed with attributes of power to protect against threats the order that ensures the conditions of existence, which are beneficial in accordance with the strength of their economic position and political influence.² It should possess mechanisms

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² M. Gulczyński, *Nauka o polityce*, Warsaw 2007, p. 4.

of military, internal and economic security, and coordination of international policy.

Of particular importance is the role and tasks of the state in ensuring that services identify risks arising from globalisation processes. The source of many crises and tensions is geopolitics, defined as an interdisciplinary science that studies the interplay between the influence of geographical and historical factors on the emergence and functioning of centres of power (states, organisations, corporations and international cartels and criminal groups).

The multiplicity of states determines the emergence of rivalry between them and the struggle to gain political, military, economic, or other competitive advantages. Rivalry between states arises in many areas – including access to resources, knowledge, technology, and the economy. The use of economic influence and pressure sometimes allows achieving political goals without resorting to the use of armed forces. These factors influence the shaping of international relations.

Due to its location and exposure to geopolitical influences regarding globalisation processes, Poland is also becoming a country of origin, transit, and destination for victims of human trafficking. Taking into account the indicated dependencies, specialised state institutions functioning in the area of security provision are obliged to identify and analyse risks in the area of sources, effects, and consequences of geopolitical changes determining human trafficking.

One of the significant services carrying out tasks in the area of combating human trafficking within the Polish security system is the Police. The execution of the statutory tasks of the Police, related to the provision of public services, manifested in ensuring security and public order, concerns all persons residing in the territory of the Republic of Poland and requires systematic cooperation both from the official side and from a full cross-section of individual persons, society, institutions and organisations.

Considering the international situation, the dynamic military perspective, ecological perspective, the currently changing social structure, and especially considering the data on the demographics of Poland and Europe from the last few years, it should be stated that the scale of migration phenomena, including illegal migration and human trafficking in highly developed countries, has significantly increased and will continue to grow.

With the above in mind, ensuring the identification of risks in the area of human trafficking concerns the security of the state and its citizens,

and in this context of the geopolitical situation, it is one of the most important tasks carried out by police analytical units.

2. SCOPE OF POLICE ACTIVITIES

2.1. Police tasks

The implementation of the statutory competencies of the Police requires the implementation of tasks arising from Article 1 of the Act of 6 April 1990 on the Police³ and the executive acts issued on its basis, both generally binding and internal.

The basic tasks of the Police concern the following activities required by the regulations:

- 1) protection of human life and health, as well as property, against unlawful acts infringing on these goods;
- 2) ensuring public safety and order, including maintaining peace in public places as well as in public transportation, on roads, and in waters intended for public use;
- 3) initiating and organising actions aimed at preventing crimes and misdemeanours, as well as criminogenic phenomena, and cooperating in this regard with state, local government and social organisations;
- 4) detecting and prosecuting crimes and misdemeanours and apprehending their perpetrators;
- 5) supervising specialist armed protective forces within the scope defined in separate regulations;
- 6) monitoring compliance with regulatory and administrative provisions related to public activities or applicable in public places;
- 7) cooperating with police forces of other states and their international organisations, as well as with bodies and institutions of the European Union based on international agreements and separate regulations;
- 8) collecting, processing, and transmitting criminal information;
- 9) maintaining a database containing information on the results of deoxyribonucleic acid (DNA) analysis.

³ Act of 6 April 1990 on the Police, Journal of Laws of 2011, no. 287, item 1687, as amended.

The Police also carry out tasks arising from European Union law and international agreements and treaties on the principles and within the scope specified therein.

2.2. Police functions in the public safety area

The scale of Police tasks concerns three basic directions – functions of performing official duties in the Police:

- a) preventive functions – aimed at protecting public safety and order, primarily by limiting the space for committing crimes and misdemeanours,
- b) criminal functions – aimed at prosecuting perpetrators of committed crimes,
- c) supporting functions – aimed at providing financial, technical, and organisational conditions necessary for the implementation of preventive and criminal functions.

Considering the above division of tasks and police services, resource planning regarding the implementation of proactive, preventive, and criminal tasks with regard to the issue of illegal migration and human trafficking must be based on coordination of forces and means to achieve the defined goals, tasks, and functions of the Police in regulations and strategies.

2.3. Police activities to combat human Trafficking

Human behaviour is a complex and multifaceted process. Factors shaping human behaviour include genes, as well as cultural, environmental, and religious influences that affect human attitudes and actions. Significant causes of human behaviour are sudden or long-term internal and external factors related to security and socio-economic conditions. The period of the last 25 years has been a time of significant changes in the global area of national security. A particularly significant positive recipient of changes in the area of security is Poland, which has joined European and Euro-Atlantic structures.

The beginning of the 21st century is also a time of creeping civilisational revolution, a crisis of the sense of belonging, tradition, and values, but above all, technological development, globalisation processes and the dominance of media communication. This is a period of very significant changes regarding the use of the earth's resources and environmental policy. After years of peace and a break

in "dormant" conflicts, military tensions and wars of a supra-local nature are also emerging. All the factors mentioned above determine the emergence of refugee and migration flows, within which crime and human trafficking are on the rise.

Human trafficking refers to the name of a criminal practice which is a modern form of slavery. These crimes are often of a transnational character. The Criminal Code defines the criminal acts attributed to the aforementioned procedure as:

- a) recruitment (enticing, persuading, enlisting),
- b) transport (moving, transferring using means of transportation),
- c) delivery (placing in another location),
- d) transfer (handing over, giving for disposal),
- e) harbouring (detaining in one place, keeping isolated),
or receiving a person (detaining a transferred person).

The methodology for the implementation of police actions indicates that, in order to fulfil the elements of the crime of trafficking in human beings, the above-mentioned actions should be carried out with:

- d) violence or unlawful threat,
- e) abduction,
- f) deception,
- g) misrepresentation or exploitation of a mistake or inability to properly understand the action taken,
- h) abuse of dependency relationship, exploitation of a critical situation or state of helplessness,
- i) providing or accepting financial or personal benefit, or promise thereof, to a person exercising care or supervision over another person.

The period 2022-2023 is a time of new and particularly complex phenomena for Poland on the eastern border determining the specific actions of the Police:

- a) the Polish-Belarusian border has become the largest centre of struggles with illegal migration in Europe;
- b) the Polish-Ukrainian border has become the world's largest centre for assistance and transfer of war refugees.

Migration phenomena have directed police forces towards protective tasks concerning the state border, assistance tasks regarding individuals fleeing war, as well as preventive and criminal tasks concerning emerging threats.

The primary task of preventive and proactive activities of the police is to prevent incidents most often affecting individuals from significant risk groups (including refugees and migrants), by creating a system for identifying individuals, providing advice, training in safe behaviour at work and residence and reducing behaviours that generate risks. During meetings and lectures with vulnerable groups (foreigners and other vulnerable individuals) police officers discuss the methods used by criminals to deceive jobseekers, those seeking accommodation both domestically and abroad and remind them how to avoid becoming victims of human trafficking and various other forms of deception.

Another area of police activity involves criminal acts characterised by operational reconnaissance and investigative actions. These involve obtaining sources of information about the criminal procedure, conducting criminal analysis to identify the methodology, structure, and connections of individuals and criminal groups involved in the procedure. The aim of these actions is also to infiltrate criminal environments, their plans, forms, and methods of operation. The implemented crime-fighting activities are aimed at apprehending perpetrators of crimes, freeing individuals exploited in the criminal procedure, and gathering evidence to prosecute criminals before the justice system. All police actions are conducted at the national and international levels, in cooperation with other services, countries and organisations.

The activities in question are carried out within the framework of the National Action Plan Against Human Trafficking (NAP), as the primary action regulating the functioning of the system combating and preventing human trafficking in Poland. The NAP is a government document adopted by the Council of Ministers, obliging its addressees to perform specific tasks in the fight against human trafficking. The addressees of the NAP include individual central administration units as well as other institutions and non-governmental organisations voluntarily engaged in actions against human trafficking in Poland. The main goal of the NAP is to provide the necessary conditions for effectively combating human trafficking in Poland and supporting victims of this crime.

2.4. Third sector actors supporting police activities

An essential support for police actions in the field of safety prevention and assistance to victims of illegal migration and human trafficking is the so-called third sector. The term "third sector" is another name used for the entirety of non-governmental organisations. Non-governmental organisations are organisations

that are not units of the public finance sector within the meaning of the Act of 27 August 2009 on public finances⁴ or enterprises, research institutes, banks and commercial law companies which are state or local government legal persons, as well as non-profit legal persons or organisational units without legal personality which are granted legal capacity by a separate act, including foundations and associations, subject to section 4 of the Act on public benefit activity and voluntary work.⁵ Non-governmental institutions such as:

- a) "La Strada" Foundation Against Trafficking in Persons and Slavery,
- b) Nobody's Children Foundation,
- c) Itaka – Centre for Missing People,
- d) Po-Moc Association,
- e) Halina Nieć Legal Aid Centre,
- f) Salvation Army – Job Offer Verification Point.

The aim of the aforementioned foundations and other non-governmental organisations is to counteract and combat human trafficking, forced labour, contemporary slavery, forced prostitution, provide assistance to victims of these and similar crimes, and support them in rebuilding their lives.

Non-governmental organisations carry out activities, among others, in the following areas:

- crisis intervention, assistance and support from the first contact with law enforcement agencies (providing food, hygiene products, clothing, psychological support);
- accommodation, meals, basic medical care, providing essential medicines, clothing, hygiene products, interpreter's assistance, legal consultations, psychological and pastoral care, assistance in regulating residence, assistance in obtaining financial support from the social assistance system;
- transport within the country and beyond its borders, within the European Union;
- training and internships in professional preparation for work in hotel and catering establishments, including basic Polish and English language training and assistance in finding employment;

⁴ Act of 27 August 2009 on public finances, Journal of Laws of 2009, no. 157, item 1240, as amended.

⁵ Act of 24 April 2003 on public benefit activity and voluntary work, Journal of Laws of 2003, no. 96, item 873, as amended.

- if necessary, assistance in organising a safe return to the country of origin or, as an official member of the European Freedom Network, assistance in organising travel to another country within the European Union, if there is a legal possibility and a defined need for the person benefiting from the organisation's assistance;
- return risk analysis.

3. GEOPOLITICAL RISK OF HUMAN TRAFFICKING

3.1. Risk

The history of organised European human civilisation has its roots in the Greek community. It concerns the period around 3,000 years BCE and the basis of its distinctiveness and identification was a change in lifestyle from a nomadic to a settled mode based on social integration and communal agricultural production. Agricultural production was the basis for socio-economic functioning and development. For agricultural needs, technical development was generated, primarily concerning the mastery of techniques for building water reservoirs and canals for field irrigation. The first serious crisis of organised human civilisation concerned the resource crisis – the lack of land as the primary, essential element of urban development and agricultural production and was caused by strong natural population growth.

Despite the passage of over 5,000 years since then, the existing societies functioning within:

- a) nations,
- b) states,
- c) quasi-integrated international organisations (economic, trade, political unions)

are periodically experiencing crises related to fundamental and elementary resources at a given time.

In contemporary times, the first economic crisis caused by energy sources occurred in the seventies of the last century and concerned the increase in oil prices. The primary sources of the oil price increase were related to the political, military, and monetary situation, resulting in a reduction in oil production and an increase in its price. The result was an economic crisis, increased unemployment, reduced production and consumption. The negative

tendencies of the fuel crisis in the USA became a lesson – they were the starting point or the driving force for the development of thought and technology (shale gas) serving the diversification of energy sources for the economy, saving its consumption, ecology and lifestyle.

All human activity is subject to risk. Risk is the probability of an event, action, or omission that affects a person or institution. It can take on a positive character – opportunities or negative – threats. The concept of risk is particularly important for the functioning of individual persons and organised societies, especially those operating within separate independent organisations with a monopoly on making and enforcing law within a specific territory and shaping the internal law and socio-economic policy of states, as well as their services and institutions.

The necessity of introducing modern tools and techniques for carrying out Police tasks concerning individuals at risk of geopolitical roots of illegal migration and human trafficking requires proper substantive, organisational and social preparation, and the introduction of the conditions for the twenty-first-century duty and service to citizens. According to Mariusz Gulczyński, the state is a coercive organisation equipped with attributes of supreme power in order to protect against external and internal threats, ensuring favourable conditions of existence for the community inhabiting its territory, consisting of interdependent groups with diverse interests, in accordance with the strength of their economic position and political influence. One of the attributes of power is the possession of specialised state services ready to combat all types of crime, including crime related to illegal migration and human trafficking.

Within the Police structures, it is necessary to ensure the identification of migration threats in territorial, temporal and situational space. Risks that arise in a specific place, within human surroundings should be identified. A person's environment is his or her "natural" environment by the fact of having lived in it since birth.. It is an area where personal development occurs, the realisation of their subjectivity, the formation of their autonomy; it is the place where personal identity is experienced and lived.⁶ The human environment has both spatial and temporal structures. People's actions are embedded in the environment surrounding them, and most of these actions contain a spatial aspect, so time

⁶ K. Rembowska, *Środowisko człowieka — nowe perspektywy badawcze*, [in:] *Podstawowe idee i koncepcje geograficzne w świetle przemian geografii i współczesnego świata*, vol. 1, S. Lia, W. Maik (ed.), Bydgoszcz 2005, p. 110.

and space are fundamental determinants of human existence. The placement in space and time significantly shapes the life situation of a human being.⁷

Risk identification should be carried out by police officers in cooperation with specialised national, international institutions, and third-sector organisations – non-governmental institutions.

3.2. Risk management

The basic determinant of the risk management process is to verify whether the achievement of goals and tasks of the individual and the functioning of the individual person may be exposed to internal or external phenomena affecting its operation.

In the risk management process, we distinguish three stages of activities:

- a) Risk identification
- b) Risk analysis
- c) Response to risk

The starting point for ensuring the safety of individuals exposed to the phenomenon of illegal migration and human trafficking is to determine the sources of risk within geopolitics and the global environment.

Geopolitics as a science initially developed within the framework of the late 19th-century geographical determinism, and the prefix "geo" meant the analysis of the geographical, spatial, and territorial factor in the context of the state's ability to influence the international arena in order to gain an advantage over other countries. "Old" geopolitics emerged during the dominance of European states in the world and had a distinctly Eurocentric character, being developed in the interests of European powerhouses. Another specific feature was that it was based on the infrastructure of the Westphalian system in the international environment, which also emerged and operated within the European world.⁸

On the other hand, one of the effects of rapid globalisation is the sharp increase in organised crime, with an additional factor exacerbating the above crime being the systemic transformation. Human trafficking constitutes a modern form of slave trade, as it mirrors past forms of slavery and, at the same time – evolving – has become one of the most profitable and dynamically growing forms of criminal activity. Although it currently represents the second most

⁷ J. Potulski, *Wprowadzenie do geopolityki*, Gdańsk 2010, p. 18.

⁸ K.S. Gadżijew, *Wiedzenie w geopolityce*, Moscow 2003, pp. 3-4.

profitable form of illegal business in the world (just after the illegal drug trade), there is still a lack of comprehensive studies and developed systemic solutions aimed at counteracting and combating this phenomenon, which would allow, for example, to precisely determine the socio-demographic profile of potential victims or the mechanisms of perpetrators' actions.⁹

Making an explanation of the above definitions allows attributing risks emerging in relation to the evolving environment. They can be defined in relation to:

- a) economic security – ensuring basic income enabling survival,
- b) food security – ensuring access to basic food at all times,
- c) health security – providing minimal protection against diseases and unhealthy lifestyles,
- d) ecological security – ensuring protection against short-term and long-term damages caused by natural forces,
- e) personal security – providing protection against all kinds of physical violence,
- f) social bond security – ensuring protection for minorities against broadly understood violence of religious and ethnic origin,
- g) political security – ensuring universal respect for and observance of human rights, including the right to accurate public information and the right to hold political views,
- h) as well as security in many other areas.

Risk analysis, at the stage of familiarisation with the migration status and the situation concerning human trafficking, which have their political, economic, military, social, and economic sources, allows determining the most important risk determinants. A detailed identification of risk types has been presented in Table 1.

⁹ K. Samborska-Zaleska, D. Ziobro, *Przeciwdziałanie zjawisku handlu ludźmi w aktach prawa międzynarodowego w kontekście ochrony praw człowieka*, Wałbrzych 2013, p. 111.

Table 1. Key types of risks affecting geopolitical sources of human trafficking

TYPE OF RISK	DESCRIPTION
Area risk Economic aspect	The risk category concerns the presence in a given area (region, country, area of several countries) of economic conditions negatively affecting the security of livelihood. Lack of work, work paid below human dignity, exploitation, slavery, lack of the possibility of building economic conditions for the existence of individuals or groups of individuals in the foreseeable future leads to the emergence of a grassroots migratory phenomenon consisting of seeking better living areas beyond the endangered territory.
Area risk Environmental aspect	The risk category concerns the impact and influence of identified climate changes on the existence or non-existence of living conditions in a given region of the Earth. Existing climatic anomalies regarding very high or very low temperatures, droughts or rains causing floods, hurricanes limit the area of the planet conducive to life and management, especially concerning the conditions for agriculture and economy in a given area. The lack of living conditions will in the future result in significant migratory flows aimed at finding areas that make human life possible.
Area risk Political and structural aspects	The risk concerns the identification of political and structural systems functioning and emerging in specific countries. There are or are emerging totalitarian systems, monarchic systems, military juntas, autocratic systems, under which processes of significant curtailment of civil rights and freedoms occur, leading to emigration of people unable to adapt to the prevailing political systems incompatible with democratic norms. At the same time, those in power within the above systems conduct ethnic cleansing, political persecutions, resulting in additional refugee and migratory flows.
Area risk Food security aspects	The risk category concerns threats related to the correlation of the increasing population in specific regions of the world and the lack of possibilities to ensure food resources necessary to provide nourishment for the inhabitants of a given country (region). Lack of access to food resources causes a very significant deterioration in living conditions, the emergence of conflicts and antagonisms regarding access to food and the need to leave the region in search of better living conditions.

IDENTYFIKACJA GEOPOLITYCZNYCH ŹRÓDEŁ HANDLU LUDŹMI...

TYPE OF RISK	DESCRIPTION
<p>Area risk Cultural and religious security aspects</p>	<p>As part of risk identification, attention should be paid to very large differences in value systems, social rules, and religious norms of individual social groups and nations. Emerging migration processes lead to the penetration of societies without acceptance of cultural and religious norms in a given area, leading to the emergence of new conflict seedbeds (e.g., the expansion of the "Islamic State," which was aimed at fighting and killing "infidel" individuals). There is a lack of assimilation in a given society, the creation of closed, excluded areas (ghettos), and the growing frustration and desire for forceful change in socio-economic conditions.</p>
<p>Area risk Social aspects of security</p>	<p>The risk category concerns the behaviour and attitudes of individuals raised and shaped in particular organised societies, value systems, intergenerational mechanisms of socio-economic coexistence, which, when exported in full to other organised societies, lead to the so-called "Tower of Babel" phenomenon, understood as the confusion of value systems leading to hostility and conflict against many distinct organised social, national, and religious groups.</p>
<p>Area risk Resource and raw material aspects of security</p>	<p>All social groups, in order to function and develop, must have access to the resources required for life and functioning. The availability of resources is determined spatially, meaning that not all countries have equal access to resources. At the same time, economic and ecological trends emerge aimed at administratively and economically restricting access to certain resource groups (e.g. "decarbonisation"), resulting in the inability to use possessed resources (coal, oil, gas, etc.). The measures in question increase costs, worsen living conditions, and cause the lack of developmental opportunities. They also put wealthy countries at an economic and technological advantage over poorer countries, further worsening the living conditions of their citizens. This today and in the future will lead to the activation of powerful migratory flows exposed to criminal risks.</p>
<p>Area risk Terrorist threat</p>	<p>The terrorist risk concerns the emergence of extreme sentiments and the implementation of terrorist actions aimed at sowing death and destruction by the authorities of countries (e.g., Russia, North Korea), international organisations (Hezbollah, Tamil Tigers, Al-Qaeda), and individuals known as "lone wolves" leading to the occurrence of terrorist attacks. The attacks generate fear and destruction in individual regions and countries, leading to pressure to change their place of residence and function in a new safe life zone.</p>

TYPE OF RISK	DESCRIPTION
Area risk Hygienic and sanitary aspects of security	The risk category concerns the conditions of existence resulting from the existing factors in a given area identifying the risk generated by viruses, infectious diseases, the lack of conditions for proper burial of human and animal bodies, food storage, prevention of food poisoning and lack of access to medicines. These states cause concern about living and functioning in a given area. Attention should also be paid to the growing phenomenon of drug and paramedical trade, not subject to any sanitary regimes in the area.
Area risk Military risk	The risk category concerns the emergence of new military situations related to the start of new wars (Russia – Ukraine), the re-aggravation of dormant war situations (Israel – Hamas/Hezbollah/Palestine, China – Taiwan, Central Africa), and all the effects and consequences of military actions including: population losses, material losses, population exodus, destruction, social consequences, looting, rape, extermination.
Area risk Informational risk	Knowledge of the existing situation, ongoing processes, and mechanisms of operation is available through information. The development of information and communication technologies has far surpassed the ability to apply in practice methods of information management, its production, collection, processing, storage, use and sharing or dissemination. To access reliable, necessary information, one must build an information environment based on upright and complete information. Attention should be paid to the emergence of unreliable information, intermediaries preying on the tragic situation of individuals in a given region or country, who propose job opportunities or transferring individuals to a "better world" as part of the economic machinery of human trafficking or population transfer.

Source: Own elaboration

3.3. Response to identified geopolitical risks in police work

Human behaviour is a complex and multifaceted process. Factors shaping human behaviour include genes, cultural, environmental, religious, and political influences that affect human attitudes and actions. Significant causes of human behaviour are sudden or long-term internal and external factors related to security and socio-economic conditions. The defined risk determinants, while having a massive impact, simultaneously cause in individual recipients (who make

up society) a lack of identification with the existing value systems, reference to promoted beliefs and authorities and the emergence of a phenomenon of reversal.

Analysing data identified by organisations dealing with combating human trafficking in Poland, it can be observed that the problem of using individuals for forced labour is the main challenge faced by state authorities and organisations. During recruitment, victims are misled about working conditions and accommodation. In the course of their work, they do not receive payment or receive lower payment than declared, they are kept in their place of residence, placed in accommodation that is often of a poor standard, have limited freedom of movement, their conversations are monitored, mobile phones and identity documents are taken away, and victims are forced to cover the costs of accommodation, food, and transport, causing a growing spiral of debt.

In the cases of forced labour, there is a problem of a broad interpretation of the perpetrators' behaviour from violations of workers' rights through exploitation for forced labour or services up to the characteristics of slavery. It should not be forgotten that in Poland victims of human trafficking also fall victim to sexual exploitation, coercion to commit crimes, begging, as well as extorting credit and social benefits.

