

Poland Country Assessment



Safeguarding support for Ukrainian refugees

Resource and Support Hub, Eastern Europe
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Introduction

The Russian invasion of Ukraine in February 2022 resulted in large scale displacement both within Ukraine and to neighbouring countries. Humanitarian actors in Poland, including UN bodies, the government, INGOs, NGOs and volunteers, have been responding to human right violations on Polish territory and protecting those fleeing hostilities since the 2021 migrant crisis on the Polish-Belarusian border. These actors are now responding to the movement of people fleeing the war on Ukraine to seek safety in Poland.

The crisis and its response have increased the overall risks of abuse and harm to those escaping the war on Ukraine. Acts of sexual exploitation and abuse (SEA) occur during the delivery of humanitarian and development assistance around the world ([Feather, Martin, Neville, 2021](#)). Ukrainian refugees in Poland are experiencing safeguarding risks of sexual exploitation, abuse and harassment (SEAH) at border crossings, in transit centres and while accessing accommodation and services in Poland. Women, children, people with disability, older people, racial and ethnic minorities and Lesbian, Gay, Bisexual, Transgender, Queer or Intersex (LGBTQI+) people are particularly at risk.

The Safeguarding Resource and Support Hub Eastern Europe in Poland seeks to support Polish civil society organisations (CSOs) to strengthen their safeguarding policy and practice as they protect and support people affected by the war on Ukraine.

This report summarises the full Country Assessment prepared for the Safeguarding Resource and Support Hub Eastern Europe in Poland¹. This summary provides an overview of safeguarding for Ukrainian refugees - the risks, legal protections, stakeholders and initiatives to address safeguarding from SEA. Whilst the original country assessment provided recommendations to the Safeguarding Resource and Support Hub Eastern Europe, this summary adapts those recommendations, so that they are relevant for safeguarding in all state and civil society organisations engaged in the humanitarian response to the Ukraine refugee crisis.

Working Definitions

Safeguarding: Safeguarding means preventing harm to people in the delivery of development and humanitarian assistance. The Safeguarding Resource and Support Hub for Eastern Europe understands safeguarding as taking all reasonable steps to prevent harm from occurring both to the recipients of aid and to people delivering it, and responding appropriately when harm occurs.

¹ Authored by Natalia Skoczylas and Justyna Herbut

Sexual exploitation and abuse (SEA): This is an umbrella term for a number of different types of behaviour. It is a term commonly used by the UN and INGOs.

Sexual exploitation: Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. This includes profiting monetarily, socially, or politically from sexual exploitation of another. Under UN regulations it includes transactional sex, solicitation of transactional sex and exploitative relationships (UN, 2017).

Sexual abuse: The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It includes rape as well as sexual assault (any sexual activity with another person who does not consent, which may be committed by means other than force or violence). Under UN regulations, all sexual activity with someone under the age of 18 is considered to be sexual abuse regardless of the age of majority or consent locally. Mistaken belief in the age of a child is not a defence (UN 2017).

Sexual harassment: A continuum of unacceptable and unwelcome behaviours and practices of a sexual nature that may include, but are not limited to, sexual suggestions or demands, requests for sexual favours and sexual, verbal, or physical conduct or gestures, that are or might reasonably be perceived as offensive or humiliating (UN, 2018).

Protection from sexual exploitation and abuse (PSEA): This term is used by the UN and INGO community to refer to measures taken to protect people from - and respond appropriately to - sexual exploitation and abuse by their own staff and associated personnel targeted at community members (Davey, Taylor, 2017).

For further definitions see the [Safeguarding Support and Resource Hub Eastern Europe](#)

Methodology

The country assessment highlights the safeguarding-related policies and infrastructure in Poland's response to the Ukrainian refugee crisis. A literature review examined reports published by international and national organisations, media, social media and public statements from Polish organisations. Key informant interviews were held with eleven representatives of Polish NGOs, women's groups, voluntary-led organisations and INGOs operating in Poland. Up to twenty others declined to be interviewed stating they had no time and/or they had safeguarding policies in place.

Limitations are acknowledged; the data may not be representative of the national situation, and we recognise there is no in-depth analysis of those who may face particular risks, such as children, LGBTQI+ people, older persons or persons with disabilities. Nonetheless, this analysis provides useful insights and serves as a basis for future comprehensive and exploratory studies.

