



Jagiellonian University in Kraków
Faculty of International and Political Studies
Institute of European Studies

Wiam El Hindi

student ID number: 1199685/ 2790025E

Field of study: European Studies

Human trafficking in a security framework:
Factors behind the ineffectiveness of
responses to prevent trafficking in persons in
Poland (2019-2023)

Magister (MA) Thesis

Thesis written under the supervision of
Prof. dr. hab. Przemysław Tacik (Jagiellonian University)
Prof. Thomas Michael Linsenmaier (University of Tartu)

January 2025
Krakow, Poland

Field of Studies: European Studies

In Partial Fulfilment of the Requirements for the Degree of:

Magister (Mgr) of European Studies (Central and East European, Russian and Eurasian Studies): Jagiellonian University in Kraków, Poland

International Master's (IntM) in Central and East European, Russian and Eurasian Studies: University of Glasgow, UK

Master of Arts in Social Sciences (MA) in Central and East European, Russian and Eurasian Studies: University of Tartu, Estonia

Word count of the thesis: 22339 (excluding abstract, acknowledgments, table of contents, abbreviations, footnotes, references).

Authorship Declaration: I have written this master's thesis independently. All viewpoints of other authors, as well as data from literary sources and elsewhere used for writing this paper, have been referenced.

Wiam El Hindi

January 2025.

Non-exclusive licence for making the thesis public through the University of Tartu's electronic library

I, Wiam El Hindi (DOB 03 Jan 2000), herewith grant the University of Tartu a free permit (non- exclusive licence) to the work created by me, 'Human trafficking in a security framework: Factors behind the ineffectiveness of responses to prevent trafficking in persons in Poland (2019-2023)', supervised by Prof. dr. hab.

Przemysław Tacik (Jagiellonian University) and Prof. Thomas Michael Linsenmaier (University of Tartu), to

- Reproduce, for the purpose of preservation, including for adding to the DSpace digital archives until the expiry of the term of copyright;
- To make the work specified in p.1 available to the public via the web environment of the University of Tartu, including via the DSpace digital archives until the expiry of the term of copyright;
- I am aware of the fact that the author retains the rights specified in p.1;
- I certify that granting the non-exclusive licence does not infringe other persons' intellectual property rights or rights arising from the personal data protection legislation.

Wiam El Hindi

January 2025.

Abstract

Title: Human trafficking in a security framework: Factors behind the ineffectiveness of responses to prevent trafficking in persons in Poland (2019-2023)

Human trafficking has emerged as one of the most lucrative crimes in recent history, making it a serious security threat to the state and individuals. As a country deeply affected by this phenomenon, Poland has established a system encompassing national strategies, a legal framework and has ratified various international acts to curb it. The system, however, remains ineffective.

This research aims to examine why the Polish system is ineffective, despite continued efforts and previous success by Poland to prevent human trafficking, starting from 2019 until 2023. More specifically, it analyses two main factors, the securitization of trafficking as a national security threat and the deliberate non-compliance with international agreements, as response-level factors impacting the way the responses are established negatively, rendering them ineffective.

Through a conducted qualitative content analysis using various primary and secondary sources, this thesis analysed the Polish anti-trafficking system between 2019 and 2023, its areas of ineffectiveness focusing on protection, prosecution and prevention measures, and how the factors established previously are responsible for this ineffectiveness.

It has been concluded that the securitization of human trafficking under a national security approach and the deliberate non-compliance of the Polish government with international standards are significant factors responsible for the establishment of ineffective responses to curb human trafficking. The securitization of human trafficking by the Polish state led to the establishment of policy and legal responses undermining the security of victims at the expense of national agendas. Similarly, the state's continuous non-compliance instances with established international legal regulations resulted in an ineffective judicial system undermining both prosecution and protection measures of Polish anti-trafficking responses. As a result, these factors are extremely important when it comes to understanding why the anti-HT Polish system remains ineffective as they influence and shape the system and how the responses are established.

Keywords: human trafficking, security, securitization, national security, human security, compliance, effectiveness, 3P framework, anti-HT responses.

Streszczenie

Tytuł: Handel ludźmi w ramach bezpieczeństwa: Czynniki stojące za nieskutecznością reakcji w celu zapobiegania handlowi ludźmi w Polsce (2019–2023)

Handel ludźmi stał się jednym z najbardziej lukratywnych przestępstw w najnowszej historii, co czyni go poważnym zagrożeniem dla bezpieczeństwa państwa i jednostek. Jako kraj głęboko dotknięty tym zjawiskiem Polska ustanowiła system obejmujący strategię krajową, ramy prawne i ratyfikowała różne akty międzynarodowe w celu jego ograniczenia. System pozostaje jednak nieskuteczny.

Badanie to ma na celu zbadanie, dlaczego polski system jest nieskuteczny, pomimo ciągłych wysiłków i wcześniejszych sukcesów Polski w zakresie zapobiegania handlowi ludźmi, począwszy od 2019 r. Do 2023 r. Mówiąc dokładniej, analizuje dwa główne czynniki: sekurytyzację handlu ludźmi jako zagrożenie bezpieczeństwa narodowego oraz celowe nieprzestrzeganie umów międzynarodowych, jako czynniki poziomu odpowiedzi wpływające na sposób negatywnego ustalenia odpowiedzi, czyniąc je nieskutecznymi.

Poprzez przeprowadzoną jakościową analizę treści z wykorzystaniem różnych źródeł pierwotnych i wtórnych, w pracy przeanalizowano polski system zwalczania handlu ludźmi w latach 2019–2023, którego obszary nieskuteczności koncentrowały się na ochronie, środki ścigania i zapobiegania oraz sposób, w jaki ustalone wcześniej czynniki są odpowiedzialne za tę nieskuteczność.

Stwierdzono, że sekurytyzacja handlu ludźmi zgodnie z podejściem bezpieczeństwa narodowego oraz celowe nieprzestrzeganie przez polski rząd standardów międzynarodowych są istotnymi czynnikami odpowiedzialnymi za ustanowienie nieskuteczne reakcje na ograniczenie handlu ludźmi. Sekurytyzacja handlu ludźmi przez państwo polskie doprowadziła do ustanowienia reakcji politycznych i prawnych podważających bezpieczeństwo ofiar kosztem programów krajowych. Podobnie ciągle przypadki nieprzestrzegania przez państwo ustanowionych międzynarodowych przepisów prawnych doprowadziły do nieskutecznego systemu sądowego podważającego zarówno środki ścigania, jak i środki ochronne polskich reakcji na handel ludźmi. W rezultacie, czynniki te są niezwykle ważne, jeśli chodzi o zrozumienie, dlaczego polski system anti-HT pozostaje nieskuteczny, ponieważ wpływa na system i kształtuje go oraz w jaki sposób ustalane są odpowiedzi.

Słowa kluczowe: handel ludźmi, bezpieczeństwo, sekurytyzacja, bezpieczeństwo narodowe, bezpieczeństwo ludzi, zgodność, skuteczność, ramy 3P, polityka anti-HT.

Acknowledgments

I want to begin by expressing my deepest gratitude and appreciation to my supervisors, Dr. Hab. Przemysław Tacik from Jagiellonian University and Dr. Thomas Michael Linsenmaier from the University of Tartu for their guidance and constructive feedback throughout the process of writing this thesis.

I would like to thank my classmates and dear friends, Olena and Daniel, for the support and advice on a personal and academic level, and for being my family abroad.

Lastly, I would like to thank my parents and siblings, for the endless encouragement and motivation throughout this program. I wouldn't have done it without you.

Table of Contents

Abbreviations:.....	9
CHAPTER I. INTRODUCTION.....	10
CHAPTER II. THEORETICAL AND CONCEPTUAL FRAMEWORK	15
1. Conceptualizing human trafficking:	15
2. Anti-Trafficking efforts: “Effective” responses to human trafficking	17
a. Policy and legal responses: 3P Paradigm.....	17
b. Defining an “effective” anti-human trafficking response:.....	19
3. Factors of ineffectiveness of anti-human trafficking responses:.....	21
a. Securitization of Human trafficking:	22
b. Compliance with international agreements:.....	28
CHAPTER III. RESEARCH METHODOLOGY	31
1. Research design:.....	31
2. Empirical case selection:	32
a. Country case study: Poland	32
b. Timeframe: 2019-2023	33
3. Data collection and analysis:.....	34
a. Data collection:.....	34
b. Method of analysis:.....	35
c. Operationalization:	35
d. Data analysis:	36
4. Research limitations:	37
CHAPTER IV. OVERVIEW OF THE POLISH SYSTEM TO COMBAT HT (1997-2018) 38	
1. National level:	38
a. National Action Plan NAP (2003-2018):.....	38
b. Legal framework:	41

2. Acts of international law:.....	42
CHAPTER V. EMPIRICAL CASE STUDY: ANALYSING THE INEFFECTIVENESS OF THE ANTI-HT POLISH SYSTEM (2019-2023).....	
1. Analysis of Polish anti-HT responses (2019-2023):	45
a. National Action Plans (2019-2023):.....	45
b. Legal framework (2019-2023):	48
2. Ineffectiveness of the Polish system to combat HT (2019-2023):.....	49
a. Protection measures:	50
b. Prosecution measures:.....	52
c. Preventive measures:	54
3. Factors behind the ineffectiveness of the Polish system to combat HT between 2019 and 2023:	55
a. The securitization of human trafficking: national security approach	56
b. Deliberate non-compliance with Poland’s international obligations:.....	61
CHAPTER VI. CONCLUSION	65
References	68

Abbreviations:

CEE: Central and Eastern Europe

CoE: Council of Europe

ECHR: European Court of Human Rights

EU: European Union

GRETA: Group of Experts on Action against Trafficking in Human Beings

HT: Human trafficking

ILO: International Labour Organisation

NAP: National Action Plan

QCA: Qualitative Content Analysis

TIP: Trafficking in persons

UN: United Nations

CHAPTER I. INTRODUCTION

Human trafficking has been a major problem affecting people and the world since the dawn of time, making its last modern appearance during the 19th century (Piotrowicz and Sorrentino, 2016, p.2; Dulak, 2016, p.60). Consequently, it has since been seen as an activity to exploit people in modern society to generate earnings, and as a serious concern posing threats to the security of nations and people (Hernandez and Rudolph, 2015, p.118; Mishra and Sharma, 2022, p.130).

Human trafficking is quite distinct compared to other criminal activities due to its complicated logistical aspect which necessitates a large number of contributors and the collaboration of various legal and illegal parties, usually in more than one country (Lasocik, 2010, p.20, p.22). It also differs in terms of its end game, which is the exploitation and treatment of people as goods in activities such as forced labour and sex trade (Mishra and Sharma, 2022, p.123). Moreover, and like other illegal activities (e.g., drug trafficking), HT has been linked to migration and transnational issues (Lasocik, 2010, p.26). However, it remains unique in the sense that it does not always require movement across borders or result from illegal migratory movements, as victims can also be trafficked within their country or after legally entering the destination country for legal jobs (Hernandez and Rudolph, 2015, p.120).

As one of the developed continents, Europe is one of the top destinations for human trafficking due to its large territory as a union and open internal border policy. In Central and Eastern Europe, which encompasses the Visegrád countries in its sensu stricto, HT originates from forcing women into marital unions in the 18th century, otherwise called “marriage tricksters” (La Strada Czech Republic, 2005, p.27). Fast forward, the open borders’ policies, and the political and economic consequences of the fall of communism resulted in fragile states with no power to govern in CEE, leading to the emergence of HT as “the modern version of slavery” (Marinova and James, 2012, pp.231-232; Holmes, 2010, p.69). With the increase in globalization and the continued limited investment in researching HT in Europe, it became a growing concern (Marinova and James, 2012, p.231). A study by the CIA in 2000 estimated that “a quarter of trafficking flowing worldwide originates from CEE” (Monzini, 2004, p.79).

As a result of the rapid spread of HT, the countries became source and transit territories offering significant trafficking roads, to either transport people originating from the region directly to Western countries, or to transport victims through CEE countries to more

developed countries (Nikolić-Ristanović, 2012, p.206). Additionally, with how far prevalent HT has become, the countries developed into countries of destination as well (Ibid., p.223).

When it comes to the activities victims are exploited for, HT is present in multiple forms and affects both genders, as well as adults and children (Nikolić-Ristanović, 2012, p.223, p.207). The most dominant form is sex trafficking which affects women the most, then forced labour affecting both genders and all ages, and finally forced begging and adoption affecting children the most (Nikolić-Ristanović, 2012, p.223, p.207; Goodey, 2003, p.160).

As a significant country in the region, human trafficking has become an alarming phenomenon in Poland. Lasocik (2010, p.20) argues that HT is now a serious concern in terms of how far it has spread, despite it not being a recent phenomenon in the region. According to the Polish government, the toll of victims trafficked in Poland is estimated to be less than 10 000, whilst based on the Global Slavery index, the cases of HT has reached around 170 000, which is a more accurate estimate (Lasocik, 2016, pp.9-10). Additionally, Statista reported a spike of 66% of registered victims in 2021 in comparison to previous reporting periods (Statista, 2021).

Much like all regions in CEE, HT first emerged in Poland, following the fall of the communist regime and the rise of criminal networks, through the sexual exploitation of women (Lasocik, 2020, p.1033, p.1035, p.1036). This resulted in Poland becoming a source nation for victims for forced prostitution, involving predominantly Polish females (Wiśniewski, 2010, p.61). However, with Poland's accession to the EU and the internal open border policy taking place in 2004, it turned into a transit and destination country of HT as well (Lasocik, 2020, p.1034; Wiśniewski, 2010, p.61).

Being at once a source, destination as well as transit country (Directorate-General for Migration and Home Affairs, no date) is a unique situation with severe implications as it puts the state and its individuals at increased risk. Especially, that according to Lasocik (2012, p.482), HT has been increasing in Poland if we look at the number of cases and identified victims.

In recognition of the severity of this crime, Poland has taken important measures to eliminate it starting from the 2000s, through the ratification of international agreements and establishment of national strategies in 2003 including the "National Action Program for Combating and Preventing Trafficking in Human Beings" (Wiśniewski, 2010, p.74). In addition to the NAP, a legal framework was established to punish the perpetrators, police and law enforcement operations were organized to dismantle the criminal networks, as well as the emergence of NGOs advocating for victims' rights (Lasocik, 2020, p.1034). The state

continuously invests in the enhancement of these regulations, to improve their performance and adapt to the changing dynamics of the crime (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.1).

Nevertheless, despite these continuous efforts to revise and adapt these strategies to the constantly changing security environment throughout the years, the Polish responses remain “highly ineffective” (Lasocik, 2020, p.1047). Research conducted by the Human trafficking Studies centre revealed that the system is highly flawed and that the government is being criticized for the ineffective system established to eliminate HT (Lasocik, 2020a, p.224, p.257).

Additionally, there are several tools established to assess the countries’ responses to HT, such as the council of Europe’s GRETA group which calls on the Polish government to work on strengthened measures to curb HT and address the remaining issues (Action against Trafficking in Human Beings, 2023). Another significant element is the USA’s trafficking in people (TIP) report providing yearly assessments of state’s responses to HT based on a tier scale. This report has been the benchmark for countries wishing to evaluate the quality of their systems in curbing HT, which highlights its importance in encouraging and analysing the development of anti-HT policies worldwide (Ab Hamid et al., 2017; Wooditch, 2011, p.487). Unfortunately, this report, starting from 2019, removed Poland from the Tier 1 list of countries that establish effective measures to fight HT, to the Tier 2 list of countries who require further efforts to successfully eliminate HT (Bernasiewicz, 2024, p.190).

This is where the puzzle emerges, in which we would typically expect a country that has been considered to meet all the necessary requirements for combatting HT for such a long period and has been actively engaged in anti-trafficking efforts since the late 90s to move towards more effective responses. On the opposite, in Poland’s case, there has been a decline in effectiveness as HT kept expanding and developing (Lasocik, 2020, p.1035).

More specifically, the research problem is that, while we do know that Poland has been involved in combating HT, we do not yet fully understand the factors behind the decrease in ineffectiveness of these responses. In particular, certain factors have been previously identified by academia on HT to no avail. In the case of Poland, Lasocik identified various factors. The first one concerns the legislative system, which is tardy and fails continuously to establish effective legal regulations and provide guidance on their implementation, and even more, when such regulations take effect, are differently interpreted by the judicial corps (Lasocik, 2020, p.1047). Another factor is due to the courts’ lack of cooperation and being in constant disagreement with law enforcement agencies in charge of curbing HT as a crime

(Ibid.). In his latest piece of research, Lasocik (2021) also refers to the negative level of awareness of Poles regarding HT, which is regarded more as a serious crime as opposed to a human security threat or violation of human rights.

However, these factors do not fully account for the ineffectiveness of the responses seeing as they hinder their implementation and do not have an influence on the way they are initially conceived. Therefore, I put forward the following main research question: Why are Poland's responses to counter trafficking in human beings ineffective and which factors explain this ineffectiveness?

Based on the research question, this study aims to understand specific factors behind the ineffectiveness of anti-HT responses. It looks to analyse as well how they affect the way the responses are established, leading to an overall ineffective system to combat HT in Poland. Specifically, I will be looking at the securitization of HT as a national security threat and the deliberate non-compliance with international standards as factors impacting the effectiveness of the system. I chose these factors because they represent internal policy-level factors that fundamentally shape the objectives and approaches of anti-trafficking responses from the beginning, determining their priorities and specific measures, in contrast to the previously mentioned factors. These factors have also been theoretically supported and empirically validated in studies on anti-HT responses.

In terms of structure, the study will start by presenting the theoretical and conceptual framework, which encompasses the conceptualization of HT as a threat to the security of both nations and individuals, the definition of an effective system to combat HT based on the 3P framework, and finally the factors of ineffectiveness of anti-HT responses.

The following chapter focuses on the research methodology, in three main sections, with the first one discussing the research design, followed by the empirical case selection explaining the motivation behind choosing Poland as well as the specific timeframe for the case study. The final section will present the data collection method and analysis including the coding and operationalization sections as well as the limitations of the research.

The fourth chapter provides a historical overview of the Polish system to combat HT since 1997, up until 2018, including the NAP since its first establishment and the national legal framework, as well as the acts of international law, touching upon various important agreements that Poland ratified.

The empirical chapter delves into an in-depth analysis of Poland's anti-HT legal and policy responses between 2019 and 2023. It provides an overview of these responses at first, before analysing the specific elements of ineffectiveness based on the 3P framework, which is

followed by the factors behind the ineffectiveness and how they manifest in this case and timeframe.

Lastly, the thesis ends with a concluding chapter offering a reflection of the main findings, research contributions, path for generalization and potential future research.

CHAPTER II. THEORETICAL AND CONCEPTUAL FRAMEWORK

1. Conceptualizing human trafficking:

Prior to its strong international comeback and labelling as one of the main challenges of our time (Wylie, 2016, p.11, p.179), human trafficking was a notion limited to being one of the various forms of human smuggling and one of the activities of illegal migration (Laczko and Gramegna, 2003, p.180). As a result, it has been defined in comparison to these close concepts, with human smuggling and trafficking being commonly applied similarly, despite their differences (Lasocik, 2010, p.26). In this regard, HT concerns in a primary setting the exploit and abuse of victims without their consent to extract profits, without the obligation to cross the borders, whilst human smuggling is based on a mutual agreement, with the smuggled person's consent to be transported across two borders (Ibid., pp.26-27).

Moving on, HT has come to be regarded, by the late 90s, as a more complicated issue linked to various areas of research (Gramegna, 2008, p.67). As a result, scholarly works studied HT in different contexts, from security, criminology, sociology, human rights, international studies, migration, to law, etc (John, 2020, p.1667; Wylie, 2016, p.15).

As an individual concept, HT is described as an international phenomenon, a serious breach of human rights, an unlawful act (Birkenthal, 2011, p.27; Gramegna 2008, p.65; Marinova and James, 2012, p.231). But most importantly, it became to be known as a security threat. This is due to the establishment of one of the only approved definitions globally of HT by the UN in its 2000 Palermo Protocols (Laczko and Gramegna, 2003, p.180). This definition is, according to several scholars, security oriented because it links HT to organized crime. It defines HT as:

“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, . . . , for the purpose of exploitation” (Hernandez and Rudolph, 2015, p.118).

Despite the significance of this Protocol and its influence on combatting HT and establishing anti-trafficking laws, scholars still have mixed opinions on how it addresses HT. Gallagher (2001), for example, argues that the Protocols were not designed as instruments for the protection of people's safety and rights but rather motivated by national security concerns, due to the ineffective protection of basic individual freedoms and the established

regulations focused on border control (Wylie, 2016, p.64). Additionally, Piotrowicz and Sorrentino (2016, p.3) affirm that while the definition of HT has received widespread approval at state level and among researchers, it remains limited since it focuses on HT as a global problem linked to organized crime. In contrast, Davy (2016, p.486, p.488) contends that The UN Protocol provided the most globally acknowledged definition of HT which prompted countries internationally to address it. Hernandez and Rudolph (2015, p.120) also affirm that the Protocol offers a much-required universal common definition of HT due to its severity and international character.