The victims of human trafficking in Poland are most often young people (both women and men) with primary education, unemployed. In the majority of cases, human trafficking is the work of organised criminal groups focused on this practice or treating this activity as one of the convenient sources of income.¹⁰

Specialised police units combating human trafficking should implement a wide spectrum of Police activities based on the knowledge function according to Waggeman. According to the knowledge function, knowledge develops based on data, information, skills, and experience. It can be expressed using the formula:

$$K = f(D,I,E,S,A)$$

where:

- a) K – knowledge,
- b) D – data,
- c) I – information,
- d) E – experience,
- e) S – skills,
- f) A – attitude.

¹⁰ www.policja.gov.pl (accessed: 20.10.2023).

The risk analysis should serve to identify, recognise and define the relevant elements of the risk and be the basis for the implementation of measures to limit the possibility of its materialisation in the future.

The statutory tasks of the Police in combating illegal migration and human trafficking concern the security of citizens. Police manpower resources will not ensure the full performance of tasks in relation to the identified risks concerning the entire set of migration issues and those related to human trafficking. Therefore, it is important to involve non-profit entities in security prevention activities.

Macro and micro determinants conditioning the need to use the support of third-sector entities include, among others, assistance in areas such as:

- a) raising awareness of the phenomenon of human trafficking;
- b) raising the standard of support provided to victims of human trafficking (including juvenile victims of human trafficking);
- c) improving the effectiveness of institutions responsible for prosecuting human trafficking crimes through the improvement of legal tools, structures, and the implementation of best practices;
- d) raising the qualifications of representatives of institutions and organisations involved in combating human trafficking and supporting victims of this crime;
- e) deepening knowledge of the phenomenon of human trafficking and the effectiveness of actions taken;
- f) strengthening international cooperation.

4. SUMMARY

Human trafficking is a crime closely related to migration movements and often has a transnational character. It is an extremely dynamic phenomenon, affecting the whole world and resulting primarily from the existence of problems and differences of a social, economic, or cultural nature. Therefore, an escalation of this phenomenon can be expected in regions of political tensions, economic and military crises (countries of origin of victims), but also in regions of relative peace and economic balance (destination countries).

We distinguish countries of origin, transit countries, and destination countries. Typically, countries of origin are poorer regions affected by armed conflict or economic crisis. Citizens of these countries are most often recruited and transported to wealthier parts of the world.

Poland is one of many countries actively combating the crime of human trafficking through authorised institutions, including the Police. The Police implement preventive and criminal actions in this area. Additionally, they provide care and support for individuals who have fallen victim to this crime.

IDENTYFIKACJA GEOPOLITYCZNYCH ŹRÓDEŁ HANDLU LUDŹMI NA POTRZEBY ANALIZY RYZYKA DZIAŁAŃ POLICJI

Abstrakt: Celem niniejszego artykułu było wykazanie istotnego znaczenia systematyki i ciągłości działań w zakresie identyfikacji, analizy i odpowiedzi na ryzyko w obszarze zagrożeń dotyczących nielegalnej migracji i handlu ludźmi. Szczególnego zwrócenia uwagi wymaga współpraca Policji, służb międzynarodowych oraz instytucji non-profit w promowaniu zachowań identyfikujących źródła i ograniczających skalę handlu ludźmi.

Słowa kluczowe: handel ludźmi, migracja, policja, zarządzanie ryzykiem

THREAT OF HUMAN TRAFFICKING FROM THE PERSPECTIVE OF THE BORDER GUARD

Abstract: Human trafficking is a very complex phenomenon. An image of this crime infringing basic human rights, being undoubtedly an international and cross-border crime can be primarily found in the victims' identifications and in their testimonies. The problem affects victims originating from various regions of the world. In Poland, the prevailing form of the misuse persisting in the recent years is the exploitation of victims in forced labour or indenture of various kinds. The main causes of this phenomenon include contemporary migration flows of inestimable size, with economical, climate-related and, more common nowadays, war-related migration. Among contemporary determinants of human trafficking crime one can also name globalisation, poverty, unemployment, thoughtless seeking of new employment, victims' low level of education, the lack of command of the target country language, as well as improper legal regulations and, also, development of new technologies. The topic of this paper consists in the threat of human trafficking from the perspective of the Border Guard – the entity appointed to protect the state border, control the border traffic, prevent and combat illegal immigration as well as recognition and detection of crime, including the crime of human trafficking. The author analyses carefully and in detail the tasks realised by the border guard within two aspects: combating and preventing the crime of human trafficking. The author analyses the most current Polish criminal-law regulations concerning the crime of human trafficking, from sanction regulations to the legislative definition; he discusses crime

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types included in the criminal code associated with the exploitation of victims and its new criminological forms. Empirical contribution of the paper consists in statistical summary of the current image of the phenomenon within the aspect of exploitation forms and also the nationality and gender of the victims identified by the Border Guard officers between 2020 and 2022. With regard to the undertaken subject and resulting analyses, the author also sketches a proposition of *de lege lata* and *de lege ferenda* notions.

Key words: human trafficking, Border Guard, migration

1. PRELIMINARY ISSUES

The phenomenon of human trafficking is a very complex one. An eminent researcher of this issue, Zbigniew Lasocik, writes about this crime: "In human trafficking, we see both the worst and the weakest in humans. On the one hand, we have a human being who, forgetting about their humanity, treats another human being like an object, like a thing that can be bought, sold, or rented. On the other hand, we have a human being who, in their extreme weakness, whether social, caused by external circumstances, or psychological, resulting from fear, is reduced to the role of an object and as such is completely enslaved... It can be said that we are dealing with the quintessence of evil in relations between people."²

In search of the causes of this phenomenon, we turn to aetiology, which indicates a multitude of factors determining both its existence and continuous development. Among the most important, although not the only ones, we can distinguish economic, political, and social factors.³ The genesis of this phenomenon is much deeper than the purpose of the offence, defined in Article 115 § 22 of the Criminal Code, i.e., the exploitation of a person with the fulfilment of the criteria indicated therein concerning both the perpetrator's behaviour and the methods and means used by them.⁴ Although the economic aspects of committing the crime of human trafficking by the perpetrator seem obvious and influence the contemporary phenomenology of this phenomenon,

² Z. Lasocik, *Handel ludźmi - zapobieganie, ściganie oraz nowe wyzwania dla wszystkich*, [in:] *Handel ludźmi. Zapobieganie i ściganie*, Z. Lasocik (ed.), Warsaw 2006, pp. 15-16.

³ S. Buchowska, *Czynniki sprzyjające handlowi ludźmi*, [in:] *Handel ludźmi. Zapobieganie i ściganie*, Z. Lasocik (ed.), Warsaw 2006, pp. 331-337.

⁴ Act of 6 June 1997 Criminal Code, Journal of Laws of 2022, item 1138, consolidated text.

as Brunon Hołyst claims, it is the political destabilisation of the country of origin and the destination country, conflict and post-conflict situations in a given region, globalisation processes, as well as modern technologies that shape its development.⁵ Certainly, the challenging economic conditions of the victim in the country of origin, poverty, demographics, education levels, and associated migration, both legal and illegal, as well as migration closely related to us today, remain connected to armed conflicts, globalisation, improper legal regulations, technological development, primarily social media and Internet access, all contribute to its enduring nature. Anonymity online facilitates the force of close relationships that may be directed towards individuals in need of understanding, in conflict with their environment, facing difficult life circumstances, or seeking employment.

There are also many contexts in which human trafficking – contemporary slavery, violating inalienable rights – should be perceived. One cannot pass by this crime indifferently without considering its transnational nature, legal and penal regulations, criminological, phenomenological, psychological, and victimological aspects. The victim's entanglement in relationships with the perpetrator or perpetrators at any stage, which may involve recruitment, transport, delivery, transfer, harbouring, or receipt, is the beginning of a long road, from which returning without adequate support, based on the collaboration of all entities carrying out their tasks, both in combating, preventing, and reintegrating victims, is very difficult, and one might say, often impossible. The victim's involvement in relationships with the perpetrator, starting from the recruitment stage up to exploitation, creates a relationship of dependence, causing a victimogenic bond. Deliberately created by the perpetrator, the so-called fictional debt creates in the victim's consciousness a syndrome of subservience, inevitability, and the necessity of performing the actions indicated by them. It happens that victims are forced to commit crimes during exploitation. This fact exacerbates the mark of dependence, which is abused by the perpetrator through threats of disclosing the crime to law enforcement authorities. Victims often do not identify with their victimisation. Shame and fear of the reaction of those around them cause a silence which, uninterrupted, develops a chain of criminal activity. It is no coincidence that the recruiter and the direct perpetrator are increasingly often completely different individuals or groups of people who are nevertheless linked

⁵ B. Hołyst, *Kryminologia*, Warsaw 2004, pp. 903-904; see also, G. Vermeulen, *Handel kobietami i dziećmi - perspektywa międzynarodowa*, [in:] *Handel ludźmi. Zapobieganie i ściganie...*, pp. 153-160.

in a transnational key of the hierarchy of assigned tasks aimed at exploiting individuals and achieving financial gain from this exploitation. Human trafficking has always been treated as illegal behaviour, involving reducing people to the role of objects. It was most commonly associated with the movement of people undertaken for their exploitation. This movement was mainly conceptualised as a form of transporting victims across national borders.⁶

Most commonly, victims of human trafficking are individuals in difficult financial situations, seeking employment, legal and illegal migrants, individuals unaware of the real threats associated with migration, unaccompanied migrant children, children in foster care, teenagers seeking work as models, bartenders, dancers, hostesses, naive individuals (quick to invest their emotions), and those who have experienced physical, sexual, or emotional violence in the past, including children.⁷ People fleeing conflicts and persecutions, including climate migrants, who are forced to seek alternative means of livelihood due to natural disasters, climate change, increasing hunger, disasters, and related forced displacements, are often exploited as victims of human trafficking. These threats lead to decreased security and the adoption of risky coping strategies, which often culminate in debt bondage and consequently prolonged exploitation.⁸ This enumeration can be supplemented and updated, so the thesis that anyone can become a victim of human trafficking seems justified.

Limited job choices, lack of education, language barriers, unfamiliarity with the legal regulations regarding both residence and employment, result in the fact that foreigners seeking work in Poland receive employment or job offers in professions with a high risk of exploitation, such as domestic help, care for the elderly, or directly related to forced labour or the provision of sexual services or pornography.⁹

A Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Security Union Strategy

⁶ J. Potulski, *Commentary on Art. 253 of the Criminal Code*, www.lex. (accessed: 20.10.2023).

⁷ P. Łabuz, *Modus operandi sprawców handlu ludźmi*, [in:] *Kryminologiczne i społeczno kulturowe aspekty migracji i handlu ludźmi: wybrane problemy*, S. Buchowska (ed.), Warsaw 2016, pp. 81-86.

⁸ Cf. M. Gębska, *Migracje i handel ludźmi*, [in:] *Nielegalna imigracja w aspekcie kryminalistycznym, kryminologicznym i bezpieczeństwa państwa*, T. Safjański (ed.), Warsaw 2018, pp. 141-142.

⁹ S. Buchowska, *Czynniki sprzyjające handlowi ludźmi...*, pp. 331-333.

of 24 July 2020¹⁰ reports that human trafficking generates an annual profit globally estimated by Europol at EUR 29.4 billion.¹¹ 70% of human trafficking victims worldwide are women. Men account for 21% of the documented cases, and children for as much as 7%. Unfortunately, the number of documented victims is increasing and the total number of victims, which represents the dark figure of crime, remains unknown. This is so due to the failure to detect all cases of human trafficking, as well as the lack of self-identification of victims, shame, and fear of disclosure, threats from perpetrators about the consequences of reporting exploitation to law enforcement, false accusations, threats of reporting illegal residence or creation of fictitious debt. The latest US Department of State Report (Global Report on Trafficking in Persons 2022), published in January 2023, indicates that girls and women are three times more likely to be exposed to overt or extreme violence compared to boys and men, and children are twice as likely to be exposed to violence as adults. Women and girls accounted for 60% of the total number of detected victims in 2020. War and conflicts are potential "hunting grounds" for human traffickers. Analysis of the collected data shows a link between individuals forced to flee from Ukraine in 2014 and 2015 due to the conflict in the eastern part of the country and the increase in the detectability of human trafficking victims from Ukraine in subsequent years in Western and Central Europe.¹²

Looking at the historical determinants of human trafficking, it should be noted that slavery existed in the oldest civilisations, but it gained strength and numbers during the peak of the Roman Empire. Slave ownership was widespread. For example, the Roman patrician, and later empress Livia Augusta employed slaves for over fifty separate functions in her household. Slaves were property, objects that could be bought, sold, and abandoned. Romans traded slaves among themselves like commodities. In Gaul, Roman wine was paid for in "human currency". Slaves were mainly recruited from prisoners of war, minor border skirmishes, and also from children born into slavery. European tribes were also sold as war prisoners to Roman slave traders and merchants. The constant supply of slavery was also ensured by the widespread practice of piracy at that time.¹³ Kazimierz Kolańczyk states that the number of slaves indicated the wealth

¹⁰ COM/2020/605 final, <https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX:52020DC0605>, (accessed: 21.10.2023).

¹¹ Europol, *Report on Trafficking in Human Beings, Financial Business Model* (2015).

¹² *Trafficking In Persons Report 2022*, United Nations, 2023, pp. 7-84.

¹³ <https://web.archive.org/web/20090203055358/http://abacus.bates.edu/~mimber/Rciv/slavery.htm>, (accessed: 14.10.2023).

of the owner. Rich Romans sometimes had hundreds of slaves at their disposal, the affluent had dozens, and even relatively modestly situated individuals could afford to acquire one or two. The lack of one's own slave was usually a sign of poverty.¹⁴

The report of the United Nations Office on Drugs and Crime, published on 7 January 2019, unequivocally states that armed groups in conflict zones are increasingly resorting to human trafficking to finance their activities and attract new recruits. This indicates the potential for using revenues generated from human trafficking in conflict zones to ensure territorial dominance. Thus, this deliberately juxtaposed combination closes the historical circle of injustice while also creating an image of a bewildering spectrum of evil. While in the period from the 8th to 6th centuries BCE, the slave market was primarily supplied by warfare, today, as emphasised by the cited Report, profits from contemporary human trafficking fund wars.

Undoubtedly, modern human trafficking is international, organised, and transnational in nature. This developing phenomenon cannot be viewed solely within the narrow framework of one country's problem, as this crime exploits demand both within and beyond individual countries, impacting all states globally.¹⁵ In the European context, it is noteworthy that human trafficking is enshrined in Article 83 of the Treaty on the Functioning of the European Union, which lists the so-called "euro-crimes," giving them the status of particularly significant transnational offences.¹⁶

2. CRIMINAL LAW REGULATIONS

In accordance with Article 115 § 22 of the Criminal Code, trafficking in human beings includes: recruiting, transporting, delivering, transferring, harbouring, or receiving a person using:

- 1) violence or unlawful threat,
- 2) abduction,
- 3) deceit,

¹⁴ K. Kolańczyk, *Prawo Rzymskie*, Warsaw 1997, p. 183.

¹⁵ COM/2020/605 final, <https://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX:52020DC0605>, (accessed: 16.10.2023), p. 23.

¹⁶ *Report of the Commission for the European Parliament and the Council on the progress made in the fight against trafficking in human beings* (2016) OM 2016 267 FINAL KE, Brussels 2016, p. 1.

- 4) misleading or exploiting errors or inability to properly understand the action taken,
- 5) abuse of a relationship of dependence, exploitation of a critical situation, or a state of helplessness,
- 6) providing or accepting financial or personal benefits or the promise thereof to a person exercising care or supervision over another person.

– for the purpose of their exploitation, even with their consent, particularly in prostitution, pornography, or other forms of sexual exploitation, in forced labour or services, in begging, in slavery, or in other forms of exploitation that degrade human dignity, or for the purpose of obtaining cells, tissues or organs contrary to the provisions of the law. If the perpetrator's behaviour concerns a minor, it constitutes trafficking in human beings, even if the methods or means listed in points 1-6 have not been used.

In the light of criminal law regulations, trafficking in human beings is a crime – a crime that violates fundamental human rights, the right to freedom and dignity. When committed as of 1 October 2023, i.e. from the entry into force of the amendment to the Criminal Code,¹⁷ it is punishable by imprisonment from 3 to 20 years. Due to the high degree of social harm, the legislature also recognises the criminality of its preparatory stage, i.e. preparation for the commission of the crime of trafficking in human beings. Preparation, which involves taking steps to create the conditions for undertaking an act with the direct aim of committing the act, particularly entering into an agreement with another person, obtaining means, gathering information, or drawing up a plan of action. As provided in Article 189a § 2 of the Criminal Code: Anyone preparing to commit the crime of trafficking in human beings is liable to imprisonment for a term of 3 months to 5 years.¹⁸

Moreover, in the Polish legal system, there are also provisions establishing a certain aggravated type of this offence, increasing the penalty for its perpetrator. In accordance with Article 72 of the Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict in the territory of that state,¹⁹ sentencing a perpetrator who committed a crime referred to in Article 189a § 1 of the Act of 6 June 1997 – Criminal Code – during the armed conflict on the territory of Ukraine, the court imposes a sentence of imprisonment

¹⁷ Journal of Laws of 2022, item 2600, and of 2023, item 403.

¹⁸ Art. 189a §2 of the Criminal Code, Journal of Laws of 2022, item 1138, consolidated text.

¹⁹ Journal of Laws of 2022, item 583, consolidated text.

for a term of 10 to 25 years.²⁰ The aforementioned Act also increases the minimum penalty for the preparatory acts of this offence: Sentencing a perpetrator who committed a crime referred to in Article 189a § 2 of the Act of 6 June 1997 – Criminal Code, during the armed conflict on the territory of Ukraine, the court imposes a sentence of imprisonment for a term not less than one year.²¹

Analysing the definition of human trafficking, it must be clearly stated that it is undoubtedly an intentional, directional crime, indicating that it can only be committed with direct intent, and not with oblique intent. In practice, unfortunately, this means narrowing down the circle of suspects who, through their passive behaviour, consent to the exploitation of victims. The code definition contained in the glossary to Article 115 § 22 of the Criminal Code limits the scope of criminalisation, recognising as criteria only those perpetrator actions that are explicitly indicated in its legal definition. On the other hand, it promotes the postulate for legal certainty and definiteness of the crime in question. However, the legislator leaves an open catalogue of so-called areas of exploitation. By using the phrase "in particular," it creates a non-exhaustive space for recognising new criminological forms of this offence as human trafficking.

The crime of trafficking in human beings is also a formal or non-consequential one. Therefore, for its existence, it is irrelevant whether the transaction has been finalised or – whether the victim has been exploited to the extent intended by the perpetrator. This offence, with the causative act of recruitment, should be considered as committed from the moment the perpetrator undertakes any of the actions specified in this provision.²² The crime of human trafficking may involve the exploitation of even one person. Even under the old nomenclature of the criminal law provision, the correct view in this regard was adopted by J. Warylewski, who stated that even a single purchase-sale transaction concerning only one person could already meet the criteria of the crime of human trafficking, provided that the perpetrator's intention was to engage in human trafficking.²³

²⁰ Ibid. Article 74 paragraph 4.

²¹ Ibid. Article 74 paragraph 1.

²² Judgement of the Court of Appeal in Szczecin dated July 2, 2015, case no. II AKa 48/15, LEX no. 1782021.

²³ J. Warylewski, *Commentary on the Supreme Court decision of March 17, 2000*, OSP 2000, no. 9, item 126, p. 427.

3. AREAS OF VICTIM EXPLOITATION

In addition to the types of exploitation listed in Article 115 § 22 of the Criminal Code, which include: exploitation in prostitution, pornography or other forms of sexual exploitation, exploitation in forced labour or services, exploitation in begging, human trafficking for the purpose of obtaining cells, tissues or organs contrary to the provisions of the law, and child trafficking, current reports on this phenomenon, both at the international, EU, and national levels, identify new circumstances of the occurrence of this crime in areas such as: obtaining loans and social benefits by deception, forcing into fictitious marriages, domestic servitude, criminal exploitation, trafficking of athletes, extraterritorial child sex tourism, and the use of children as soldiers.²⁴

The problem of exploitation in prostitution, pornography, or other forms of sexual exploitation mainly affects women. The exploitation of women in prostitution has become a serious pathology, both due to the scale of perpetrators' activities in this area of exploitation and the severity towards women. In most cases, they are demeaned, intimidated, blackmailed, and subjected to physical, psychological, and sexual violence. There are also observed groups of victims in this type of crime who do not consider themselves victims at any stage of the perpetrators' activities, agreeing to the conditions proposed to them, having no other choice. Undoubtedly, this victimogenic behaviour is mainly influenced by the difficult material situation of the victims in their country of origin, including unemployment resulting from economic transformations.²⁵

According to data from KCIK - the National Intervention and Consultation Centre for Polish and foreign victims of human trafficking, conducted by the Foundation Against Trafficking in Human Beings and Slavery La Strada and the Po-MOC Association For Women and Children Named After Mary the Immaculate – the comparison of this form of exploitation with forced labour or services and other forms of exploitation looks as follows:

²⁴ *Trafficking In Persons Report 20TH Edition*, Department Of State United States of America, 2020, pp. 4-28.

²⁵ M. Matyjewicz, W. Kotowski (ed.), *Handel ludźmi. Praktyczne aspekty prowadzenia postępowań. Podręcznik dla organów ścigania i wymiaru sprawiedliwości*, Prokuratura i Prawo, Wydanie specjalne, Warsaw 2022, p. 18.

Exploitation in forced labour or services	Exploitation in prostitution, pornography, or other forms of sexual exploitation	Other forms of exploitation
65%	12%	23%

KCIK data for the year 2022. Source: Own elaboration based on: *Trafficking in Persons Report 2022*, developed in the Department of International and Migration Affairs of the Ministry of Internal Affairs and Administration, Warsaw 2023, p. 27.