Country Context

The 2021 migrant crisis on the Polish-Belarusian border plays an important role in understanding the refugee context in Poland. In the spring of 2021, the government of Belarus issued a large number of tourist visas, which led to the establishment of a migration route that Frontex called the *Eastern Borders Route*. The route went through Belarus and Lithuania into Poland and the rest of the European Union ([Frontex](#), undated). Thousands of people from Iraq, Syria and Afghanistan took advantage of this new route and were then trapped at the border when pushed back by the Polish government ([Fundacja Ocalenie](#), 2021)². Many people died.

A social movement made up of volunteers and NGOs called the *Granica Group* was formed to aid migrants stranded on the Belarus-Poland border. They have highlighted the contrast in the treatment of refugees from outside Europe on the Poland-Belarus border with the approach towards refugees and migrants crossing from the Ukraine border, a culturally European neighbour of Poland ([Grupa Granica](#), 2021). This disparity in treatment of migrants has led to some resentment and anger about the conditions for Ukrainian refugees.

Refugee Response

By 10th December 2022 over 1.5 million people had crossed from Ukraine into Poland and registered on PESEL³ as a refugee. An IOM needs assessment ([IOM](#), 2023) found that the refugees were:

- 91% female and 9% male
- 48% of households included a person(s) with a vulnerability
- 51% had, or cared for, children
- 90% had received humanitarian assistance

² updated in text abovePrzemoc państwa i działania oddolne Raport fundacji ocalenie z kryzysu humanitarnego na pograniczu polsko-białoruskim, fundacja Ocalenie, Warszawa 2022.

³ Polish acronym for *Universal Electronic System for Registration of the Population*

- 95% had registered with PESEL
- 35% had funds to cover living expenses

The 31st December 2023 IOM report ([IOM](#), 2023) also found that:

- 51% travelled in groups
- 49% travelled alone

Humanitarian assistance to Ukrainian refugees in Poland is being delivered by a network of different actors. The Polish government launched a humanitarian aid coordination mechanism. Their support is provided under the *Governmental Agency for Strategic Reserves*, state institutions, local government, social and private funds. In March 2022, an official government website, *I help Ukraine*,⁴ was launched to share information with refugees. The *Konsorcjum* coalition has also prepared a set of tools for local authorities to help them navigate accepting refugees ([Konsorcjum](#)).

The United Nations operates in Poland at the invitation of the Polish government. UNHCR is mandated to support the government's refugee response along with other UN agencies such as UNICEF.

The European Union and bi-lateral donors have provided grants. INGOs already present in Poland are partnering with national NGOs to scale up their operations. NGOs are playing a vital frontline role in the current Ukrainian refugee crisis, building on their humanitarian work over the past two years on the Poland-Belarusian border. In addition, community activists and volunteers from women's rights, LGBTQI+ and disabled people's organisations have been active in the humanitarian response.

Humanitarian actors have established 36 reception points (one in each voivodeship, or municipality), six Blue Dots⁵ points and there are many other spontaneous refugee support centres and points of assistance throughout the country. Despite the initiatives described above, there is insufficient humanitarian infrastructure.

Legal framework for safeguarding

Humanitarian legislation

⁴ <https://pomagamukrainie.gov.pl/> available in Polish, Ukrainian, Russian and English

⁵ UNHCR, UNICEF and national authorities and civil society partners established Blue Dot centres that offer child friendly safe spaces, immediate support and services to all people fleeing Ukraine. They are identifiable by their "blue dots". See [here](#) for more information.

On March 12, 2022, the national *Law on Assistance to Ukrainian Citizens in Connection with an Armed Conflict in the Territory of that State* (also known as the *Special Law*) was passed. It was amended on 31 October 2022. This act sets out the rules for legalising the stay of Ukrainian citizens (and their spouses who do not hold Ukrainian citizenship) who have come to Poland fleeing the military operations in Ukraine. Protections include the legalisation of temporary stay, employment, social assistance and social benefits, healthcare, education and the appointment of a temporary guardian for unaccompanied minors. It also provides a *PESEL* allowance to private citizens hosting Ukrainian refugees and an electronic international travel document, *Diaa.pl*.