When it comes to defining HT as a security threat, there are several factors to look at. First, by linking human trafficking to organized criminal organizations, due to the Palermo Protocols' definition of the issue, it started presenting security issues to countries (Gramegna, 2008, p.65). Groups implicated in trafficking activities consist of actors operating independently or large entities such as crime syndicates (Hernandez and Rudolph, 2015, p.120). This point explains essentially the security dimension attributed to HT in relation to organized crime, leading to the fight against it becoming "central to realizing classic state interests" (Wylie, 2016, p.85). However, the attempts to reinforce the links of HT to organized crime specifically, leads to it being labelled as a threat to the security of state and consequently, to validating the established policies to curb HT by authorities which focus on national security, putting potential victims and their security at risk (Wylie, 2016, p.14).

In a second place, HT in migration discourses also leads to a securitization discourse. According to Nieuwenhuys and Pécoud (2007, p.1687), human trafficking's implication in migration regulations results in diverse reactions. This is due to the fact that within migration discourses, exploited women for sexual purposes are regarded as undocumented migrants, with the state being seen as the victim requiring protection and consequently, HT becoming a risk to national and state safety (Marinova and James, 2012, pp.233-234).

Finally, HT has also been linked to terrorism, making it a high-risk security issue for countries. For example, the terrorist group Al-Qaeda, among others, has utilized earnings generated from its activities of trafficking and exploitation to finance its operations (Birkenthal, 2011, p.29). According to Christine Dolan, such terrorist groups rely on smugglers and other traffickers' border routes to transport victims which poses a common threat to countries' national security (Ibid.).

In sum, all these elements contribute and reinforce the conceptualization of HT as a security threat. As Wylie (2016, p.149) argues, linking HT to organized crime, illegal migration, etc has turned into a recurrent narrative for modern states, which directly connects it to new state security threats.

2. Anti-Trafficking efforts: “Effective” responses to human trafficking

As HT has been branded a threat to national and human security, countries and international organizations made it a priority to combat it. This section delves into the policy and legal responses established to curb HT, with a focus on the 3P paradigm as an efficient framework to effectively do so. Furthermore, it defines what an effective response constitutes and goes into detail on what each measure entails to make up an effective system.

a. Policy and legal responses: 3P Paradigm

To prevent HT, an extensive framework of measures was established nationally, regionally and internationally by states, international and non-governmental associations, which encompasses updated and amended laws, policies, academic research and financial resources (Wylie, 2016, p.2; Davy, 2016, p.486).

Internationally, various actions were put in place, including the establishment of *the 2000 UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, regarded as one of the most significant international legal policies to curb HT (Cho, Dreher and Neumayer, 2014, p.430, p.432). Its importance resides in the legal definition of HT it provided (Goodey, 2008, p.422) and the three key policy pillars it outlined, including the protection of victims, the prosecution of perpetrators and the prevention of HT (Cho, Dreher and Neumayer, 2014, p.433). It has also inspired and shaped the establishment of other legal initiatives at regional levels, of which I cite *the 2005 Council of Europe Convention on Action Against Trafficking in Human Beings* (Cho, 2015, p.658), currently being monitored by GRETA group (Action against Trafficking in Human Beings, 2014). Additionally, the USA’s office for monitoring and combatting HT contributes significantly to the establishment of effective policies and the analysis of the quality of such policies through the yearly report on HT (TIP) (Goodey, 2008, p.432).

Moving on to the national level, single state efforts included enacting a legal framework criminalizing HT, developing training programs for law enforcement officials, and

implementing strategic documents for action to take such as national action plans (Birkenthal, 2011, p.31; Wylie, 2016, pp.7-8).

As mandated by numerous international and national directives and agreements, anti-HT initiatives are divided into three areas: “prevention, protection and prosecution”, otherwise referred to as the 3P framework in academia (Davy, 2016, pp.488-489; Bruckmuller and Schumann, 2012, p.104). It was initially suggested during the Clinton presidency by the USA and integrated into the UN Palermo protocol to serve as the foundation of the agreement and call for action to prevent HT, protect trafficked persons and prosecute criminals (John, 2020, p.1678; Bruckmuller and Schumann, 2012, p.105). This approach is regarded as “the benchmark for effective approaches to combatting HT” since it touches upon three essential elements (Bruckmuller and Schumann, 2012, p.107). Present anti-HT measures implemented by EU member countries are all designed with respects to the 3P framework (Davy, 2016, p.488; Uhl, 2010, p.120).

- **Prosecution:**

Prosecution is the first element covering the penalization of HT as an unlawful act, the identification and investigation of cases, and trial of criminals involved in trafficking people (Bruckmuller and Schumann, 2012, p.107). It concerns essentially governmental efforts to hold the perpetrators accountable for the crimes committed against persons, as well as any other implicated party including corrupt officials or employers exploiting the victims, etc (Cho, Dreher and Neumayer, 2014, p.433).

- **Protection:**

The second element, protection, focuses on assisting victims in their healing journey, rehabilitation and reintegration into their communities (Davy, 2016, p.489). It addresses state initiatives to support and protect victims of HT (Cho, Dreher and Neumayer, 2014, p.434).

For example, The UN Palermo protocol highlights several points under the “assistance and protection” section including “physical, psychological and social recovery”, etc (Mattar, 2006a, p.24).

- **Prevention:**

The third element in the 3P paradigm concerns prevention strategies which examine the quality of the initiatives of authorities to prevent and address HT (Cho, Dreher and Neumayer, 2014, p.435).

For example, measures suggested by Nieuwenhuys and Pécoud (2007, p.1678) include bilateral relations between states or among EU countries to exchange information in the context of HT. They also propose awareness campaigns as a preventive tool since they focus on HT before its occurrence and play a significant role in educating people about the threat HT imposes on their security (Nieuwenhuys and Pécoud, 2007, p.1678, p.1687).

In sum, the three P's is currently the core element of national and international anti-HT responses as it is considered the most effective framework to eliminate HT. According to John (2020, p.1678), approximately two thirds of the members of the UN have taken the necessary measures to implement the 3P framework through the signature of the Palermo protocol. This next section looks more closely at what constitutes an effective response and showcases where the 3Ps' strategy fits into this definition, before presenting what each measure entails individually to be effective.

b. Defining an “effective” anti-human trafficking response:

Scholars differed on how to define or characterize what an effective anti-HT response is and what it's focus should be, due to the different existing approaches to combat this phenomenon.

In this research, effective anti-HT responses are defined as responses addressing the “socioeconomic factors” such as poverty and unemployment which result in trafficking, and as long-term strategies looking to reinforce a system prioritizing individual freedoms for combatting HT, centred on the 3Ps (Mertus and Bertone, 2007, p.40).

Therefore, and based on the previous definition, an effective anti-HT response requires “the effectiveness of prevention of trafficking, the effectiveness of the protection of victims and the effectiveness of prosecution of traffickers” (Meçe, 2016, p.36). As Gramegna (2008, p.66) argues further, eliminating HT effectively necessitates an all-encompassing strategy focused on the 3P elements. Additionally, the office of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings (2023, p.4) in one of its recent reports emphasizes that an effective response to curb HT entails a long term, resourceful national plan, using all necessary elements to ensure the protection of victims, prosecution of perpetrators and the prevention of HT.

- **Prosecution:**

The effectiveness of the prosecution of criminals and any other party involved in HT relies on several factors, according to various studies by scholars. For instance, policies must

prioritize enacting and carrying out anti-HT legislation to ensure the prosecution of perpetrators and reduce the number of victims over time (Hernandez and Rudolph, 2015, p.134). Similarly, Amahazion (2015, p.173) emphasizes the importance of governmental effectiveness when establishing and enforcing such laws due to the differences among states in their dedication to such policies and capabilities of legal authorities which can be influenced by the type of regime in power or governance style.

This must, however, go in line with training authorities especially judges and police officials, in order to equip them with the necessary skills to carry out their tasks, otherwise, the laws established remain as formalities (Gramegna, 2008, pp.73-74; Bello and Olutola, 2022, p.10), which in turn has negative impacts on prosecution.

- **Prevention:**

Similarly to prosecution, prevention relies on the establishment of several national measures to be effective. First, Buscaglia (2013, p.167) argues that effective anti-HT measures rely on the establishment of locally preventive initiatives focusing on the basic and significant (eg, “legal, medical, economic”, etc) needs of people mostly vulnerable to trafficking. He further contends that preventive measures such as offering treatment and assistance to victims will result in less trafficking cases in the future (Buscaglia, 2013, p.151).

Second, Nikolić-Ristanović (2012, pp.224-225) contends that strategic initiatives such as the continued improvement of democracy and rule of law are crucial to preventing HT.

Third, an effective preventive policy demands specific and comprehensive data on the capabilities and level of reach traffickers have transnationally (Akee et al., 2014, p.352), in order to establish accurate responses and counteractions.

- **Protection:**

Finally, protection, as the third element, follows the same pattern as the two previous ones. First, to guarantee effective protective measures, governmental bodies and responsible authorities should guarantee that the trafficked people are treated as victims and not as parties to the crime of HT to be arrested and prosecuted (Gramegna, 2008, p.74).

Second, Hsu (2007, p.503) argues that true efforts to effectively protect HT victims should be based on a genuine acknowledgment of the potential of abuse or violence, etc that victims may be subject to.

Third, anti-HT legislation enacted at the national level must comply and align with international agreements signed and ratified by member states (e.g., Palermo Protocol, CoE

Convention), by for example acknowledging the right of victims to be treated as such and as witnesses, and not as criminals or parties to the crime (Gramegna, 2008, p.69).

Simply put, effective responses to combat HT rely on the effectiveness of the three elements making the 3P paradigm, which in their own right depend on various measures to be effective. However, there are several factors that impede the effectiveness of these elements, impacting the overall effectiveness of the responses. The next section presents these factors, with a more emphasis on two factors that are highly relevant to this research and to the case of Poland.

3. Factors of ineffectiveness of anti-human trafficking responses:

As I previously defined an effective response and what it requires, an ineffective response by contrast is a response that fails to establish a comprehensive and human rights-based system to curb HT, particularly when it comes to preventing HT, protecting the victims and prosecuting the crime. It's characterized by the inability to arrest and indict traffickers, the criminalization and deportation of victims charged of prostitution, and the absence of programs or initiatives to protect witnesses, etc (Mertus and Bertone, 2007, p.47).

In this regard, it is important to question what leads to what we deem as an ineffective response. Ultimately, there are factors responsible for that, which must be identified in order to unravel areas of ineffectiveness.

To start with, a study indicates that one of the factors concerns the ineffective enforcement of laws addressing HT implicitly or explicitly (Iroanya, 2018, p.240). Regarding such laws, Aromma (2007, p.17) argues that their conceptual articulation can play a part as well in the effectiveness of these initiatives.

Second, another factor is the lack of quality of evaluations of anti-HT responses, as a review of anti-HT evaluations by the GAATW revealed that they are not up the highest standards, which has an impact on the effectiveness of the development of anti-HT responses Davy (2016, p.492).

Additionally, Mertus and Bertone highlight practical factors hampering effective execution of anti-HT strategies (Friman and Reich, 2007, p.15). These include conflicts over resources among international and local organizations, disagreements when it comes to exchanging updates and initiatives centred on migration, etc (Ibid.).

Moreover, in her book, Dean (2020) presents two other factors impeding effective policy, mainly corruption and the weakness of the anti-HT bodies in place (Dean, 2020, p.11, p.74). However, she argues that such factors, on one hand, impact the effective implementation of the policies (Ibid., p.75), in a similar fashion to the previously mentioned factors. There are, on the other hand, furthermore existing factors which are more influential as they inform and shape the way the responses are established, of which we can cite the securitization of HT under a national security approach and the deliberate non-compliance with international agreements. This is what distinguishes these factors from the rest and makes them more significant in judging a responses' effectiveness.

In the following sub-sections, I will be discussing the securitization of HT and compliance as factors leading to the ineffectiveness of anti-HT responses in detail, with a specific focus on how they contribute to that, to showcase their significance and relevance to Poland's case from a general theoretical perspective.

a. Securitization of Human trafficking:

i. Securitization theory:

The securitization theory developed by Buzan, Wæver and de Wilde in the late 90s defines security as “the move taking politics beyond the established rules of the game and framing the issue either as a special kind of or as above politics” (Buayairugsa, 2019, p.32). This makes securitization an intensified form of politicization seeking to demonstrate a specific matter as an “existential threat” in need of immediate urgent actions which can be justified beyond the regular procedures in politics (Buzan, Wæver and de Wilde, 1998, pp.23-24). This approach took off following the end of the Cold war, a period in which, in addition to the previously traditional existing security threats, recent nontraditional ones started taking shape (Ibid., p.195). It specifically analyses narratives surrounding security to demonstrate how a collective comprehension of what should be seen as a “security threat” is developed in states by political authorities (Buayairugsa, 2019, p.33).

Securitization takes shape following a process entitled a “speech act in language theory” (Buzan, Wæver and de Wilde, 1998, p.26). A speech act can be defined as a concern for security linking political issues to security concepts, leading to a securitization of the said issue (Schneider, 2013, p.172; Jackson, 2006, p.301). An important point to highlight is that the speech act doesn't rely solely on using the security word to succeed, but rather on its ability to effectively frame an issue as an existential threat demanding urgent measures and the approval of the targeted audience (Buzan, Wæver and de Wilde, 1998, p.27). In other

words, without the relevant group's acceptance, the securitization process stays as a mere failed "securitizing move" (Buayairugsa, 2019, p.32). Consequently, an effective securitization process requires the identification of the issue as a danger to the existence of a safe state, the acceptance of the intended group and the establishment of emergency measures (Buzan, Wæver and de Wilde, 1998, p.26). By shedding light on the problem as a severe threat or by connecting it to an existing one, it becomes an urgent matter to tackle in need of immediate attention, allowing the securitizing actor to take unusual steps going beyond standard political guidelines (Ibid., p.24).

Speaking of securitizing actors, they represent a significant party to the securitization process (Aradau, 2008, p.45). They are predominantly political entities including governments, lobby groups, international and local/ non-governmental organizations, employing a security-oriented discourse to persuade a group into accepting an issue as an existential threat (Jackson, 2006, p.301; Buzan, Wæver and de Wilde, 1998, p.40). In most cases and nationally, the securitizing actor is the state, invoking its right to preserve its security and to take the necessary actions on national matters if necessary, such as relying on rhetoric of issues endangering its safety to prioritize problems on the political agendas leading to securitizing moves (Buzan, Wæver and de Wilde, 1998, pp.24-25, p.38, p.40). Therefore, a security issue becomes one only by these acts of securitization, which explains why actors resort to it.

In the next part of this section, I will be presenting the framework of securitization of HT, which represents a special case due to its duality, and how each framing results in the establishment of varying responses in terms of effectiveness.

ii. Process of securitizing HT:

At the global level, the securitization process has materialized well in the case of HT making it one of the most recent security threats in contrast to its previous human-rights orientation (Wasileski and Miller, 2012, p.107; Rahman, 2011, p.2).

When it comes to the process of securitizing it, securitizing actors range from powerful states such as the USA, the EU and international organizations (UN). Regarding the speech act, the securitizing speech does not explicitly tie HT to security or present it in such framework, but rather defines it as an activity under the scope of the sex trade, organized criminality and illegal migration to give it the "threat connotations of security" (Aradau, 2008, p.50). It was specifically following the September 2011 terrorist attacks in the USA that HT began to be seen from a security perspective, giving governmental bodies the chance

to justify prioritizing combatting HT urgently (Wasileski and Miller, 2012, p.110). Since then, it became more regularly normal for countries to discuss HT alongside security threats like illegal migration and organized criminal networks, to make curbing it a key justification of their measures to reinforce strict frontier provisions (Wylie, 2016, p.149). Another characteristic is the founding of the Palermo protocols, which illustrates a clear move to securitize HT, as it was primarily implemented to combat HT as an activity limited to organized criminal groups (Goździak, 2021, p.42). Discourse around HT and how it was addressed by presidents shifted as well. For example, in addition to former president George Bush emphasizing links between HT and security threats (terrorism) beyond theoretical levels, certain European leaders such as Jarosław Kaczyński relied on the same rhetoric to deny entry for refugees from the Middle East to safeguard Europe (Goździak, 2021, pp.1-2).

Nonetheless, these securitizing moves didn't materialize until the relevant audience in this case, governments, organizations and citizens around the world, have acknowledged HT as a security threat in par with the discourses. First, the total of countries which willingly signed the UN Palermo protocol and accepted the dominant security dimension of HT, had a significant impact on the securitization process (Goździak, 2021, p.11). Most governments also established their own national action plans related to fighting HT only and penal codes to criminalize it, showcasing the acceptance of the gravity of HT as a threat. "By 2014, 146 states had domestic legislation criminalizing HT and 167 were party to the UN Protocol" (Limoncelli, 2017, p.815). Second, while the step of declaring war on trafficking by the Bush administration was condemned by scholars, public perception was shifted toward accepting trafficking as a phenomenon related solely to the national threats of undocumented migration and terrorism (Goździak, 2021, p.42). Finally, in CEE, the trafficking of women by mafia groups into sexual exploitation was presented as a form of modern slavery leading to public outrage and political responses (Nieuwenhuys and Pécoud, 2007, p.1678).

At last, since HT was effectively recognized as an emerging security threat, extraordinary actions were taken in order to highlight the urgency of the crime, reinforcing the successful securitization of HT. First, a clear example is the establishment of NAPs concerned only with tackling HT which required the establishment of new special bodies among governmental ones, higher resources, and collaboration with international organizations and NGOs. The adopted policies were extremely security oriented, with restrictive and strict regulations established by parties worried about issues like illegal migration and mafia organizations, framing trafficked women as "dangerous illegal migrants, prostitutes and criminals" (Aradau, 2004, p.260). Second, the USA took matters into its own hands to combat trafficking at the

national level and influence other countries to follow in the same path. The first step was the signature of *the National Security Directive in 2002* by President Bush, connecting HT explicitly to terrorism and safety of the public, the establishment of the US's office for monitoring and combating HT, and the release of a comprehensive report examining the performance of eighty-nine states in terms of curbing HT (Rizer and Glaser, 2011, p.70; Laczko and Gramegna, 2003, p.179). Finally, in Europe, while curbing HT as an activity of organized criminal groups was under the sole control of Europol, other bodies and entities have since become implicated as well including migration offices, police, border guards, customs, etc (Aradau, 2008, p.48).

Despite the fact that HT has been established as a security threat often compared to other threats, it represents a special case due to the fact that it has been framed as both a national and human security issue, leading to tensions among scholars and policy makers on how to address it. Rahman (2011, p.2) provides a simplified securitization approach of HT under each framework with the referred to subjects being the state and individual. When it comes to the state, we see a wider perspective for securitization with the origin of threat being “non-military, legal, economic”, etc and constraints to the security of the nation encompassing undocumented migrants, organized criminal groups, corruption, terrorism, etc (Rahman, 2011, p.2). As for the individual, the approach taken for securitizing HT is deeper with the characteristics of the threat being “psychological, physical, non-military”, etc and the security constraints for the person including risks to their freedom, dignity, right to live in peace, etc (Ibid.).

The next sub-section discusses how this framing and securitizing approaches influence the way anti-HT responses are established, in order to explore their differences and demonstrate how the human security approach is the most suitable to build up effective policies with respect to the 3P measures.

iii. [Anti-human trafficking responses: national and human security approaches](#)

The securitization of any issue is quite significant because it puts it on the forefront political agenda of governments and gives it a sense of urgency to be dealt with. However, the way it is securitized plays an important role on which political responses and directions are taken and what they result in, in terms of effectiveness. For the case of HT, it has been mainly securitized under two main approaches, the national and human security ones, which results in the establishment of different responses under each framework. As Dandurand (2012,

p.227) argues, law enforcement entities are obliged to work and navigate in the heart of constant dilemma and conflicts between the two approaches to HT: national security one focused on protecting the borders and curbing illegal migration, and the human security one prioritizing the safety of people.

Starting with the most prevalent approach to preventing HT, national security is not limited only to defence, powerful armies and secure entry points, but can also be defined as “the protection of a people, territory and way of life” (Goździak, 2021, p.64). According to Joseph Room, national security is connected to incidents endangering the high standards of life of citizens of a country and resulting in a limited selection of policies at the disposition of a government (Rizer and Glaser, 2011, p.75).