Exploitation in forced labour or services is currently the dominant form of exploitation of victims in the territory of the Republic of Poland, especially in the environment of foreign victims. It concerns both Poles working abroad and foreigners working in Poland. The recruitment of employees is carried out by placing advertisements on the Internet or in the press, where the proposed work only contains the attractiveness value. Recruitment can also occur through labour intermediaries (employment agencies). Through recruitment interviews, in particular the worker's difficult life situation and critical financial position are identified. Victims are most often coerced into working in agriculture, construction, mining, seasonal work, the food industry and the clothing industry. The recruitment of prospective workers often involves misleading them about the working conditions, accommodation and remuneration. Subsequently, in successive stages, the perpetrators deprive the victims of travel documents and residence permits, restrict their freedom of movement, impose excessive working hours and provide inadequate remuneration, essentially amounting to working off a fictitious debt.²⁶

Begging is a way of obtaining means of existence by soliciting monetary or material donations of a relatively constant nature.²⁷ While in earlier times it was treated as a profession, over time it began to be regarded as something shameful, and subsequently punishable. Its main determinants include poverty, helplessness and lack of proper social care. Currently, begging can also be a means of obtaining significant financial gains. At this point, this phenomenon becomes the subject of interest of organised transnational criminal groups, which may recruit individuals with disabilities, women with small children, and visibly

²⁶ M. Matyjewicz, W. Kotowski (ed.), *Handel ludźmi. Praktyczne aspekty prowadzenia postępowań...*, p. 18, see also U. Kozłowska, *Handel ludźmi: podstawowe informacje dla pracowników urzędów pracy*, "Zeszyt Metodyczny Pośrednika Pracy", no. 3(12), 2011, Ministry of Labour and Social Policy, pp. 60-64.

²⁷ R. Krajewski, *Prawo wobec kwestii żebractwa*, "Polityka Społeczna", no. 2, 2010, p.10.

disabled children abroad. Subsequently, perpetrators organise the transportation or illegal conveyance of these individuals to the territory of Poland and other EU countries without documents confirming their identity. Next, they distribute the individuals among organised groups overseeing begging. Victims are beaten and intimidated, forced to obtain a certain amount of money daily, which is then taken away from them. Criminals inform the victims of a debt to be worked off, which is in fact a fictitious debt, solely to establish and exploit the perpetrator – victim relationship and to exploit the victims' critical situation or state of helplessness. There are frequent cases where small children are taken from their mothers and assigned to other women to prevent the mothers from reporting the exploitation.²⁸

Human trafficking for the purpose of obtaining cells, tissues, or organs contrary to the provisions of the Act of 1 July 2005 on the collection, storage, and transplantation of cells, tissues, and organs,²⁹ commonly known as organ trafficking, is the least recognised and least occurring area of exploitation in statistical data. The trade in human organs is linked to the rapidly developing field of transplant medicine and the huge demand for life-saving organs, tissues, and cells. It especially concerns obtaining financial gain from the acquisition or sale of other people's cells, tissues and organs, brokering their sale or acquisition, or participating in the transplantation of cells, tissues, or organs obtained contrary to the provisions of the law from a living donor or a human cadaver.³⁰ According to the World Health Organisation data, up to 15% of kidney transplants are carried out illegally. This happens due to the different legal regulations in individual countries around the world. Kidneys generally come from donors in developing countries and are intended for recipients in developed countries.³¹

The trade in children, due to the definitional provision relating to minors, should be considered as the legislative intention to indicate it as a primary type of human trafficking offence. Therefore, human trafficking will involve the perpetrator's behaviour of exploiting a person, even with their consent, while engaging in recruitment, transportation, delivery, transfer, harbouring or receipt of a minor. One of the most recent reports on human trafficking in Poland for the year 2022 indicates that out of the 254 victims receiving support

²⁸ E. Sitek, *Jatmużna dla gangu*, "Policja 1997", no. 2, 2012, pp.10-11.

²⁹ Journal of Laws of 2005, no. 169, item 1411 as amended.

³⁰ Ibid. Article 44 et seq.

³¹ N. Scheper - Hughes, *Keeping an eye on the global traffic in human organs*, "The Lancet" vol. 361, 2003, p. 1645.

(23 Polish citizens and 231 foreigners), 18 victims were minors. According to the prosecutor's office, out of 277 victims of human trafficking, 25 were minors.³²

The remaining criminological types shape the contemporary image of this crime. As mentioned earlier, there are no exhaustively catalogued forms of victim exploitation within the crime of human trafficking. However, this does not imply complete interpretational freedom. One of the indicators is the legislator's use of the phrase "other forms of exploitation degrading human dignity." Another determinant will be the perspective of exploitation, that is abuse.³³ Therefore, the thesis put forward in the source literature seems justified, namely that the evaluation of this type of crime makes it difficult to predict all possible behaviours that, while not explicitly indicated in the law, correspond to the elements of the crime of human trafficking.³⁴

According to the previously mentioned Report of the Department of International and Migration Affairs of the Ministry of Internal Affairs and Administration regarding human trafficking for the year 2022, increased migration carries the risk of human trafficking. Refugees, experiencing helplessness, uncertainty, and financial difficulties associated with leaving their homeland, are exposed to the activities of organised criminal groups, which derive huge financial benefits from this crime, making it a constant source of income. Actions conducive to this phenomenon also include the destabilisation of the European Union caused by sponsored smuggling of migrants and the effects of the armed conflict in Ukraine.³⁵

4. THE ROLE AND TASKS OF THE BORDER GUARD IN THE RECOGNITION, PREVENTION, AND DETECTION OF HUMAN TRAFFICKING

Essentially, all democratic states strive to combat human trafficking, recognising this crime as particularly socially harmful and transnational

³² *Trafficking in Persons Report 2022*, developed in the Department of International and Migration Affairs of the Ministry of Internal Affairs and Administration, Warsaw 2023, pp. 24-26.

³³ A different view on this matter can be found in the Decision of the Court of Appeal in Gdańsk dated 13 August 2013, ref. no. II AKz 475/13, LEX no. 1444538.

³⁴ K. Burdziak, P. Banaszak, *Przestępstwo handlu ludźmi - Wykładnia terminu "handel ludźmi", sposób przeprowadzania przestępstwa i innych dowodów w celu uzyskania materiału potwierdzającego popełnienie tego przestępstwa, charakterystyka jego ofiar i sprawców*, Institute of Justice, Warsaw 2016, p. 4.

³⁵ *Trafficking in Persons Report 2022*, developed in the Department of International and Migration Affairs of the Ministry of Internal Affairs and Administration, Warsaw 2023, p. 2.

in nature. Given the increase in exploited victims in the area of forced labour or services, the Border Guard³⁶ in Poland plays a particularly significant role in recognising, preventing, and detecting human trafficking. It serves as a unified, uniformed, and armed force tasked with protecting the state border, controlling border traffic, and preventing and countering illegal migration. The detailed regulation regarding the subject-matter jurisdiction of the Border Guard to conduct recognition, prevention, and detection of human trafficking is specified in Article 1(2)(4)(j) of the competency act.

In each unit of the Border Guard, there is a non-permanent coordinator for combating human trafficking in the operational-investigative department, responsible for coordination and cooperation between the relevant organizational units of the Border Guard, Police, and other institutions involved in combating this practice.³⁷

Coordinators are responsible for carrying out activities (preliminary, procedural, and supportive) within the scope of the official responsibilities of a given Border Guard unit. They may establish internal coordination structures within the units to ensure proper and efficient flow of information regarding the identification of potential victims of human trafficking and the implementation of control, administrative, and procedural activities, as well as, if such opportunities arise, operational-recognition activities. According to the Procedure Algorithm for law enforcement officers in the event of discovering a human trafficking crime,³⁸ a Border Guard officer is required to first isolate the victim from potential perpetrators, provide first aid if necessary, establish the factual circumstances based on the collected facts regarding the event, the victim's account, and statements from other witnesses. Subsequently, based on the analysis of the criteria of human trafficking and indicators prepared for this purpose, verify whether exploitation of a person has occurred. The next step for the officer, upon a positive identification of the victim, is to notify the relevant coordinator for human trafficking issues. The officer identifying the victim,

³⁶ Article 1(1) of the Act of October 12, 1990, on the Border Guard, Journal of Laws of 2023, item 1080, consolidated text.

³⁷ *Trafficking in Persons Report 2022*, developed in the Department of International and Migration Affairs of the Ministry of Internal Affairs and Administration, Warsaw 2023, p. 13.

³⁸ The algorithm is a set of guidelines for use by officers of the Police and Border Guard in the event of discovering or suspecting the commission of a human trafficking crime. The document primarily focuses on describing the procedure for law enforcement agencies regarding victims, taking into account and respecting all rights afforded to human trafficking victims in Poland. It was created with the aim of establishing a uniform model of action for law enforcement agencies, and consequently, the application of a uniform standard of procedure with human trafficking victims and ensuring their rights.

in accordance with the procedure outlined in the criminal procedure code,³⁹ is obligated to secure evidence or traces of the crime at the scene (of identification, exploitation, temporary residence, service provision) to prevent their loss or destruction, document them with an inspection protocol, and also question or interrogate other individuals with knowledge of the event. Depending on the nature of the task, the officer is also obligated to create necessary official or procedural documentation.⁴⁰

In the source literature, the significant role of the Border Guard in combating human trafficking in relation to foreigners and the increasing number of identified foreign victims of this crime is often emphasised.⁴¹ This is a result of the natural predisposition of officers in this force to establish first contact with victims of such crimes. This can occur both at the border during border traffic checks and during control activities aimed at verifying the legality of the stay and employment of foreigners in Poland, as well as during identity checks. It is worth noting that control activities are not limited solely to checking the legality of a foreigner's stay or work, but also include examining the engagement of foreigners in economic activities and the delegation of work to foreigners.⁴² According to the current provisions of the Border Guard Act,⁴³ officers have a legal obligation to respond to violations of regulations discovered during controls. In addition to informing other authorities about the violations detected, control activities should be documented in a protocol prepared during the control. This provides an administrative opportunity to detect human trafficking crimes as part of routine control activities related to the legality of employing foreigners in the territory of Poland.⁴⁴

Both the inspection of the legality of stay of foreigners on the territory of the Republic of Poland, conducted to determine the factual situation regarding compliance with the provisions concerning the conditions of entry

³⁹ Art. 308 of the Act of 6 June 1997 Code of Criminal Procedure, Journal of Laws of 2022, item 1375, consolidated text.

⁴⁰ Algorithm of proceedings for law enforcement officers in case of discovering human trafficking offences, pp. 7-8.

⁴¹ M. Wiśniewski, *System instytucjonalnego podejścia do problemu handlu ludźmi*, Institute of Public Affairs, Warsaw 2011, p. 9; see also *Human Trafficking in Poland. Report 2017*, prepared by the Department for European Migration Network and Combating Trafficking in Human Beings in the Department of Analysis and Migration Policy of the Ministry of Internal Affairs and Administration, Warsaw 2018, p. 21.

⁴² Art. 10 d of the Border Guard Act of October 12, 1990, Journal of Laws of 2023, item 1080, consolidated text.

⁴³ Ibid. Article 10 d paragraph 23.

⁴⁴ R. Mroczek, *Formy inicjacji procesowej w sprawach o przestępstwa handlu ludźmi*, „Prokuratura i Prawo”, no. 2, 2019, pp. 106-109.

of foreigners into this territory and their stay on it,⁴⁵ as well as the inspection of the legality of foreigners' work, conducting economic activity by foreigners and entrusting work to foreigners,⁴⁶ are activities resulting from one of the main tasks assigned to this force, which is combating illegal migration, including illegal economic migration. During inspections, Border Guard officers have the right to control, among other things, the individual's freedom of movement within the controlled area; to inspect documents related to employment, assignment of work or business activities, and to make copies of such; to establish the identity of persons present at the inspection site; to interrogate individuals suspected of violating regulations regarding the legality of work by foreigners, conducting business activities by foreigners or entrusting work to foreigners; to request explanations from individuals present at the inspection site; to document inspection activities using audio-visual means; to seek assistance from experts and specialists, as well as inspect the places of work, particularly to determine the number of job positions.

The control of the legality of foreigners' stay on the territory of the Republic of Poland is conducted by officers of the Border Guard in order to determine the factual situation regarding compliance with the provisions concerning the conditions of entry of foreigners to this territory and their stay therein,⁴⁷ which is also a natural instrument for the identification of foreign victims of human trafficking.

Another significant aspect from the perspective of identifying potential victims of human trafficking is border control. In as much as the crossing of the state border, which constitutes the internal border of the European Union within the meaning of the provisions of the Schengen Border Code,⁴⁸ is not subject to control as a rule, the crossing of external borders is permitted only at border crossing points.⁴⁹ The purpose of control is to assist in combating illegal immigration, as well as – as directly indicated by the Schengen Border Code –

⁴⁵ Art. 289(1) of the Act of December 12, 2013, on foreigners, Journal of Laws of 2023, item 547, consolidated text.

⁴⁶ Art. 1(2) point 13a of the Border Guard Act of October 12, 1990, Journal of Laws of 2023, item 1080, consolidated text.

⁴⁷ Art. 289(1) of the Act of December 12, 2013, on foreigners, Journal of Laws of 2023, item 547, consolidated text.

⁴⁸ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), (consolidated text), OJ EU L 77/1 of 23.03.2016.

⁴⁹ Art. 5(1) of the Schengen Borders Code.

human trafficking and preventing any threats to internal security, public order, public health, and international relations between the Member States.⁵⁰

An important power of the Border Guard officers, in terms of detecting the crime of human trafficking, is the seemingly insignificant act of identification.⁵¹ It is during this official procedure that there is a possibility of providing information to the officer by the victim, who, being permanently observed or intimidated, does not have the opportunity to report this fact to the nearest organisational unit of the Border Guard within the range of the given Branch. It must also be acknowledged that both the branches and the field units of the Border Guard do not record as many independent reports of crimes as Police units. Therefore, most disclosures of crimes by this authority result from the appropriate and competent use of the control tools at their disposal.

Personal checks, examination of the contents of luggage, examination of cargo in ports and stations and in a means of air, road, rail or waterway transport can also be used to reveal, among other things, the offence of trafficking in human beings. This results from that fact that it is very often an accompanying offence to such crimes as, for instance the organising of illegal migration, the unauthorised transport across the border of persons or goods the possession and circulation of which is prohibited, the discovery of objects the use of which is likely to breach public security or public order.⁵²

The Border Guard, when other measures prove ineffective or useless, may also, with regard to the detection, identification of perpetrators and obtaining and securing evidence prosecuted by public prosecution, including the intentional crime defined in Art. 189a of the Criminal Code, use powers to perform non-procedural activities.⁵³ Law enforcement agencies use the above powers solely to be able to later use them as evidence in the procedural form. The basic purposes of these activities include: establishing evidence for criminal proceedings, determining the quantitative composition of criminal groups and the scope of their activities, revealing mechanisms causing crimes, determining and apprehending perpetrators, determining the hiding place of wanted persons,

⁵⁰ Point 6 of the preamble to the Schengen Borders Code.

⁵¹ Art. 11(1) point 4 of the Border Guard Act of October 12, 1990, Journal of Laws of 2023, item 1080, consolidated text.

⁵² Art. 11(1) of the Act of December 12, 2013, on foreigners, Journal of Laws of 2023, item 519, consolidated text.

⁵³ Art. 9 (e)-(g) of the Border Guard Act of 12 October 1990, Journal of Laws of 2023, item 1080, consolidated text.

the place of residence of missing persons, the detention of kidnapped or deprived of liberty persons, as well as thwarting the commission of crimes.⁵⁴

In the context of the provision of Art. 1 para. 2 point 4 (j) of the Border Guard Act of 12 October 1990,⁵⁵ attention should also be paid to the Border Guard's powers to recognise, prevent, and detect the crime defined in Art. 191b of the Criminal Code, which reads: § 1. Whoever, by violence, unlawful threat, or by abusing a relationship of dependency or exploiting a critical situation, causes another person to enter into a marriage or a union equivalent to marriage in the religious or cultural circle of the perpetrator, shall be subject to a penalty of imprisonment for a term of 3 months to 5 years. § 2. The same penalty shall apply to anyone who, in order to commit the offence referred to in § 1, by deceit or by abusing a relationship of dependency or by exploiting a critical situation, induces another person to leave the territory of the Republic of Poland. This crime may be a starting point for the above-mentioned criminological form, defined as coercion to enter into fictitious marriages. Coercing into fictitious marriages may involve searching for attractive women in difficult life situations, who are promised significant financial compensation in exchange for entering into a fictitious marriage with a foreigner to legalise their stay. As a consequence of the illegal scheme, victims do not receive the promised compensation, remaining with the problem of nullifying marriages, as, in reality, the foreigner disappears after obtaining the necessary documents.⁵⁶ This kind of exploitation of women can also be seen as an act of violence against women and a way to entangle the victim in further basic types and criminological forms of human trafficking. As current estimates indicate, there are currently 650 million women and children worldwide who were married before the age of 18. The consequence of entering into marriages by persons under 18 years of age may be limited access to education, and consequently to work providing a sense of security and financial

⁵⁴ P. Łabuz, I. Malinowska, M. Michalski, T. Safjański, *Handel ludźmi. Przestrzeń prawnokarna i kryminalistyczno-kryminologiczna*, Warsaw 2017, p. 194; P. Łabuz, *Czynności operacyjno-rozpoznawcze*, [in:] *Handel ludźmi. Przestrzeń prawnokarna i kryminalistyczno - kryminologiczna*, T. Safjański (ed.), Warsaw 2017, p. 194; see also J. Gołębiewski, *Praca operacyjna w zwalczaniu przestępczości zorganizowanej*, Warsaw 2008, p. 21.

⁵⁵ Journal of Laws of 2023, item 1080, consolidated text.

⁵⁶ *Human Trafficking in Poland. 2016 Report*, prepared by the Department for European Migration Network and Combating Trafficking in Human Beings in the Department of Analysis and Migration Policy of the Ministry of Internal Affairs and Administration, Warsaw 2017, p. 18.

independence. The lack of these attributes can become a cause of increased risk of experiencing violence or domestic exploitation.⁵⁷

The issue of sham marriages, however, is not left uncontrolled. There are legal instruments for their verification. The Border Guard has the competence and authority to examine the possible sham marriage with a foreigner. According to Art. 11 para. 1 points 1 and 2 of the Act of 12 December 2013 on foreigners,⁵⁸ Border Guard officers may conduct community interviews or determine the place of residence of the spouse or other family member of the foreigner, as well as a person with whom the foreigner has family ties.⁵⁹ In the control proceedings, Border Guard officers establish the factual situation in order to obtain answers to the questions of whether: one of the spouses received financial benefit in exchange for consenting to the marriage, unless it resulted from a custom established in a given country or social group; the spouses do not fulfil legal obligations arising from the marriage; the spouses do not live together or do not run a common household; the spouses did not meet before the marriage; the spouses do not speak a language understandable to both; the spouses do not agree on their personal data and other relevant circumstances concerning them; one of the spouses or both spouses have entered into sham marriages in the past.⁶⁰ These activities are aimed at subsequently establishing the circumstances of the conclusion of the marital relationship in order to circumvent the provisions of the Act on Foreigners.⁶¹

The implementation of activities to minimise the phenomenon of human trafficking is not only about recognising and detecting the crime of human trafficking for the Border Guard but also about carrying out tasks in the field of broadly understood prevention. At the level of international cooperation aimed at combating and preventing human trafficking, the Border Guard participates in numerous projects of a strategic nature. An example of such action is, for instance, the participation of the Border Guard in joint activities coordinated by the European Border and Coast Guard Agency (Frontex). The Polish Border Guard is an active participant in Frontex-coordinated operational activities,

⁵⁷ J. Wawrzecka, *Zapobieganie i zwalczanie przemocy wobec kobiet i przemocy domowej w myśl prawa międzynarodowego publicznego*, [in:] *Prawo w Polsce 2000 - 2020*, K. Łukomiak (ed.), Łódź 2020, p. 411.

⁵⁸ Journal of Laws of 2023, item 519, consolidated text.

⁵⁹ Art. 11(1) and (2) of the Act of 12 December 2013 on foreigners, Journal of Laws of 2023, item 519, consolidated text.

⁶⁰ Ibid. Article 169(2).

⁶¹ Cf. the judgement of the Supreme Administrative Court in Warsaw of 19 October 2016, ref. no. II OSK 2628/15, LEX no. 2169082.

providing its human and equipment resources for the needs of other member states, as well as third countries.⁶² The exchange of information with relevant national authorities about persons suspected of involvement in criminal activities, such as migrant smuggling, human trafficking, and terrorism, is of paramount importance. The Border Guard also cooperates with the European Union Agency for Law Enforcement Cooperation (Europol) in preparing operational action plans for the Empact project,⁶³ as well as with many other entities at international and community level. At the national level, the Border Guard participates, as one of many entities, in initiatives resulting from the National Action Plan against Human Trafficking, moreover, officers of this force also carry out a number of informational and supportive activities towards victims within the framework of tasks of Provincial Teams for Combating Human Trafficking. The teams provide support to victims within the social assistance system, as well as conduct preventive activities through informational campaigns on human trafficking and dissemination of knowledge, among others, among youth, teachers, and entrepreneurs. It is important to cooperate with all entities to develop a systemic approach to the recognised phenomenon of human trafficking, including, among others, coordinating actions, preventive activities, support and protection of victims, prosecution of human trafficking crimes, training, conducting research on human trafficking issues, and evaluating actions and legislative changes.⁶⁴

5. STATISTICAL REPORTS

The actual reflection of current trends in the phenomenon of human trafficking in Poland is provided by the statistical reports collected on this issue. Regarding, among others, the Border Guard, these can be found in the annual reports prepared by the Ministry of Internal Affairs and Administration. For the most current depiction of the phenomenon in with regard to forms of exploitation, as well as the nationalities and genders of victims, the most recent data regarding the Border Guard for the years 2020 – 2022 will be cited.

In 2020, the Border Guard identified a total of 43 alleged victims of human trafficking: In terms of nationality, the breakdown is as follows: 6 Ukrainian nationals, 10 Moldovan nationals, 5 Polish nationals, 5 Yemeni nationals,

⁶² D. Tracz, *Współpraca Straży Granicznej i FRONTEX-u*, [in:] *Agencja FRONTEX w strefie Schengen. 10 lat doświadczeń*, A. Kuś, A. Kosińska, A. Szachoiń-Pszenny (ed.), Lublin 2015, p. 249.

⁶³ A. Łyzwa, *Rola organów ścigania w przeciwdziałaniu i zwalczaniu zbrodni handlu ludźmi*, "Przegląd Policyjny", vol. 136(4), 2019, p. 254.

⁶⁴ National Action Plan Against Human Trafficking for the years 2022 - 2024, p. 2.