Criminal and civil laws

The legal framework for safeguarding in Poland has significant gaps despite activism by the feminist community and anti-violence NGOs. Sexual violence (including sexual harassment) is primarily handled by criminal law and labour law. A sample of legislation, which may offer safeguarding protection, is shown below:

Violation	Protection offered under the Criminal Code 1997
Rape	Informed consent to sexual contact is not included in the legal definition within Article 197.
Sexual harassment	Sexual harassment is not a criminal offence but can be prosecuted under Articles 197, 198 and 199, which protect vulnerable people and those in relationships of dependency, respectively, from sexual intercourse and sexual acts.
Human trafficking	Article 115 defines human trafficking. Associated crimes of depriving someone of freedom (Article 189), forcing someone to perform a specific action (Article 191), forcing someone to prostitution (Articles 203 and 204) are also outlawed.
Child protection	Minors are protected from sexual violence, rape, incest, pornography, forced prostitution, crimes committed with the use of violence, lack of child support (alimony) and abandonment. It is mandatory to report crimes to the detriment of children, namely damage to health, rape, incest, helplessness, and sexual abuse under Articles 156, 197, 198 and 200.

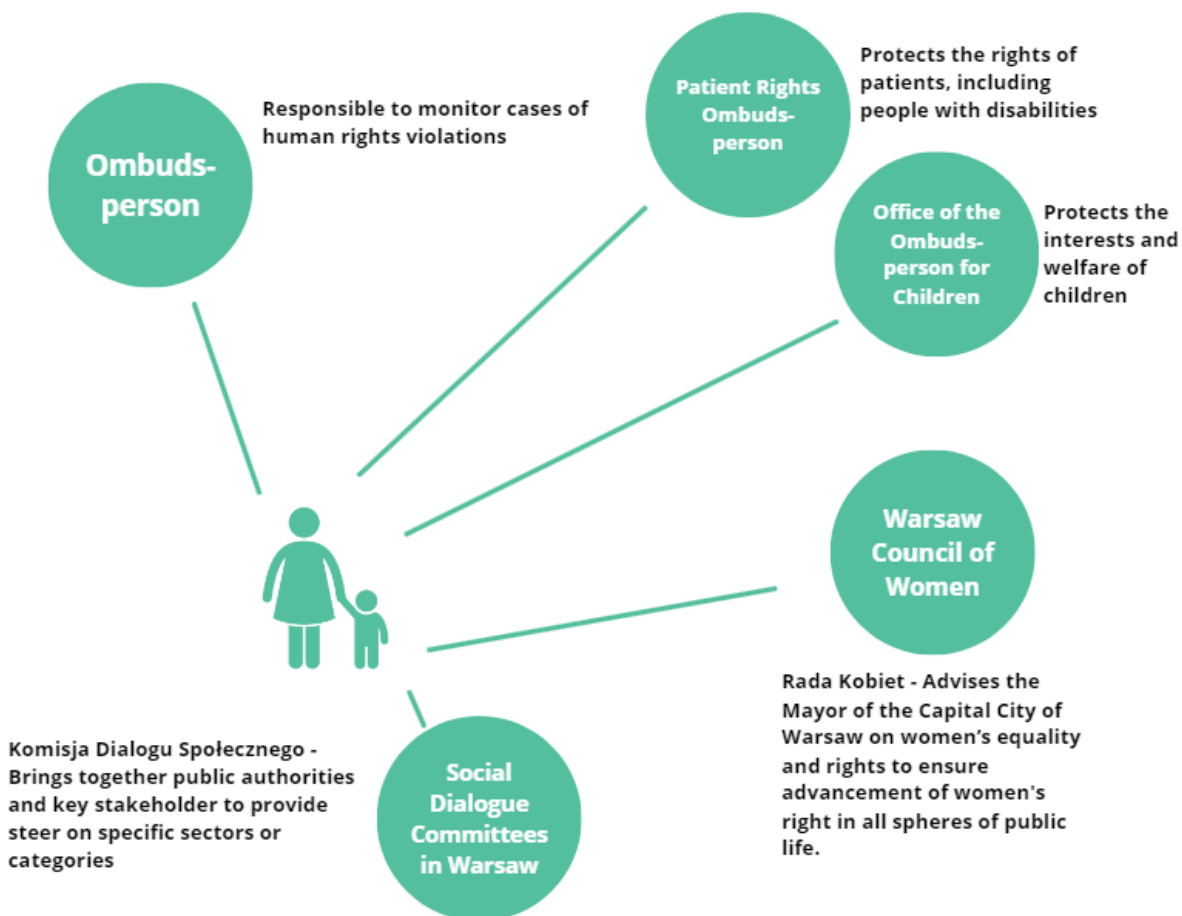
Trafficking in human beings	A foreigner, who is presumed to be a victim of trafficking in people, may apply for a temporary residence permit for at least 6 months.
	Protection offered under the Constitution of Poland
Corporal punishment	Article 40 prohibits corporal punishment of children in all settings, including home, day care, schools, alternative care and penal institutions.
Discrimination	The right to equal treatment is granted under Article 32.
	Protection offered under the Labour Code, 1974
Discrimination	Discrimination throughout the employee life cycle is prohibited due to the individual characteristic of an individual, including those named directly: gender, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnicity, religion, sexual orientation, employment for a fixed or indefinite period, full-time or part-time employment (Article 183).
Gender-based discrimination	Gender-based discrimination is defined as “undesired behaviour of a sexual nature” within the workplace and is prohibited under Article 18.
	Registry of Sexual Offenders, 2017
	Employers are required to conduct criminal checks for employees working with, or having contact with, minors through their work to check that they have not been convicted of sexual offences.