The concept became predominantly used in correlation with HT, during the post-World War II era, due to its international rise as a crime going beyond a single country’s borders to affect the other neighbouring one contributing to the underground economy and therefore imposing national security threats (Goździak, 2021, pp.35-36; Cho and Vadlamannati, 2012, p.249). The 9/11 terrorist attacks also complicated the circumstances by creating links among crimes usually unconnected to national security, including HT (Goździak, 2021, p.51). Additionally, HT became linked closely with securitizing the borders of states, since the transportation of children for exploitation presents a significant threat to countries’ frontier safety and due to eighteen OECD member states reporting a challenging high influx of trafficking along their borders which endangers their national security (Farka, 2010, p.207; Cho and Vadlamannati, 2012, p.251). Consequently, “the fight against HT became central to realising classic state interests” (Wylie, 2016, p.85).

In the same breath, the responses established to combat HT were dominated by a national security approach replacing the initial interest and goals concentrated on forced labour, forced prostitution and the insecurities victims, migrants or those seeking refuge face (Goździak, 2021, p.3). A great indicator for that is the UN’s Palermo protocol which focuses on advancing national security concerns through border control, strengthening the links as a result between HT and national security and reframing HT from an issue concerning individual rights to a security threat (Cho and Vadlamannati, 2012, p.263; Goździak, 2021, p.42). Furthermore, the Protocol is limited only to urging party members to pay attention to the victims whilst imposing strong laws against perpetrators (Wylie, 2006, p.10).

It is currently evident how the prioritization of state security interests has dominated in Europe, as EU members refer now to trafficking concerns to defend their decisions to prohibit refugees at the borders from seeking asylum, using the threat organized groups

impose on the security of the borders as an excuse (Wylie, 2016, p.182). Moreover, anti-HT strategies in Europe have become overshadowed by migration and other approaches and are deeply rooted in the establishment of “the migration-crime-security nexus” (Goodey, 2008, p.431).

The results of such an approach to securitize HT are evident as they allowed governments to defend and justify their decisions to promote national security concerns instead of focusing on the deeper reasons leading to situations in which people are exploited in such manners (Wylie, 2016, p.14). However, this approach of making trafficking a matter of national security, as highlighted by critics, weakens the recommended victim-centred approach to curbing HT (Rizer and Glaser, 2011, p.91). This is due to the fact that national security focused policies lead to “human insecurity” and intensify the possibility of vulnerable people to be trafficked, all in the name safeguarding a country’s borders (Wylie, 2006, pp.11-12, p.14). On the opposite, this approach does neither guarantee the security of the state nor the human, as countries’ borders stay at risk of being breached and the safety of people becomes more endangered, leading us to bring up McSweeney’s argument that “security must make sense at the level of the individual human being for it to make sense at the international level” (Ibid., p.14).

This takes us to the second approach, human security, a concept introduced in policy discussions comparable to the traditional concept of national security (Kreidenweis and Hudson, 2015, p.70). Human security differs from its national counterpart, as it seeks to enlarge and expand on what a security threat comprises of, shifting in the process the focus to individuals rather than being limited to states and emphasizing the presence of risks inside and outside countries (Ibid.).

In this regard, scholars call for the acknowledgement of HT as a legal offense targeting individuals and not just the state considering its risks to the security of humans including stripping them of their liberty (Mattar, 2006b, p.249; Tymoszenko, 2019, p.65). Certain international organizations as well, such as the OSCE, have managed to establish HT as a risk to the safety and security of trafficked victims successfully by recognizing that in addition to states, people can also be the focus of security narratives (Wylie and McRedmond, 2010, p.5).

Additionally, academic researchers contend that recognizing HT as a risk to human security will lead to a more comprehensive understanding of what constitutes trafficking differently from the actual domineering framework, which will in turn pave the way for the development of effective anti-HT measures (Kreidenweis and Hudson, 2015, p.80). Similarly, Yousaf

(2017, pp.209-210) argues that the human security approach is the most suitable since it offers an intricate human rights-oriented method to delve into the reasons and dangers linked to HT. Moreover, Clark (2003, p.248) contends that adopting a human security approach when dealing with HT will enable the development of anti-HT policies focused on protecting victims from being trafficked. These arguments can be referred back to the shortcomings of previous policies and their results, in which HT is linked solely to national security (Miller and Wasileski, 2011, p.301; Kreidenweis and Hudson, 2015, p.70), leading these scholars to call for a “human security approach emphasizing international stability, and protection of people and communities” (Mishra and Sharma, 2022, p.132).

b. Compliance with international agreements:

Since the 2000s, an international framework encompassing national and international legal regulations has been established to address HT effectively (Avdeyeva, 2012, p.298). Due to the transnational nature of HT and an increasingly connected and borderless world, there is an increased obligation to effectively conceive, interpret and enforce laws with respect to the developed internationally shared legal accords (Buscaglia, 2013, p.149). Therefore, complying with the requirements in these agreements is significant to ensure that.

When talking about compliance, the term, by definition in international contexts, refers to "an actor's behaviour that conforms to a treaty's explicit rules" (Raustiala, 2000, p.391). In political science, it generally concerns documented commitments and the extent to which states are willing to change their conduct in a matter to adhere to the regulations present in the treaties they signed (Lutmar and Carneiro, 2018, p.2).

When it comes to eliminating HT, states' compliance with international agreements depends on many factors. First, Andrew Hurrell and Benedict Kingsbury contend that countries are more prone to comply willingly with international treaties if they wish to be perceived as well reputed dependable allies (Downs and Jones, 2002, p.S100). Therefore, by complying, states can guarantee a respected standing among their counterparts (Avdeyeva, 2012, p.299). Second, when it comes to preserving human rights, countries sign and ratify treaties, even without intending to comply, because they see it as the most fit conduct and to demonstrate to other states that they are not outliers (Avdeyeva, 2007, p.878). Third, countries' decisions to comply might be influenced by their connections to regional bodies (Avdeyeva, 2012, p.302). For example, countries with active membership wishing to join the EU or NATO are in all likelihood the best at putting in efforts to comply with the UN's trafficking protocol, to showcase responsible and ethical behaviour (Ibid.).

However, in guise of these solid coercive incentives and the meaningful help the treaties offer those seeking to strengthen their responses, countries do not necessarily comply after the signature or ratification (Cho and Vadlamannati, 2012, p.250) due to several factors. To start with, compliance is highly expensive and time consuming as it requires financial and timely contributions to develop, improve and modify new and existing rules, without considering local opposition that has to be bypassed (Ibid., p.252). Taking this into account explains why countries take critical decisions to comply solely with the most beneficial obligations to them among the 3Ps, choose the cheapest options in terms of behavioural changes and those that are most likely to fulfil the powerful states' priorities (USA for example) (Cho and Vadlamannati, 2012, p.252; Avdeyeva, 2007, p.880).

Moreover, from a realistic point of view, the majority of international agreements don't have the necessary tools like economic sanctions or military incentives to pressure states' into compliance (Avdeyeva, 2012, p.303). Taking the UN Palermo Protocol as an example, Cho and Vadlamannati (2012, p.252) found that countries will predominantly comply with the element of prevention the most among the 3Ps, as the prosecution element for instance imposes costly and long-lasting procedures which might also result in domestic and political conflicts. Similarly, compliance with the element of protection imposes the modification of countries' regulations on migration to switch the trafficked person's standing to a victim instead of an undocumented migrant in need of support, the establishment of the "non-punishment principle of victims" which might not align with present migration regulations for example, etc (Ibid.). This case, in sum, demonstrates that states choose whether to comply or not, based on their own interests and calculated decisions.

Seeing as HT is transnational by nature, it requires both an establishment and enforcement of national laws and strategies, with a necessity to ensure compliance with international agreements. Therefore, an act of non-compliance might result in an ineffectiveness of anti-HT responses, whether protection, prosecution, or prevention. According to Gallagher and Holmes (2008, p.321), a holistic legal system in compliance with international treaties is a crucial component to ensure the establishment of an effective domestic criminal justice framework to eliminate HT. Additionally, Simmons (1998, p.78) contends that while compliance alone may not be sufficient for effectiveness, it remains a necessary factor. Moreover, similarly to certain international relations scholars, international law researchers argue that a lack of effectiveness could be linked to noncompliance (Meyer, 2014, p.93, p.95). This is evident in the case of the Caribbean region, in which according to research by John (2020), governments' failure to comply with international anti-HT standards can result

in perpetrators evading punishment and as a result an ineffective prosecution element incapable of holding criminals accountable.

Summary:

In sum, this chapter has highlighted how HT evolved from being defined as a form of illegal migration and human smuggling to a serious security threat. It delved further into the 3P framework, defined as the most successful one to establishing effective anti-HT responses focused on protecting victims, prosecuting traffickers and preventing the spread of this crime.

In discussing what constitutes and defines effective and ineffective anti-HT responses, the chapter identifies the existence of factors resulting in ineffective responses, through implementation, before moving on to discuss in detail two significant factors responsible for the ineffectiveness of the responses, by influencing and informing the way they are established.

The first factor regarding the securitization of HT under a national security approach, leads to linking HT to other national security threat and framing trafficked victims as illegal migrants or prostitutes, in order to justify governmental responses prioritizing national security over human security. This approach undermines the effectiveness the responses as it leads to the establishment of policy and legal responses that are national security oriented and endangers the security of victims, and as a result protective measure. The second relates to the deliberate non-compliance of the state with international regulations as a factor leading to the ineffectiveness of the judicial system, and specifically protection and prosecution efforts. Therefore, it is an essential element for the establishment of effective national criminal justice responses to HT.

CHAPTER III. RESEARCH METHODOLOGY

1. Research design:

Since the research aims to understand why the anti-HT responses in Poland are ineffective and analyse specific factors behind this ineffectiveness, it is characterized by an interpretivist approach. Peregrine Schwartz-Shea and Dvora Yanow (2012) argue that interpretive scholarly research puts emphasis on particular and precise meaning within a defined setting, which makes such works unique (Kulakowska, 2020, p.36). Additionally, and as Greene (1992) notes, in interpretivism, since the researcher is in charge of choosing information for the research, the data collected and analysed is situated within “the subjective epistemology” which makes it, unlike in positivism, almost impossible to achieve objectivity in findings (Chetty, 2014, p.41). Moreover, the adoption of the interpretivist approach, and as a result the collection and analysis of data in a qualitative setting, allows for a deeper comprehension of specific situations, and is more often to lead to significant level of reliability and validity of data (Alharahsheh and Pius, 2020, p.42).

In accordance with this interpretivist logic and given that the research focuses specifically on the context of human trafficking in Poland, it is intended to be a single case study. Such studies, as Gilgun (2014, p.661) affirms, “are investigations of single units composed of an individual, ..., a group, a nation, or a region”. Additionally, single case studies analyse and examine large quantities of data and a variety of arguments about a single and specific element instead of extending across multiple units (Toshkov, 2016, p.285, p.286). Moreover, they are helpful both when the researcher has established a solid theoretical framework or has only limited theoretical notions about the topic (Ibid., p.285).

As Odell (2001, p.161) affirms, since “single case studies are actually a family of research designs”, this study is designed to be a disciplined interpretive case study of Poland. Such case studies examine cases more thoroughly based on a firmly founded theoretical model (Seha and Müller- Rommel, 2016, p.423). As Vennesson (2008, p.227) explains it, such studies rely on existing theories to study and examine in-depth specific events.

This type of case study demonstrates that existing theories can be used to explain and expand across new and various cases (Odell, 2001, p.163). This represents the case for my research, as it looks to assess the securitization theory as well as other theoretical concepts such as compliance, as factors impacting the effectiveness of Polish responses against HT. Research regarding human trafficking in Poland has been framed around and focused mostly

on feminist theories and victimization approaches especially of women and children, whilst my research focuses on HT as a phenomenon impacting everyone indifferently, and specifically frames it as a security threat. Additionally, securitization theory has been researched within the context of HT by previous researchers in different contexts (USA, Sweden, etc.) but never in the case of Poland, which is the same case for compliance. Several factors regarding the ineffectiveness of anti-HT responses in Poland have been identified by scholars as well (Zbigniew Lasocik for example), which didn't relate to securitization or compliance issues and weren't grounded in a theoretical foundation or supported by academic research of such case in different contexts. For these reasons, my research fits into the disciplined interpretive case study logic since it applies existing theoretical and conceptual aspects to the case of anti-HT responses in Poland, offering in the process a new contribution to the existing literature on governmental efforts to combat it.

Given that this study focuses on the factors causing the ineffectiveness of anti-HT in Poland, I put forward the ineffectiveness of anti-HT responses in Poland as the study object, the securitization of HT as a national security threat and deliberate non-compliance with international legal regulations as causal factors. The research also revolves around two central arguments with the first being the securitization of HT, which, due to rising concerns of security threats from organized crime to illegal migration, leads to the establishment of Polish policy and legal responses that are national security oriented. This approach undermines the human security framework to combatting HT, impacting the effectiveness of the protection measure. The second argument relates to the state's non-compliance with established international legal regulations being a factor responsible for the ineffectiveness of the prosecution and protection measures of Polish policy and legal anti-HT responses.

2. Empirical case selection:

a. Country case study: Poland

My attention turned to Poland out of all the Central and East European countries (Visegrád group) for several reasons. First, human trafficking is currently a major issue in Poland due to its unprecedented increase (Lasocik, 2020a, p.224) and the inadequate responses to prevent it by the government. As Lasocik (2020a, p.224) points out, HT was believed to be an issue left only to NGOs such as La Strada Foundation to solve, however, it turned out to be more serious that the state is facing criticism for the ineffectiveness of the system built to combat it.

Second, due to its geographical position, Poland was significantly impacted by the conflicts taking place across its borders, such as the Russian invasion in Ukraine, which resulted in substantial numbers of refugees crossing into or transiting through the country. Being situated “halfway between the East and the West” puts the country at a heightened risk of security threats (for example border crisis between Poland and Belarus in 2021) and creates concerns in terms of the exploitation and trafficking of people (Lasocik, 2020a, p.226). This also played a role in Poland turning into an origin, transit and destination country of HT (Directorate-General for Migration and Home Affairs, no date), which is highly alarming. It would also explain the logic behind the extensive focus on national security in terms of the established anti-HT responses.

Third, Poland is the only country, out of the four CEE countries, which maintained a Tier 1 position for more than a decade (since 2003), based on the USA’s trafficking in persons report, meaning that it was complying with the necessary standards to eliminate HT, before dropping to a Tier 2 position in 2019 and remaining in the same ranking all the way to 2023.

Fourth, Poland is the country with the largest border with Eastern European countries (Russia, Belarus, Ukraine) out of all EU countries, which contributes to its vulnerability to HT.

At last, and most importantly, as Polish authorities claim to enhance their system regularly to keep up with the threatening development and changing dynamics of HT, a system proven to be ineffective since 2019, makes this case intriguing. More specifically, when it comes to understanding the reasons behind the ineffectiveness. It simply suggests the existence of deeper factors that the state is responsible for, such as the ones this research is delving into which fit right into this framework.

b. Timeframe: 2019-2023

The thesis will focus on and analyse the established Polish anti-HT system between 2019 and 2023 for several reasons. To start with, Poland fell from a Tier 1 to a Tier 2 country in combatting HT for the first time in 2019 since 2003 (Office to Monitor and Combat Trafficking in Persons, 2003). Second, the onset of the Covid-19 epidemic in 2020 resulted in further complications for the Polish authorities in terms of curbing HT, specifically due to the shifts in the ways of transportation and smuggling, which had an impact on the victims’ state of being and the perpetrators’ usual practices (Department of Analyses and Migration Policy, 2021, p.2).

During this period, Poland has been more prone to security threats such as the Polish Belarusian migrant border issue in 2021, during which a crisis orchestrated by the Belarusian regime pushed large numbers of refugees from Middle Eastern countries to storm Poland's border, with approximately four hundred perpetrators being apprehended with charges of trafficking people from Belarus (Wądołowska, 2022).

Moving on to the period of 2022 up to 2023, Russia's invasion of Ukraine resulted in a volatile environment in the region which posed a great critical threat to the security of Poland and refugees fleeing Ukraine in terms of being at a higher risk of trafficking and exploitation. This is supported by the UNODC Research's (2022, p.6) report which affirms that refugees seeking entry to the EU due to the invasion were facing significant risks of being trafficked for different activities because of their vulnerable situations and challenging trips to arrive to their intended destination country.

3. Data collection and analysis:

a. Data collection:

The data collected for the study ranges from primary to secondary sources. Primary sources include reports and policy documents by the Polish government (NAP 2020-2021, NAP 2022-2024, penal criminal code, HT annual reports for 2019, 2020, 2021 and 2022 by the department of International Affairs and Migration from the Ministry of Interior and Administration), data from the government's website on HT (<https://www.gov.pl/web/handel-ludzmi>), reports by states, international organizations and other bodies (USA's TIP report for 2019/2020/2021/2022 and 2023, GRETA's evaluation report for 2023 (CoE)).

Secondary sources encompass research reports by NGOs (Nobody's children foundation, The church of the salvation army, La Strada foundation), other centres such as the Human Trafficking Studies Centre University of Warsaw or reports by scholars funded by the European Commission for example, as well as scholarly articles and book chapters dealing with HT in Poland.

The selected sources are crucial because some offer insight into HT as a crime in Poland and the measures taken to tackle it, while others evaluate anti-HT responses based on the 3P measures. For example, the US department of state TIP report is very important as it plays a critical role in how countries address HT (Gallagher, 2012, p.183). It ranks these countries on a Tier list according to their performance and measures taken to comply with the necessary

standards (with regards to the UN Palermo Protocol) of curbing HT (Van der Vink et al., 2023, p.149). Specifically, the report relies on the measures put in place based on the three Ps for these rankings (Horning et al., 2014, p.257) which is consistent with my research's conceptualization of anti-HT responses.

Another example relates to the reports of the GRETA committee which is in charge of assessing member countries' degree of compliance with the Council of Europe's convention and which addresses the effects of the policies implemented "on the prevention of HT, the protection of victims' rights, and the prosecution of traffickers" (GRETA, 2023, p.4).

b. Method of analysis:

The method of analysis through which the data will be interpreted is qualitative content analysis. It is most suitable in this research for several reasons. First, despite being regarded as a previously objective technique to examine relevant content, qualitative content analysis shifted toward an interpretivist approach (Ercan and Marsh, 2016, p.316), which is compatible with the adopted approach in this study. Second, this method allows the use of a wide range of data such as governmental documents and reports, official speeches, parliamentary records, etc (Ibid.). Additionally, QCA puts the focus on uncovering the meanings and messages behind specific content (Prior, 2014, p.360), and as Marying affirms, enables a "systematic analysis of such texts addressing manifest content and themes and core ideas found as primary content" (Drisko and Maschi, 2016, p.85). Therefore, adopting this method is appropriate as it will enable me to uncover thoroughly and analyse the main categories and themes related to the measures established in Poland to eliminate HT, as well as the underlying messages and ideas.

c. Operationalization:

Before conducting the analysis, it is crucial to operationalize the key factors of interest guiding this research. This will allow me to present how these indicators will be observed empirically. Starting with the effectiveness of anti-HT responses in Poland, it will be measured using indicators such as low victim identification, limited victim assistance, low prosecution rates, and lack of prevention efforts. For the securitization of HT, indicators include the prevalence of security-focused language in the reports, language framing HT as a national security threat or linking it to such threats, security-oriented decisions and actions, and prioritization of national security over the security of individuals. For the last factor, non-

compliance will be measured by looking at (non) implemented provisions from international agreements and instances of non-compliance with international agreements' obligations.

These indicators will be empirically measured using the QCA method based on various governmental documents, research reports and other primary and secondary sources (journalistic articles, secondary literature). This will be detailed further in the next section.

d. Data analysis:

To conduct the QCA, I will employ a deductive manual coding process, analysing the data based on predefined codes generated from the theoretical framework and derived from the operationalized indicators. The codes will be organized according to four categories, the 3P measures, ineffectiveness of responses, securitization of HT and non-compliance, with each category encompassing specific codes.

Starting with the 3P measures, this category will focus on identifying the measures implemented under the 3P framework, therefore the codes are prosecution, protection and prevention. Within protection measures for example, the analysis seeks to identify services offered by the state to victims (witness protection program, financial assistance, visa program). Second, the category of ineffectiveness will focus on addressing areas of ineffectiveness within each 3P measure. The predefined codes include low victim identification, limited victim assistance and low prosecution rates.

The third category, securitization of HT, will examine how HT came to be securitized in Poland and how it's a factor linked to the ineffectiveness, I established this category with codes such securitization language, security framing, national security and human security. The focus is on identifying texts in which trafficking was depicted as a national security threat or linked to another threat such as illegal migration. The final category concerned with assessing Poland's compliance with international law, codes include non-compliance instances, motive to comply and indicators of compliance. These codes will be used to identify instances in which Poland deliberately failed or rejected to comply with certain obligations.