5 Filipino nationals, 1 Belarusian national, 1 Russian national. In terms of gender, the breakdown is as follows: 33 males, 10 females. In terms of the area of exploitation, the breakdown is as follows: 38 individuals – forced labour or services, 5 individuals – sham marriages.⁶⁵

In 2021, the Border Guard identified a total of 71 alleged victims of human trafficking: In terms of nationality, the breakdown is as follows: 25 Colombian nationals, 14 Moldovan nationals, 9 Mexican nationals, 6 Venezuelan nationals, 4 Polish nationals, 4 Ukrainian nationals, 2 Filipino nationals, 2 Congolese nationals, 1 Romanian national, 1 Indian national, 1 Cameroonian national, 1 Guinean national, 1 Yemeni national. In terms of gender, the breakdown is as follows: 49 males, 22 females. In terms of the area of exploitation, the breakdown is as follows: 64 individuals – forced labour or services, 7 individuals – prostitution, pornography or other forms of sexual exploitation.⁶⁶

In 2022, the Border Guard identified a total of 110 potential victims of human trafficking: In terms of nationality, the breakdown is as follows: Guatemala (38 individuals), Venezuela (37 individuals), Mexico (15 individuals), Colombia (15 individuals), Honduras (1 individual), Congo (1 individual), Cameroon (1 individual), Russia (1 individual), Ukraine (1 individual). In terms of gender, the breakdown is as follows: 85 males, 25 females. In terms of the area of exploitation, the breakdown is as follows: 107 individuals – forced labour or services, 3 individuals – prostitution, pornography or other forms of sexual exploitation.⁶⁷

Analysing the current data from the National Reports on human trafficking in Poland for the years 2020 – 2022 regarding victims identified by the Border Guard, we obtain information about 224 registered victims of human trafficking. These data indicate that during the analysed 3-year period, the predominant form of exploitation against victims identified by the Border Guard was forced labour (209 individuals, accounting for 93% of all exploitation), followed by prostitution, pornography, or other forms of sexual exploitation (10 individuals, accounting for 4.4% of all exploitation), and sham marriages (5 individuals, accounting for 2.2% of all exploitation). These trends are not coincidental and

⁶⁵ *Human Trafficking in Poland. 2020 Report*, prepared by the Department for Combating Trafficking in Human Beings and Hate Crimes in the Department of Analysis and Migration Policy of the Ministry of Internal Affairs and Administration. Warsaw 2021, p. 18, data according to the General Headquarters of the Border Guard.

⁶⁶ *Trafficking in Persons Report 2021*, developed in the Department of International and Migration Affairs of the Ministry of Internal Affairs and Administration. Warsaw 2021, pp. 21-23.

⁶⁷ *Trafficking in Persons Report 2022*, developed in the Department of International and Migration Affairs of the Ministry of Internal Affairs and Administration. Warsaw 2023, pp. 22-24.

are also consistent with other reports on human trafficking victims exploited in the territory of Poland. However, it should be noted that the presented data is only a fraction of research on this phenomenon because these reports only refer to disclosed victims within the territory of Poland, and as practice shows, due to the transnational nature of this crime and the geopolitical position of our country, it also concerns Poles exploited outside the country (human trafficking as a country of origin of victims) and victims exploited in the context of Poland as a transit country.

Time frame	Number of victims	Forced labour or services	Prostitution, pornography or other forms of sexual exploitation	Sham marriages	Women	Men
2020	43	38		5	10	33
2021	71	64	7		22	49
2022	110	107	3		25	85
Total	224	209	10	5	57	167

Identification of human trafficking victims by the Border Guard for the years 2020-2023. Source: Own elaboration based on: *Human Trafficking in Poland. 2020 Report*, Warsaw 2021; *Human Trafficking Report 2021*, Warsaw 2021; *Human Trafficking Report 2022*, Warsaw 2023.

6. *DE LEGE LATA* AND *DE LEGE FERENDA* CONCLUSIONS

One of the evident conclusions in the context of the continuous increase in the exploitation of human trafficking victims is the attention drawn to the economic aspects of this crime. The economy of human trafficking represents an important transnational and international dimension of profits for financing criminal and paramilitary groups, and possibly also terrorism. The mutual correlations of human trafficking with other criminal acts, the acceptance of benefits obtained as a constant source of income, and the laundering of dirty money as the legalisation of profits derived from this crime indicate a deliberate purpose of the perpetrators to objectify human beings as commodities that can be voluntarily exploited.

In the discussed substantive law aspects of the crime of human trafficking, its directionality has been indicated, which means that it can only be committed with direct intent, which in practice means narrowing the liability of perpetrators

for passive behaviour, only through or until they consent to the exploitation of victims. In this regard, *de lege lata*, I advocate for supplementing the provision with oblique intent.

In order to improve the detection, combating, and prevention of the transnational nature of the crime of human trafficking, I propose, *de lege ferenda*, the enactment of a separate legal act in the form of the Human Trafficking Act. Firstly, the proposed legal act would comprehensively regulate the definitions of basic concepts (especially the definition of forced labour), the issue of contemplation time, the problem of victim identification, the issue of compensation and damages for victims, as well as practical problems related to the non-punishment of victims of human trafficking. Secondly, the law would facilitate uniform and coordinated action by all justice authorities, which would be a crucial undertaking against contemporary human trafficking.⁶⁸

The analysis conducted in the article on the threat of human trafficking from the perspective of the Border Guard indicated that the image of this violation of fundamental rights, in its current dimensions as a transnational crime, affects victims from various regions of the world, with the predominant form of exploitation in Poland being the ongoing exploitation in forced labour or services for several years now. Certainly, migration movements of unquantifiable scale, the search for new employment, poverty, demographics, low levels of education, and the critical position of migrants through enticing work or employment offers outside the country are reasons for their continued exploitation. The fact of illegal migration or illegal stay, resulting from legal migration, is deliberately maintained by the perpetrator of the crime of human trafficking as an argument to force victims to perform certain actions.⁶⁹ Moreover, language barriers, lack of knowledge of legal regulations regarding both residence and employment, cause foreign workers to receive employment or job offers in occupations with a high risk of exploitation. Some foreigners, especially women, decide to enter into sham marriages in order to obtain a residence permit. This leads to direct dependency and becomes the beginning of exploitation. The Internet is not free from recruiters either. The development of new technologies has contributed to progress on the one hand but has blurred the sense of reflexivity on the other.

⁶⁸ Cf. National Action Plan Against Human Trafficking for the years 2022 – 2024, Part VII, Legislative Changes, p. 19.

⁶⁹ M. Koss-Goryszewska, *Wizerunek handlu ludźmi i kobiety - ofiary w prasie polskiej na przykładzie "Gazety Wyborczej"*, [in:] *Dyskusja o integracji. Wybór tekstów Polskiego Forum Integracyjnego*, J. Fredlak (ed.), Warsaw 2010, pp. 72-73.

The current legal regulations in Poland (definition, criminal provisions) generally fulfil their functions (protective, justiciary, guaranteeing, compensatory, preventive), especially the openness of definitions to new criminological forms of victim exploitation. The amendment to the Criminal Code and other acts in force from October 1, 2023, has tightened the maximum penalty for committing the crime of human trafficking, and the provisions of the Act of March 12, 2022, on assistance to citizens of Ukraine in connection with the armed conflict in that state require the court to impose a sentence of imprisonment for a term of 10 to 25 years for committing and a sentence of imprisonment for a term not less than one year for the preparatory stage of the crime of human trafficking, with the conviction of the perpetrator who committed this crime during the armed conflict in Ukraine. However, there should be a proposal to supplement the criminality of this offence, even when committed with oblique intent – when the perpetrator, foreseeing the possibility of committing the crime, agrees to it.

The currently predominant form of exploiting victims of human trafficking in Poland, which is forced labour or services, as indicated by data from the National Intervention and Consultation Centre for Polish and foreign victims of human trafficking, points to the shaping of this phenomenon in the relationships of 65% of exploited individuals, compared to 12% of victims exploited in prostitution, pornography, or other forms of sexual exploitation, and 23% of victims exploited in other areas. As shown in the statistical compilations presented in the article, identifying victims by the Border Guard in the years 2020-2022, the indicated trend, especially the exploitation of victims in the most dynamically growing form of this offence, which is forced labour or services, accounts for as much as 93% of all identified victims.

A particular role in both combating and preventing the crime of human trafficking is played by the unified, uniformed, and armed force dedicated to border protection, border control, and preventing and combating illegal migration, namely the Border Guard. Its competency rights regarding the protection of the state border, border control, prevention and combating of illegal migration, and especially the recognition, prevention, and detection of crimes and misdemeanours and prosecution of their perpetrators, make it one of the most important specialised law enforcement agencies in Poland to combat this criminal, transnational activity. Through border control, activities carried out as part of verifying the legality of stay and employment of foreigners in Poland (checking the legality of a foreigner's work, conducting

business activities by foreigners, and entrusting work to foreigners), powers to identify and establish the identity of individuals, personal control activities, as well as inspecting the contents of luggage, checking cargoes in ports and stations, and in air, road, rail, and waterway transportation, legal instruments to investigate the possible sham marriage with a foreigner, as well as professional investigative and operational-reconnaissance activities, give this force natural access to foreign environments. The effects of this professional service are reflected in statistics. Out of the 254 victims identified in 2022 by the National Intervention and Consultation Centre, nearly half (110 victims) were identified by officers of this force. This is the force which does not have formalised structures for combating human trafficking, full-time coordinators, and separate departments or teams.

In addition to combating (recognising and detecting) activities, the Border Guard is also involved in the aspect of counteracting this practice. Participating in initiatives arising from the National Action Plan against Human Trafficking, tasks of Provincial Teams for Combating Human Trafficking, including chairing them, regional, national, community, and international cooperation, as well as through a proper understanding of human trafficking issues, effective use of competency tools, raising its own qualifications, and building a broad cooperation platform to eliminate this phenomenon, the Border Guard meets the challenges set before it.

ZAGROŻENIE HANDLEM LUDŹMI Z PERSPEKTYWY STRAŻY GRANICZNEJ

Abstrakt: Zjawisko handlu ludźmi jest bardzo złożone. Obraz tego przestępstwa naruszającego podstawowe prawa człowieka, będącego bez wątpienia przestępstwem międzynarodowym i transgranicznym odnajdujemy przede wszystkim w identyfikacjach ofiar, a następnie w składanych przez nie zeznaniach. Problem ten dotyka ofiar pochodzących z różnych rejonów świata. W Polsce dominującą formą wykorzystania jest utrzymująca się od kilku lat eksploatacja ofiar w pracy lub usługach o charakterze przymusowym. Do głównych przyczyn powstawania tego zjawiska zaliczyć można współczesne ruchy migracyjne o nieszacowanych rozmiarach, w tym migrację ekonomiczną, klimatyczną, a także bliską nam dzisiaj, pozostającą w związku z konfliktami zbrojnymi. Jako współczesne determinanty przestępstwa handlu ludźmi wymienia się również globalizację, ubóstwo, bezrobocie, bezrefleksyjne poszukiwanie nowych miejsc pracy, niski poziom edukacji ofiar, brak znajomości języka kraju docelowego, a także niewłaściwe regulacje prawne, jak też rozwój nowych technologii. Tematem artykułu jest Zagrożenie handlem ludźmi z perspektywy Straży Granicznej - formacji powołanej do ochrony granicy państwowej, kontroli ruchu granicznego, zapobiegania i przeciwdziałania nielegalnej migracji oraz rozpoznawania, zapobiegania i wykrywania przestępstw, w tym przestępstw handlu ludźmi. Szczegółowej analizie autor poddaje realizowane przez Straż Graniczną zadania w dwóch aspektach: zwalczania i zapobiegania przestępstwu handlu ludźmi. Autor dokonuje analizy najbardziej aktualnych polskich regulacji prawnych przestępstwa handlu ludźmi od przepisów sankcyjnych po ustawową definicję, omawia kodeksowe typy rodzajowe wykorzystania ofiar oraz jego nowe formy kryminologiczne. Wkładem empirycznym opracowania jest zestawienie statystyczne aktualnego obrazu zjawiska w aspekcie form wykorzystania, a także narodowości i płci ofiar zidentyfikowanych przez funkcjonariuszy Straży Granicznej w latach 2020 - 2022. W nawiązaniu do podjętego tematu i wyników z niego analiz, autor kreśli również propozycję wniosków *de lege lata i de lege ferenda*.

Słowa kluczowe: handel ludźmi, Straż Graniczna, migracja

SPECIAL ACT AS A TOOL IN THE FIGHT AGAINST HUMAN TRAFFICKING IN THE FACE OF THE ARMED CONFLICT IN UKRAINE

Abstract: It is an indisputable and undeniable fact that every armed conflict and every war weakens the functioning of state authorities and violates the sphere of internal security, which can have direct impact on increasing the threat of crime, including human trafficking, especially against the most vulnerable women and children. In this research paper, I present the impact of the ongoing armed conflict in Ukraine on the threat of human trafficking, in the light of the unprecedented migration of millions of refugees from that country. The reception of such a large group of war refugees is a huge challenge for our country. I focus on the new criminal legislation protecting these people from a modern form of slavery. The new legal Act of the support of citizens of Ukraine in regards to the military conflict on the territory of Ukraine is known as the "special legal act". In an extraordinary situation such as Russia's armed assault on Ukraine, the Polish legislature decided to tighten criminal liability for committing the crime of human trafficking, which is a very unique solution in the international law arena. I am making an attempt to determine whether this act can be a tool to combat human trafficking, as well as whether the provisions in it on tightening penalties can contribute to ensuring the safety of potential victims of human trafficking from Ukraine.

Keywords: human trafficking, special act, aggravation of punishment, refugees, Ukraine, armed conflict

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1. PRELIMINARY REMARKS

Over 70 years of lasting peace in Europe were unexpectedly interrupted on 24 February 2022, when the Russian Federation commenced military actions against Ukraine. In a world far removed from Europe, ongoing armed conflicts, claiming hundreds of thousands of lives, have perhaps not instilled the same fear in us Europeans as the one just across the eastern border of the European Union. The Russian invasion of Ukraine led to many casualties among the civilian population, numerous human tragedies associated with forced displacements and loss of shelter. Millions of people were compelled to flee their homes in search of safety, protection, and assistance. The number of civilian casualties in Ukraine from the beginning of the war until June 2023, according to the United Nations High Commissioner for Human Rights (OHCHR), amounted to over 9,000 killed and almost 16,000 injured.²

It is undeniable that every armed conflict, every war weakens the functioning of state authorities and violates the sphere of internal security, which in turn directly contributes to an increased threat of crime, including human trafficking, especially towards the most vulnerable individuals, namely women and children. Ukraine is one of those regions in Europe where human trafficking has been a serious issue, and the ongoing armed conflict there may further exacerbate it. The Global Report by the United Nations Office on Drugs and Crime (UNODC) on human trafficking, taking into account the current situation related to the Russian invasion, points to a high risk for potential victims of human trafficking because millions of Ukrainians have been forced to flee their homes. Approximately 50% of refugees who fled Ukraine to Europe before the war are women, 40% are children, and 10% are men. The United Nations High Commissioner for Refugees (UNHCR) estimates that over 17 million people in Ukraine require urgent humanitarian support, including over 5 million internally displaced persons due to the war.³ As of 30 April 2023, over 4 million non-EU citizens who fled Ukraine due to the Russian invasion were benefiting from temporary protection status in EU countries. Apart from Poland, the countries that registered the highest number of Ukrainian citizens are Germany (1,090,235 people; 28% of the total) and the Czech Republic (331,850;

² Ukraine civilian war casualties 2023, Statista, <https://www.statista.com/statistics/1293492/ukraine-war-casualties/> (accessed: 18.06.2023).

³ United Nations Refugee Agency - Ukraine emergency, UNHCR, <https://www.unhcr.org/emergencies/ukraine-emergency> (accessed:18.06.2023).

8%).⁴ By the beginning of June 2023, just under 6 million Ukrainian citizens had been registered across Europe, with less than 350,000 outside Europe. Poland recorded the highest number of Ukrainian citizens applying for international protection or temporary protection, with more than 1.6 million applicants.⁵

In the face of this situation, the European Union's stance towards Ukraine remains unwavering, through political and economic support, and recognition that Russia's invasion of Ukraine undermines security and stability in Europe and worldwide. The European Council, in its conclusions of 24 February 2022, strongly condemned Russia's unprovoked and unjustified military aggression against Ukraine, emphasising that "Russia has flagrantly violated international law and the principles of the United Nations Charter. The European Council demanded that Russia fully respect Ukraine's territorial integrity, sovereignty, and independence within its internationally recognised borders, and stressed that this includes Ukraine's right to choose its own future. The European Council also confirmed that the Russian government bears full responsibility for this act of aggression, resulting in human suffering and loss of life, and announced that Russia will be held accountable for its actions."⁶

In the face of the ongoing armed conflict in May 2023, the European Commission allocated EUR 1.5 billion, representing the next tranche of emergency aid for Ukraine. In total, out of the aid package for 2023 amounting to EUR 18 billion, EUR 7.5 billion were allocated to Ukraine. As demonstrated, these funds will help Ukraine maintain stability in these very difficult circumstances.⁷

Poland has not been idle in providing assistance to Ukraine, which continues to resist military aggression from Russia. This assistance is being implemented on multiple levels: political, economic, but also in providing security to the war victims. These actions are unconventional and carried out under tremendous time pressure. Since the first days of the war, thousands of Ukrainian citizens have been arriving in our country every day in search of shelter. Data from the European Border and Coast Guard Agency FRONTEX indicates that within

⁴ EUROSTAT Statistics: <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/DDN-20230508-1> (accessed: 18.06.2023).

⁵ Situation Ukraine Refugee Situation (unhcr.org): <https://data2.unhcr.org/en/situations/ukraine> (accessed: 18.06.2023).

⁶ Legal act – Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC and leading to the introduction of temporary protection – Official Journal of the European Union - Euro-Lex - EUR-Lex - 32022D0382 - EN - EUR-Lex (europa.eu) (accessed: 18.06.2023).

⁷ Official website of the European Union: https://eu-solidarity-ukraine.ec.europa.eu/index_pl (accessed: 18.06.2023).

the first month of the war, over 2 million refugees fled from Ukraine to Poland, with over 3 million crossing our border in the following months.⁸ In comparison, 1.8 million irregular migrants mainly from Africa entered Europe during the migrant crisis that lasted throughout 2015. From 24 February 2022, when the Russian invasion began, to early May 2023, over 21 million border crossings from Ukraine to other European countries were recorded. Poland became the main destination for refugees,⁹ as statistics show that over 12 million Ukrainian refugees entered our country.¹⁰

2. REGULATIONS IN THE AREA OF HUMAN TRAFFICKING CONTAINED IN THE SPECIAL ACT

The reception of such a large group of war refugees by the Polish state was no small challenge, hence the initiative of the legislature to develop legal solutions specifically aimed at this group of people. The Act on assistance to citizens of Ukraine in connection with the armed conflict in the territory of that state, known as the "special aid act,"¹¹ is an example of a legal act implemented into the Polish legal system in an extraordinary situation, which the armed aggression of the Russian Federation against Ukraine has become. The legal act was implemented at an exceptionally fast pace. The said law was presented before the Parliament within just under two weeks from the outbreak of the war. This project aimed to create a special legal regulation for the citizens of Ukraine, providing immediate, legal residence for those who were forced to leave their country of origin due to the hostilities of war and entered the territory of the Republic of Poland.¹²

The Act came into force on 12 March 2022. Considering the subject matter scope of the special act, it should be noted that it is very broad, ranging from regulations related to the legalisation and registration of the residence

⁸ European Union agency Frontex information regarding the number of Ukrainian citizens who fled to Europe: Update on Ukraine: more than 6 million refugees cross EU's borders (europa.eu) and in: report Frontex "2022 in brief", https://frontex.europa.eu/assets/Publications/General/In_Brief_2022/2022_in_brief.pdf (accessed:18.06.2023).

⁹ Statista Research Department, published May 12, 2023, <https://www.statista.com/statistics/1310270/number-of-refugees-from-ukraine/> (accessed:18.06.2023).

¹⁰ Situation Ukraine Refugee Situation (unhcr.org), <https://data2.unhcr.org/en/situations/ukraine> (accessed:18.06.2023).

¹¹ The Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict in the territory of that state, Journal of Laws of 2022, item 583.

¹² Explanatory memorandum to the draft Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict in the territory of that state: <https://www.sejm.gov.pl/Sejm9.nsf/druk.xsp?nr=2069> (Journal of Laws of 2022, item 583).

of persons fleeing from Ukraine to various forms of social assistance support, and ending with regulations concerning education and access to the labour market. It is significant that the special act also includes regulations regarding the tightening of penalties for specific prohibited acts, including the crime of human trafficking. Therefore, the extraordinary legal act not only focuses on ensuring legal residence to persons seeking international protection but also protects individuals arriving from the territory of Ukraine from threats related to serious transnational crime, including contemporary slavery and exploitation of human beings.

The crime of human trafficking was included in the auto-amendment of 8 March 2022 (Parliamentary Print no. 2069-A), which tightened sanctions against perpetrators of certain crimes committed against Ukrainian refugees. Higher penalties for crimes committed against citizens of Ukraine concerned a closed list of prohibited acts such as:

- trafficking in human beings (Art. 189a of the Criminal Code),
- unlawful deprivation of liberty (Art. 189 of the Criminal Code),
- compelling to perform a specific action by the use of violence or unlawful threat (Art. 191 of the Criminal Code),
- compelling to engage in prostitution (Art. 203 of the Criminal Code),
- inducing to engage in prostitution for the purpose of financial gain, deriving benefits from another person's prostitution (Art. 204 of the Criminal Code).

The above provisions of the auto-amendment were included in Article 61a of the Act, the application of which was to be limited to situations where one of the above-mentioned crimes was committed to the detriment of persons referred to in Article 1(1) of the special act, i.e. to the detriment of citizens of Ukraine who entered the territory of Poland by crossing the border with Ukraine in connection with the military actions conducted in the territory of that country. During further legislative work, the proposed amendment was modified by changing the numbering of the article to Article 72, and most importantly, by deleting from Article 61a the phrase "to the detriment of persons referred to in Article 1(1)," thereby expanding the scope of application of the special act not only to citizens of Ukraine but to all persons to the detriment of whom one of the listed crimes was committed. The list of crimes remained the same.¹³

¹³ Parliamentary Print no. 2069-A, <https://www.sejm.gov.pl/sejm9.nsf/druk.xsp?nr=2069-A>

It should be noted that the Criminal Code of 1997, in force in Poland since 1 September 1998, in Article 32, so far listed, among other things, the penalty of:

- imprisonment, imposed for a term ranging from 1 month to 15 years;
- 25 years of imprisonment, imposed in the case of serious crimes and when a 15-year imprisonment would be too lenient.

Prior to the outbreak of the war in Ukraine and the introduction of Article 72 of the special act, the criminal liability for the crime of human trafficking was regulated by the Act of 6 June 1997 – the Criminal Code (Journal of Laws of 1997, no. 88, item 553), where in Article 189a § 1 concerning the commission of the crime of human trafficking, the perpetrator was subject to imprisonment for a term not less than 3 years and up to 15 years. This was in line with the provisions of Article 37 of the Criminal Code, where the Court could impose a sentence of imprisonment ranging from 1 month to a maximum of 15 years. In the situation of preparing to commit the offence specified in § 2 of Article 189a, the perpetrator was subject to imprisonment from 3 months to 5 years.