Key safeguarding networks and stakeholders

The Ministry of Internal Affairs and Administration (MSWiA) has overall responsibility for the humanitarian response supported by key government agencies.



The safeguarding system is supported by a number of government actors.



There is also a vibrant array of civil society actors working with migrants and refugees, groups opposing the Polish-Belarusian border, development cooperation, education reform, violence against women, sexual and reproductive health rights, supporting LGBTQI+ people, people of colour, Roma communities, equal opportunities and anti-discrimination and legal aid.

Prevention

Activities are increasingly in place to safeguard refugees from Ukraine. Prevention measures include:

- Coordination of international and national NGOs by the Protection from Sexual Exploitation and Abuse (PSEA) Network.
- Training on PSEA delivered by a consortium of UN agencies, including UNHCR and WHO, to municipalities in Warsaw.
- Implementation of a **referral pathway** for gender-based violence, sexual violence and gender-based discrimination.
- Implementation of an innovative reporting mechanism, **Loop**. This is an independent platform which enables anyone, anywhere to give feedback on their experience of humanitarian and development services. Loop was not referenced by interviewees.
- All interviewees reported their organisations have complaints mechanisms to receive reports of safeguarding violations. These include complaint boxes, website or email addresses and a designated person(s). A few organisations had standard operating procedures to receive reports from LGBTQI+ people. When CSOs required support to manage complaints they were largely able to receive support from other organisations.
- Varied communications channels, such as websites and Telegram, offer information in Ukrainian.
- Psychological support is provided to Ukrainian staff who are providing services.
- Donors' contractual safeguarding requirements. These oblige grantees to implement safeguarding measures, including training by primary partners of downstream partners.

Safeguarding-related risks

During crises and large movements of people, safeguarding risks increase. With the onset of the Ukrainian refugee influx, there has been increased attention to the issue of safeguarding by different sectors working with refugees throughout Poland.

The most common risks and safeguarding challenges that surfaced during the data collection were:

Interpersonal risks and challenges

Children

Children are at particular risk of human trafficking and abuse, especially those crossing the EU border without the company of a parent or legal guardian. Since the outbreak of the war in Ukraine on 24 February 2022, more than 575,000 minors have entered Poland from Ukraine and been registered for temporary protection. Already in May, Poland had become home to an additional 4,000 Ukrainian orphans, including those with disabilities, and current numbers are likely much higher ([ICMPD](#), 2022).

The vast majority of interviewees reported that children are the most vulnerable group. The *Special Law* requires temporary legal guardians to be appointed to unaccompanied children, but this is often time-consuming or does not happen at all. Children without support from adults are at risk of falling victim to smugglers and human trafficking. As well as being a programming concern, this is a safeguarding risk within organisations, because children without legal guardians, and those with disabilities, are more vulnerable to abuse, violence and exploitation when in contact with the organisation too.

Women and girls

Women refugees are the largest group of newcomers due to the forced conscription of all men of fighting age in Ukraine. 96% of refugees to the end of 2022 were women (IOM, 2023).

Women usually cross the border alone, accompanied by their children, other family members including older relatives. Those with caring responsibilities are not always able to take up employment. This leaves them dependent on humanitarian assistance and vulnerable to safeguarding risks. Reportedly, women are often afraid to take advantage of humanitarian assistance due to the fear of potential harm from aid workers. Interviewees noted that sexual violence occurs in reception centres and when receiving support provided by agencies and private citizens.

The interviews showed that employers of refugees often discriminate and take advantage of women's apparent 'helplessness'. Being a woman and a representative of a different nationality or ethnic origin also exposes many refugees to multiple forms of discrimination.

Persons with disabilities and older people

8% of refugees registered for temporary protection are over 60 years old, 6% are female and 2% male ([UNHCR](#), 2023).