Similarly, these categories will be assigned to themes aligning with the research question and objectives. The themes are as follows: as ineffective system to protect victims, an ineffective system to prosecute the crime, process of securitizing HT, securitization of HT as a responsible factor for the ineffectiveness of protective measures, non-compliance as a responsible factor for the ineffectiveness of prosecution and protection measures. It is

important to note that in this sense, during the coding and analysis, data extracted from a single category might be assigned to different themes.

Moving on to the phase of the analysis, I will read through the texts with a focus on statements, words and expressions identifying instances where the codes appear, to assign them to their respective categories. Uncovering these codes will allow me to uncover patterns and messages within the data, which will be analysed to draw conclusions about the elements of ineffectiveness of the Polish anti-HT system and determine how the studied factors are the ones responsible.

4. Research limitations:

Several limitations to this research should be pointed out. First, despite the recognition of HT as a serious concern for the state, there are no specific statistics on victims and cases of trafficking. For example, each year the UN, NGOs and other administrations in Poland like the border guard, police, prosecutors' office provide their own statistics which are usually different. For this reason, it was hard to rely on these sources. Rather, the statistics I used originate from an independent research report by Zbigniew Lasocik.

The second limitation relates to the language barrier, as some significant pieces of research and governmental documents were in Polish. Consequently, I relied on translation websites and software, which might impact the validity of the analysis. However, to mitigate this risk, I used three translation services, the online doc translator (<https://www.onlinedoctranslator.com/en/translationform>), DeepL and Reverso. I then compared the translated texts to ensure that the translation is as close to the original meanings as possible, to enhance the validity of my analysis.

The third limitation is the scarce research on the securitization of HT and assessment of Poland's compliance with international agreements. Assessment of compliance for example is rarely conducted, only by some organisations such as GRETA of the CoE and a limited number of researchers who call upon Poland to comply and improve its legal framework. As for securitization, I compiled the existing data to present the process of securitizing HT in Poland, before moving on to analyse its impact as a factor.

The fourth limitation is the subjectivity of the research as it's interpretivist by nature, which also affects the validity of the research. This also led to the final limitation, confirmation bias, in which I focus on data supporting my arguments and ideas. However, to alleviate this issue, I relied on a large umbrella of data from various different sources (NGO reports, academic articles, books, etc) to support my claims.

CHAPTER IV. OVERVIEW OF THE POLISH SYSTEM TO COMBAT HT (1997-2018)

By the end of the 90s and during the transformation period to democracy, Poland has been establishing new laws and policies in place to combat numerous issues plaguing the country, including HT. Due to the seriousness of the crime of HT and the dangers it imposes on the wellbeing of people and the security of the country, it became a top priority for the government in terms of the measures put in place to curb it, which have been developed further to align with international agreements (ECPAT, 2012, p.10). The responses by the government encompassed specifically legal and policy measures in line with the 3P framework, as well as cooperation strategies with NGOs to protect victims (Wiśniewski, 2010, p.79; Banach-Gutierrez, 2024, p.103).

The following chapter provides an overview of Poland's responses to curb human trafficking spanning from 1997 up until 2018, and their evolution in terms of the national programme and criminal responses. The chapter also presents a brief summary of the international and regional conventions Poland ratified in terms of combating HT and whose compliance with is very significant.

1. National level:

a. National Action Plan NAP (2003-2018):

In terms of national strategies, the Ministry of Internal affairs is the primary governmental institution responsible for establishing policies to combat HT (Dworzecki, 2016, p.35). At this level, Poland developed a countrywide policy framework, named the national action plan (NAP), as the primary governmental instrument to fight and prevent HT using various tools such as educational and practical sessions for professionals, awareness initiatives, etc constituting mainly of tasks and actions to be carried out by the concerned authorities during a specific period (Banach-Gutierrez, 2024, pp.101-103). The government established this document for the first time in 2003, to be updated every two or three years with new actions to be implemented by the designated bodies (Wiśniewski, 2010, p.74; Hoff, 2019, p.50). It was mainly established to improve the security of the citizens, under the framework of the

program “Safe Poland”¹ and to ensure the country’s compliance with the international agreements it signed and ratified, mainly during this period the UN Palermo Protocol² (Portal o przeciwdziałaniu handlowi ludźmi, n.d.a). This first strategy focused on bringing awareness to residents about the severity of HT, improving support and protection strategies for victims, and boosting international strategic relations with other countries/ institutions with regards to HT, among other objectives (Directorate-General for Migration and Home Affairs, no date). Specifically, the tasks included in the document included the establishment of a cross-departmental interdisciplinary group focused only on HT and legislative changes such as the integration of the UN Palermo Protocol’s definition of HT into the Polish penal law (OSCE/ODIHR database of legal reviews and legislation, 2007a, p.7, p.9).

Following the first two years of establishment of the 2003-2004 strategy, authorities made the decision to prolong it as several actions remained to be put in place and new issues arose which required updated tasks (Wiśniewski, 2010, pp.75-76). Specifically, in 2005 and 2006, Poland was transformed into a country to which women from Eastern Europe were imported, becoming as a result a destination country³ (Portal o przeciwdziałaniu handlowi ludźmi, n.d.b).

As a result, Poland opted to enhance its stance against HT by implementing a subsequent national plan (Office to Monitor and Combat Trafficking in Persons, 2006), named “the National Program of Fighting and Prevention of Trafficking in People for 2005-2006” (OSCE/ODIHR database of legal reviews and legislation, 2007b). This policy was characterized by the approval of the first financial plan to assist international victims of HT and included new tasks and actions like encouraging research about HT in Poland and conducting analysis to ensure Poland’s compliance with the definition of HT provided in the UN’s Palermo Protocol (Office to Monitor and Combat Trafficking in Persons, 2006; OSCE/ODIHR database of legal reviews and legislation, 2007b).

As the crimes related to HT remained on the rise and considering Poland’s commitment towards the international agreements it became part of, authorities decided to keep enhancing the anti-HT national strategy (Wiśniewski, 2010, p.74). This resulted in the establishment of “the 2007-2008 National Programme for Combating and Preventing Trafficking in Human

¹ Translated from: Krajowy Program Zwalczenia i Zapobiegania Handlowi Ludźmi był elementem realizacji programu poprawy bezpieczeństwa obywateli „Bezpieczna Polska”.

² Translated from: Potrzeba takiego programu wynikała ze zobowiązań międzynarodowych Polski, w tym m.in. z faktu podpisania i ratyfikowania Protokołu dodatkowego do Konwencji Narodów Zjednoczonych o zapobieganiu, zwalczaniu oraz karaniu handlu ludźmi, w szczególności kobietami i dziećmi.

³ Translated from: W latach 2005-2006 Polska przekształcała się w kraj, do którego były importowane kobiety ze Wschodniej Europy, a więc krajem docelowym.

Beings” as a sequel to previously established programmes, with various changes in actions (OSCE/ODIHR database of legal reviews and legislation, 2007c, p.1). The programme focused heavily on preventive measures through “financial and organizational support” for research on HT by relying on EU programmes (Ibid., p.4), and preparation of a document to assist and protect Polish citizens that are victims of HT (Ibid., p.8).

The increase in HT criminal lawsuits and cases of child trafficking led to the establishment of a new national programme for 2009 and 2010 (Interministerial Team for Combating and Preventing Trafficking in Human Beings, 2009, p.1). The document was renamed as “the National Action Plan” due to legal changes established in the “Amendment to the Act of December 6, 2006”⁴ (Portal o przeciwdziałaniu handlowi ludźmi, n.d.c).

The new National plan didn’t present major changes and relied mostly on previous unfinished tasks. However, new activities concerned training programs focused on identifying children as victims of HT, awareness campaigns for foreign people moving to Poland for work purposes against HT for forced labour, and the legal changes on the first Article of the “Act of 12 October 1990” concerning extending the Border guard’s capabilities to curb HT (Interministerial Team for Combating and Preventing Trafficking in Human Beings, 2009, p.9; p.11; p.18). An important milestone during this period in 2009 was the establishment of “the National Consulting and Interview Centre for Victims of Trafficking” (KCIK) to serve as the primary facility to intervene in suspected cases of trafficking and assist victims (Directorate-General for Migration and Home Affairs, no date).

As intra-country was still the most prevalent form of HT⁵ (Portal o przeciwdziałaniu handlowi ludźmi, n.d.d), the National Action Plan for 2011-2012 was established with three identified priority objectives: focus on preventive measures through research, protection of victims and overall enhancing the effectiveness of the policies already in place (ECPAT, 2012, p.13). This NAP also focuses on improving the collaborative efforts of the government with NGOs, especially when it comes to financially supporting the KCIK centre (Ibid., p.17). Additionally, the government dedicated additional funds within this NAP to research HT when it comes to analysing trafficking criminal cases affecting minors and children, people most in risk of being trafficked, etc (ECPAT, 2012, p.19.).

⁴ Translated from: W związku ze zmianami prawnymi wprowadzonymi nowelizacją ustawy z dn. 6 grudnia 2006 r. o zasadach prowadzenia polityki rozwoju, niniejszy dokument nazwano planem działań z uwagi na jego charakter.

⁵ Translated from: dominującym zjawiskiem pozostawał wewnątrz krajowy handel ludźmi

After this NAP, a new trend emerged on NAPs encompassing three years instead of two since the previously assigned two-year period wasn't sufficient to put all actions and tasks in place (The Committee for Combating and Preventing Trafficking in Human Beings, 2013, p.1). As a result, a new one was established encompassing the period from 2013 until 2015 to ensure an efficient handling of existing financial and human capital (Ibid.).

It came with the primary objective of putting the right conditions into action to ensure an effective prevention from HT and protection of victims (The Committee for Combating and Preventing Trafficking in Human Beings, 2013, p.4). Specific goals concern spreading awareness about HT risks among people, strengthening protective actions for the victims, developing international relations in terms of combating HT, etc (Ibid.).

Finally, the NAP for 2016 until 2018 takes the same path as the previous policies with an aim to further strengthen prevention activities, protection of victims, prosecution of criminals trafficking people and developing international cooperation (The Committee for Combating and Preventing Trafficking in Human Beings, 2016, p.1, p.7). Besides the usual objectives concerning continuous spread of awareness on HT and developing the expertise of institutions implicated in combatting HT, there were certain priority tasks focused mostly on protecting the victims put in place such as the preparation of "the National Referral Mechanism for victims of trafficking in human beings" (Ibid., p.7, p.14). Consequently, this NAP was the most expensive in terms of implementation, with an estimated budget amounting to four million PLN (Ibid., p.10).

b. Legal framework:

Poland implemented a legal regime in order to prosecute the crime of HT (Wiśniewski, 2010, p.63), with the main national document in this regard being Poland's penal criminal law established on the 6th of June of 1997 (Obokata, 2006, p.79).

The first and most significant regulation is "Article 253 (1)" stipulating that the act of trafficking a person even with the victim's approval, will result in a minimum of three years as a period of imprisonment (Wiśniewski, 2010, pp.61-62). The second "Article 204 (4)" focuses on the international dimension of HT as a crime, as it states that anyone who lures a victim outside the country for sexual exploitation purposes will be imposed to a penalty of imprisonment lasting from one to ten years (Ibid., p.62).

A strong component of this Penal code lies in the fact that it differentiates between the human trafficking and human smuggling concepts (Obokata, 2006, p.80). However, due to issues with implementing and understanding the articles, the authorities took the decision to

legally integrate the definition of HT from the UN's Palermo Protocol into the Penal code (Wiśniewski, 2010, p.62; Lasocik, 2010, p.21).

The legal framework underwent changes that came into effect on the 8th of June of 2010 following the amendments on the "Criminal Code of 13 April 2007" (Dworzecki, 2016, p.28). Under this reform, the criminal code recognizes HT as a crime (Article. 115, 22, Art. 115, 23, Art. 189a, 1) (Ibid., p.29). Most importantly, it makes not only the act of trafficking subject to legal penalties but also the process of organizing it (Article 189a, 2) (Banach-Gutierrez, 2024, p.99). There also certain articles linked to HT that are liable to prosecution such as restriction of freedom (Article 189 PCC), filming illicit sexual content (Article 202), forced commercial sex acts (Article 203), and profiting from sex work as a pimp (Article 204) (Ibid.).

In 2010, the Polish government took significant steps to strengthen its anti-HT legal framework through various amendments and revisions (United States department of state, 2011). New articles were established to replace Art. 253, Art. 203, and Art. 204, 4, in order to criminalize any type of HT taking place in Poland and increase the period of imprisonment to three years minimum and fifteen years maximum (Ibid.). Most importantly, with these amendments, an official national definition of HT was introduced into the criminal code after nine years of debates (Hoff, 2019, p.37) as follows:

"The recruitment, transportation, transfer, harbouring or receipt of persons by means of violence or unlawful threat, abduction, deception, ..., for the purpose of exploitation, even with the person's consent..., shall be considered human trafficking" (Hoff, 2019, p.37).

Moving on, another relevant act is the "Act on Foreigners (AF)" established in 2014 to handle residency complications of foreign victims of HT, by giving them access to a three-month legal consideration time and a short-term residence permit (Directorate-General for Migration and Home Affairs, no date).

Finally, the "Act on Victim and Witness Protection and Support" entered into force in 2015 to regulate proceedings on statements given by HT victims during criminal proceedings (Banach-Gutierrez, 2024, p.100). For example, underage victims were to be put in more comfortable spaces for questioning under Art. 185a and Art. 185d and victims in general have the possibility to give their testimonies through video calls in Art.177, 1a (Ibid.).

2. Acts of international law:

At the international level, Poland signed and ratified numerous international and regional agreements designed to combat HT (Banach-Gutierrez, 2024, pp.98-99). There are three

significant agreements to mention, including the Palermo Protocol by the UN⁶, the “European Union’s 2011/36/EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims”⁷, and “the Council of Europe’s Convention on action against HT of 2005”⁸ (Lasocik, 2010, p.33). Additionally, for the case of forced labour only, Poland ratified the “ILO’s convention No 29 concerning Forced Labour or Compulsory Labour”⁹; “ILO’s Convention No 105 concerning the Abolition of Forced Labour”¹⁰ and the “ILO Convention No 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour”¹¹ (Muraszkiewicz, 2020, p.18). This made Poland a member to all key international agreements designed to curb HT (Ibid.).

Starting with the UN’s Palermo protocol, Poland signed it and became legally obligated to comply with it after fourteen days of the signature (OSCE/ODIHR database of legal reviews and legislation, 2007a, pp.2-3). This protocol urges members to focus on the prevention and the prosecution of HT and protection of victims and recommends developing cooperation among party countries (The Committee for Combating and Preventing Trafficking in Human Beings, 2016, p.6).

In 2005, Poland signed the CoE’s convention which is a significant milestone (Muraszkiewicz, 2020, p.23). Its importance lies essentially in it being “the first international legal Act with a regional character” (Lasocik, 2010, p.35).

Furthermore, the EU’s directive on HT of 2011 came into force to strengthen the lawful rights of victims of HT, especially for protective measures (Schönhöfer, 2016, p.158).

Lastly, “the European Convention on Human Rights”¹² ratified by Poland contains Article 4 (1) related to combating HT and dealing specifically with “the prohibition of slavery and forced labour” (Banach-Gutierrez, 2024, p.94). This is exemplified by the “*Rantsev v. Cyprus*

⁶ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted on 15 November 2000, published by the General Assembly resolution 55/25 (<https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>).

⁷ Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, adopted on 5 April 2011, published in the Official Journal of the European Union L 101/1 (<https://www.refworld.org/legal/reglegislation/council/2011/en/90010>).

⁸ Council of Europe Convention on Action Against Trafficking in Human Beings, adopted on 16 May 2005, published by the Council of Europe CETS No.197 (<https://rm.coe.int/168008371d>).

⁹ Convention Concerning Forced or Compulsory Labour (No. 29), adopted on 28 June 1930, published by the ILO C029 (<https://www.refworld.org/legal/agreements/ilo/1930/en/13972>).

¹⁰ The Abolition of Forced Labour Convention (No. 105), adopted on 25 June 1957, published by the ILO C105 (https://normlex.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C105).

¹¹ Worst Forms of Child Labour Convention (No. 182), adopted on 17 June 1999, published by the ILO C182 (https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB%3A12100%3A0%3A%3ANO%3A%3AP12100_ILO_CODE%3AC182).

¹² Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), adopted on 4 November 1950, published by the Council of Europe (<https://www.coe.int/en/web/compass/the-european-convention-on-human-rights-and-its-protocols>).

*and Russia*¹³, para 284 case” that led the ECHR to determine that HT can be considered as a breach of Article 4 (1) (Ibid.). It also focuses on the necessity to implement effective policies, especially for the protection of victims’ rights and the prosecution of the perpetrators (Ibid.).

In conclusion, and as stipulated by independent researchers into HT, Poland succeeded nationally since 2003 to put in place an anti-HT system combining regulations focused on the 3P elements (The Committee for Combating and Preventing Trafficking in Human Beings, 2013, p.6). At the international level, Poland has been active in signing and ratifying influential and significant treaties aimed at tackling HT, making the country a signing party to the necessary established international acts regarding HT. This clearly demonstrates the seriousness Poland accords to eliminating HT in the country. However, due to the changing dynamic nature of HT and its various forms in the country, the strategies are not always the same. Rather, as demonstrated in this chapter, they are regularly updated and revised.

¹³ Application no. 25965/04, ruled on 07 Jan. 2010.

CHAPTER V. EMPIRICAL CASE STUDY: ANALYSING THE INEFFECTIVENESS OF THE ANTI-HT POLISH SYSTEM (2019-2023)

1. Analysis of Polish anti-HT responses (2019-2023):

The following section offers an overview and analysis of the main national legal and non-legal measures established by the Polish state to combat HT between 2019 and 2023. It mainly looks at the two NAPs implemented during this period (2020-2021 and 2022-2024) as well as the changes to the criminal justice response system.

a. National Action Plans (2019-2023):

Following the NAP for 2016-2018, the authorities didn't establish a NAP encompassing the year 2019, but rather a NAP for 2020-2021 which differs in language than the previous documents. It focuses explicitly on the necessity to focus on and intensify preventive action (Muraszkiwicz, 2020, p.17), to highlight the urgency of combating HT in the country. Additionally, it aims to enhance the implication of Voivodeship teams combating HT in the process because of the significance of their tasks to support and aid victims of HT (Muraszkiwicz, 2020, p.17). Though, this particular task is mostly on paper and is not implemented in practice (Ibid.), which highlights how little the protection measure is focused on. Moreover, considering the high number of foreigners and locals seeking employment opportunities in Poland, the 2020/21 NAP focuses on the significance of information, awareness campaigns and educational initiatives (Banach-Gutierrez, 2024, p.100). Furthermore, another key objective in the NAP is to strengthen the process and procedures of prosecuting criminals engaged in trafficking people, as well as to reinforce strategic partnerships with other countries and international organizations in terms of curbing HT (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.9).

In this regard, envisaged tasks are national in character, involving central national agencies responsible for developing a common legal framework and voivodeship teams with specific activities to implement in each region (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.10). Institutions in charge of enforcing the national strategy have different goals with some focusing on the national security of the state the most, including the

ministries of internal affairs, and foreign affairs, the internal security agency, police and border guard high ranking officials, etc (Ibid.).

- **Protection measure:**

When it comes to protection measures, the NAP touches upon established regulations such as supporting and providing assistance to all victims but also highlights further needs in this regard such as offering health insurance to victims in need, which is the case in many instances (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.1, 2).

As for this specific period, objectives include “increasing the standard of support provided to victims of HT” (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.10). This can only be accomplished by prioritizing several tasks, such as working on improving the operational guidelines of the “national referral mechanism” and enhancing the skills and knowledge of officials in terms of supporting and identifying potential victims of HT (Ibid., p.12). The third part of activities entitled “support and protection of victims” focuses on important actions to be put in place like researching possible legal initiatives to provide health insurance to witnesses in HT cases and establishing a program to protect and aid underage victims of HT (Ibid, p.18).

- **Prevention measure:**

As for preventive measures, which take the largest share and amount of activities of the NAP, tasks mainly revolve around spreading awareness on the phenomenon of HT through information campaigns and promotional material. Specific objectives of the NAP in this context encompass educating the public through awareness campaigns about HT, enhancing the skills and credentials of officials and bodies responsible for the prevention of HT and spreading information about forced labour considering its significant rapid rise (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.10). Besides individuals, these campaigns target corporations and entrepreneurs as well since several fields of operation are more likely to present cases of forced labour (Ibid, p.12).

Moreover, in order to enhance the educational capabilities of staff in academic establishments, the ministries of interior and national education, in collaboration with the centre of developing education envisaged within the framework of the NAP to prepare training sessions for teaching staff of HT (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.15). Finally, the NAP focuses on establishing

partnerships with employment and recruitment firms to address HT, specifically for forced labour cases (Ibid., p.16).