The regulations set out in Article 72 of the special act, concerning the tightening of penalties for individual offences, came into force on 13 March 2022, i.e. the day after its announcement, and importantly, they apply only for the duration of the armed conflict in Ukraine. For this specific period and only in this scope, the norms regulating criminal liability for committing offences covered by Article 72 of the special act, including for committing the offence of human trafficking as covered by Article 189a of the Criminal Code of 1997, using the conflict rule *lex specialis derogat legi generali*, have been excluded.

With regard to the changes concerning the tightening of penalties for the offence of human trafficking, it should be noted that for the preparation of this offence, the special act, under Article 189a § 2 of the Criminal Code, introduced provisions obliging the court to impose a sentence ranging from 1 year of imprisonment (instead of 3 months) to the upper limit of statutory punishment increased by half, i.e. up to 7 years and 6 months of imprisonment. When it comes to completed instances of human trafficking as covered by Article 189a § 1 of the Penal Code, the court may impose a sentence of imprisonment from 10 years (previously 3) to 15 years or a sentence of 25 years of imprisonment (previously up to 15 years).¹⁴ The legal community does not hide its doubts. Statements are made that tightening the punishment to 25 years

¹⁴ The Act of 12 March 2022 on assistance to citizens of Ukraine in connection with the armed conflict in the territory of that state, Journal of Laws of 2022, item 583.

of imprisonment for the offence of human trafficking is not necessary because "the court, when imposing a sentence in a specific case, took into account a number of circumstances, both concerning the perpetrator of the act, their motivation to commit the act, especially one deserving of special condemnation, and the harm caused by their act," while having the possibility to apply the maximum sentence of imprisonment, which for this crime was previously 15 years.¹⁵

Also noteworthy are the provisions of the new act, which came into force on 1 October 2023, namely the Act of 7 July 2022 amending the Criminal Code and certain other laws (Journal of Laws of 2022, item 2600), which also include provisions regarding the tightening of penalties for the crime of human trafficking. Introduced in this act, the changes concerning the criminalisation of human trafficking described in Article 189a § 1 of the Criminal Code provide that anyone engaged in human trafficking is liable to imprisonment for a term of 3 to 20 years.¹⁶ The criminalisation for the act of preparing to commit the crime of human trafficking has not undergone legislative changes – the perpetrator will still be subject to imprisonment for a term of 3 months to 5 years. In this situation, doubts and difficulties in interpretation may arise as to which act should be applied in the case of human trafficking committed from October 2023 onwards. Should it be the new regulations of the Criminal Code, or the provisions of the special act? As mentioned above, the special act will continue to exclude the provisions of the Criminal Code until the end of the armed conflict on the territory of Ukraine. The crucial aspect here is the temporal scope of application of the special act, which is the duration of the armed conflict in Ukraine. Therefore, if the situation in Ukraine has not changed since 1 October 2023 and the armed conflict is still ongoing, then according to the *lex specialis derogat legi generali* principle, the special act continues to apply.

It is worth noting the unclear wording contained in Article 72 of the special act, concerning the aforementioned period of validity and application of this act, i.e. "during the duration of the armed conflict on the territory of Ukraine." What is meant by armed conflict? Unfortunately, the act does not define this.¹⁷

¹⁵ <https://www.prawo.pl/prawnicy-sady/zaostrenie-kar-za-sutenerstwo-streczycielstwo-zmiany-w,513932.html> (accessed: 18.06.2023).

¹⁶ The Act of 7 July 2022 amending the Criminal Code and certain other acts, Journal of Laws of 2022, item 2600.

¹⁷ Armed conflict – a type of armed violence aimed at achieving the goals of a state (coalition, social group) through mutual armed actions using armed forces or organised and armed groups - Wikipedia – https://pl.wikipedia.org/wiki/Konflikt_zbrojny (accessed: 18.06.2023).

In contrast, international¹⁸ legal acts focus more on defining the concept of war rather than armed conflict, which is a broader term. The act pertains to the armed conflict on the territory of Ukraine, so its duration is closely tied to the ongoing armed conflict in that country. However, the exact armed conflict to which it refers has not been precisely specified by the legislator. Does it only concern Russia's invasion of Ukraine, or every armed conflict that has erupted or which may occur in Ukraine? It also does not apply to other armed conflicts in the world. The question arises as to what happens in the event of the suspension of the armed conflict: will the special act also be suspended? Furthermore, analysing the phrase "territory of Ukraine" used in the title of the special act, it may also raise some doubts. Because what is the territory of Ukraine in the current situation, where some areas are occupied by the Russian invaders? Are Donetsk, Luhansk, or Bakhmut, occupied by the Russians, considered part of Ukraine's territory under this act, since they are areas controlled by Russia? As suggested by A. Błachnio, a solution could be to specify in the special act that it refers to Ukraine's borders at the time of its independence in 1991 and until the start of the conflict with Russia in 2014.¹⁹

Taking into account the scope of application of Article 72 of the special act, and guided by a literal interpretation, it must be stated that the legislator conditioned the tightening of criminal liability on two conditions that must occur simultaneously. Firstly, not every crime is subject to increased penalties, only a closed list of enumerated prohibited acts. The second condition that must occur is the time of committing the crime – that is, during the armed conflict in the territory of Ukraine. The Criminal Code in Article 6 indicates that the time of committing the crime is considered to be the time when the perpetrator acted or refrained from action to which they were obliged.²⁰ Therefore, the court may impose a heightened penalty for the crime of human trafficking regardless of whether the perpetrator committed it on the territory of Ukraine, and whether it was to the detriment of a Ukrainian citizen. The *sine qua non* condition is only that the catalogue act must be committed during the armed conflict

¹⁸ Convention concerning the Laws and Customs of War on Land, Journal of Laws of 1927, no. 21, item 161.

¹⁹ P. Drembkowski, A. Błachnio et al., *Ustawa o pomocy obywatelom Ukrainy. Komentarz z wzorami dotyczącymi pobytu, dostępu do rynku pracy, świadczeń społecznych, edukacji i opieki zdrowotnej*, Legalis: C.H.Beck, (accessed: 18.06.2023).

²⁰ Act of June 6, 1997, the Criminal Code, Journal of Laws of 1997, no. 88, item 553.

in the territory of Ukraine. Interestingly, the perpetrator does not have to be in any way connected to the ongoing armed conflict in Ukraine.²¹

The fact that the legislator created a closed list of crimes subject to aggravated punishment may also raise doubts. On one hand, it is undisputed that victims of human trafficking, especially those who find themselves in difficult situations fleeing from the threat of war, need legal protection. The likelihood of an increased risk of crimes being committed against them definitely rises then, as does their victimisation.²² War can "force" its victims to accept all conditions, including those imposed by perpetrators. On the other hand, the question arises as to why such a list of crimes? A. Błachnio rightly observes in his comments on the special act that every prohibited act committed to the detriment of a person who finds themselves in a situation of war is characterised by a higher degree of social harmfulness of the act. As the author further points out, "robbing people who are fleeing from areas of armed conflict, committing fraud against them, should be treated as a particularly egregious expression of the perpetrator's behaviour, which should consequently be more stigmatised. Such individuals not only find themselves in a special situation that forced them to leave their homeland, but also their situation ... has drastically deteriorated."²³ Hence, the aggravation of penalties for only the five offences specified in the closed list of crimes due to the ongoing armed conflict in Ukraine seems like a somewhat incomprehensible solution, without, of course, questioning the legislator's intentions related to the reduction of potential victims of human trafficking.

The Directorate-General for Migration and Home Affairs of the European Union (EU), based on EUROSTAT statistical data from 2021, indicated a 10% increase in victims of human trafficking in Europe, with the percentage of EU citizens among the victims rising to 59%. In 2021, the number of registered victims of human trafficking in the EU exceeded 7,000, a figure comparable to pre-pandemic levels, with 44% of them being citizens of the reporting country. The participation of non-EU citizens amounted to 41%, indicating a slight decrease compared to the years 2019-2020, when the percentage of non-EU citizens was 43%. Considering the gender of victims of human trafficking in 2021, there was a slight increase in the number of women and girls who were victims of human trafficking, accounting for almost 70%

²¹ P. Dremlkowski, A. Błachnio et al., *Ustawa o pomocy obywatelom Ukrainy...*

²² Benjamin Mendelsohn (1900–1998) – was the first to use the word "victimology, victimisation, victim" in 1956 in his published article "New Branch of the Bio-Social-Science: Victimology", Wikipedia, <https://pl.wikipedia.org/wiki/Wiktymologia> (accessed: 18.06.2023).

²³ P. Dremlkowski, A. Błachnio et al., *Ustawa o pomocy obywatelom Ukrainy...*

of all registered victims of human trafficking in the EU. Sexual exploitation remained the dominant form of exploitation in 2021, accounting for 56%. Meanwhile, the use of forced labour has slightly decreased from 32% in 2020 to 29% in 2021, but the rate is still higher than in previous years. There has been an increase of approximately 5% in other forms of exploitation, including benefit fraud, criminal activity, and begging, reaching almost 16%. Based on data provided by Member States regarding the number of individuals suspected of human trafficking in 2021, there has been a 12% increase compared to 2020. It is also noteworthy that the number of convicted human traffickers increased by as much as 55% in 2021 compared to 2020.²⁴

The data obtained from the Ministry of Justice, within the framework of access to public information, shows that the number of convictions in the first instance by Regional Courts for the crime of human trafficking (Art. 189a § 1 and 2 of the Criminal Code) comparing the years 2018 to 2021 increased by 82%, as in 2018 there were 17 convictions, and in 2021 already 31, out of 7787 total convictions. Most often, over the years 2018 – 2021, sentences of imprisonment ranging from 3 to 5 years were imposed. No sentence of 15 years of imprisonment was imposed on any human trafficker during this period. In the case of only 1 person accused of human trafficking, the Court decided to impose a sentence of imprisonment exceeding 8 years and less than 15, and this was the highest imposed sentence in the analysed years 2018 – 2021 (2019).²⁵

Hence, questions arise as to the justification for the tightening of penalties through the special act for the crime of human trafficking, where the court can currently impose a sentence of imprisonment of up to 25 years. Before the outbreak of the armed conflict in the territory of Ukraine, this crime in Poland was already punishable by a high sanction of up to 15 years of imprisonment. As indicated by the statistical data presented above for the years 2018 to 2021, however, it was not imposed even once. One should not forget about the purpose of imposing a custodial sentence, as stipulated by the Executive Code Act of 1997, which is to “stimulate in the convicted person a willingness to cooperate in shaping socially desirable attitudes, especially a sense of responsibility and

²⁴ Official website of the European Union – Directorate-General for Migration and Home Affairs (HOME), https://home-affairs.ec.europa.eu/news/trafficking-victims-europe-rise-10-and-share-eu-nationals-among-victims-increased-59-2023-02-09_en (accessed: 18.06.2023).

²⁵ Public information regarding the number of persons convicted under Art. 189a of the Criminal Code was obtained from the Ministry of Justice as part of a request for access to public information.

the need to observe the legal order, thereby refraining from returning to crime.” By isolating the perpetrator from society, further commission of prohibited acts is prevented. On the other hand, the preventive function of the penalty discourages the rest of society from committing prohibited acts due to possible negative consequences.²⁶ The awareness of the threat of punishment deters other members of society from committing crimes. Increasing the prison sentence to 25 years for the crime of human trafficking should undoubtedly, in its assumptions, deter potential perpetrators. During a parliamentary committee, Deputy Minister of the Interior and Administration, Maciej Wąsik, justified the need to toughen penalties for human trafficking and pimping as “deterrence to hyenas that begin to appear in places where there are many women and children.”²⁷ However, the fact remains questionable whether, despite the tightening of penalties by the special aid act to 25 years' imprisonment, they will be imposed to such a high degree, given that prior to the outbreak of the war in Ukraine there was only one case of a sentence of 8 to 15 years' imprisonment for the crime of human trafficking (2019). It is undeniable that the court subjectively imposes the penalty, always within the limits provided by the law, sentencing in a manner that the severity does not exceed the degree of guilt, while considering the social harm of the act and taking into account the preventive and educative goals it aims to achieve towards the convicted person, as well as the need to shape legal awareness within society. The court finds the motivation and conduct of the perpetrator particularly significant when imposing a sentence, especially when the crimes are committed against vulnerable or disadvantaged individuals, such as many refugees from Ukraine may find themselves to be. The behaviour of the victim also plays a significant role for the Court in the sentencing process. Considering victims of human trafficking, on one hand, they are often desperate and focused on survival; on the other hand, they may have a relationship with the perpetrator – the so-called Stockholm syndrome.²⁸ All of this, given the specific profile of human trafficking victims, can influence the gathered evidence and its

²⁶ Act of 6 June 1997 Executive Penal Code, consolidated text Journal of Laws of 2023, item 127 dated 2023.01.17.

²⁷ Polish Press Agency PAP, <https://www.pap.pl/aktualnosci/news%2C1107427%2Cza-ostrenie-kar-za-handel-ludzmi-w-czasie-wojny-w-ukrainie-wasik-celem> (accessed: 18.06.2023).

²⁸ Stockholm syndrome – a psychological state that occurs in abduction victims or hostages, characterised by feelings of sympathy and solidarity with their captors. It can reach a point where the captives help their persecutors to achieve their goals or to escape from the police. This syndrome is a result of psychological reactions to severe stress and the captives' attempts to appeal to their persecutors and evoke their sympathy, Wikipedia, https://pl.wikipedia.org/wiki/Syndrom_sztokholmski (accessed: 18.06.2023).

assessment, resulting in lower sentences, as was the case before the introduction of the special act.

Despite the emerging doubts, the Polish legislature's decision to tighten criminal liability to 25 years of imprisonment for committing the crime of human trafficking during the armed conflict in the territory of Ukraine appears to be a unique legislative solution on the international stage, especially since the Ukrainian legislature has not changed its legal framework in this regard. Article 149 of the Ukrainian Criminal Code, which prohibits all forms of human trafficking, provides for imprisonment ranging from 3 to 15 years, particularly in cases where the prohibited act is committed against a minor by their parents, adoptive parents, guardians, or by an organised criminal group. The last changes to the provisions concerning human trafficking in the Ukrainian Criminal Code took place on 6 September 2018 (no. 2539-VII), aligning Article 149 of the Ukrainian Criminal Code with the United Nations Convention against Transnational Organised Crime²⁹ and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.³⁰ The criminal legislation introduced the concept of "human trafficking" and defined the terms "exploitation of a person" and "state of vulnerability." Thus, under the provisions of Article 149 of the Ukrainian Criminal Code, the exploitation of a person encompasses all forms of sexual exploitation, exploitation in the pornography industry, forced labour, slavery, organ trafficking, abduction, experimenting on a person without their consent, adoption for profit, forced pregnancy, forced marriage, forced begging, and exploitation in armed conflicts. Furthermore, there was an exclusion from Article 149 of the Ukrainian Criminal Code of the type of prohibited act such as "committing another illegal transaction involving a person." The version of Article 149 of the Ukrainian Criminal Code prior to the amendments of 2018 specified liability for such criminal activity as human trafficking and other illegal transactions involving a person, as well as certain types of acts related to human trafficking or other illegal transactions. It thus provided for a broader criminalisation of acts than specified in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially

²⁹ The United Nations Convention against Transnational Organised Crime, adopted by the United Nations General Assembly on November 15, 2000, Journal of Laws of 2005, no. 18, item 158.

³⁰ The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, adopted by the United Nations General Assembly on November 15, 2000, Journal of Laws of 2005, no. 18, item 160.

Women and Children. The exclusion from the relevant Article 149 of the Ukrainian Criminal Code of such a form of criminal activity as "another illegal transaction involving a person" basically meant, for the Ukrainian legal system, the decriminalisation of the relevant act.³¹

Analysing the provisions of the special act, it is impossible not to mention the introduction of the previously unknown institution of a temporary guardian into the Polish legal system. Article 25 of the discussed act established this kind of institution for the first time, while also defining the scope of its rights and obligations. Moreover, the provisions of the special act indicated the institutions responsible for supervising the implementation of the rights and obligations of the temporary guardian as well as the support system. According to the special act, a temporary guardian is established for a minor citizen of Ukraine residing in Poland without an adult, who arrived in Poland as a result of the military actions conducted on the territory of Ukraine. The institution of a temporary guardian was established to protect individuals – foreigners who, due to the ongoing armed conflict in Ukraine, found themselves outside the authority and care of their parents or legal guardians. The Polish Guardianship Court with jurisdiction over the minor's place of residence is responsible for appointing a temporary guardian for a child with Ukrainian citizenship staying in Poland without a legal guardian. The institution of a temporary guardian likely allowed for increased control by the state over unaccompanied migrant minors. Moreover, it could have helped curb the trafficking of Ukrainian children who, without care and documents, could enter Polish territory.³²

3. FINAL CONCLUSIONS

The emerging opinions about the expanding scale of human trafficking in Ukraine, even before the outbreak of war, indicate that the issue of enslavement and exploitation of individuals remains relevant. Significant shortcomings exist in the mechanism for combating the problem³³ and the wartime situation may exacerbate this condition further. The migration and flight from war of millions of people from Ukraine prompt many of them to seek employment

³¹ Ukrainian Penal Code – amendments – Verkhovna Rada of Ukraine Bulletin (VVR), 2018, no. 41, p. 321 at: <https://zakon.rada.gov.ua/laws/show/2539-19#n5> (accessed: 18.06.2023).

³² <https://slaska.policja.gov.pl/kat/informacje/wiadomosci/331795,Specjalna-infolinia-dla-uchodzcow-z-Ukrainy-i-ich-rodzin-na-terenie-RP.html> (accessed: 18.06.2023).

³³ O. Kołomojec, *Przemoc w rodzinie – determinanty handlu ludźmi* "Przegląd Policyjny" no. 3(95), 2009, pp. 68-69.

abroad. The question is: Will all of them manage to find work legally? Before the outbreak of war, around 60,000 Ukrainians found legal employment abroad every year. Comparing this data with the information that approximately 5 to 7 million Ukrainian citizens were abroad for work purposes before the war, it can be argued that it was mostly illegal work.³⁴ Research conducted by the United Nations High Commissioner for Refugees (UNHCR) between December 2022 and January 2023, published on 9 June 2023, showed that out of nearly 4,000 respondents who were refugees from Ukraine, 65% expressed hope of returning to their homeland without specifying a time frame, 18% were undecided, and 5% declared no intention of returning to Ukraine. The majority of respondents were women, accounting for as much as 89%, with an average age of 42, who fled Ukraine in the first three months of the war.³⁵ However, it should be expected that after the end of hostilities, some Ukrainians, considering economic determinants, will remain in EU countries, seeking to live under better conditions. Therefore, based on the aforementioned research results and the group that declared no intention of returning to their homeland, it is possible to put forward the thesis that 5% of the 12 million refugees (approximately 600,000 people) may not return to Ukraine after the war.

On 6 June 2022, during a meeting of the United Nations Security Council, the UN Special Representative on Sexual Violence in Conflict, with regard to the war in Ukraine, stated that “war is not just a tragedy, but above all an opportunity for criminals and human traffickers, therefore we must assure that all victims of the conflict will not be forgotten and that international law cannot be an empty promise.”³⁶ National legislation, including Polish criminal law, must also respond to important changes in the modern world, such as Russia's attack on Ukraine. All this is to fulfil its basic functions, while at the same time safeguarding legally protected goods and values such as life, freedom, health and security of victims, including those who are potential victims of human trafficking during this cruel and incomprehensible war.

It is the duty of all institutions responsible for preventing and combating human trafficking to ensure that the fight against human trafficking remains

³⁴ Ibidem, p.71.

³⁵ Situation Ukraine Refugee Situation (unhcr.org), <https://data2.unhcr.org/en/data/viz/304?sv=54&geo=0> (accessed: 18.06.2023).

³⁶ UN Audiovisual Library at: <https://media.un.org/en/asset/k1o/k1o2q8t0sq> (“..war is not tragedy is the opportunity for the perpetrators and human traffickers” min 8:03), (“..we must assure all the population at risk they are not forgotten and the international law is not an empty promise” min. 10:20) (accessed: 18.06.2023).

a common priority. It is unquestionable that better identification and assistance to victims of contemporary slavery must be supported by appropriate and effective legal tools, both at the international and national levels. The special act, through the newly established institution of temporary guardian, or the mechanism of increasing the penalty to 25 years of imprisonment, is just a part of the fight against human trafficking. A comprehensive legal framework akin to other international legislations, such as the British Modern Slavery Act of 2015, could potentially be a solution.³⁷

SPECUSTAWA JAKO NARZĘDZIE WALKI Z HANDLEM LUDŹMI W OBLICZU KONFLIKTU ZBROJNEGO W UKRAINIE

Abstrakt: Bezspornym i niepodważalnym jest fakt, że każdy konflikt zbrojny, każda wojna osłabia funkcjonowanie władz państwowych i narusza sferę bezpieczeństwa wewnętrznego, co z kolei wpływa bezpośrednio na zwiększenie zagrożenia przestępczością, w tym handlem ludźmi, zwłaszcza wobec osób najbardziej narażonych, czyli kobiet i dzieci. W artykule przedstawiono wpływ konfliktu zbrojnego trwającego na terytorium Ukrainy na zagrożenia przestępstwem handlu ludźmi w świetle niespotykanej dotąd w Polsce migracji milionów uchodźców z tego państwa. Przyjęcie tak dużej grupy uchodźców wojennych było dla naszego kraju ogromnym wyzwaniem, dlatego tekst skupia się między innymi na nowych przepisach karnych ujętych w nowym akcie prawnym, jakim jest *Ustawa o pomocy obywatelom Ukrainy w związku z konfliktem zbrojnym na terytorium tego państwa*, zwana „specustawą pomocową”, chroniącą te osoby przed współczesną formą niewolnictwa. Zaostrzenie przez ustawodawcę odpowiedzialności karnej za popełnienie przestępstwa handlu ludźmi w nadzwyczajnej sytuacji, jaką stała się napaść zbrojna Rosji na Ukrainę, wydaje się na arenie międzynarodowej bardzo unikatowym rozwiązaniem. Autorka w tekście podejmuje próbę określenia czy specustawa może być narzędziem walki z handlem ludźmi, jak również czy zawarte w niej zapisy o zaostrzeniu kar mogą przyczynić się do zapewnienia bezpieczeństwa potencjalnym ofiarom handlu ludźmi z Ukrainy.

Słowa kluczowe: handel ludźmi, specustawa pomocowa, zaostrzenie kar, uchodźcy, Ukraina, konflikt zbrojny

³⁷ Modern Slavery Act 2015, <https://www.legislation.gov.uk/ukpga/2015/30/contents/enacted> (accessed: 18.06.2023).