As for the period ongoing from 2022-2024, the established NAP for this period is heavily similar in language and objectives to the previous one (2020/21). It similarly seeks to reinforce preventive action and tasks and looks to expand the scope of authority of voivodeships responsible for combating HT, to produce an all-comprehensive anti-HT system (The Team for Counteracting Trafficking in Human Beings, 2021, p.2). It stipulates that the already established structured strategy to combat HT will persist through organization of actions, preventive tasks, protection measures and prosecution of perpetrators (Ibid.).

A significant detail about this NAP, is that it confirms the approval and appointment, based on the “Ordinance No.6 of 15 February 2019”, of the recently established team for counteracting HT by the ministry of interior (The Team for Counteracting Trafficking in Human Beings, 2021, pp.7-8), which is not effective compared to the previous Committee.

Most importantly, this document touches upon Poland’s international legal regulations, with a specific focus on the CoE’s 2005 convention, EU directives, UN’s protocols, the NATO treaty on HT and the ILO’s conventions and protocols on forced labour (Ibid., pp.4-5-6), which highlights Poland’s international obligations to comply with the conventions’ regulations.

- **Protection measure:**

Similarly to the previous NAP, the specific objectives of the 2022-2024 NAP in terms of protective measures look to boost the quality of assistance and protection offered to HT victims, with a focus on juvenile ones (The Team for Counteracting Trafficking in Human Beings, 2021, p.7).

The planned actions and activities are mostly a continuation of the previous ones as well, from the preparation and publishing of the guidelines of “the national referral mechanism” for HT victims to the arrangement and enforcement of support programs for underage victims of HT (The Team for Counteracting Trafficking in Human Beings, 2021, p.13). Still, the NAP puts forward fresh activities encompassing the creation of a list of the rights for HT victims available in multiple languages, as well as the supervision of the quality of execution of public projects (Ibid.).

- **Prevention measure:**

In this NAP, preventive measures also take the largest share with specific objectives similar to those from the previous period. These include increasing public awareness on the risks of

HT, enhancing the capabilities of workforce and bodies responsible for overseeing the implementation of preventive tasks, and broadening information on HT when it comes to forced labour cases (The Team for Counteracting Trafficking in Human Beings, 2021, p.7). New projected activities include informative and educational tasks focused on the mass population, with campaigns focused, for instance, on the dangers of being exploited for forced labour (Ibid., p.11, 12).

b. Legal framework (2019-2023):

The legal framework concerns prosecution measures established in the NAPs as well as changes in the criminal law to combat HT in Poland following issues of high security threats.

For the prosecution measures, specific objectives of the 2020/21 NAP concern the enhancement of the effectiveness of measures established by criminal justice bodies tasked with the prosecution of the crime of HT (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.10). This is implemented in order to strengthen the judicial system and enforce high quality practices (Ibid.).

In this regard, activities planned under the fifth part of course of actions entitled “prosecution of the crime of trafficking in human beings” in the NAP include a continued evaluation and collaboration among law enforcement bodies (border guard, courts, police) to protect the victims (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.20). It also focuses on the development of a “handbook for judicial and law enforcement authorities” regarding the management of HT court cases, and recommendations for labour investigators when examining forced labour cases (Ibid., p.20).

The 2022/24 NAP features the same specific objectives as the 20/21 NAP (The Team for Counteracting Trafficking in Human Beings, 2021, p.7). The main activities are a continuation of previous planned works such as continued work on legal guidebooks (Ibid., p.14). The new activities concern ongoing research and analysis on whether it is necessary to include an official legal definition of forced labour into the penal code as well as an examination of the significance of incorporating new anti-trafficking law (Ibid., p.20).

In terms of legislative changes, the Polish parliament enacted in 2020, the “Act of 10 December 2020” focused on revising the act on entry, stay and exit from the Polish territories for citizens of EU member states and their relatives (The Division for Counteracting Trafficking in Human Beings and Hate Crimes, 2021, p.6). The act, effective officially the first of January of 2021, incorporates into “the Act of 14 July of 2006” regulations similar to those of the “Act of 12 December 2013 on foreigners” (Ibid., p.7). Such provisions include

the right of EU/EEA and swiss citizens and their relatives to receive a confirmation certifying that there is an assumption that the person is a victim of HT with respect to Art. 115, 22 (Ibid.). This amendment comes in compliance with Art.11 of the EU's 2011/36 Directive regarding the prevention of HT and protection of victims (Ibid.).

Fast forward to March 2022, with the Russian war on Ukraine and the arrival of refugees in large numbers, there were risks in terms of spikes in cases of HT. Consequently, Polish authorities decided to put in place provisions aimed at heightening the legal penalties for HT (Department of International Affairs and Migration, 2023, p.9). Such measures included raising the imprisonment terms to ten or fifteen or twenty-five years under the Art. 189a, 2 of the criminal law for people involved in trafficking people during the war (Directorate-General for Migration and Home Affairs, no date).

The above elements highlight the attention that HT has been taking in top political agendas of the government, with intensified measures and more severe legal punishments.

2. Ineffectiveness of the Polish system to combat HT (2019-2023):

Regarding the effectiveness of the responses established between 2019 and 2023 to combat HT in Poland, the committee stipulates that the planned actions put in place in the 2020/21 NAP to combat HT “will be even more effective” (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.2). This goes back to the fact that the strategy is thorough, takes on recent challenges and focuses on several diverse projects (Ibid.). Similarly, the 2022/24 NAP is being implemented with the objective of guaranteeing effective elimination of HT in Poland (The Team for Counteracting Trafficking in Human Beings, 2021, p.7). However, despite these provisions along with the planned and implemented tasks, the responses established during this period didn't succeed in effectively combating HT or at least weakening its spread in terms of the necessary standards defined in the effective 3P measures, especially when it comes to identifying and protecting victims and witnesses, and prosecuting the crime HT in its various forms as evidenced by plenty of reports and research articles.

On the contrary, the responses are quite alarming in terms of the results they produced which signifies the ineffectiveness of the variety of the decisions taken under each measure making the system account to a low effective standard for eliminating HT.

More specifically, the planned tasks in the NAPs for the period 2019-2023 and the implemented decisions are quite contradictory. Whilst the NAPs documents highlight activities for each measure to be undertaken from protection, and prosecution to prevention,

some of these tasks are weak in potential and limited in terms of impact to combat HT. Additionally and based on the yearly annual reports of actions against HT, other planned tasks were not implemented at all, especially those related to protection measures, with a clear focus on preventive and prosecution measures.

According to Banach-Gutierrez (2024, p.103), the Polish anti-HT system is facing criticism, regardless of efforts put in place, especially in terms of identifying probable HT victims and cases for forced labour, prosecuting the crime of HT and delivering severe prison sentences. In this regard, Lasocik (2020, p.1034) as well contends that this actual framework to combat HT is a threat to the victim's basic rights and calls for the implementation of more effective action to manage the spread of HT in Poland. Additionally, the US's trafficking in persons report dropped Poland for the first time in two decades to a Tier 2 country between 2019 and 2023, meaning that it failed to comply with the basic standards required to eliminate HT (Office to Monitor and Combat Trafficking in Persons, 2019; 2020; 2021; 2022; 2023).

The following sub-sections focus specifically on analysing instances of ineffectiveness under each measure, in order to dissect the responsible factors in the next section of the chapter.

a. Protection measures:

Out of the three measures, protection is the most ineffective in the Polish system between 2019 and 2023. This is because the responses resulted in various cases representing what an ineffective protection measure stands for, in many instances. First, according to the Office to Monitor and Combat Trafficking in Persons (2019), efforts by authorities in 2019 to detect and assist HT victims were insufficient, along with limited financial support to programs aimed at helping victims leading to difficulties in aid delivery. Additionally, experts voiced their concern regarding the impact of the adjustments to the mission of the KCIK centre especially in terms of financial allocations (Office to Monitor and Combat Trafficking in Persons, 2019). Most alarmingly, the decision by the government to shut down the "witness protection program" puts the safety of victims and witnesses in jeopardy (Ibid.). In this regard, Hoff (2019, p.60) emphasizes the urgent need to enhance training programs, efforts to detect victims especially minors and other groups at risk like refugees, highlighting the government's inadequate actions in this area.

Second, the government maintained the same low efforts in 2020. For instance, law enforcement officials and prosecutors recognize the fact that Polish authorities do not have

the sufficient knowledge and expertise to detect victims of forced labour (Office to Monitor and Combat Trafficking in Persons, 2020). In addition, while trafficked individuals originating from the EU with legal residence have the right to fully benefit from social assistance similarly to Polish citizens, NGOs indicated that Romanian and Bulgarian citizens faced difficulties in practice proving this (Ibid.). Moreover, Lasocik (2020a, p.267) argues that neither the social security nor educational institutions in Poland could ensure the necessary degree of protection and security in HT cases, specifically when up against crime syndicates. Due to insufficient funding, Poland's system to assist and protect victims of HT remains weak which is a significant shortcoming (Lasocik, 2020, p.1045).

Third, the annual report on TIP by the Polish authorities for the year 2021 doesn't highlight protection measures, with more priority given to prevention and prosecution measures. Authorities continued to detect a low number of victims and failed to allocate higher funding for victim protection initiatives (Office to Monitor and Combat Trafficking in Persons, 2021). Despite analysts attributing this decrease to the spread of Covid-19 and the strict regulations it imposed on movements, judicial authorities and police reaffirmed their statement that authorities lacked the necessary skills to identify HT victims (Ibid.). Moreover, considering the growing number of forced labour cases among males, available accommodations were inadequate to house and protect male victims (Ibid.).

Another alarming aspect is the government's response to the surge of Middle Eastern refugees among others' attempts to cross the Polish-Belarus borders in 2021 (Office to Monitor and Combat Trafficking in Persons, 2022). Specifically in August 2021, the government introduced a directive allowing border guards to immediately expel any person attempting to cross into Poland from Belarus irregularly, even for those looking to seek asylum (Ibid.). Then, in October 2021, it fully legalized illegal "pushbacks", granting authorities the right to deny refugees rightful access to international protection (Ibid.). Critics argued that this decision undermines asylum seekers' international rights, noting that potential victims might have been forcibly removed, and especially that border officials detected three possible cases of HT among those trying to cross through Belarus (Ibid.).

Fourth, the government maintained the same poor ineffective protection measures throughout 2022 and 2023, by remaining on Tier 2. First, labour inspectors failed to detect any forced labour victims, despite its significant spread in the country and assistance programs for victims remained underfunded, thereby hindering protective measures (Office to Monitor and Combat Trafficking in Persons, 2022). Second, illegal pushbacks among Polish and Belarusian borders persisted, during which border officials disclosed that two

more victims of HT were identified (Office to Monitor and Combat Trafficking in Persons, 2023). Additionally, as a result of Russia's war on Ukraine, the government enacted a law requiring all unattended children crossing from Ukraine to be assigned a legal guardian assigned by a court (Office to Monitor and Combat Trafficking in Persons, 2022). Experts, however, declare that in practice, this has been a difficult task to implement due to insufficient governmental funding for victim support services (Ibid.).

Finally, the GRETA committee's report evaluating Polish efforts to ensure effective protection of victims' rights highlighted several areas of ineffectiveness. To start with, GRETA (2023, p.5) asserts that, in practice, victims are classified as crime witnesses instead of parties injured and eligible for financial restitution, calling on officials as a result to ensure effectively that victims get fully compensated for endured harm during trials. In addition, the group raised concerns that trafficking victims do not benefit in reality from protective measures put in place during court proceedings (GRETA, p.6). At last, the group issued further recommendations to the authorities, specifically in terms of guaranteeing effective supports to victims, free legal representation and counsel, and free access to healthcare, especially non-EU nationals (Ibid., p.6; p.19; p.57).

b. Prosecution measures:

Between the period of 2019 and 2023, Poland enforced prosecution measures that are predominantly ineffective to prosecute HT, especially for forced labour. Several analysed instances are directly related to the ineffectiveness of prosecution measures. Matos, Gonçalves and Maia (2019, p.513, 516) provide examples in this regard, like weak cases lacking the necessary evidence to prosecute the crime of HT, sentences being reduced to lesser crimes (pimping), and failure to identify properly perpetrators operate in organized groups in most cases.

To begin with, initiatives aimed at enhancing collaboration between prosecutors in 2019 were ineffective (Office to Monitor and Combat Trafficking in Persons, 2019). Generally, during this period, the government scaled back on its prosecution efforts with perpetrators receiving lenient sentences amounting to less than a year, weak successfully prosecuted cases of forced labour despite the high number of victims of this form of HT and the absence of a legal definition of forced labour in the penal law (Ibid.). Regarding prosecution rates, authorities launched six investigations only in 2019 which rose to eight new ones in 2020 but disappointingly led to the prosecution of one single Polish citizen (The Department for Counteracting Human Trafficking and Hate Crimes, 2020, p.28, The Division for

Counteracting Trafficking in Human Beings and Hate Crimes, 2021, p.19). Looking at this number explains why the Office to Monitor and Combat Trafficking in Persons (2020) declared in its 2020 TIP report that the government's law enforcement efforts remained weak with again trafficking cases being charged as lesser crimes, and prosecutions for forced labour remaining low in number. In this regard, Muraszkiwicz (2020, p.45) calls for the establishment of a legal definition for forced labour in the Polish penal law, seeing as the current one fails to address the issue.

In the same vein of ineffectiveness, Lasocik (2020, p.1047) affirms that "the apprehension and prosecution of perpetrators of HT are severely ineffective, and often lacking". This continued lack of ineffectiveness is evident in 2021 as well, as the government sentenced less criminals and judges persisted in prosecuting trafficking cases as less offenses (Office to Monitor and Combat Trafficking in Persons, 2021). Even more concerning is the impact Covid-19 had on the capacity of operation of courts, during which judicial officials struggled to gather proof and conduct questioning with witnesses and victims (Ibid.). Moreover, the lack of a legal definition in the penal law of forced labour hindered authorities' ability to identify labour trafficking cases, despite being a task under the NAP (Ibid.).

Following Russia's invasion of Ukraine between 2022 and 2023, the governments' efforts yielded mixed results increasing and decreasing between both years (Office to Monitor and Combat Trafficking in Persons, 2022; Office to Monitor and Combat Trafficking in Persons, 2023). In 2022, prosecutors continued to lack knowledge and expertise when dealing with forced labour cases and struggled with adopting victim-centred approaches (Office to Monitor and Combat Trafficking in Persons, 2022). In 2023, investigations, open prosecuted cases and convictions' numbers dropped despite rising numbers of forced labour victims (Office to Monitor and Combat Trafficking in Persons, 2023). Unfortunately, during this timeframe, the legislative department of criminal law conducted an analysis on potential need to introduce a definition for forced labour in the penal law but determined that it is not currently necessary (Zespół ds. Koordynacji Przeciwdziałania Handlowi Ludźmi, 2023, p.72). The department argued that current ratified international legal regulations and rulings from the European court of human rights already recognize forced labour as a form of HT (Ibid.), which is clearly not the case as Poland continues to struggle with prosecuting forced labour as a form of HT.

To conclude with this measure, it is significant to also look at GRETA's evaluation report highlighting elements of ineffectiveness of the prosecution measure, with regards to the CoE's convention on HT. For instance, GRETA (2023, p.6, 30) asserts that convictions for

forced labour cases is low with certain ones being dropped, thereby raising concerns about the effective identification of such cases. As a result, the group advised officials to “review the mandate of labour inspectors and reinforce their human resources... to establish effective complaint mechanisms for workers” (Ibid.). Furthermore, it emphasizes that continued failed attempts to prosecute perpetrators, coupled with the lack of effective penalties fosters a climate of impunity for these criminals and hinders efforts to curb HT (Ibid., p.30).

Overall, the group of experts calls on Polish authorities to intensify action in reinforcing the effectiveness of the criminal justice anti-HT system by reevaluating current legal regulations (Ibid.).

c. Preventive measures:

Preventive measures were less ineffective in comparison to protection and prosecution measure as they were prioritized by authorities throughout each reporting period. In 2019 for example, the most important completed tasks concerned mainly preventive measures such as planning numerous conferences on HT targeting representatives of regional governmental entities, teachers, enforcement agencies as well as the provision of guidance when it comes to temporary employment agencies (The Department for Counteracting Human Trafficking and Hate Crimes, 2020, p.33). Additionally, the Ministry of Interior participated in an information campaign organized by the European Crime Prevention Network on combating HT with a purpose to reach potential victims of HT in the member states of the European Union and raise awareness about the threat of the crime (Ibid., p.37). Nevertheless, the US’s Office to Monitor and Combat Trafficking in Persons (2019) reported that the Polish government’s prevention activities declined due to the abolishment of the previous “inter-ministerial anti-trafficking team” resulting in the decrease of coordinated efforts to prevent HT.

As for 2020, in a surprising step, the government decided to increase the number of social servants, which was highly welcomed by civil society members (Office to Monitor and Combat Trafficking in Persons, 2020). However, Lasocik (2020, p.1046) argued that “informational campaigns addressing the problem effectively remained rare”.

The government continued its improvement of preventive measures, as the Office to Monitor and Combat Trafficking in Persons (2021) affirmed that they slightly increased, through the launch of awareness campaigns aimed at migrants who could potentially be exploited and the cancelling of the legal status of nineteen firms specializing in recruitment. It should be highlighted that these “information and education activities” were predominantly focused on curbing forced labour as a predominant form of HT (The Division for

Counteracting Trafficking in Human Beings and Hate Crimes, 2021, p.2). For instance, one of such campaigns which was organized by the Ministry of Interior and titled “Human Trafficking is a Crime!” was designed for foreigners serving a purpose of educating “the Polish public to the fact that the crime of HT still exists” (Department of International Affairs and Migration, 2021, pp.28-29).

Finally, throughout 2022 and 2023 with the invasion of Ukraine and arrival of Ukrainian refugees, the Polish government reinforced its prevention activities by, for example, working with international organizations restricting access to the Polish-Ukrainian border only to formally accredited humanitarian actors and local authorities (Office to Monitor and Combat Trafficking in Persons, 2022; Office to Monitor and Combat Trafficking in Persons, 2023). As contended by the Department of International Affairs and Migration (2023, p.31), Russia’s war against Ukraine conditioned to some extent coordinated response of both governmental and non-governmental sectors “targeting both war refugees and the general public, as well as specific social and professional groups” dealing with the topic of HT. However, most of the preventive activities including information (raising awareness) and integration activities carried out in 2023 were mainly directed to Ukrainian refugees (Zespół ds. Koordynacji Przeciwdziałania Handlowi Ludźmi, 2023, p.5).

To conclude this section, it is quite evident that Poland’s efforts to curb HT during the period of 2019 until 2013 were predominantly ineffective. The measures did not reach the required level to be considered effective, especially protective and prosecution measures. Specific elements to prove the ineffectiveness include the low identification efforts of victims, low funding for victims, an unreliable support system, inadequate prosecution efforts, low number of prosecuted cases, and a lack of law enforcement efforts. By contrast, despite the improvement of preventive efforts, they didn’t enhance the effectiveness of the system.

3. Factors behind the ineffectiveness of the Polish system to combat HT between 2019 and 2023:

The ineffective outcomes analysed and detailed in the previous section can be strongly attributed to the two factors this study has predicted. The following section looks in-depth into these factors, mainly the securitization of HT and the deliberate non-compliance of authorities with international obligations, and analyses how they resulted in the ineffectiveness of the 3P measures, leading to an overall ineffective system of HT in Poland.

a. The securitization of human trafficking: national security approach

Before delving into what ineffective responses and results securitization of HT under a national security approach led to, I will first analyse how the securitization of HT in Poland started since 2003 and how it became intensified starting from 2019, prioritizing national security-oriented measures and affecting thereby the security and protection of victims.

- **Securitization between 2003 and 2018:**

Securitizing HT can be understood by analysing specific elements connected to this process, including shifts in discourse, connections with recognised national threats and budgeting of allocated funds (Jackson, 2006, p.310). In Poland, the process started since the end of the 90s, as HT emerged as a significant concern, prompting the establishment of new regulations and national strategies and the incorporation of HT in penal law reform discussions (Lasocik, 2020a, pp.238-239).

Important aspects of securitization include in the first place the adoption of the Palermo protocol in 2003 which is highly security oriented as it links HT to national security threats and disregards the idea of HT being a human rights issue (Wylie, 2016, p.64). According to Goździak (2021, p.11), the framing of HT as a security threat is a result of many states ratifying the protocol. This includes Poland, which went as far as establishing high priority objectives to ensure compliance with the protocol and adopting the definition of HT based on the protocol in its penal code until its amendment in 2010.

In a second place, the language regarding the establishment of the first ever national program to combat HT of 2003-2004 makes clear reference to a component of national security by referring to the “security of the citizens”, highlighting a shift towards securitization language (OSCE/ODIHR database of legal reviews and legislation, 2007a, p.1). Additionally, the 2005-2006 National program also demonstrates securitization language as it stipulates that the immediate deportation of the women made it impossible to collect any evidence and learn the actual scale of the phenomenon of HT (Portal o przeciwdziałaniu handlowi ludźmi, n.d.b), which links HT to border security issues and portrays victims as illegal migrants.

Thirdly, in terms of audience acceptance, a survey by TNS OBOP revealed that 36% of respondents believe that is increasing which suggests that people are more and more aware of the seriousness of HT (Nobody's Children Foundation, 2010, p.2, 3). National institutions also started engaging with the topic, as evidenced by their investigations into HT as a problem in society (Lasocik, 2010, p.20). Most importantly, Polish media picked up on the

topic as well by shedding light through published articles on cases regarding Korean workers' exploitation in Gdansk in "Gazeta Wyborcza 2005" and trafficking of employees in Biedronka supermarkets "(Rzeczpospolita 2006; Wrota Podlasia 2006)" (Ibid., p.23).

Finally, in this regard, institutional changes included as mentioned previously in the context chapter expanding the responsibilities and powers of the border guard and transferring tasks to the department of migration policy in terms of combating HT (Dworzecki, 2016, p.35). There was also a significant increase in allocated resources to curb HT, going from 500000 PLN in 2006 for example to approximately four million PLN for 2016/18 (OSCE/ODIHR database of legal reviews and legislation, 2007b), showcasing the urgency with which HT started being dealt with.

- **2019-2023: A new era of securitization**

While the groundwork for securitizing of HT was evidently laid earlier since the end of the 90s, it wasn't until 2019 that it truly materialized, making HT on par with other national security threats in Polish society. More specifically, this intensified securitization was possible due to the emergence of major security challenges to the state from COVID-19 and the economic and border issues it brought, to the Belarus-Polish border crisis and finally the Russian invasion of Ukraine. These events were mainly used by the state to justify its national security-oriented responses to curb HT with a heightened focus on prosecution and prevention of HT, rather than victim protection. During this period, it became quite evident how the process succeeded further, and materialized into concrete policy changes and measures, providing the impetus to frame HT as a threat requiring a security-focused response.

Starting off with the official governmental documents, mainly the NAPs and annual reports on the situation of trafficking in Poland, it can be observed that HT became increasingly linked to other national security threats, by portraying it in 2019 as a transnational organized criminal problem undermining Poland's borders and public safety. Second, the Division for Counteracting Trafficking in Human Beings and Hate Crimes's (2021, p.2) report on HT for 2020 links the spread of HT to Covid-19 and the impact it had on the border issues within the country. Furthermore, they use this event to justify authorities' decision to focus on combating HT through preventive and prosecution measures, instead of protective actions (the Division for Counteracting Trafficking in Human Beings and Hate Crimes, 2021, p.2). In the same vein, the Department of International Affairs and Migration (2023, p.2), in its report on HT in Poland, discussed in-depth the crisis by Belarus on Polish borders in 2021, and argued that Belarusian authorities used migrants instrumentally, to jeopardize the security

of borders of Poland, putting them in danger of being trafficked. The report further contended that this event explains the reason behind actions being focused again solely on prosecution and preventive measures (the Department of International Affairs and Migration, 2023, p.2). Another situation concerns the Polish Ukrainian border following Ukraine's invasion, which prompted the authorities to implement activities dominated by preventive measures (Department of International Affairs and Migration, 2023, p.34). The authorities further link HT to such national issues by arguing that the risk of the crime of HT increases with migration movements caused by armed conflicts (Zespół ds. Koordynacji Przeciwdziałania Handlowi Ludźmi, 2023, p.5).

Furthermore, and in line with linking HT to national security threats, HT is defined in the 2022/24 NAP document as "a crime committed on a global scale, and the third most lucrative illegal business after arms and drug trafficking" (The Team for Counteracting Trafficking in Human Beings, 2021, p.1). It also emphasizes the need to increase measures against HT to ensure a broader reach across various groups (Ibid., p.2).

Additionally, it further defines HT as a crime global in scope and intimately connected to migration flows (Department of International Affairs and Migration, 2021, p.41). Goździak (2021, p.72) also contends that in Poland, HT is being replaced and merged with migration in public discourses and while dealing with asylum seekers.

Moreover, a clearer national security dimension on the discourse of HT is evident in discourses by Polish political figures, otherwise called the speech act. For example, Jarosław Kaczyński, the president of the PiS political party claimed that HT is a concern to the security of Poland and encouraged further rejection of Middle Eastern refugees to safeguard Poland (Goździak, 2021, p.2). Furthermore, he described the migration crisis in Lampedusa as a symbolic threat to the security of Europe, including Poland, and criticized the EU's proposed migrant relocation system as an encouragement for HT (Ptak, 2023). In line with this statement and situation, the Polish government introduced a resolution advocating for major changes in the EU's migration policy (Ibid.). Authorities emphasize the need to secure the EU's borders under this policy, to fight criminal networks operating smuggling rings (Ibid.). Moreover, they also highlight the need to implement strategic initiatives in these refugees' home countries, as only such measures can effectively curb HT (Ibid.).

In addition, Mariusz Ciarka being the representative of Polish police officials states that "HT is a crime that strikes at fundamental human values such as freedom and human dignity" (polskieradio.pl, 2022). What is more, in June 2023 in Warsaw, in guise of the Russian invasion of Ukraine, a meeting took place between Sejm members during which HT was

acknowledged as a threat imposing risks to not only individuals' security but the state as well (Strengthening the Legislative Response to Human Trafficking Risks for Ukrainian Refugees Joint Communiqué, 2023, p.1).

During this period, public attitudes on HT changed, with new forms being identified including forced labour and begging (Lasocik, 2020, p.1035). Additionally, a social public survey by Kantar in 2021 on public awareness of the phenomenon of HT demonstrated that "almost a half of Poles believe that there are cases of HT in Poland" (Department of International Affairs and Migration, 2021, p.32). However, according to Lasocik (2021, pp.34-35), such level of awareness seems to be negative as HT is presented in this aspect as a grave offense in need of legal punishment, with even basic questions about it carrying negative connotations and implicit associations with criminal activities.

What's more, scholarly articles started linking HT to serious security threats in the Polish context. For example, Bajda (2021, p.37) contends that data on HT indicates significant connections to organized criminal networks. Similarly, Łyżwa (2020, p.274) stipulates that HT is a criminal offense overwhelmingly controlled by organized crime syndicates operating at the international level. Soboń and Piertuniak (2019, p.2) as well discuss that fears about illegal migration shared among authorities and the general public include HT. At last, Lasocik (2024, p.375) contends that Ukraine's invasion disrupted many lives, pushing these people to leave their country and become as a result "vulnerable to exploitation and HT".

- **A securitization undermining protection measures:**

All these elements of the process of securitization satisfying the speech act and audience acceptance, led and legitimized the extraordinary measures taken by the state from law enforcement responses, increased penalties for traffickers, and more border control measures, while funding and support for victim assistance programs remained lacking. The reason behind it is due to the fact that securing funding for victims became more complicated, a decision influenced by society's negative perception of them. According to Lasocik (2020, p.1045), "victims of HT should not expect a welcome from Poland's ruling Law and Justice party nor from the conservative Catholic society".

Other measures were mentioned previously, which included increasing imprisonment terms, legalizing illegal pushbacks against migrants on the border, closing the witness protection programme, etc.

Specific examples concern refugees coming from Ukraine, during which authorities had suspicions that traffickers might target them, resulting in a focus on preventive measures (Koper and Strzelecki, 2022). Additionally, following the start of the invasion, authorities

implemented security initiatives at border crossings and shelters housing refugees, such as tighter frontier controls, deployment of more officers and covert police procedures (GRETA, 2023, p.43).

This process of securitization, prioritising prosecution, and prevention measures over protection ones, resulted in responses and measures undermining the protection and security of the victims at the expense of national security decisions. First and foremost, it led to low and cutting finances for victims and victim protection and support services. According to Lasocik (2020, p.1045), securing financial aid for victims became more complicated due to the negative perceptions among authorities and society, labelling them as illegal migrants. Non-governmental organizations are facing significant difficulties due to the limited governmental financial assistance, highlighting the “lack of political will to seriously address HT” and its impact on the security of victims (Muraszkiewicz, 2020, p.22).

In terms of supporting victims, securitization resulted in a second place on a system predominantly reliant on NGOs for such tasks, with governmental authorities dealing with measures aimed at prosecuting HT only (Bernasiewicz, 2024, p.183). Schönhöfer (2016, p.159) explains this approach as a tactic by states to prioritize prosecution over protection of victims to avoid encouraging more illegal migration.

In a second place, it resulted in an unfavourable perception of trafficking victims, where those sexually exploited are regarded as prostitutes and individuals trafficked for forced labour are labelled as undocumented migrants (Lasocik, 2020, p.1047). In extreme cases, this led to the criminalization and deportation of victims. As previously stressed by GRETA (2023, p.31) on its evaluation report, criminalizing HT victims does not go in line with the state’s protection measures as it labels them as parties to the crime and deters them from reporting their cases and cooperating with law agencies, hindering in the process efforts to effectively prosecute the crime.

Another dire consequence of this securitization is the legitimization of illegal pushbacks in 2021 during which several victims of HT were identified but weren’t offered support or protection. In this context, GRETA (2023, p.52) emphasizes that these pushbacks have negative impacts on the identification of HT victims among others, raising serious worries regarding Poland’s ability to comply with the CoE’s convention provisions.

A final demonstration of this process is the closing of the witness protection program which puts the security of victims in danger but also the effective prosecution of criminals as victims are reliable witnesses and significant parties. As Gallagher and Holmes (2008, p.333) argue, law enforcement officials already struggle with victims’ reluctance to participate and

help during criminal investigations. Therefore, the state must use all of its available resources to protect effectively all victims willing to help (Ibid.).

b. Deliberate non-compliance with Poland's international obligations:

International standards developed by several international organizations such as the UN, offer their member states various helpful tools to effectively eliminate HT (Hoff, 2019, p.40). Seeing as these organizations establish international regulations providing an important guide for establishing effective and victim-centred criminal justice responses to prosecute the crime of HT, complying with them is a contributing factor to the effectiveness of prosecution measures and overall 3P system to combat HT. This is supported by Gallagher and Holmes's (2008, p.321) study, in which they argue that an effective anti-HT national legal system must be based on all-round legal approach focused on complying with international agreements and treaties.

In this subsection, I will demonstrate how Poland, through its deliberate non-compliance with the international regulations it ratified, undermines the ineffectiveness of the prosecution and protection measures of Polish legal and non-legal anti-HT responses.

As mentioned previously in the first section, Poland has accorded great importance to complying with international standards, and specifically in this case the UN's Palermo protocol, going as far as establishing an activity in its first 2003-2004 NAP analysing the extent of successful compliance with the protocol. This was justified by Poland's desire to enhance and strengthen its anti-HT to conform with significant international standards but also to increase its chances of joining the EU. However, during the last years, specifically while focusing on the period since the re-election of PiS party in 2019 and despite the fact that strategy documents feature international law obligations (UN, EU directives, CoE), Poland has been decreasing its efforts in this regard, which negatively influences its anti-HT system. To add to that point, authorities highlight the necessity to keep complying with international standards by "implementing recommendations and developing appropriate regulatory frameworks" (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.9) to no avail.

This resulted in several instances of non-compliance with major conventions, with deeper impact on protection and prosecution measures. To start with, Poland is obligated, based on international law, to protect and effectively identify victims of HT. This is highlighted by Art. 4 of the ECHR obligating states to offer protection to trafficking victims or even potential ones (Banach-Gutierrez, 2024, p.94). This is included in Art. 10 of the European trafficking

convention as well which clearly recognizes that identifying HT victims properly is important to ensure their safety and protect them, otherwise they risk facing complications during legal proceedings (Gallagher and Holmes, 2008, pp.328-329). However, this was not the case during the illegal pushbacks which have a negative impact on identification efforts (GRETA, 2023, p.52) resulting in ineffective protection measures.

On the same measure of protecting victims, the non-punishment principle for offences linked to trafficking is a fundamental element in combating HT, protecting individuals from re-victimization, and guaranteeing their access to support initiatives (GRETA, 2023, p.32). Beyond its importance globally, in addition to the International Labour Organization endorsing this principle by urging governments not to punish or prosecute individuals forced into illegal activities, it also became “firmly established under European law” through the EU’s directive recital (14) and the CoE’s convention Art. 26 (Piotrowicz and Sorrentino, 2016, pp.8-9, p.10, p.30; GRETA, 2023, p.31).

However, despite the importance of this provision, Polish authorities still haven’t complied with it. According to GRETA, despite continued recommendations, Polish legislation still does not include any regulations regarding the non-punishment principle of trafficking victims (GRETA, 2023, p.31). And, despite being notified, authorities argue that the already established legal measures are sufficient and close to the principle, while referring to Art. 59, Art. 60 and Art. 61 of the penal code (Ibid.). However, GRETA affirmed that the provided regulations do not explicitly account for the non-punishment principle (Ibid.). As a result, it advises authorities to put into place more initiatives to ensure compliance with the principle to protect victims (Ibid.).

Second, non-compliance also affects the effective prosecution of HT as a crime in its various forms. This is particularly clear when it comes to forced labour and servitude cases, as Banach-Gutierrez (2024) argues for the need to “penalise and prosecute effectively any act aimed at maintaining a person in a situation of slavery, servitude or forced or compulsory labour” (p.94). This also allows for an effective national penal code criminalizing all aspects of HT, such as forced labour (Gallagher and Holmes, 2008, p.322). Starting with the latter, Polish criminal law “still lacks a provision criminalizing forced labour” (Lasocik, 2020, p.1039). And, since cases of this nature have significantly increased, becoming Poland’s most prevalent form of HT (Committee for Combating and Preventing Trafficking in Human Beings, 2020, p.1), the situation becomes more critical with related violations, as affirmed by Surdykowska (2021), not always being effectively prosecuted (p.92). Additionally, as the Polish penal code does not criminalize nor explicitly define what forced labour is, cases

related to such form of HT are prosecuted as lesser offences with low imprisonment terms (GRETA, 2023, p.28), resulting in an ineffective prosecution system.

As a result, several organizations and researchers urged the Polish authorities to strengthen its legal framework to penalize forced labour. For example, the CEACR as an ILO committee urged Polish authorities to intensify activities to protect foreigners from falling victims to and being exploited for forced labour (Surdykowska, 2021, p.91). Muraszkiewicz (2020, p.15) as well suggested that updating existing legal framework on forced labour would be an interesting step, aligning with the ILO's recommendations to address "the lack of justice with regard to victims of forced labour".

Despite these recommendations, Polish authorities concluded, after a study and further considerations on implementing a legal definition of forced labour in the criminal code in 2023 that there is no such current need, because as existing international legal obligations sufficiently recognize forced labour as a form of HT (Zespół ds. Koordynacji Przeciwdziałania Handlowi Ludźmi, 2023, p.72). Furthermore, the expert opinion prepared by the Institute of Justice showed that the system of Polish regulations related to HT is complete and coherent, and that the compliance of the Polish legal order with international law applicable to Poland is at a high level making the adoption of a separate act unnecessary (Ibid.). This is clearly the opposite when looking at reports and evaluations of the Polish criminal code in this regard.

Another form of HT that GRETA also urged Polish authorities to incorporate in the criminal code is the criminalization of trafficking for servitude in order to strengthen effective protection against treating victims as opposed to the convention's regulations (GRETA, 2023, p.62). Responding to GRETA, Polish authorities considered servitude to be already included in the penal code through other crimes like slavery or illegal and exploitative employment of foreigners (Ibid., p.25). Nonetheless, the group still reiterates that lack of an explicit regulation addressing trafficking for servitude could result in complications with regards to Poland's compliance with its obligations to effectively inquire and prosecute servitude (Ibid.).

Finally, and with regards to establishing bodies capable of coordinating activities to effectively prevent HT, GRETA believes that Polish authorities must explore the option of appointing a "National Rapporteur" as a distinct organizational entity, separate from other independent bodies, in accordance with the human rights principles focused on by the convention (GRETA, 2023, p.11). This is also recommended by Lasocik (2020, p.1047), who

refers to the Directive 2011/36/EU of the EU which previously encouraged “the establishment of such institution” (p.1047).

Summary:

This chapter provided an in-depth analysis of the Polish anti-HT system between 2019 and 2023, with a focus on presenting the general framework of the system during this period, the specific areas of ineffectiveness with respect to the 3P measures, and finally the factors behind this ineffectiveness, securitization of HT and non-compliance with international standards.

The chapter reveals that the responses were largely ineffective, especially when it comes to protective and prosecution measures, which is mainly due to the existence of policy-level and state generated factors. When it comes to the first factor of securitization, Poland has started increasingly portraying HT as a national security threat since 2019, in order to justify its decisions to focus on prosecuting this crime and introducing harsher sentences on traffickers, all the while disregarding the protection and human security of the victims.

The second factor, which is Poland’s non-compliance with international standards such as the non-punishment principle and the criminalization of forced labour, as demonstrated clearly in the chapter, is also responsible for the ineffectiveness of the system, and specifically measures to prosecute the crime effectively and protect the victims.

This does indeed prove that the prevalence of these two factors in the Polish context is significant to explain its ineffectiveness during this period.

CHAPTER VI. CONCLUSION

Based on the empirical findings presented in the previous chapter, this research highlighted important aspects regarding the Polish anti-HT system between 2019 and 2023, particularly the specific elements of its ineffectiveness under the 3P measures and the underlying factors responsible for it.

Through a comprehensive analysis, it has been established that the securitization of HT under a national security approach and the deliberate non-compliance of the Polish government with international standards are significant factors responsible for the ineffectiveness of the Polish anti-HT system.

On one hand, this process of securitizing HT, resulted in the establishment of responses undermining the security of victims at the expense of national agendas, which does indeed impact the effectiveness of protective measures. The state's approach of linking and framing HT as a national security threat rather than focusing on the human security aspect diverts the focus from ensuring the safety of the victims, and results in responses prioritizing border control and criminal prosecution. The conducted analysis confirms that such an approach is ineffective in Poland as it fails to address the need to protect the victims and violates their rights.

On the other hand, the state's continuous non-compliance with established and ratified international legal regulations resulted in an ineffective judicial system undermining both prosecution and protection measures of the legal anti-HT responses. For example, the constant refusal to establish a legal definition of forced labour as a form of HT as well as servitude into the legal framework represents serious instances of non-compliance, which contradicts what an effective response to combat HT represents.

In reflecting on these findings, it's evident that these factors are extremely significant when it comes to understanding why the anti-HT Polish system remains ineffective. They fundamentally influence and shape the system, how the responses are established, and which tasks are actually implemented, and which are systematically discarded by the state at the expense of other actions.

There are indeed other factors contributing to the ineffectiveness. However, they remain broader societal factors which hinder the ineffectiveness indirectly during the implementation of the responses. In addition to the previously explored factors, during the timeframe of the study, there are two additional factors, mainly corruption and the way the PiS government took over the judicial system and undermined the judicial independence. In the case of

Poland specifically, “the group of states against corruption”, which deals with issues concerning the prevention of corruption such as in human trafficking related cases, issued its warnings regarding the judicial reforms in Poland and the lack of respect for its recommendations, which impacted the judicial independence negatively (GRETA, 2023, p.41).

Nevertheless, these factors have no impact on the initial conception of the responses, but rather pose challenges during the actual execution of the anti-trafficking framework in Poland. By contrast, the factors I analysed in the thesis directly shape the objectives and approaches of anti-trafficking responses from the beginning, determining their priorities and specific measures. This distinction is crucial because it suggests that to ensure an effective established anti-HT system in Poland, these internal response-level factors must be addressed first.

Therefore, to improve the effectiveness of Poland’s anti-HT responses, the securitization and non-compliance factors must be addressed first to lay the groundwork for the establishment of responses respecting the effective measures of the 3P framework. An effective system in Poland should be focused on ensuring victim security and prosecuting the crime to the highest international standards. In terms of national security, HT can still be dealt with as an activity of organized crime under relevant policies such as anti-organized crime policies, to strengthen the overall system built to fight HT. However, the system focused solely on combatting HT and presented in this thesis should be human security oriented. Therefore, there is a need for securitization obviously, to make fighting HT a priority for the state and all actors involved, but under a human security approach. This has also been argued by several scholars, as the best framework to curb HT, as there is no national security without human security. There is as well a necessity for compliance with international standards and importantly clauses based on criminalizing and prosecuting all forms of HT to ensure legal victim protection under a human right based and victim centred approach.