THE USE OF EEG BIOFEEDBACK FOR MENTAL TRAINING OF POLICE OFFICERS FIGHTING HUMAN TRAFFICKING

Abstract: As part of the funds from the Norway Grants, two sets for conducting EEG Biofeedback training were purchased for the West Pomeranian Police. The purchase of specialised training equipment is part of the urgent need to change the management style and use additional tools, including motivating, building professional identity and making police officers identify with the formation's goals. It also corresponds with the need to equip police officers not only with better technical equipment, but also to develop their personal competences. The development of concentration, feelings and control of one's thoughts is consistent with the contemporary trend in psychology, which emphasises the use of one's resources and potential. Thanks to EEG Biofeedback training, police officers can intentionally switch their functioning between states of concentration, activity and lack of tension. These are very useful competences both when searching for perpetrators of human trafficking crimes and in contact with the injured people and victims. Moreover, the opportunity to participate in training is a unique benefit for police officers interested not only in maintaining a proper balance between professional and personal life, but also striving for a healthier integration of various areas of life.

Keywords: EEG Biofeedback, Police, professional competences

1. PRELIMINARY REMARKS

The police force is classified both as an emergency service and as an enforcement agency whose officers track down criminals, interact with victims, and conduct activities involving minors. Serving in the force entails

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consequences of both positive and negative nature on the overall well-being of the police officer. The force seeks solutions that will enable officers to efficiently and effectively carry out their duties, despite the emotional and physical burden they may face. One such solution is the EEG Biofeedback training aimed at officers performing tasks related to detecting perpetrators of the crime of human trafficking, the characteristics and analysis of which are the subject of this article.

2. A BRIEF OVERVIEW OF EMERGENCY SERVICE PERSONNEL, INCLUDING POLICE OFFICERS, AND THE ASSOCIATED CONSEQUENCES WITH REGARD TO HUMAN RESOURCE MANAGEMENT

Public service officers are an attractive object for scientific research for various reasons. One of these reasons is that the selection of individuals for specific positions or tasks is a multi-stage and diverse process. This results in selected individuals being assigned to serve or perform rescue tasks, with the force or institution offering the development of various natural abilities, skills and competencies to ensure the most efficient execution of tasks arising from the mission of the entity. Through targeted recruitment, researchers gain access to a pool of individuals characterised by a consistent psychological profile. By controlling independent variables, it is possible to explore relationships and correlations between individual predispositions and the impact of various factors.

The tasks performed in emergency services as well as in police investigative and operational reconnaissance units are associated with significant stress and tension, which is a widely known characteristic. Research conducted, for example, based on simulations and questionnaires filled out by participants, indicated that the necessity of performing official duties in situations involving the death of a child or adult affects the psycho-physical condition of the officer.² The consequences affect not only the emotional-volitional layer of the officer/rescuer, but also touch upon the area of physical (bodily) health, such as sleep

² Ch. Regehr, V.R. LeBlanc, *PTSD, Acute Stress, Performance and Decision-Making in Emergency Service Workers*, "The Journal of the American Academy of Psychiatry and Law" vol. 45, 2017, pp. 184-192.

disturbances.³ The aforementioned dichotomy (body – mind) is, of course, merely a theoretical construct.

Individuals who choose to specialise in their professional activities and operate in an “emergency” mode typically exhibit a higher degree of commitment, greater readiness to seek challenges, higher capacity for self-control and greater resilience to stress. They set high standards for themselves and suffer significantly when they experience failure. They more often display a sociable attitude and initiate interpersonal contacts. They enjoy taking action, quickly receiving gratification resulting from well-made decisions. They prefer sequentially set goals and make decisions more quickly, coping well with uncertainty. In their work motivation, we find a willingness to help others, readiness to save lives and a tendency to act proactively in situations of disasters, conflicts or dangerous situations.⁴

On the one hand, supervisors have at their disposal a select core of personnel who, upon entering the force/institution, demonstrate specific traits and predispositions. On the other hand, they face the challenge of engaging individual resources effectively to achieve the set goals and maintain a high level of operational efficiency. In the case of police officers, it is particularly important that the way in which officers are tasked with carrying out burdensome official activities should be consistent with the longest possible time of their service. With the increasing number of completed cases, police officers' professional experience expands, enabling them to discern nuances in the *modus operandi* of perpetrators, the mechanisms underlying specific behaviours of victims, which is deemed as an invaluable resource of so-called professional intuition, enabling them to predict the actions of both perpetrators of criminal acts and persons at risk of victimisation.

The police force, as an institution that includes officers born in different decades, adjusts the tools related to human resource management to those in service. Research by scientists, HR departments, managers, and leaders employed in companies, enterprises and institutions clearly shows that the involvement of representatives of the new generation in the job market (individuals born after 2000) has necessitated a change in the management style and the use of additional tools in areas such as motivation, building professional

³ A. Wolkow, S. Ferguson, B. Aisbett, L. Main, *Effects of work-related sleep restriction on acute physiological and psychological stress responses and their interactions: a review among emergency service personnel*, “International Journal of Occupational Medicine and Environmental Health”, vol. 28, 2023, pp. 182-208.

⁴ A. Hethering, *Wsparcie psychologiczne w służbach ratowniczych*, Gdańsk 2004, pp. 15-16.

identity and aligning with the employer's goals and the company/institution/force's mission. Additionally, the current state of science, to which successive generations have wide and easy access, must be taken into account. In the job market, there are potential employees who have never known a world without the Internet, social media, sharing knowledge, experiences, and ideas. The wide range of benefits offered to this generation by commercial enterprises and corporations is based on a calculation of costs and benefits. A motivated employee is one who receives tangible evidence of their worth from the employer in various forms, thus strengthening their internal motivation to carry out assigned tasks.

The police offer their officers a clear list of values, which serves as an immutable guide outlining the methodology of work and official duties. It provides many opportunities for reinforcing courage, becoming acquainted with risk, bolstering self-confidence, all based on the legal order. The police force has a long history, and citizens often turn to specific services, including the police, in times of crises, disasters, acts of nature, or malfunctions of objects and devices. The police, like other employers, face the challenge of managing human potential, i.e. officers and police employees, so that alongside achieving partial goals, the level of individual officer efficiency and control remains high and the police officer identifies with the goals of the institution. The conditions under which police officers operate are strictly defined: they must reckon with the risk to their lives and health, experience a full spectrum of sensations: visual, olfactory, tactile, which are not available to other citizens. While maintaining professional conduct, they should present calmness and composure, while also remembering to be empathetic and non-victimising in their contact with individuals subject to criminal acts. The ideal police officer is engaged in fulfilling tasks throughout their shift and, outside of duty hours, undertakes actions aimed at maintaining public order. Additionally, they maintain a healthy distance from what they experience during duty and among their priorities are restful sleep, stable family and social life, balanced physical activity and a well-balanced diet. Of course, this is the ideal of a police officer who is friendly towards children and seniors.

The awareness of the absolute necessity of reconciling these different realities results in equipping police officers with modern measuring, detection and identification equipment. This applies to both the inclusion of boats, skis, bicycles in official use, and the expansion of the list of means of direct coercion to include horses, dogs, or objects designed to incapacitate individuals using electrical energy, such as tasers. The police refine habits related to maintaining

good physical condition among officers and equips them with the means of direct coercion identical to those in countries that are our allies or partners on the international stage. It enhances communication, information flow and cooperation at various levels both domestically and internationally. It actively sustains a network of cooperation between different institutions and organisations that have public security as their objective.

Alongside technical and equipment matters, the most crucial element and the heart of the force is the individual. An officer who possesses their own unique identity, which they relinquish upon donning the uniform and becoming a living embodiment of the police mission. And it is in the care for this most important element that various specialists employed within the organisation seek ways and methods to nurture this potential and vast resource of the police, which are the individual officers.

Also, supervisors at different management levels must undergo professional development, also in terms of applying different leadership styles, shaping a feedback culture within the organisation, recognising and appropriately responding to the needs of officers and staff. They diagnose their resources and experience in order to move towards conscious competence and supplement their managerial tool kit with new instruments. It is worth mentioning, following Robert St. Bokacki,⁵ that the "toolbox of a manager" in terms of people management should include tools for: instructing employees, delegating tasks, granting authority, problem-solving, decision consulting, episodic coaching, controlled conversation, providing feedback, correcting employee behaviour, communicating decisions, taking motivational actions, and finally – personal development. Awareness of the tools at one's disposal to control the emotions experienced, to switch freely between states of focus and maximum concentration and relaxation seems to be an essential resource for a supervisor. Especially since successive generations in the job market, accustomed to attention, interest, and appreciation from their interlocutors, expect their employer to provide them with contact with a master and mentor, someone who will conduct the onboarding⁶ of a young employee by presenting exemplary behaviours and attitudes. "Onboarding" means acquainting, in this case a young police officer, with the tasks assigned to the position, norms and rules applicable within

⁵ R. St. Bokacki, *Leadership toolbox. Narzędzia nowoczesnego menedżera*, Warsaw 2018, pp. 87-225.

⁶ T. Godinho, I. Pinto Reis, R. Carvalho, F. Martinho. *Onboarding Handbook: an indispensable tool for onboarding processes*, "Administrative Science", vol. 13, 2023, pp. 2-21.

the team, as well as with the organisational culture of the force expressed in the form of mission, values, principles of cooperation and a code of ethics.

3. APPLICATION OF THE CONTEMPORARY CONCEPT OF HEALTH IN THE DEVELOPMENT OF POLICE COMPETENCIES

One of the current theoretical and practical trends in the aspect of broadly defined mental health is positive psychology, to which M.E.P. Seligman significantly contributed. When thinking about health, it is no longer sufficient for us to simply be in a state of absence of illness. As beings at the top of the evolutionary ladder, we begin to understand, at least some of the connections between the mind, body and soul or the transcendent aspect. It is obvious that we attach importance to good physical fitness. Psychologically, we also want to experience well-being, excitement, euphoria and a sense of fulfilment. Additionally, we ponder whether the pursuit of happiness is the purpose of our lives. We desire to have a sense of purpose in our actions, which will be achievable when we feel in control of our own body and mind. Hence, the flourishing of research on happiness, well-being, and resilience. We contemplate how to achieve a state of health by analysing adverse factors and considering what actions should be taken to return to a dynamic equilibrium. Thinking of health not as a fixed state but as a dynamic process, we allow for the emergence of weaker moments, challenging events and unexpected factors that may disrupt this dynamic equilibrium between health and its absence.

The contemporary concept of health revolving around the ideal state also creates space for entirely new work on stress resilience and control over destabilising factors. It is justified to consider social, biological, and psychological factors, as this constellation of factors influences the development of disorders, and thus, is an equation whose fulfilment of individual variables with positive values is a guarantee of success in mental health.⁷ It is worth emphasising the individual's sense of agency, the level of reflexivity and awareness of their own resources. The biopsychosocial model and its variations (including the holistic-functional model)⁸ direct our attention to the connections and relationships between health,

⁷ A. David, *Spojrzenie w otchlań. Neuropsychiatra i tajemnice ludzkich umysłów*, Kraków, 2023, p. 10.

⁸ J. Różycka, *Dobre zdrowie. Zdrowie z perspektywy psychologii pozytywnej*, Warsaw, 2023, p. 16.

the individual and their environment. The human being is part of a larger whole, anchored in a network of social relations and physical-technical conditions.

Another aspect worth highlighting directs our attention to burdensome, stressful, or traumatic events. It is assumed that the percentage of individuals in the population exhibiting symptoms of post-traumatic stress disorder (PTSD) is 1 – 2%. Among the police populations in different countries, this percentage is respectively: among Canadian police officers 3% exhibited full-symptom syndrome, with 9% diagnosed with partial syndrome; among Dutch police officers 7% presented symptoms of post-traumatic stress, while among American police officers the percentage reached 12 – 35%. Studies among Polish police officers indicated that 4.4% of police officers manifested symptoms of post-traumatic stress disorder.⁹ Analyses clearly indicate that serving in the police is not only associated with a higher risk of exposure to burdensome events, but also increases the risk of experiencing the effects of extreme stress. Knowledge about the burdens in the service allows supervisors to recommend additional rest to their police officers after excessively stressful situations. A police psychologist, to whom a police officer will be referred, may offer assistance through crisis intervention or psychotherapy. Therapeutic methods aimed at strengthening stress management skills will be based on self-observation, cognitive restructuring, relaxation training, time management and problem-solving.¹⁰ Crisis situations are an inherent part of human life and for police officers, they are ingrained in the character of the service performed, in accordance with the motto "We help and protect." In addition to mitigating the adverse effects of burdensome events, which is the goal of therapeutic and educational interventions, modern psychology also pays attention to the phenomenon of post-traumatic growth. Coined by K. Kaniasty as "enhancement of personal experience," this concept emerged in the context of research on the effects of the 1997 flood. Twenty months after the flood, re-examination of the attitudes of the affected individuals towards the world, mutual assistance, society, and themselves revealed that a sense of greater personal development and enrichment appeared among those who experienced larger losses due to the flood and the ordeal.¹¹ Solution or overcoming the effects of sudden and unexpected situations, besides

⁹ N. Ogińska-Bulik, *Dwa oblicza traumy. Negatywne i pozytywne skutki zdarzeń traumatycznych u pracowników służb ratowniczych*, Warsaw, 2015.

¹⁰ J. Heitzman *Reakcja na ciężki stres i zaburzenia adaptacyjne*, [in:] *Psychiatria vol. 2*, S. Puzyński, J. Reybakowski, J. Wciórka (ed.), Wrocław 2011, pp. 428-452.

¹¹ K. Kaniasty *Kłęska żywiołowa czy katastrofa społeczna? Psychospołeczne konsekwencje polskiej powodzi 1997r.*, Gdańsk 2003, pp. 178-179.

potential unpleasant health and emotional consequences, also brings the opportunity for growth, discovering a new identity, strengthening the sense of purpose in life, personal responsibility¹² or changing priorities in life.

Once a police officer has been involved in an aggravating situation, efforts are directed towards how to deal with (rather than avoid) the symptoms of trauma. This also includes educational and health-promoting activities aimed at conveying the information that negative consequences of a burdensome situation can lead to growth.¹³ This category also encompasses actions related to developing personality traits conducive to positive changes, including extraversion.¹⁴

4. EEG BIOFEEDBACK IN UNIFORMED SERVICES

Based on available legal acts, it can be stated that in practice to date, for instance in health promotion, EEG Biofeedback training has been recommended only to officers of certain services who participated in burdensome situations and were directed to participate in an anti-stress program. Subjected to various educational, developmental, and corrective actions during it, they could participate in training aimed at developing the functioning of both brain hemispheres.¹⁵ The possibility of intentionally influencing brain function was therefore available to individuals who experienced the impact of a burdensome factor. As a result of this influence, unwanted changes in the person's functioning appeared, manifested in behaviour, relationships, and professional effectiveness. With such a logical sequence, EEG Biofeedback training emerged as one of the reactive methods of action.

A natural question arose: can we use training to develop a person's skills BEFORE a crisis situation arises? Students were an invaluable object of study, on whose population it was confirmed that participation in training positively

¹² N. Ogińska-Bulik, *Dwa oblicza traumy. Negatywne i pozytywne skutki zdarzeń traumatycznych u pracowników służb ratowniczych*, Warsaw 2015, p. 77.

¹³ N. Ogińska-Bulik, *Pozytywne skutki doświadczeń traumatycznych, czyli kiedy tży zamieniają się w perły*, Warsaw 2013.

¹⁴ *Ibidem*, p. 214.

¹⁵ Regulation of the Minister of National Defence of March 9, 2020, regarding examinations and courses for officers of the Military Counterintelligence Service and the Military Intelligence Service after completing service abroad." Journal of Laws of 2020, item 395, Regulation of the Minister of National Defence of July 5, 2022, regarding health benefits for professional soldiers. Journal of Laws of 2022, item 1531; Regulation of the Prime Minister of January 13, 2021, regarding medical-prophylactic camps for officers of the Internal Security Agency and officers of the Intelligence Agency. Journal of Laws of 2021, item 136.

influences, among other things, their cognitive abilities and attention span.¹⁶ Quantitative analysis of the indications obtained during EEG Biofeedback training can be used to determine many aspects of brain function, as brain waves change depending on whether the trainee is in a state of tension, alertness, relaxation, or rest. Based on the variability of brain waves, conclusions can be drawn about the trainee's level of intelligence.¹⁷ This brief introduction to the use of EEG Biofeedback training undoubtedly indicates that this type of training can be used to strengthen a person's natural abilities. EEG Biofeedback training is a non-invasive, user-friendly way for the trainee to take control of their mind's functioning, whose selected actions were previously unconscious. It promotes modelling one's own states of concentration, distraction, and relaxation. It teaches volitional control over the state of alertness and focus. Based on the visualisation of brain wave activity visible to the trainee on the screen, it provides the opportunity to intentionally direct attention and mental activity to specific activities and areas. Drawing on the properties of our brain, known as neuroplasticity,¹⁸ it equips a police officer with a tool whose use reduces the emotional costs of making burdensome decisions, slows down the ageing process, boosts self-esteem and strengthens confidence. Participation in the training is based on systematic sessions that reinforce perseverance and consistency in action.

With these assumptions, this tool seems to be an optimal proposal for developing the competencies of police officers involved in combating human trafficking. Officers engaged in operational reconnaissance and investigation, who come into contact with this selected category of perpetrators and victims, are exposed to contact with persons characterised by antisocial features in their personality. This means they have contact with an intelligent person, with a high flexibility of thinking and devoid of scruples and moral principles. They interact with individuals vividly described by, for example, Joe Navarro, an FBI profiler. Throughout most of his professional career, Navarro analysed human behaviour and described the contact with a man with an antisocial personality as follows: "... The man who stared at me never blinked once, and his

¹⁶ H.W. Rasey, J. F. Lubar, A. McIntyre, A. C. Zoffuto, P.L. Abbott, *EEG Biofeedback for the Enhancement of Attentional Processing in Normal College Students*, "Journal of Neurotherapy", no. 1(3) 1996, pp. 15-21.

¹⁷ M. Lewandowska, R. Milner, N. Pawlaczyk, E. Ratajczak, *Zastosowanie analizy ilościowej sygnału EEG (qEEG) we współczesnej psychologii i psychiatrii*, [in:] *Nowe technologie i metody w psychologii*, M. Trojan, M. Gut (ed.), Warsaw 2020, pp. 235-259.

¹⁸ J. Pansiuk, *Uczenie się a mechanizmy neuroplastyczności*, "Annales Universitatis Mariae Curie-Skłodowska," vol.1, 2016, pp. 163-179.

reptilian eyes were completely calm. ... Predators have only one goal: to exploit others. They easily and regularly do things we cannot imagine. ... Predators focus on finding opportunities to exploit people, places, and situations...".¹⁹

Police officers also have contact with victims, such as participants in human trafficking. They are often individuals who were involved in relationships with perpetrators, characterised by violence, aggression, emotional blackmail and enslavement. Police officers should combine empathy and detachment when dealing with witnesses of criminal acts. They should create conditions for conversation or interrogation that protect against secondary victimisation, meaning they should professionally perform specific tasks while building a connection that meets the safety needs of the harassed, humiliated and exploited person.

EEG Biofeedback training is a method that allows individuals to gradually develop control over their minds in a safe and controlled manner at an individually tailored pace. In addition to maintaining full control over their thoughts, emotions, attention, and focus in difficult situations that evoke unpleasant emotions and tension in the body, a police officer is capable of conducting thorough analysis of the incoming information. Moreover, EEG Biofeedback training can be used for other purposes as well. Optimising Alpha waves, which occurs during training with closed eyes, allows individuals to create a safe space in their minds where, through imagery training, the practising police officer strengthens the ability to intentionally relax and mentally regenerate. They influence the body with their mind.

The police, as a force, demand a lot from their officers. From the outset, they promise them complete immersion in situations that the average citizen will not encounter. Furthermore, from the very beginning, they require their officers to pledge that their life mission will be to help and rescue others while maintaining public order and safety. They expect calmness, composure, courage and risk management from them. They recommend a stable family situation as essential support, then adjust the service schedule to changing circumstances such as mass events, protests, matches, natural disasters and technical failures. They plan local professional development, shaping desired muscular and behavioural habits. They guarantee psychological assistance available on an emergency basis, twenty-four hours a day, seven days a week.

¹⁹ J. Navarro, T.S. Poynter, *Niebezpieczne osobowości. Jak rozpoznać psychopatów w naszym otoczeniu*, Warsaw 2014, pp. 190-191.

Thus, despite the limited range of benefits offered by the police, another one has been added – the opportunity to undergo EEG Biofeedback training. It can be: a tool – in the hands of a supervisor – counted among the set of non-financial ways of motivating police officers; a tool in the hands of a police officer for purposefully switching between states of focus, relaxation, and activity; a tool in the hands of police psychologists to offer their clients modern, user-friendly forms of personal development.

5. SUMMARY

Thanks to international cooperation in strengthening the competencies of police officers from various countries and police garrisons in Poland, the opportunity has arisen to offer the West Pomeranian Police a friendly, effective, and efficient training program to improve their personal and professional functioning. This is a great example of implementing a new approach to human resource management based on *work-life integration*, or the harmonious combination of activities in both professional and personal spheres. Additionally, the lasting effects of participating in EEG Biofeedback training enable police officers to utilise their resources in a healthier and more effective manner.

WYKORZYSTANIE SPRZĘTU EEG BIOFEEDBACK DO TRENINGU MENTALNEGO POLICJANTÓW ZWALCZAJĄCYCH PRZESTĘPCZOŚĆ W ZAKRESIE HANDLU LUDŹMI

Abstrakt: W ramach środków pochodzących z Norweskiego Mechanizmu Finansowego, zakupiono dla zachodniopomorskiej Policji dwa zestawy do prowadzenia treningów EEG Biofeedback. Zakup specjalistycznego sprzętu do treningów wpisuje się w konieczność zmiany stylu zarządzania oraz sięgnięcia po kolejne narzędzia w zakresie m.in. motywowania, budowania tożsamości zawodowej i identyfikacji policjantów z celami formacji. Koresponduje również z koniecznością wyposażania policjantów nie tylko w lepsze wyposażenie techniczne, ale również rozwój kompetencji osobistych. Rozwój kontroli nad swoimi myślami, uczuciami, koncentracją uwagi jest zgodny ze współczesnym nurtem w psychologii, akcentującym korzystanie z posiadanych zasobów i potencjału. Dzięki treningowi EEG Biofeedback policjanci mogą intencjonalnie przełączać swoje funkcjonowanie pomiędzy stanami skupienia, aktywności i braku napięcia. To bardzo przydatne kompetencje zarówno w trakcie poszukiwania sprawców przestępstwa handlu ludźmi, jak i w kontakcie z osobami poszkodowanymi i ofiarami. Ponadto możliwość udziału w treningu jest wyjątkowym benefitem oferowanym policjantom zainteresowanym nie tylko zachowaniem równowagi pomiędzy życiem zawodowym i osobistym, ale podążającym ku zdrowszej integracji różnych dziedzin życia.