In terms of contributions, this study provides in-depth findings, to the already existing research, regarding the system established to combat HT by Poland and its flaws. Seeing as academic research regarding the prevention of HT in the Central European region is scarce and limited, this research is a new contribution shedding light on how a state in the region deals with this issue and touches upon significant areas of weakness of the system. More specifically, this thesis delved into how two theoretically and empirically supported factors

influence the effectiveness of the system, while distinguishing them from previously established factors.

Besides its academic contribution, this research will inform policy makers of anti-HT strategies in Poland by identifying the factors affecting the establishment of the system and providing recommendations to improve it.

Looking forward, this research topic could benefit further from exploring the factors affecting the effectiveness throughout the implementation, for instance in this case, corruption. Further studies could also analyse the impact of a shift towards a human security approach on the effectiveness of the system, to provide a deeper understanding of how to effectively combat HT, while ensuring the safety of the victims.

Moreover, despite the fact that the findings focus on the context of Poland as a single case study, they do offer valuable insight into the challenges faced by countries taking similar approaches towards securitizing HT, especially those with tight border security and migration policies, or those refusing to comply with international agreements under the pretext of high costs incurred or interference with national laws. This research also leads us to conclude that, in general, governments, which tend to promote anti-migration rhetoric and present migrants or refugees along the border as national existential threats to justify their decisions, put the security of these individuals at risk, including a risk of being trafficked. As a result, it is more likely that their system will also be ineffective when it comes to curbing HT.

In conclusion, the study treated the main research question successfully regarding the reason behind the ineffectiveness of the Polish system after 2019, and which can be related to the existence of response-level factors impacting the way these responses are established. As for the factors, this study has effectively argued how the securitization of HT and the non-deliberate compliance are factors influencing negatively the Polish system to combat HT.

References

Primary sources:

➤ *Governmental documents:*

Committee for Combating and Preventing Trafficking in Human Beings (2020). *NATIONAL ACTION PLAN AGAINST TRAFFICKING IN HUMAN BEINGS 2020-2021*. Available at: <https://www.gov.pl/attachment/4746399e-6048-48e3-8233-5c71dcf6a5fc> (Last accessed 14 June 2024).

Department of Analyses and Migration Policy (2021). *REPORT ON TRAFFICKING IN HUMAN BEINGS 2020*. Warsaw: Ministry of the Interior and Administration. Available at: <https://www.gov.pl/web/handel-ludzmi/handel-ludzmi-w-polsce-raport-2020> (Accessed 17 April 2024).

Department of International Affairs and Migration (2021). *Human trafficking report 2021*. Warsaw: Ministry of the Interior and Administration. Available at: <https://www.gov.pl/attachment/a28f1e2d-62ab-4ff8-a901-08c3a9853824> (Accessed 18 June 2024).

Department of International Affairs and Migration (2023). *Human trafficking report 2022*. Warsaw: Ministry of the Interior and Administration. Available at: <https://www.gov.pl/attachment/7a7b93f8-493b-47eb-84bf-27cbcb803ab8> (Accessed 18 June 2024).

Interministerial Team for Combating and Preventing Trafficking in Human Beings (2009). *KRAJOWY PLAN DZIAŁAŃ PRZECIWKO HANDLOWI LUDŹMI NA LATA 2009 – 2010*. Available at: <https://www.gov.pl/attachment/30b3f6b0-c220-49b1-8527-efd3b57c76f8> (Accessed 21 May 2024).

Portal o przeciwdziałaniu handlowi ludźmi. (n.d.c). *Krajowy Plan Działań Przeciwko Handlowi Ludźmi na lata 2009-2010 - Portal o przeciwdziałaniu handlowi ludźmi - Portal Gov.pl*. [online] Available at: <https://www.gov.pl/web/handel-ludzmi/krajowy-plan-dzialan-przeciwko-handlowi-ludzmi-na-lata-2009-2010>. (Accessed 21 May 2024).

____ Portal o przeciwdziałaniu handlowi ludźmi. (n.d.d). *Krajowy Plan Działań Przeciwko Handlowi Ludźmi na lata 2011-2012 - Portal o przeciwdziałaniu handlowi ludźmi - Portal Gov.pl*. [online] Available at: <https://www.gov.pl/web/handel-ludzmi/krajowy-plan-dzialan-przeciwko-handlowi-ludzmi-na-lata-2011-2012>. (Accessed 21 May 2024).

____ Portal o przeciwdziałaniu handlowi ludźmi. (n.d.a). *Krajowy Program Zwalczenia i Zapobiegania Handlowi Ludźmi na lata 2003-2004 - Portal o przeciwdziałaniu handlowi*

ludźmi - Portal Gov.pl. [online] Available at: <https://www.gov.pl/web/handel-ludzmi/krajowy-program-zwalczania-i-zapobiegania-handlowi-ludzmi-na-lata-2003-2004>. (Accessed 28 April 2024).

Portal o przeciwdziałaniu handlowi ludźmi. (n.d.b). *Krajowy Program Zwalczenia i Zapobiegania Handlowi Ludźmi na lata 2005-2006 - Portal o przeciwdziałaniu handlowi ludźmi - Portal Gov.pl.* [online] Available at: <https://www.gov.pl/web/handel-ludzmi/krajowy-program-zwalczania-i-zapobiegania-handlowi-ludzmi-na-lata-2005-2006>. (Accessed 28 April 2024).

The Committee for Combating and Preventing Trafficking in Human Beings (2013). *NATIONAL ACTION PLAN AGAINST TRAFFICKING IN HUMAN BEINGS FOR 2013 2015*. Available at: <https://www.gov.pl/attachment/fdfa410b-cada-44e6-8b21-7762cbd6d710> (Accessed 26 May 2024).

The Committee for Combating and Preventing Trafficking in Human Beings (2016). *NATIONAL ACTION PLAN AGAINST TRAFFICKING IN HUMAN BEINGS FOR 2016-2018*. Available at: <https://www.gov.pl/attachment/4a109ff0-dfe4-4e1e-922a-46c0a3f87954> (Accessed 26 May 2024).

The Department for Counteracting Human Trafficking and Hate Crimes (2020). *Raport Handel ludźmi 2019*. Warsaw: Ministerstwo Spraw Wewnętrznych i Administracji. Available at: <https://www.gov.pl/attachment/5ab4d6c2-668f-45b3-a836-7f09205a1bc2> (Accessed 17 June 2024).

The Division for Counteracting Trafficking in Human Beings and Hate Crimes (2021). *Report on trafficking in human beings 2020*. Warsaw: Ministry of the Interior and Administration. Available at: <https://www.gov.pl/attachment/dd8cbaba-558e-40dc-a771-4ec0d0f6a7bd> (Accessed 17 June 2024).

The Team for Counteracting Trafficking in Human Beings (2021). *NATIONAL ACTION PLAN AGAINST TRAFFICKING IN HUMAN BEINGS 2022-2024*. Available at: <https://www.gov.pl/attachment/cba4f451-adc9-48a7-8871-2958256e83de> (Last accessed 16 June 2024).

Zespół ds. Koordynacji Przeciwdziałania Handlowi Ludźmi (2023). *SPRAWOZDANIE Z REALIZACJI KRAJOWEGO PLANU DZIAŁAŃ PRZECIWKO HANDLOWI LUDŹMI NA LATA 2022-2024: Za rok 2023*. Warszawa: Ministerstwo Spraw Wewnętrznych i Administracji. Available at: <https://www.gov.pl/attachment/caa1a072-6791-44eb-8b2a-fb60e89ba386> (Accessed 18 June 2024).

➤ **Other primary sources:**

Action against Trafficking in Human Beings. (2014). *GRETA*. [online] Available at: <https://www.coe.int/en/web/anti-human-trafficking/greta>. (Accessed 24 March 2024).

Action against Trafficking in Human Beings (2023), *GRETA publishes its third report on Poland*. Available at: <https://www.coe.int/en/web/anti-human-trafficking/-/poland-must-take-further-steps-to-tackle-human-trafficking-say-council-of-europe-experts> (Accessed 30 June 2024).

GRETA (2023). *EVALUATION REPORT: Poland. Third evaluation round*. France: Council of Europe. Available at: <https://rm.coe.int/greta-evaluation-report-on-poland-3rd-evaluation-round-greta-2023-08-a/1680ab7039> (Accessed 21 June 2024).

Office to Monitor and Combat Trafficking in Persons (2019). *2019 Trafficking in Persons Report: Poland*. US department of state. Available at: <https://www.state.gov/reports/2019-trafficking-in-persons-report-2/poland/> (Accessed 20 June 2024).

Office to Monitor and Combat Trafficking in Persons (2020). *2020 Trafficking in Persons Report: Poland*. US department of state. Available at: <https://www.state.gov/reports/2020-trafficking-in-persons-report/poland/> (Accessed 20 June 2024).

Office to Monitor and Combat Trafficking in Persons (2021). *2021 Trafficking in Persons Report: Poland*. US department of state. Available at: <https://www.state.gov/reports/2021-trafficking-in-persons-report/poland/> (Accessed 20 June 2024).

Office to Monitor and Combat Trafficking in Persons (2022). *2022 Trafficking in Persons Report: Poland*. US department of state. Available at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/poland/> (Accessed 20 June 2024).

Office to Monitor and Combat Trafficking in Persons (2023). *2023 Trafficking in Persons Report: Poland*. US department of state. Available at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/poland/> (Accessed 21 June 2024).

Office to Monitor and Combat Trafficking in Persons (2003) *U.S. Department of State 2003 Trafficking in Persons Report – Poland*. Available at: <https://www.refworld.org/reference/annualreport/usdos/2003/en/43451> (Accessed 18 April 2024).

Office to Monitor and Combat Trafficking in Persons (2006) *U.S. Department of State 2006 Trafficking in Persons Report – Poland*. Available at:

<https://www.refworld.org/reference/annualreport/usdos/2006/en/33902> (Accessed 26 May 2024).

OSCE/ODIHR database of legal reviews and legislation (2007a). *National Program of Fighting and Prevention of Trafficking in People of the Republic of Poland (2002) (English)*. Available at:

<https://mobile.legislationline.org/sites/default/files/documents/2f/4a2dde50b793e82221e0b2416b96.pdf> (Accessed 29 April 2024).

OSCE/ODIHR database of legal reviews and legislation (2007b). *National Program of Fighting and Prevention of Trafficking in People of the Republic of Poland for 2005-2006 (English)*. Available at: <https://mobile.legislationline.org/taxonomy/term/14196> (Accessed 19 May 2024).

OSCE/ODIHR database of legal reviews and legislation (2007c). *2007 – 2008 National Programme for Combating and Preventing Trafficking in Human Beings*. Available at: <https://mobile.legislationline.org/sites/default/files/documents/89/957401269e554f5383f9b1f3aca7.pdf> (Accessed 29 April 2024).

Strengthening the Legislative Response to Human Trafficking Risks for Ukrainian Refugees Joint Communiqué. (2023). Available at:

https://www.lrs.lt/sip/getFile3?p_fid=68058 (Accessed 28 June 2024).

United States Department of State (2011) *2011 Trafficking in Persons Report – Poland*. Available at: <https://www.refworld.org/reference/annualreport/usdos/2011/en/79718> (Accessed 26 May 2024).

UNODC Research (2022). *CONFLICT IN UKRAINE: KEY EVIDENCE ON RISKS OF TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS*. UNODC Publication.

Available at: https://www.unodc.org/documents/data-and-analysis/tip/Conflict_Ukraine_TIP_2022.pdf (Accessed 18 April 2024).

Secondary sources:

➤ *Academic articles/ book chapters/ books:*

Ab Hamid, Z., Ab Aziz, N. and Mohamad Amin, N.S. (2017). THE EFFECTIVENESS OF TRAFFICKING IN PERSONS REPORT IN COMBATTING HUMAN TRAFFICKING. *IJASOS- International E-journal of Advances in Social Sciences*, pp.293–293. DOI:

<https://doi.org/10.18769/ijasos.311921>.

Akee, R., Basu, A.K., Bedi, A. and Chau, N.H. (2014). Transnational Trafficking, Law Enforcement, and Victim Protection: A Middleman Trafficker’s Perspective. *The Journal of Law and Economics*, 57(2), pp.349–386. DOI: <https://doi.org/10.1086/675404>.

Alharahsheh, H.H. and Pius, A. (2020). A Review of key paradigms: positivism VS interpretivism. *Global Academic Journal of Humanities and Social Sciences*, 2(3), pp.39–43. Available at: https://www.gajrc.com/media/articles/GAJHSS_23_39-43.pdf (Accessed 13 April 2024).

Amahazion, F. (2015). Human trafficking: the need for human rights and government effectiveness in enforcing anti-trafficking. *Global Crime*, 16(3), pp.167–196. DOI: <https://doi.org/10.1080/17440572.2015.1019613>.

Aradau, C. (2008). *Rethinking Trafficking in Women: Politics out of Security*. London: Palgrave Macmillan. DOI: <https://doi.org/10.1057/9780230584228> (Accessed 30 March 2024).

Aradau, C. (2004). The Perverse Politics of Four-Letter Words: Risk and Pity in the Securitisation of Human Trafficking. *Millennium: Journal of International Studies*, 33(2), pp.251–277. DOI: <https://doi.org/10.1177/03058298040330020101>.

Aromaa, K. (2007) “Trafficking in Human Beings: Uniform Definitions for Better Measuring and for Effective Counter-Measures”, in Savona, E.U. and Stefanizzi, S. (eds.) *Measuring Human Trafficking: Complexities and Pitfalls*. Springer: USA, pp.13-26.

Avdeyeva, O.A. (2012). Does reputation matter for states’ compliance with international treaties? States enforcement of anti-trafficking norms. *The International Journal of Human Rights*, 16(2), pp.298–320. DOI: <https://doi.org/10.1080/13642987.2010.540240>.

Avdeyeva, O. (2007). When Do States Comply with International Treaties? Policies on Violence against Women in Post-Communist Countries. *International Studies Quarterly*, 51(4), pp.877–900. Available at: <https://www.jstor.org/stable/4621747>.

Bajda, K. (2021). Criminological and Forensic Aspects of Selected Areas of Organized Crime in Poland. *Studia Iuridica Lublinensia*, 30(4), pp.33–47. Available at: <https://www.ceeol.com/search/article-detail?id=1063703> (Accessed 27 June 2024).

Banach-Gutierrez, J.B. (2024) “Fight Against Human Trafficking in Poland: From Theory to Practice”, in Rodrigues, A.M. and Guia, M.J. (eds.) *New Forms of Human Trafficking*. Springer: Cham, pp.93-105. Available at: https://doi.org/10.1007/978-3-031-39732-5_6.

Bello, P. O. and Olutola, A. A. (2022). Effective Response to Human Trafficking in South Africa: Law as a Toothless Bulldog. *Sage Open*, 12(1), pp.1-14. DOI: <https://doi.org/10.1177/2158244021106937>.

Bernasiewicz, M.W. (2024). Central and Eastern Europe's Response to Trafficking. *Lubelski Rocznik Pedagogiczny*, 42(4), pp.183–191. DOI: <https://doi.org/10.17951/lrp.2023.42.4.183-191>.

Birkenthal, S. (2011) "Human Trafficking: A Human Rights Abuse with Global Dimensions", *Interdisciplinary Journal of Human Rights Law*, 6(1), pp. 27-40. Available at: <https://heinonline.org/HOL/P?h=hein.journals/ijhrl6&i=29> (Accessed 19 March 2024).

Bruckmuller, K. and Schumann, S. (2012) "Crime Control versus Social Work Approaches in the Context of the "3P" Paradigm: Prevention, Protection, Prosecution", in Winterdyk, J., Perrin, B. and Reichel, P. (eds.) *Human Trafficking: Exploring the International Nature, Concerns, and Complexities*. New York: Routledge, pp. 103-127. DOI: <https://doi.org/10.1201/b11555>.

Buayairugsa, J. (2019). "Securitization against sex trafficking of women and children: the case of multilateral cooperation in the mekong sub-region". *The EURASEANs: journal on global socio-economic dynamics*. 4(17), pp.30–36. DOI: [https://doi.org/10.35678/2539-5645.4\(17\).2019.30-36](https://doi.org/10.35678/2539-5645.4(17).2019.30-36) (Accessed 28 March 2024).

Buscaglia, E. (2013) "Containing Human Trafficking through State and Non-State Actors", in Jakobi, A. P. and Wolf, K. D. (eds.) *The Transnational Governance of Violence and Crime: Non-State Actors in Security*. UK: Palgrave Macmillan, pp. 149- 171. DOI : https://doi.org/10.1057/9781137334428_8.

Buzan, B., Waever, O. and De Wilde, J. (1998). *Security: A New Framework for Analysis*. Boulder, Colorado: Lynne Rienner.

Chetty, L. (2014). Innovative Interpretive Qualitative Case Study Research Method Aligned with Systems Theory for Physiotherapy and Rehabilitation Research: A review of the methodology. *African Journal of Physiotherapy and Rehabilitation Sciences*, 5(1-2), pp.40-44. DOI: <https://doi.org/10.4314/ajprs.v5i1.7>.

Cho, S.-Y. (2015). Measuring Anti-Trafficking Policy-Integrating Text and Statistical Analyses. *Social Science Quarterly*, 96(2), pp.656–683. DOI: <https://doi.org/10.1111/ssqu.12153>.

Cho, S.-Y. and Vadlamannati, K.C. (2012). Compliance with the Anti-trafficking Protocol. *European Journal of Political Economy*, 28(2), pp.249–265. DOI: <https://doi.org/10.1016/j.ejpoleco.2011.12.003>.

Cho, S.-Y., Dreher, A. and Neumayer, E. (2014). "Determinants of Anti-Trafficking Policies: Evidence from a New Index". *The Scandinavian Journal of Economics*, 116(2), pp.429–454. DOI: <https://doi.org/10.1111/sjoe.12055>.

Clark, M.A. (2003). Trafficking in Persons: An issue of human security. *Journal of Human Development*, 4(2), pp.247–263. DOI: <https://doi.org/10.1080/1464988032000087578>.

Dandurand, Y. (2012) “Crime Control versus Social Work Approaches in the Context of the “3P” Paradigm: Prevention, Protection, Prosecution”, in Winterdyk, J., Perrin, B. and Reichel, P. (eds.) *Human Trafficking: Exploring the International Nature, Concerns, and Complexities*. New York: Routledge, pp. 207-232. DOI: <https://doi.org/10.1201/b11555>.

Davy, D. (2016). “Anti–Human Trafficking Interventions: How Do We Know if They Are Working?”, *American Journal of Evaluation*, 37(4), pp.486–504. DOI: <https://doi.org/10.1177/1098214016630615>.

Dean, L.A. (2020). *Diffusing human trafficking policy in Eurasia*. UK: Policy Press. DOI: <https://doi.org/10.2307/j.ctv11g95bc>.

Downs, G.W. and Jones, M.A. (2002). Reputation, Compliance, and International Law. *The Journal of Legal Studies*, 31(S1), pp. S95–S114. DOI: <https://doi.org/10.1086/340405>.

Drisko, J.W. and Maschi, T. (2016) *Content Analysis*. New York: Oxford University Press.

Dulak, D. (2016). Handel ludźmi w II Rzeczypospolitej Polskiej. *Poliarchia*, 2(7), pp.59–76. DOI: <https://doi.org/10.12797/poliarchia.04.2016.07.04>.

Dworzecki, J. (2016). The role of the Ministry of Justice and the Ministry of Internal Affairs in the fight against the crime of human trafficking in Poland. *Studia nad Autorytaryzmem i Totalitaryzmem*, 38(1), pp.27–38. DOI: <https://doi.org/10.19195/2300-7249.38.1.2>.

Ercan, S.A. and Marsh, D. (2016) “Qualitative methods in political science”, in Keman, H. and Woldendorp, J.J. (eds.) *Handbook of Research Methods and Applications in Political Science*. Cheltenham: Edward Elgar, pp.309-322. DOI: <https://doi.org/10.4337/9781784710828.00030>.

Farka, I. (2010) “Extra-Territorial Jurisdiction: A Prosecutorial Tool to Combat Child Trafficking from Albania”, in Wylie, G. and McRedmond, P. (eds.) *Human Trafficking in Europe: Character, Causes and Consequences*. London: Palgrave Macmillan, pp. 198-215. Available at: https://doi.org/10.1057/9780230281721_13 (Accessed 30 March 2024).

Friman, H.R. and Reich, S. (2007) “Human trafficking and the Balkans”, in Friman, H.R. and Reich, S. (eds.) *Human trafficking, human security and the Balkans*. Pittsburgh: University of Pittsburgh Press, pp.1-19.