Słowa kluczowe: EEG Biofeedback, Policja, kompetencje zawodowe

REPORT ON THE IMPLEMENTATION OF THE PROJECT "INTEGRATION FOR SECURITY – INTERNATIONAL COOPERATION IN THE FIELD OF FUNDAMENTAL RIGHTS”

1. PRELIMINARY REMARKS

Project No. NMF/PA18/004, entitled "Integration for Security – International Cooperation in the Field of Fundamental Rights," funded under the "Internal Affairs" Programme, was implemented within the framework of the Norwegian Financial Mechanism 2014-2021 "Asylum and Migration." The main beneficiary of the project was the Provincial Police Headquarters in Szczecin, with partners including the Provincial Police Headquarters in Wrocław, the Provincial Police Headquarters in Gorzów Wielkopolski and the West Pomeranian Provincial Office in Szczecin. The project was carried out during the period 2021-2024, with a project value of EUR 791,000 and a co-financing level of 85%.

The subject of the project entitled "Integration for Security – International Cooperation in the Field of Fundamental Rights" was to strengthen cooperation between law enforcement authorities to combat and detect human trafficking, enhance cooperation between law enforcement authorities to combat and detect illegal migration and gender-based violence, and increase support for victims of human trafficking and asylum seekers.

The conducted analysis of the situation regarding the national migration and asylum management system, counteracting human trafficking and combating gender-based violence allowed for a multifaceted understanding of the problem. Numerous threats and the needs of services in the thematic scope of the project

were identified. Poland is a transit country for illegal migration, with major migration routes passing through the country in the region of Central and Eastern Europe. The pandemic caused by the COVID-19 virus has changed the behaviours of organised criminal groups engaged in human trafficking, leading to increased areas of potential risk. This determined the need to enhance the competencies of law enforcement authorities, including through the development of common, international procedures to counteract these criminal activities, as well as the need to increase access to new technologies. Poland is also a destination country for victims of human trafficking and illegal migration. In this area, there was also an identified need to strengthen efforts in the identification and combating of organised criminal networks, increase the effectiveness of monitoring and controlling migration routes and high-risk areas (such as the Baltic Sea region and the provinces of West Pomerania, Lower Silesia, and Lubusz). Alongside these identified needs, raising public awareness emerged as an important factor in effectively combating human trafficking, gender-based violence, and illegal migration.

The measurable effects of the project implementation included enhancing the competencies of police officers and civilian personnel in combating human trafficking, including forced labour, illegal migration, and handling victims of these criminal activities. The project components included conducting numerous training sessions and practical exercises, study visits to foreign partners and international conferences, organising awareness-raising training sessions and campaigns (such as advertisement clips, posters), and acquiring high-tech equipment to enhance the effectiveness of monitoring migration routes and high-risk areas (such as drones, binoculars).

2. OUTLINE OF THE PROJECT AREA ISSUES

International migration is a multifaceted phenomenon. On the one hand, within the European Union, we are witnessing an influx of individuals seeking international protection, leaving their countries of origin due to fear of persecution.

A characteristic feature of legal migration is the entry and stay of foreigners in the country in a manner consistent with the law, based on documents necessary to legalise their stay. The conditions of entry and stay for foreigners are strictly defined by migration law provisions, including obtaining work permits, the possibility of pursuing studies or engaging in seasonal work.

Irregular migration is a phenomenon that is difficult to estimate and impossible to control fully. It poses a threat to the security of citizens and migrants themselves, as it is associated with organised crime, terrorism, and human trafficking. Migrants employ various methods to achieve their goal of staying in the destination country, including the illegal exploitation of legal migration channels (e.g., related to work or education to obtain employment based on residence permits for students/researchers), fictitious marriages, or the use of counterfeit documents.

Poland is a transit country for illegal migration – its geographical location means that it serves as a transit route for major migration flows in the Central-Eastern European region. Unaccompanied minors represent a particularly vulnerable group in this regard. As they traverse migration routes, they are particularly vulnerable to violence, abuse, and exploitation. Due to their vulnerability, they require special assistance and support.

Combating irregular migration is a significant element of migration management at the national level and is one of the priorities of the European Union. Poland shares one of the longest external borders of the EU, which prioritises the implementation of systemic and practical solutions, knowledge exchange and information sharing among EU Member States. In this context, it is extremely important to encourage voluntary returns through the implementation of various measures, including: identifying individuals willing to return voluntarily to their country, promoting voluntary returns within foreign communities, providing psychological and organisational support for the implementation of voluntary return plans and cooperating with the International Organisation for Migration in implementing Assisted Voluntary Returns (AVENIR programme).

It has been observed that the pandemic caused by the COVID-19 virus has, on the one hand, led to a change in the behaviour of organised criminal groups engaged in human trafficking, and on the other hand, has created areas of potential risk that could lead to further increases in illegal migration and human trafficking in the near future.

Among those seeking international protection, particular attention should also be paid to unaccompanied minors within their ranks. They constitute a group especially vulnerable to violence, exploitation, and victimisation. According to statistics from UNODC,¹ minors account for one-third of the

¹ United Nations Office on Drugs and Crime, "Global report on trafficking in person" 2018.

total number of victims. For every five children trafficked, four are girls and one is a boy.

Human trafficking is a complex phenomenon rooted in economic, social, cultural, and other factors. It constitutes a serious crime that violates human dignity and basic human rights. The essence of the crime is the exploitation of individuals, even with their consent, through illegal means and methods. Human trafficking is a global phenomenon with significant ties to the migration process to the European Union. Currently, Poland serves as a country of origin (i.e. Polish nationals exploited in other EU countries), a transit country (mainly for victims from Eastern Europe and Asia to Western European countries), and a destination country (mainly from Eastern European and Asian countries) for victims of trafficking. The trafficking can take various forms and have different objectives – including sexual exploitation, forced labour, benefit fraud, coercion into begging or criminal activities. In terms of forced labour, human trafficking is observed particularly in industries such as agriculture, fruit picking, catering, cleaning services, and construction. Poland, due to its geographical location, strong economic situation and ample development opportunities, is an attractive destination for individuals seeking employment from countries such as Ukraine, Belarus, Romania, Bulgaria, Vietnam, Nepal, or Sri Lanka. According to data from the Criminal Division of the Provincial Police Headquarters in Szczecin, Asian countries, Ukraine, and Bulgaria are the main recruitment areas for forced labour. In 2019, the Police and Border Guard identified 162 potential victims of human trafficking, while the National Intervention and Consultation Centre for Victims of Human Trafficking provided assistance to 168 likely victims, three of whom were children. There has also been a new trend in human trafficking involving illegal adoptions. Furthermore, minors constitute the majority of victims in specific areas of human trafficking crimes. These include coercion into criminal activities such as pickpocketing and shoplifting, as well as crimes related to drugs, such as forced labour in cultivation.

Criminal networks play a significant role in human trafficking and illegal migration. In November 2019, within the country, the Polish Border Guard, in cooperation with Europol, identified and dismantled an organised group responsible for smuggling 13,000 individuals from outside of Europe. Criminals earned €2.3 million from smuggling. This confirms that Poland is a significant transit area for victims of human trafficking and illegal migration. Currently, a considerable number of criminals rely on applications and social media platforms, including the Darknet and WhatsApp, to organise trafficking,

recruitment, document sales, etc. According to Europol's estimates, in 2020 and subsequent years, the Internet played an increasingly significant role in the human trafficking chain. Mapping the national situation related to human trafficking, based on data from the Police, Border Guard, and Europol, identified the Baltic Sea region, the West Pomeranian Province, the Lower Silesian Province, and Lubusz Province as high-risk areas.

Gender-based violence is associated with human trafficking and illegal or forced migration. It refers to any act of violence related to a person's gender, resulting in or likely to result in physical, sexual, or psychological harm and suffering. This issue mainly affects women and girls and can take various forms, including forced marriages (including forcing minors into marriage), coercion into prostitution, and psychological and physical violence. In the case of female migrants, the perpetrator is often a current or former partner. Cultural factors (patriarchal societies - e.g., in migrant communities from the North Caucasus), migration experiences (difficult economic conditions and the need for women to start earning a living), and experiences from the home country – war, torture, witnessing the death of loved ones, also influence the use of violence.

Gender-based violence also occurs in forced labour, coercion into prostitution, or during the organisation of illegal migrant smuggling. It is the task of law enforcement officers to identify potential victims and establish contact with them, bearing in mind that victims often resist assistance. This necessitates the provision of professional psychological assistance, possessing high communication skills, and providing information about available legal rights and other forms of assistance.

3. PROJECT IN THE CONTEXT OF INTERNATIONAL STRATEGIES AND NATIONAL PLANS

The implemented project entitled “Integration for Security – International Cooperation in the Field of Fundamental Rights” constitutes an important contribution to the implementation of strategies and plans at both national and international levels. The project aligns with key positions such as:

- a) National Action Plan Against Trafficking in Persons for 2020-2021,
- b) National Action Plan Against Trafficking in Persons for 2022-2024 (adopted by the Council of Ministers on November 17, 2021),
- c) National Action Plan for the Implementation of the UN Guiding Principles on Business and Human Rights for 2017-2020,

- d) National Action Plan for the Implementation of the UN Guiding Principles on Business and Human Rights for 2021-2024 (including issues related to preventive actions to prevent forced labour, supporting the public and private sectors in preventing threats of forced labour, and responding to such threats),
- e) EU Strategy towards the Eradication of Trafficking in Human Beings for 2016-2020 (the scope of the project demonstrates compliance with Priority A: intensification of the fight against organised crime networks and Priority B: ensuring better access to rights for victims of human trafficking and the exercise of these rights),
- f) EU Strategy to Combat Trafficking in Human Beings for 2021–2025. ”In the years 2017–2018, over 14,000 victims of human trafficking were registered in the European Union. It is estimated that globally the profits from this crime reach €29.4 billion in just one year. Therefore, the European Commission has presented a new strategy to combat human trafficking (2021–2025), which focuses on preventing crimes, prosecuting their perpetrators and protecting victims and strengthening their position.”

The set goals of the aforementioned national and international documents are concurrent and in many points even identical, which underscores the significance of the titular project. The issues addressed continue to be key in foreign policy relations of states, but more importantly from the perspective of this report, they constitute an essential part of the tasks and actions undertaken by law enforcement.

4. PROJECT OBJECTIVES AND BENEFICIARIES

The main objective of the project was to improve the capacity of law enforcement agencies to prevent and detect human trafficking, illegal migration, and gender-based violence, as well as to increase support for victims of trafficking and individuals seeking international protection (especially unaccompanied minors). The project also aimed to encourage voluntary returns. Another goal was to develop a new standard for preventing, combating, and detecting human trafficking and illegal migration, as well as providing assistance to victims of trafficking and individuals seeking international protection, based on modern technologies, international cooperation with units participating in the project and increasing public awareness.

The specific objectives of the project were:

- providing law enforcement officers access to training to increase competence in combating and detecting human trafficking, illegal migration, and gender-based violence,
- providing training and workshops to officers and staff with direct contact with migrants on voluntary returns,
- providing training to officers on providing psychological support to victims of trafficking and asylum seekers (especially unaccompanied minors),
- increasing the number of new technologies necessary for training and used to enhance the effectiveness of monitoring and controlling migration routes and high-risk areas,
- exchanging experiences among agencies and entities involved in the project to develop common procedures to combat human trafficking, migration, and gender-based violence,
- increasing public awareness as an effective form of combating human trafficking and gender-based violence.

The recipients of the project's products were:

- employees/volunteers of non-governmental organisations (La Strada, Itaka, Nobody's Children Foundation, Da Du Volunteers Association, Give Children Strength Foundation),
- employees of the District Prosecutor's Office in Szczecin,
- officers of the Maritime Branch of the Border Guard,
- officials of the Lower Silesian Provincial Office,
- officers of the Criminal Bureau of the Police Headquarters,
- officers of the Cybercrime Department of the Provincial Police Headquarters in Szczecin,
- employees of the International Organisation for Migration,
- employees of the Municipal Family Support Centre in Szczecin,
- employees of SOS for Families,
- police psychologists from the West Pomeranian, Lower Silesian, and Lubusz Provinces,
- employees of the Office for Foreigners Affairs,
- police officers from the criminal, investigation, and prevention departments of the Provincial Police Headquarters in Wrocław,

- Szczecin, and Gorzów Wielkopolski (West Pomeranian, Lower Silesian, and Lubusz Provinces),
- community police officers from county and municipal police headquarters in West Pomeranian, Lower Silesian, and Lubusz Provinces,
 - Human Rights Protection Commissioners of Provincial Police Commanders and coordinators of human rights protection areas in municipal and county police headquarters in West Pomeranian, Lower Silesian, and Lubusz Provinces,
 - coordinators for Human Trafficking in Municipal Police Headquarters and County Garrison Police in West Pomeranian and Lower Silesian Provinces.
 - employees of the Ministry of Internal Affairs and Administration,
 - employees of the IPA (International Police Association),
 - employees of the Education Board in Szczecin,
 - delegated employees and officers of the National Police Headquarters, the Capital City Police Headquarters, and the Provincial Police Headquarters,
 - Police Presidium in MECKLENBURG-VORPOMMERN, Germany,
 - Provincial Police Headquarters in Bitola, Macedonia,
 - Capital City Police Headquarters, Zagreb, Croatia,
 - West Yorkshire Police, United Kingdom,
 - Lviv State University of Internal Affairs, Ukraine,
 - homeless individuals, unemployed individuals, including those with debts and family problems (shelters for the homeless, care facilities of the Municipal Social Welfare Centre, care and support homes) from the West Pomeranian, Lower Silesian, and Lubusz Provinces,
 - socially excluded women, single mothers (single mother shelters, care facilities of the Municipal Social Welfare Centre) from the West Pomeranian, Lower Silesian, and Lubusz Provinces,
 - high school and university students, including foreigners from across the country,
 - managerial staff of integrated and non-integrated administrative units in the West Pomeranian Province,
 - employees of organisational units responsible for crisis management tasks.

5. PROJECT MEASURES

Within the project, 33 measures were planned and fully implemented, including:

Measure No. 1. Information and promotion

An information and promotional campaign, consisting of: five educational and promotional films; preparation of a final report-monograph; dissemination of project information on the website and social media channels, as well as through posters, billboards, and leaflets; advertisements on LCD screens in public transportation; conference materials promoting the project. Materials were developed in collaboration with non-governmental organisations.

Measure No. 2. Purchase of fixed assets used for operational tasks and exercises and training (enhancing the competencies of officers), both during and after the project's completion

Measure No. 3. Two-day seminar – exchange of experiences on methods of combating human trafficking in the context of migration for criminal division officers

The seminar covered the following topics:

- exchange of experiences on methods of operation of human trafficking perpetrators;
- issues related to identifying victims of human trafficking;
- victims of forced labour;
- foreigners as victims of human trafficking;
- recruitment of individuals from risk groups into criminal groups;
- minors, including minor migrants, as a risk group;
- exchange of information on legal possibilities in combating such crimes;
- exchange of experiences on best practices;
- understanding operational and legal possibilities and adopted police action algorithms in the case of human trafficking crimes.

Measure No. 4. Two-day training cycle, including practical workshops and development of methodology for working with immigrants planning voluntary return to their homeland

The training topics included the following issues:

- identification of individuals willing to voluntarily return to their native country,
- encouragement/promotion of voluntary returns,
- psychological and organisational (administrative) support in implementing the voluntary return plan.

Measure No. 5. Training on building cooperation and contact by police officers with individuals exposed to the influence of human traffickers, cooperation with youth – the Millennial generation

The training topics included:

- Millennials' thinking style and life philosophy,
- Millennials' values versus interlocutor's competencies,
- how to build understanding between the interlocutor and a Millennial – interpreting Millennials' behaviour in terms of values and adjusting one's behaviour in accordance with the purpose of the conversation: prevention, education, assistance.

Measure No. 6. Two-day training cycle on building cooperation with victims of human trafficking, including psychological methods for assessing victim behaviour

The training topics included:

- communication techniques for establishing cooperation and obtaining information,
- characteristics of Acute Stress Syndrome, Post-Traumatic Stress Disorder,
- psychological profile of a trafficking victim,
- Stockholm Syndrome in the victim,
- providing emotional, medical, and legal first aid,
- actions aimed at preventing secondary victimisation in victims,
- measures to prevent burnout among police officers dealing with victims,

- demonstration of the effectiveness of persuasion and communication techniques using an EEG system.

As part of this task, the following fixed assets were used – computer sets with an EEG system.

Measure No. 7. Webinars providing information about the project – its objectives, implementation methods, measures taken, outcomes achieved, participants involved, target groups, and issues addressed

Measure No. 8. Training on building cooperation with individuals knowledgeable about the human trafficking process – working with Personal Sources of Information

The training topics included:

- assessing individual behaviour, testing hypotheses regarding truthfulness (detecting signs of dishonesty)
- definition of truth and lies, psychological models
- feelings, thinking, mindfulness, memory, and emotions – their role in detecting dishonesty
- tool for recognising microexpressions
- role of emotions – definition, diagnosis of one's emotional profile, self-regulation, my emotions in difficult situations
- facial expressions and microexpressions
- body language and non-verbal behaviours (verbal style, voice, evaluation criteria)
- context, baseline behaviours, building relationships
- testing hypotheses and verifying so-called "hot spots"
- practical demonstration: recognising emotions, truthfulness/falseness, using EEG system
- cooperation-building techniques, persuasive techniques
- 6 basic principles of social influence according to R. Cialdini + additional strategies
- selected Neuro-Linguistic Programming techniques

Measure No. 9. 5 training sessions for each officer: strengthening the competencies of police officers in controlling their functioning in contact with the victim

The training topics included strengthening the competencies of police officers in controlling their functioning in contact with the victim – a human trafficking victim, i.e., a person experiencing suffering, post-traumatic stress disorder, Stockholm syndrome, and in situations requiring quick decision-making under pressure, endangering the health of the victim, witness, personal source of information through training conducted using Biofeedback software installed on a laptop.

As part of this task, the following fixed assets were used:

- 2 laptops with EEG software (Windows 10 + specialised software allowing, among other things, simultaneous training of 2 areas/2 channels at the same time), 2 monitors (for practising officers), 4-channel devices, electrodes, 2D games and an additional game package, with the ability to image parameters and configure results, complete set of additional electrodes.
- Training level 1 and 2 for 2 police psychologists: to operate the equipment, it was necessary to obtain qualifications: level 1 and 2 training for 2 police psychologists on interpreting results, brain mapping, planning actions to optimise the work of police officers' brains.

Measure No. 10. Informational clips

The theme of the clip included: Development of audiovisual material involving actors, dedicated to the themes of the project, along with publication on social media, screens in public transportation, etc., developed in collaboration with non-governmental organisations (LaStrada).

As part of this task, the following fixed assets were used: off-road pick-up vehicle, flying platform, thermal imaging binoculars „Agat.”

Measure No. 11. Combating gender-based violence – women as victims of sexual violence – a 4-day nationwide seminar for Human Rights Commissioners, Provincial Police Commanders, and Human Rights Protection Coordinators of Municipal and District Police Headquarters in the West Pomeranian Province

The seminar's topics included:

- national and international law in the field of human rights and human trafficking.
- social and family roles traditionally attributed to women – EU standards,
- equal treatment in the labour market,
- remuneration, parental rights, allowances, etc., from the perspective of women and men as parents,
- the position of women and men in social life,
- appointment and candidacy for high positions in state institutions, local governments, and social organisations,
- the situation of women in armed conflicts, assistance to victims of sexual offences,
- migrants and refugees from conflict areas as a risk group for becoming victims of crime,
- recognising threats related to human trafficking as tools to support national asylum and migration management systems.

Workshops on conducting training for preventive service police officers on uncovering human trafficking offenders and procedural activities with victims of this crime were also conducted as part of the measure.

Measure No. 12. Three-day expert seminar on sharing experiences regarding methods to combat the crime of human trafficking in the context of migration for criminal investigation department officers

The seminar's topics included: The psychological dimension of the crime of human trafficking, the specificity of functioning of individuals affected by human trafficking, building a positive relationship between the victim of human trafficking and the law enforcement officer involved in the proceedings and issues related to human trafficking from a psychological perspective (psychologist expert); the Internet as a potential source of human trafficking threats – presenting issues related to this phenomenon, introducing concepts

and topics related to the Darknet, the basics of its operation, as well as information regarding the content of the Darknet network including criminal activities such as human trafficking, counterfeit documents or the sexual exploitation of children. Additionally, training was provided on the fundamentals of gathering information from the Internet, known as OSINT (NASK expert).

Furthermore, the measure encompassed combating human trafficking and modern slavery in the United Kingdom through the prism of experiences of a non-governmental organisation providing shelter, support, and raising awareness of victims. The measure also aimed at exchanging experiences gained during the operation of a "safe house" for women who are victims of trafficking, observing best practices in cooperation with law enforcement agencies both in the UK and abroad, as well as sharing experiences. (Expert from the Medaille Trust UK foundation); exchange of best practices and experiences from the operation of the "Polaris Project" – a global platform bringing together government institutions, law enforcement agencies, and NGOs to facilitate contact between potential victims and assistance institutions and to direct them to the appropriate institution regardless of their location in the world (Expert from the Polaris USA foundation); practical aspects of combating human trafficking and related crimes from a law enforcement perspective. Discussion of the issues based on selected cases from Poland, characteristics of perpetrators and criminal groups (National Police Expert).

The discussed issues also addressed the duality of legal provisions regarding the prosecution of human trafficking crimes under the Criminal Code and the Code of Misdemeanours, as well as best practices and problems related to procedural aspects in human trafficking-related crimes from the perspective of the prosecutor's office (National Prosecutor's Office Expert). Next, as part of the seminar, good practices resulting from legal solutions applied in the British Modern Slavery Act 2015 and the National Referral Mechanism were discussed, as well as shared and differing ways of conducting human trafficking proceedings, and the cooperation between Polish and British Police illustrated by the most interesting cases in recent years. (British Expert Liaison Officer NCA in Poland). The next thematic block concerned Poland's position in the annual American report on combating human trafficking (TIP Report), discussing the most significant aspects of the Trafficking in Persons Protection Act in comparison with Polish solutions. (Expert Representative from the US Embassy in Poland). The issues addressed also included the situation of Ukrainian citizens in Poland in the context of labour rights violations and assistance to potential

victims of contemporary human trafficking, experiences from cooperation with the State Labour Inspectorate, immigration authorities, and the Police (Expert Representative from the Ukrainian Embassy in Poland). Next, the tasks and key problematic areas of the Working Group for the Support of Human Trafficking Victims at the Ministry of Interior and Administration were discussed, as well as the tasks of the Analysis Department and the Team for Combating Human Trafficking, as well as the main assumptions, objectives, and sources of funding for the National Action Plan for the years 2019-2021 (Expert Representative from the Ministry of Interior and Administration). Finally, in the last block, the beneficiaries were acquainted with the issues divided into blocks: Forced labour within the international Santa Marta Group project – an international group composed of police chiefs, bishops, and representatives of law enforcement agencies and NGOs working at the strategic level to combat human trafficking and modern slavery, with the support of Pope Francis (Expert – Chairman of the Immigration Council). The socio-cultural aspects of migration and human trafficking and forced labour as a contemporary form of slavery from a scientific point of view were presented by an expert from the Centre for Human Trafficking Research at the University of Warsaw.