Gallagher, A. (2012) “Human Rights and Human Trafficking: A Reflection on the Influence and Evolution of the U.S. Trafficking in Persons Reports”, in Brysk, A. and Choi-Fitzpatrick, A. (eds.) *From Human Trafficking to Human Rights: Reframing Contemporary Slavery*. Philadelphia: University of Pennsylvania Press, pp. 172-194. Available at: <https://doi.org/10.9783/9780812205732.172> (Accessed 16 April 2024).

Gallagher, A. and Holmes, P. (2008). Developing an Effective Criminal Justice Response to Human Trafficking. *International Criminal Justice Review*, 18(3), pp.318–343. DOI: <https://doi.org/10.1177/1057567708320746>.

Gilgun, J.F. (2014) “Writing Up Qualitative Research”, in Leavy, P. (ed.) *The Oxford Handbook of Qualitative Research*. USA: Oxford University Press, pp.658-676. DOI: <https://doi.org/10.1093/oxfordhb/9780199811755.013.032>.

Goodey, J. (2008). “Human trafficking: Sketchy data and policy responses”. *Criminology & Criminal Justice*, 8(4), pp.421–442. DOI: <https://doi.org/10.1177/1748895808096471>.

Goodey, J. (2003) “Recognising organised crime’s victims: the case of sex trafficking in the EU”, in Edwards, A. and Gill, P. (eds.) *Transnational Organised Crime: Perspectives on Global Security*. London: Routledge, pp. 157-173. Available at: <https://www.taylorfrancis.com/chapters/edit/10.4324/9780203633854-19/recognising-organised-crime-victims-case-sex-trafficking-eu-jo-goodey> [Accessed 16 March 2024].

Goździak, E.M. (2021). *Human Trafficking as a New (In)Security Threat*. Switzerland: Palgrave Macmillan Cham. DOI: <https://doi.org/10.1007/978-3-030-62873-4>.

Gramegna, M. (2008) “Human Trafficking: Policy Needs and Political Responses”, *St Antony's International Review*, 4(1), pp. 63-75. Available at: <https://www.jstor.org/stable/26225806> (Accessed 19 March 2024).

Hernandez, D. and Rudolph, A. (2015). “Modern day slavery: What drives human trafficking in Europe?”, *European Journal of Political Economy*, 38(38), pp.118–139. DOI: <https://doi.org/10.1016/j.ejpoleco.2015.02.002>.

Holmes, L. (2010) “People smuggling and human trafficking within, from and through Central and Eastern Europe”, in Holmes, L. (ed.) *Trafficking and Human Rights: European and Asia-Pacific Perspectives*. UK: Edward Elgar, pp.56-78. DOI: <https://doi.org/10.4337/9781849806800.00011>.

Horning, A., Thomas, C., Henninger, A.M. and Marcus, A. (2014). The Trafficking in Persons Report: a game of risk. *International Journal of Comparative and Applied Criminal Justice*, 38(3), pp.257–280. DOI: <https://doi.org/10.1080/01924036.2013.861355>.

Hsu, K. S. (2007). Masters and servants in America: the ineffectiveness of current United States anti-trafficking policy in protecting victims of trafficking for the purposes of domestic servitude. *Georgetown Journal on Poverty Law and Policy*, 14(3), pp.489–510.

Iroanya, R.O. (2018). *Human Trafficking and Security in Southern Africa*. Cham: Palgrave Macmillan. DOI: <https://doi.org/10.1007/978-3-319-71988-7>.

Jackson, N.J. (2006). International Organizations, Security Dichotomies and the Trafficking of Persons and Narcotics in Post-Soviet Central Asia: A Critique of the Securitization Framework. *Security Dialogue*, 37(3), pp.299–317. DOI: <https://doi.org/10.1177/0967010606069062>.

John, M. (2020). “A critical approach to understanding human trafficking in the Caribbean”, *The International Journal of Human Rights*, 24(10), pp. 1666-1680, DOI: <https://doi.org/10.1080/13642987.2020.1762577>.

Kreidenweis, A. and Hudson, N.F. (2015). More Than a Crime: Human Trafficking as Human (In)Security. *International Studies Perspectives*, 16(1), pp.67–85. Available at: <https://www.jstor.org/stable/44218769>.

Kulakowska, M. (2020). Interpretive Theories in Political Science. *Teoria Polityki*, (4), pp.31–41. DOI: <https://doi.org/10.4467/25440845tp.19.014.11780>.

Laczko, F. and Gramegna, M.A. (2003). “Developing Better Indicators of Human Trafficking”, *The Brown Journal of World Affairs*, [online] 10(1), pp.179–194. Available at: <https://www.jstor.org/stable/24590602>.

Lasocik, Z. (2024). “Hot Soup and a Blanket Don’t Mean You’re Safe from Human Trafficking – Gaps in the System of Receiving and Supporting Women from Ukraine in Poland After the Russian Invasion”. *Journal of human trafficking*, 10(2), pp.374–382. DOI: <https://doi.org/10.1080/23322705.2024.2303265>.

Lasocik, Z. (2010) “Human trafficking: a challenge for the European Union and its member states (with particular reference to Poland)”, in Holmes, L. (ed.) *Trafficking and Human Rights: European and Asia-Pacific Perspectives*. UK: Edward Elgar, pp.18-36. DOI: <https://doi.org/10.4337/9781849806800.00009>.

Lasocik, Z. (2020a). Human Trafficking in Poland—Evolution of the Devil. *Criminal Justice and Law Enforcement Annual*, pp.223-275. Available at: <https://www.researchgate.net/publication/343403539> (Accessed 17 April 2024).

Lasocik, Z. (2012). On Human Trafficking in Poland, That Is on Evolution of the Phenomenon and Construction of the System to Eliminate It. *Archives of Criminology* XXXIV, pp.481-529. DOI: <https://doi.org/10.7420/ak2012l>.

Lasocik, Z. (2021). Poles' Social Awareness of Trafficking in Human Beings. *Pakistan Journal of Criminology*, 13(3), pp.1-36. Available at:

<https://www.pjcriminology.com/publications/poles-social-awareness-of-trafficking-in-human-beings/> (Accessed 26 June 2024).

Lasocik, Z. (2020) “Response for Human Trafficking in Poland in a Nutshell”, in Winterdyk, J. and Jones, J. (eds.) *The Palgrave International Handbook of Human Trafficking*. Cham: Palgrave Macmillan, pp.1033-1049. DOI: https://doi.org/10.1007/978-3-319-63058-8_55.

Limoncelli, S.A. (2017). “The global development of contemporary anti-human trafficking advocacy”. *International Sociology*, 32(6), pp.814–834. DOI: <https://doi.org/10.1177/0268580917729986>.

Lutmar, C. and Carneiro, C.L. (2018). Compliance in International Relations. *Oxford Research Encyclopedia of Politics*. DOI: <https://doi.org/10.1093/acrefore/9780190228637.013.576>.

Łyżwa, A. (2020). Trafficking in Human Beings for Forced Labour. Contemporary Trends and Threats. *Internal Security*, 12(1), pp.267–279. DOI: <https://doi.org/10.5604/01.3001.0014.3202>.

Marinova, N.K. and James, P. (2012). The Tragedy of Human Trafficking: Competing Theories and European Evidence. *Foreign Policy Analysis*, 8(3), pp.231–253. DOI: <https://doi.org/10.1111/j.1743-8594.2011.00162.x>.

Matos, M., Gonçalves, M. and Maia, Â. (2019). Understanding the criminal justice process in human trafficking cases in Portugal: factors associated with successful prosecutions. *Crime, Law and Social Change*, 72(5), pp.501–525. DOI: <https://doi.org/10.1007/s10611-019-09834-9>.

Mattar, M.Y. (2006b). HUMAN SECURITY OR STATE SECURITY? THE OVERRIDING THREAT IN TRAFFICKING IN PERSONS. *INTERCULTURAL HUMAN RIGHTS LAW REVIEW*, 1, pp.249–280. Available at: <https://heinonline.org/HOL/P?h=hein.journals/ichuman1&i=261> (Accessed 31 March 2024).

Meçe, M.H. (2016). Effectiveness of Counter-Trafficking Response in Albania. *Social Change Review*, 14(1), pp. 25–46. Available at: <https://www.ceeol.com/search/article-detail?id=420056> (Accessed 22 March 2024).

Mertus, J. and Bertone, A. (2007) “Combating trafficking: International Efforts and Their Ramifications”, in Friman, H.R. and Reich, S. (eds.) *Human trafficking, human security and the Balkans*. Pittsburgh: University of Pittsburgh Press, pp.40-60.

- Meyer, T. (2014). HOW COMPLIANCE UNDERSTATES EFFECTIVENESS. *AJIL Unbound*, 108, pp. 93-98. Available at: <https://www.jstor.org/stable/27003046>.
- Miller, M.J. and Wasileski, G. (2011). An Underappreciated Dimension of Human Trafficking: Battered and Trafficked Women and Public Policy. *Human Rights Review*, 12(3), pp.301–314. DOI: <https://doi.org/10.1007/s12142-010-0187-2>.
- Mishra, D. and Sharma, S. (2022) “Human Trafficking: A Non-traditional Security Threat to India”, in Singh, S.K. and Singh, S.P. (eds.) *Nontraditional Security Concerns in India*. Singapore: Palgrave Macmillan, pp.123–146. DOI: https://doi.org/10.1007/978-981-16-3735-3_7 (Accessed 31 March 2024).
- Monzini, P. (2004). Trafficking in Women and Girls and the Involvement of Organised Crime in Western and Central Europe. *International Review of Victimology*, 11(1), pp.73–88. DOI: <https://doi.org/10.1177/026975800401100105>.
- Nieuwenhuys, C. and Pécoud, A. (2007). “Human Trafficking, Information Campaigns, and Strategies of Migration Control”, *American Behavioral Scientist*, 50(12), pp.1674–1695. DOI: <https://doi.org/10.1177/0002764207302474>.
- Nikolić-Ristanović, V. (2012) “Human Trafficking Between Profit and Survival”, in Šelih, A. and Završnik, A. (eds.) *Crime and Transition in Central and Eastern Europe*. New York: Springer, pp. 205-227. DOI: https://doi.org/10.1007/978-1-4614-3517-4_8.
- Obokata, T. (2006). Trafficking of Human Beings from a Human Rights Perspective: Towards a Holistic Approach. The Netherlands: MARTINUS NIJHOFF PUBLISHERS. DOI: <https://doi.org/10.1163/ej.9789004154056.i-247>.
- Odell, J.S. (2001). Case Study Methods in International Political Economy. *International Studies Perspectives*, 2(2), pp.161–176. DOI: <https://doi.org/10.1111/1528-3577.00047>.
- Piotrowicz, R.W. and Sorrentino, L. (2016). “Human Trafficking and the Emergence of the Non-Punishment Principle”, *Human Rights Law Review*, pp.1–31. DOI: <https://doi.org/10.1093/hrlr/ngw028>.
- Prior, L. (2014) “Content Analysis”, in Leavy, P. (ed.) *The Oxford Handbook of Qualitative Research*. USA: Oxford University Press, pp.359-379. DOI: <https://doi.org/10.1093/oxfordhb/9780199811755.013.008>.
- Rahman, M. (2011). “Human trafficking: a security concern for Bangladesh”. *Bangladesh Institute of Peace and Security Studies*, (9), pp. 1-16. Available at: <https://www.files.ethz.ch/isn/164375/Issue%209.pdf> (Accessed 30 March 2024).

Raustiala, K. (2000). Compliance & Effectiveness in International Regulatory Cooperation. *Case Western Reserve Journal of International Law*, [online] 32(3), pp.387-440. Available at: <https://scholarlycommons.law.case.edu/jil/vol32/iss3/2/>.

Rizer, A. and Glaser, S.R. (2011). Breach: The National Security Implications of Human Trafficking. *Widener Law Review*, 17(1), pp. 69-94. Available at: <https://heinonline.org/HOL/LandingPage?handle=hein.journals/wlsj17&div=5&id=&page=> (Accessed 30 March 2024).

Schneider, P. (2013) “Maritime Terrorism: Governance and Non-State Actors”, in Jakobi, A. P. and Wolf, K. D. (eds.) *The Transnational Governance of Violence and Crime: Non-State Actors in Security*. UK: Palgrave Macmillan, pp. 172- 192. DOI: https://doi.org/10.1057/9781137334428_9.

Schönhöfer, J. (2016). Political determinants of efforts to protect victims of human trafficking. *Crime, Law and Social Change*, 67(2), pp.153–185. DOI: <https://doi.org/10.1007/s10611-016-9643-5>.

Seha, E. and Müller- Rommel, F. (2016) “Case study analysis”, in Keman, H. and Woldendorp, J.J. (eds.) *Handbook of Research Methods and Applications in Political Science*. Cheltenham: Edward Elgar, pp.419-429. DOI: <https://doi.org/10.4337/9781784710828.00037>.

Simmons, B.A. (1998). Compliance with International Agreements. *The Annual Review of Political Science*, 1, pp. 75-93. Available at: <https://scholar.harvard.edu/bsimmons/publications/compliance-international-agreements> (Accessed 01 April 2024).

Soboń, A. and Piertuniak, M. (2019). ILLEGAL IMMIGRATION AS A THREAT TO THE SAFETY OF THE REPUBLIC OF POLAND. *Security and Defence Quarterly*, 23(1). DOI: <https://doi.org/10.35467/sdq/103409>.

Surdykowska, B. (2021). Still No Legal Regulation on Forced Labor in Poland. *International Labor Rights Case Law*, 7(1), pp.91–95. DOI: <https://doi.org/10.1163/24056901-07010015>.

Toshkov, D. (2016) *Research Design in Political Science*. UK: Palgrave Macmillan.

Tymoszenko, C. (2019). Human Trafficking as a National Security Issue. *Illini Journal of International Security*, 5(1), pp.65-73. Available at: <https://ugresearchjournals.illinois.edu/index.php/IJOIS/article/view/642> (Accessed 30 March 2024).

Uhl, B.H. (2010). Lost in implementation? Human rights rhetoric and violations — a critical review of current European anti-trafficking policies. *Security and Human Rights*, 21(2), pp.119–126. DOI: <https://doi.org/10.1163/187502310791305936>.

Van der Vink, G.E., Carlson, K.N., Park, J., Szeto, S.H., Zhang, X., Jackson, M.E. and Phillips, E. (2023). Empirical Analysis of the US State Department’s Annual Trafficking in Persons Report – Insights for Policy-Makers. *Journal of Human Trafficking*, 9(2), pp.148–167. DOI: <https://doi.org/10.1080/23322705.2021.1897759>.

Vennesson, P. (2008) “Case studies and process tracing: theories and practices”, in Della Porta, D. and Keating, M. (eds.) *Approaches and Methodologies in the Social Sciences: A Pluralist Perspective*. Cambridge: Cambridge University Press, pp.223-239. Available at: <https://doi.org/10.1017/CBO9780511801938.013> (Accessed 17 April 2024).

Wasileski, G., and Miller, M.J. (2012) “Rethinking Gender Violence: Battered and Trafficked Women in Greece and the United States”, in Brysk, A. and Choi- Fitzpatrick, A. (eds.) *From Human Trafficking to Human Rights: Reframing Contemporary Slavery*. Philadelphia: University of Pennsylvania Press, pp. 107-120. Available at: <https://www.jstor.org/stable/j.ctt3fj0z1.9> (Accessed 28 March 2024).

Wiśniewski, M. (2010) “The Phenomenon of Trafficking in Human Beings: The Case of Poland”, in Wylie, G. and McRedmond, P. (eds.) *Human Trafficking in Europe: Character, Causes and Consequences*. Palgrave Macmillan: London, pp.60-81. Available at: https://doi.org/10.1057/9780230281721_5.

Wooditch, A. (2011). The Efficacy of the Trafficking in Persons Report: A Review of the Evidence. *Criminal Justice Policy Review*, 22(4), pp.471–493. DOI: <https://doi.org/10.1177/0887403411386217>.

Wylie, G. (2006). Securing States or Securing People? Human Trafficking and Security Dilemmas. *Studies: An Irish Quarterly Review*, 95(377), pp.7–17. Available at: <https://www.jstor.org/stable/30095789>.

Wylie, G. (2016) *The International Politics of Human Trafficking*. 1st edn. London: Palgrave Macmillan. DOI: <https://doi.org/10.1057/978-1-137-37775-3>.

Wylie, G. and McRedmond, P. (2010) “Introduction: Human Trafficking and Europe”, in Wylie, G. and McRedmond, P. (eds.) *Human Trafficking in Europe: Character, Causes and Consequences*. London: Palgrave Macmillan, pp. 1-16. Available at: https://doi.org/10.1057/9780230281721_1 (Accessed 30 March 2024).

Yousaf, F.N. (2017). Forced migration, human trafficking, and human security. *Current Sociology*, 66(2), pp.209–225. DOI: <https://doi.org/10.1177/0011392117736309>.

➤ **Research reports:**

ECPAT (2012). *Global Monitoring status of action against commercial sexual exploitation of children: POLAND*. Thailand: ECPAT International (2nd Edition). Available at: https://ecpat.org/wp-content/uploads/2021/08/A4A_V2_EU_POLAND.pdf (Accessed 23 May 2024).

Hoff, S. (2019) *Tackling labour exploitation in Poland, Bulgaria, and Romania*. The Netherlands: La Strada International. Available at: <https://documentation.lastradainternational.org/lsidocs/3301-RaW%20Tackling%20labour%20exploitation%20-%20final.pdf> (Accessed 03 June 2024).

Lasocik, Z. (2016). *Study on reduction measures to combat trafficking in human beings for the purpose of labour exploitation through engagement of the private sector*. [online] Council of Europe. Available at: <https://rm.coe.int/16806b61f0>.

La Strada Czech Republic (2005) “*Trafficking in human beings in Central Europe*”. La Strada Czech Republic (Document 1862). Available at: <https://documentation.lastradainternational.org/doc-center/1862/trafficking-in-human-beings-in-central-europe> [Accessed 17 March 2024].

Mattar, M. (2006a) “Comprehensive Legal Approaches to Combating Trafficking in Persons: An International and Comparative Perspective”. Washington: The Protection Project of The Johns Hopkins University Paul H. Nitze School of Advanced International Studies. Available at: [Comprehensive Legal Approaches to Combating Trafficking in Persons: An International and Comparative Perspective](#) (Accessed 22 March 2024).

Muraszkiewicz, J. (2020) *New discussions on the complicated relationship between Poland and forced labour*. London: TRILATERAL RESEARCH. Available at: <https://cbss.org/publications/new-discussions-on-the-complicated-relationship-between-poland-and-forced-labour/> (Accessed 05 June 2024).

Nobody's Children Foundation (2010) *The issue of child trafficking in Poland – views and experiences of professionals*. Poland: Nobody's Children Foundation. Available at: https://childhub.org/sites/default/files/library/attachments/1181_child_trafficking_in_poland_-_views_of_professionals_final_original.pdf (Accessed 06 June 2024).

Office of the OSCE Special Representative and Coordinator for Combating Trafficking in Human Beings (2023). “Modernizing National Action Plans to strengthen States’ anti-trafficking efforts”. Austria: OSCE.

➤ **News & journalistic articles:**

Directorate-General for Migration and Home Affairs (no date), *Poland- General information: situation on trafficking in human beings*. Available at: https://home-affairs.ec.europa.eu/policies/internal-security/organised-crime-and-human-trafficking/together-against-trafficking-human-beings/eu-countries/poland_en#:~:text=Poland%20is%20considered%20to%20be,forced%20labour%20and%20sex%20trafficking (Accessed 18 April 2024).

Koper, A. and Strzelecki, M. (2022). *Poland sees signs women fleeing Ukraine may be trafficking target*. Available at: <https://www.reuters.com/world/europe/poland-sees-signs-women-fleeing-ukraine-may-be-trafficking-target-2022-03-15/> (Accessed 28 June 2024).

Polskieradio.pl. (2022). *Poland steps up fight against human trafficking: officials - English Section - polskieradio.pl*. Available at: <https://www.polskieradio.pl/395/7784/Artykul/3055423> (Accessed 28 June 2024).

Ptak, A. (2023). *Poland accuses EU of ‘encouraging human trafficking’ amid Lampedusa crisis*. Notes From Poland. Available at: <https://notesfrompoland.com/2023/09/19/poland-accuses-eu-of-encouraging-human-trafficking-amid-lampedusa-crisis/> (Accessed 28 June 2024).

Statista. (2021). *Poland: Victims of human trafficking 2021 | Statista*. [online] Available at: <https://www.statista.com/statistics/1351720/poland-victims-of-human-trafficking/> [Accessed 17 Aug. 2024].

Wądołowska, A. (2022) *Poland breaks up multi-million-euro people smuggling gang on Belarus border*. Available at: <https://notesfrompoland.com/2022/01/17/poland-breaks-up-multi-million-euro-people-smuggling-gang-on-belarus-border/> (Accessed 17 April 2024).