The further part of the discussed issues included: the state of human trafficking crime in Poland over the past few years; the Criminal Code versus reality – analysis of case law in cases related to human trafficking from a court perspective; presentation of operational methods of the Polish Police and conducting training on the use of high technologies in combating crime related to the project theme, including monitoring high-risk locations.

As part of this task, the following fixed assets were used: a pick-up type off-road vehicle (training and operational), a flying platform (1 set; training and operational), thermal imaging binoculars "Agat."

Measure No. 13. Two-day workshop training for managerial staff – raising competencies in identifying victims of human trafficking and forced labour

The training topics included the following:

- Identification and mitigation of potential threats associated with human trafficking and smuggling.
- National and international legal regulations regarding human rights and the crime of human trafficking.
- Rights of victims of human trafficking under the law.

- Protection of victims and witnesses of human trafficking crimes under the Act on the Protection and Assistance for Victims and Witnesses and other legal regulations.
- Recognition of threats related to human trafficking as national tools to support national asylum and migration management systems.
- Utilisation of modern tools for aerial and aquatic tasks, including control, monitoring, and recognition of threats related to illegal migration and human trafficking.
- Collaboration with institutions and non-governmental organisations in assisting victims of human trafficking and forced labour.

Measure No. 14. Three-day training for police officers in the preventive and criminal branches

The training topics included: the phenomenon of human trafficking, the crime of human trafficking in domestic and international law, methods of identifying victims of human trafficking and apprehending perpetrators, procedures for services including the duty service in the case of detection or direct contact with victims of human trafficking, the rights and support for victims of human trafficking, recognition of the phenomenon and current trends in such crime, entities involved in combating human trafficking in Poland and the European Union and best practices in the area of counteracting human trafficking activities. A separate section was dedicated to psychological and cultural issues. The role of non-governmental organisations in combating human trafficking in Poland and the European Union was discussed, as well as strategies of deceit and manipulation during human trafficking crimes, including manipulation of minors. It covered the potential tactics of police officers when in contact with victims, as well as the psychological characteristics of socially excluded individuals and their vulnerability to human trafficking threats. The training also addressed the psychology of victims, cultural differences, and their impact on communication with migrants and representatives of ethnic groups vulnerable to human trafficking and forced labour (such as the Roma, Ukrainian, and Bulgarian cultures).

Practical exercises on data analysis, operational methods, and the use of advanced technologies in combating crime related to the theme of the project, including monitoring high-risk areas, were also included in the training.

The following fixed assets were used as part of the task: a flying platform, thermal imaging binoculars "Agat," laptops with software (10 pieces), and a computer for data analysis.

Measure No. 15. Cascade training on conveying information about human trafficking

This measure involved one-day cascade training for 600 officers in the Lower Silesian Garrison on conveying information obtained at the seminar, study visits and training on methods of combating and preventing human trafficking crime. The task was a cascade training – officers trained under this task were delegated to conduct preventive-educational meetings for individuals from socially excluded areas.

Measure No. 16. Preventive-educational meetings for individuals from socially excluded areas at risk of crime related to forced labour/recruitment into criminal groups

The meetings were conducted by criminal and prevention section officers among the target group – homeless people, the unemployed, including those in debt or with family problems. Meeting places included homeless shelters, care facilities managed by social welfare centres, and care and support homes in the Lower Silesian Province.

The following fixed assets were used as part of the task: laptops with software.

Measure No. 17. Preventive-educational meetings for individuals from socially excluded areas at risk of recruitment and coercion into prostitution

The meetings were conducted by officers from the criminal and prevention sections among the target group – socially excluded women, single mothers. The meeting places included single mothers' homes and care facilities managed by the Social Welfare Centre in the Lower Silesian Province.

As part of this task, the following fixed assets were used: laptops with software.

Measure No. 18. Preventive-educational meetings for youth from high schools and universities, including foreigners, regarding current human trafficking threats

The meetings were conducted by officers from the criminal and prevention sections among the target group – in high schools and universities in the Lower Silesian Province.

The following fixed assets were used as part of the task: laptops with software.

Measure No. 19. Study visits to foreign Police units

Visits were conducted at Police units in: West Yorkshire Police, United Kingdom, Bitola Police Department, Macedonia, MECKLENBURG-VORPOMMERN IPA Police Headquarters, Germany.

The topics of the visits included, among others, legal-comparative issues related to human trafficking, exchange of experiences and best practices in combating human trafficking, and increasing the effectiveness of communication between partner countries. It also involved presenting Polish procedures for apprehending perpetrators and assisting victims of human trafficking, sharing previous contacts and cooperation between Polish Police and the visited country based on a case study, developing joint procedures, and adopting model solutions for cooperation between Polish Police and the visited country in the area of human trafficking events. It further aimed to support unaccompanied minors, asylum seekers, and other vulnerable social groups. During the study visit, operational methods will be presented, and training will be conducted on the use of advanced technologies in combating crime related to the project's theme, including monitoring high-risk areas.

As part of the task, the following fixed assets were utilised: a flying platform.

Measure No. 20. Nationwide conference dedicated to combating human trafficking and economic violence against women

The conference topics included: Economic violence against women, new preventive measures used by the Police in the domestic violence prevention system, violence in foreign nationals' families, procedures for dealing with minor foreign nationals in preventive care situations, experiences in cooperation with non-police entities in the field of domestic violence prevention, new recruitment methods and perpetrators' actions in human trafficking crimes, preventive actions against such crimes, and exchange of experiences in this regard.

Operational methods were presented during the conference, and training on the use of advanced technologies in combating crime related to the theme of the project, including monitoring high-risk areas, was conducted.

As part of this task, the following fixed assets were used: a pick-up-type off-road vehicle, a flying platform, a thermal imaging binoculars "Agat," conference materials.

Educational sessions informing about human trafficking risks were also conducted in educational institutions and county labour offices in the West Pomeranian Province, along with an online survey diagnosing residents' awareness and knowledge of human trafficking in the West Pomeranian Province.

Measure No. 21. Two-day conference and workshops

The topics of the workshops and conference included: human trafficking in Polish criminal law against the backdrop of EU regulations and international law acts, criminological aspects of human trafficking, support system for human trafficking victims with a special focus on minor victims, children as victims of human trafficking – identification, intervention, and reintegration issues, forced labour issues against the backdrop of current European migration conditions

Measure No. 22. Two-day workshops - training for employees of organisational units carrying out crisis management and social assistance tasks in local government units at the county and municipal level in the West Pomeranian Province

Part I of the workshops covered the following topics: identification and mitigation of potential risks associated with human trafficking and smuggling, national and international legal regulations concerning human rights and human trafficking crimes, human trafficking as a form of modern slavery, rights of human trafficking victims under current laws, main actions taken to combat human trafficking by the Police, Border Guard, and State Labour Inspectorate in the West Pomeranian Province; utilisation of modern tools for tasks from air and water in terms of control, monitoring, and identification of threats associated with illegal migration and human trafficking; presentation and training on the use of high-tech equipment to combat crime related to the theme of the project.

Part II of the training workshops addressed issues related to planning and conducting training sessions aimed at employees of institutions involved in combating human trafficking, identifying perpetrators of human trafficking and taking action against victims of this crime (including methodological basics of conducting training sessions, a list of basic issues and legal terms related to human trafficking, scope and forms of educational activities on human trafficking, forms and methods of manipulation used by human traffickers and ways to identify them, forms and methods of support and protection for victims/witnesses of human trafficking, cooperation with institutions and non-governmental organisations in providing assistance to victims of trafficking and forced labour).

The training was conducted by representatives of institutions such as: the West Pomeranian Provincial Office in Szczecin, the Provincial Police Headquarters in Szczecin, the District Prosecutor's Office in Szczecin, the Maritime Branch of the Border Guard, trainers, and educators from non-governmental organisations. The aim of the training was to intensify preventive measures against the aforementioned practices by enabling more effective action by institutions and individuals involved in combating human trafficking, identifying victims of these practices, and providing support and assistance to these individuals.

As part of this task, the following fixed assets were used: flying platform (training – operational), pick-up-type off-road vehicle (training – operational), passenger minibus.

Measure No. 23. Three-day expert meeting/workshop with a psychologist aimed at preparing officers for preventive action targeting groups at risk of human trafficking

During the workshops, 3 scenarios of preventive-educational meetings with target groups were prepared, which will be used during the preventive action.

The following fixed assets were used as part of the task: laptops with software.

Measure No. 24. Two-day training on begging and training on identification of persons based on identity documents

The training on identification of persons based on identity documents was conducted by 2 trainers from the Border Guard. The training on the methods of operation of criminal groups engaged in begging was led by an external trainer. With the involvement of the trainers, a Guidebook on combating

human trafficking was developed, containing 3 scenarios of preventive-educational meetings as attachments. The Guidebook was disseminated among specialists in prevention and coordinators for human trafficking in the Lower Silesian, West Pomeranian, and Lubusz Provinces.

The following fixed assets were used as part of the task: laptops with software.

Measure No. 25. Three-day training for criminal division police officers

The training covered the following topics: definition of human trafficking and related crimes, characteristics of the phenomenon, recognition of human trafficking phenomena and criminal environments dealing with the issue, compilation of the most important provisions of Polish law related to the topic, principles of action for law enforcement officers in case of human trafficking crimes, algorithm for identifying and handling minor victims of human trafficking for police and border guards, indicators for identifying victims of sexual exploitation, forced labour, and begging — victim profile, perpetrator profile, rights of human trafficking victims and the rights and obligations of the victim of the crime, victim support, selected aspects of cybercrime – including crimes against sexual freedom and morality towards minors under 15 years of age, deportation procedures, stay in the territory of Poland for foreigners who are victims of human trafficking, standards for safe shelter for human trafficking victims, scope of assistance, forms of shelter, crisis intervention – definition, tasks, cooperation with law enforcement authorities.

As part of the activity, a 3-day practical exercise was also conducted (Operational Technology Department of the Provincial Police Headquarters in Szczecin). The following fixed assets were used for the task: pick-up-type off-road vehicle (training – operational), flying platform (1 set; training – operational), thermal imaging binoculars "Agat," passenger minibus.

Measure No. 26. Development and publication of a monograph on the theme of the project

Globalisation processes, lack of border control, cultural and ideological penetration necessitate constant cooperation of services responsible for public safety. An essential area of international cooperation is combating cross-border crimes related to human trafficking and illegal migration, using various tools such as exchange of experiences, best practices, equipment, or IT devices. The aim of the monograph is to develop a new standard for preventing,

combating, and detecting human trafficking and illegal migration crimes, as well as providing assistance to victims of trafficking and individuals seeking international protection, based on modern technologies, international cooperation with units participating in the project, and raising social awareness.

As part of this task, the following fixed assets were used: pick-up-type off-road vehicle, flying platform (1 set), thermal imaging binoculars "Agat," passenger minibus, EEG system computer set x2, data analysis computer.

Measure No. 27. Two-day training workshops for organisational unit employees responsible for crisis management, social assistance, and residency legalisation at the provincial level; emergency hotline operators in the provincial emergency response centre

The training topics comprised two parts: Identification and mitigation of potential threats related to human trafficking and its smuggling, and training workshops on planning and conducting training sessions for employees of institutions involved in combating human trafficking, uncovering human trafficking perpetrators, and taking action against individuals victimised by this crime. The training was conducted by representatives of the following institutions: the West Pomeranian Provincial Office in Szczecin, the Provincial Police Headquarters in Szczecin, the District Prosecutor's Office in Szczecin, the Maritime Branch of the Border Guard, trainers, and educators from non-governmental organisations – a total of 10 people.

Measure No. 28. Five-day exercises for officers from all partners

The exercise topics included:

1. Checking and improving procedures for responding to cross-border mass migration of persons who are victims of organised criminal groups involved in human trafficking.
2. Checking and improving procedures for cooperation with representatives of services and institutions responsible for responding to crisis situations.
3. Checking the command system.
4. Checking and improving communication systems and information flow within the Police, as well as in exchanging information with external cooperating entities, as well as with the German police.
5. Improving the dissemination of information on crisis situations as part of information exchange between the Command Post of the Provincial

Police Headquarters in Szczecin, the Command Post of the Maritime Branch of the Border Guard in Świnoujście, and the Polish-German Centre for Border Guard Cooperation.

6. Improving techniques for conducting operational activities related to human trafficking.
7. Improving methods and forms of identifying victims of human trafficking.
8. Verification of officers' actions based on the principles of the Algorithm for the procedures of law enforcement officers in case of human trafficking.
9. Coordination of investigative actions.
10. Coordination of joint search activities and actions aimed at locating and apprehending perpetrators.
11. Overcoming the language barrier in communication on-site and in staff communication.
12. Establishment and activation of command posts for special situations and exchange of liaison officers.
13. Use of police helicopter and drones on both sides of the border.
14. Use of police patrol boats, Maritime Border Guard Squadron, and Search and Rescue (SAR) assets.

As part of the task, the following fixed assets were used: pick-up-type off-road vehicle, flying platform (1 set), thermal imaging binoculars "Agat," passenger minibus.

Due to a significant time gap between the preparation of the application, the conclusion of the agreement, and the implementation of the exercises, especially concerning unforeseeable socio-military events related to migratory and geopolitical processes, significant changes were required to implement the planned exercises. The ongoing operations of both the Police and Border Guard, encompassing internal security, the Schengen zone's security, as well as internal and military security duties in Poland, pose considerable constraints on the execution of planned exercises. Additionally, they impose significant limitations on accessing resources required for fulfilling statutory obligations and additional tasks assigned to the Police. Due to the inability to implement the previously developed plan and the situation arising from the inability to use planned elements such as helicopters, yachts, the ADLER ship, and the Polonia ferry, it is necessary to change the aforementioned plan.

The situation on the border areas resulting from the migration crisis in the Belarusian border region, followed by the outbreak of war in Ukraine, forced the Police to take action, including coordinating security assistance to refugees and securing the border against illegal migration and associated threats. As part of the aforementioned police operations, a helicopter from the inventory of the Provincial Police Headquarters in Szczecin was utilised. However, during task execution, the helicopter became overused and damaged, rendering it unusable. During the implementation of these police activities, resources purchased as part of the programme, including transportation means and equipment used by police officers in activities related to preventing illegal migration and human trafficking, are intensively utilised. This includes drones with accompanying vehicles, which perform tasks in the border areas of the Białystok, Lublin, and Podkarpackie Provinces. Due to the emergence of a new smuggling route for illegal migrants from Asian and African countries from the south, there is also a need for the Police to use resources purchased as part of the programme to secure the Slovakian border against illegal migration.

The involvement of police officers from both the West Pomeranian Garrison and other garrisons, as well as the Border Guard and other project participants, in the activities related to combating illegal migration should be evaluated as high. Consequently, by utilising the equipment purchased in the project and the knowledge acquired through the training conducted within the project, the quality of the conducted activities has been improved. The knowledge and experience gained in the project are continuously developed through practical actions. As a result, the quality of actions related to protecting the borders of the Republic of Poland against illegal migration is constantly improving through targeted efforts by police officers.

All main objectives set within the project framework, both in terms of cross-border cooperation and institutional aspects in an application form, were achieved during the conducted exercise. Additionally, within the framework of the conducted training tasks, transport means (cars, quads) and purchased technical support equipment such as drones, binoculars, and other equipment were utilised. The exercise also allowed for the practical application of knowledge and skills acquired during the individual stages of tasks previously carried out within the project, leading to measurable achievement of project indicators.

Measure No. 29. Two-day international workshops

Another project measure involved conducting theoretical and practical workshops on the security and authenticity of international documentation, including documents issued to migrants during asylum-related activities. The practical workshops covered the verification of the authenticity of state documents and training on operational methods and the use of high technologies in combating crimes related to the project theme, including monitoring high-risk areas.

The following fixed assets were used for the task: pick-up-type off-road vehicle (training – operational), flying platform (1 set; training – operational), thermal imaging binoculars "Agat," passenger minibus.

Measure No. 30. English and German language course enabling comprehensive communication with victims of human trafficking

The problem of human trafficking knows no boundaries and affects a wide range of people from different parts of the world who speak various languages. To facilitate communication between victims affected by illegal activities and project-implementing personnel, language training for officers was conducted. English was chosen as one of the most universal and easy-to-learn languages, while German, whose knowledge allows communication with migrants heading to Germany, was also selected to strengthen and improve cooperation with the services of neighbouring countries in the subject area. The English and German language course was conducted for 5 participants for 180 minutes weekly (3 × 60 minutes). Foreign language learning was conducted in a "face to face" / online format with each participant, individually adjusting the teaching level to the participant's previous skills.

Measure No. 31. Two-day expert meeting

The meeting agenda included discussing activities aimed at uncovering human trafficking crimes in the Lubusz Province and Brandenburg, based on Polish and German law, exchanging experiences regarding the methods of human trafficking perpetrators, summarising the scale of migration in the Lubusz Province and Brandenburg and discussing the support systems for human trafficking victims in Poland and Germany based on applicable regulations.

Measure No. 32. Language courses improving international communication

The project tasks were closely related to the migration and asylum of victims of human trafficking crimes. The influx and movement of migrant populations from various parts of the world speaking different languages increase the need for foreign language training. Considering the need for a rapid response, planned actions, and the necessity of communication with victims of crime in a foreign language, English was chosen as the international language.

Measure No. 33. Advanced English language course enabling comprehensive communication with human trafficking victims

The consolidation and expansion of English language skills to allow advanced communication with project partners, and more importantly, with human trafficking victims, who in case of language barriers could deepen their feelings of fear and helplessness, making it difficult to accept necessary assistance. The course aimed to continue English language learning focused on improving communication, both with foreign project partners and victims affected by the illegal activity.

In the initial stage of project implementation, emphasis was placed on utilising the potential of project partners in terms of knowledge and experience, as well as standardising methods. Appropriate equipment was purchased, along with unified software for handling and analysing results. Workshops were conducted with experts in the field covered by the project, during which analytical methods were compared, and procedures for dealing with transnational crimes, especially human trafficking, were developed.

Later in the project, workshops were held with experts in forensic computing to exchange experiences in the field of cybercrime related to human trafficking. An analysis of criminal procedure systems in partner countries was also conducted.

Another stage of the project involved familiarising participants with criminal procedure rules in Poland and partner countries, as well as preventing situations where expert opinions from a partner country could not be accepted as evidence in criminal proceedings in another country. Therefore, it was necessary to become familiar with the philosophy of criminal procedure systems in Poland and partner countries.

Significant emphasis was placed on exchanging experiences among law enforcement and justice representatives who acted as decision-makers in international criminal proceedings. Judges, prosecutors, police officers,

and representatives of associated partners and Polish procedural authorities shared their experiences gained during procedural activities in this area.

6. CONCLUSIONS AND RECOMMENDATIONS

From the presented report, it is evident that the main beneficiary of the project, the Provincial Police Headquarters in Szczecin, meticulously achieved all project goals and indicators.

After the analysis of the subject matter of the project the activities carried out and the main beneficiary's experiences, the following conclusions and recommendations emerge:

- In the substantive area of the project, it should be emphasised that irregular migration, migration for seeking international protection, and human trafficking are becoming increasingly significant within the European Union. Both EU primary and secondary law comprehensively regulate these issues and national services are obliged to protect the fundamental rights of migrant groups facing particular risks.
- It is clear from the implementation of the project that the Police have been increasingly involved in various actions related to combating irregular migration and human trafficking. This is particularly evident in light of recent international events — new channels of trafficking are being activated, new migration routes are emerging, and processes related to the influx of third-country nationals into EU countries, including Poland, are intensifying. Russia's armed aggression against Ukraine and the crisis on the Polish-Belarusian border play a significant role in this process.
- The project has created a unique support system for police officers. On the one hand, it was possible to enhance their substantive and practical competencies, while on the other hand, the project proposed a unique establishment of networking contacts and cooperation between all services and administrative bodies involved in migration management and combating human trafficking.

Considering the successful implementation of the project and the defined difficulties regarding migration management and asylum, combating human

trafficking and combating gender-based violence, it is recommended to continue activities within the predefined project.

Additionally, to indicate the legal basis for implementing the current project and the possibilities of continuing such actions in subsequent projects, Annex 2 has been attached to the report, which is a compilation of basic EU law sources in the field of asylum, migration, human trafficking, and voluntary returns, which are implemented by the services of EU Member States through the implementation of EU shared competence based on Article 4(2) letter J of the Treaty on the Functioning of the European Union.

Due to the fact that Poland is a transit country for illegal migration - the main migration routes pass through the country in the Central-Eastern Europe region, and the pandemic caused by the COVID-19 virus, as well as the development of new technologies, have influenced the change in behaviours of organized criminal groups and thus increased potential risks - the strategic goal is to further develop the competencies of law enforcement authorities in preventing and prosecuting international crimes and improving common, international procedures, international cooperation, and increasing access to new technologies.

Additionally, as part of further actions to identify and dismantle organised criminal networks and increase the effectiveness of monitoring and controlling migration routes and high-risk areas, gender-based violence and illegal migration, it is essential to further enhance the competencies of police officers in this area. International procedures to combat human trafficking and illegal migration should be developed and improved, including by strengthening cooperation with foreign partners or exchanging experiences at the international level, and also by constantly raising public awareness through organising training sessions, meetings, and promotional campaigns. It is also necessary to continuously expand the equipment of officers with further investments in high-tech equipment, increasing the effectiveness of monitoring migration routes and high-risk areas.

Therefore, as an expert in the field of migration law and co-editor of the monograph, I fully recommend the continuation the project activities within the predefined project framework in the future.

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In terms of migration management, it is necessary for many services to work together, which have never before faced such a large scale of tasks. State services such as the Border Guard and the Police, but also provincial offices, non-governmental organisations and specialised international organisations are involved in ensuring security in the migration process and guaranteeing the safety of the society receiving migrants.

The present monograph focuses on an interdisciplinary analysis of threats related to the issue of human trafficking and illegal migration. Its added value is the characterisation and analysis of the issues by practitioners representing the Police and bodies cooperating with them. An additional asset is the fact that most of the Authors are also experienced in academic work in the area of security and migration.

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