Older people and those with disabilities may not be able to live in accommodation which has been adapted to their needs. The lack of adaptations means they may remain dependent on others. This may in turn increase their vulnerability to all forms of abuse, although this was not raised by interviewees.

They may also be excluded from digital communications due to lower digital literacy rates amongst older people. There may therefore be additional challenges for older people to access information on websites and on *Diia.pl*, which is used to confirm the legality of refugees' stay. Being uninformed further increasing risks of abuse, including by service providers.

Persons of colour, minority communities and the stateless

Despite the Constitution enshrining national and ethnic minorities' rights to preserve and protect their religious and cultural identities, [OSCE](#) (2018) found that the most common form of discrimination in Poland is on the grounds of race or nationality.

The [Council of Europe](#) (2020) reported an increase in hate-motivated incidents, with Muslims the most targeted group, together with the Jewish minority, Roma and, increasingly, Ukrainians. This is a worrying trend for all racially minoritized groups, but it is not known how these hate crimes are currently impacting on Ukrainian refugees. Nonetheless potential hate crime by host communities needs to be factored into humanitarian actors' risk assessments.

People of colour fleeing Ukraine have faced additional challenges at the Polish border compared to white Ukrainian citizens. Roma communities have also faced discrimination at railway stations entering Poland, and at accommodation and refugee centres. There is a risk that this discrimination will be present within wider service providers. Roma community members may also be stateless and so deprived of special protection because they lack an embassy or consulate. This increases their vulnerability to exploitation and abuse. Roma communities require safeguarding information to be shared with them in culturally sensitive and visual (not written) ways. Without access to safeguarding information and understanding what and how to report, they remain vulnerable.

LGBTQI+ people

Poland ranks 44 out of 49 European countries in relation to the protection of LGBTQI+ people against discrimination (**Rainbow Europe**).

In Poland, LGBTQI+ communities experience many violations and abuses of power in law and in society. However, this is beginning to change. LGBTQI+ CSOs have supported LGBTQI+ refugees, but non- LGBTQI+ organisations have reported there are few or no LGBTQI+ refugees. This indicates they may not feel safe to disclose their identity, because this group of refugees is exposed to queerphobia and hate crimes in places of collective accommodation, as well as in private apartments. They may have to separate themselves from loved ones in order to hide their identity. LGBTQI+ people are also at high risk of sexual violence. Negative LGBTQI+ attitudes and laws may mean these violations go unchallenged by organisations supporting LGBTQI+ Ukrainian refugees, thus posing both intentional and unintentional risks of harm towards LGBTQI+ programme participants and colleagues. These risks should be included in risk assessments. Reporting channels that are trusted by LGBTQI+ people are also necessary.

Gender-based violence

According to research by the **Commissioner for Human Rights**, "discrimination based on sex, including unequal treatment of women, is a phenomenon that is almost imperceptible to Polish women and Poles, and women do not identify themselves as victims of discrimination".

Despite the efforts of feminists and NGOs fighting against gender-based violence, this has not been effectively regulated in national legislation. Poland has ratified, but not implemented, the *Istanbul Convention Action against violence against women and Domestic Violence*. Whilst domestic violence is not a direct safeguarding risk, the lack of protection of women in their homes reflects wider societal views about unequal and violent treatment of women, which may also be present in the workplace and programmes. It therefore presents a risk to female colleagues and programme participants.

Informal support

Private citizens provide support to refugees without any accountability mechanisms.

Refugees are sometimes met on arrival at train stations by private citizens offering accommodation and support. The vast majority of these citizens will be doing this out of kindness, but unregulated support by individuals leaves refugees open to abuse and exploitation from those who intend to harm.

Organisational/ systemic risks and challenges

Weak safeguarding organisational standards

All groups and institutions involved in local humanitarian aid in Poland have challenges to implement effective safeguarding measures.

National aid organisations may only superficially implement safeguarding measures to appease donors, without addressing the real risks.

Respondents agreed that a code of conduct or ethics is important. In child protection NGOs these tend to be well known and understood. Some organisations working with INGOs and the UN have been required to adopt a code of conduct or ethics. National NGOs reported that they lack the time to create regulations that fit their organisational context. Without clear written codes of conduct or ethics in place, people do not know what standards of behaviour are expected and what to do when behaviours appear to fall short.

Fatigue on the frontline

Those working in NGOs to support refugees are facing burnout and fatigue which can make integrating safeguarding measures into their work feel overwhelming.

The NGOs and CSOs providing direct services to refugees are extremely knowledgeable and dedicated. However, they are also exhausted, have low wages and rarely have secure employment contracts. The organisations may operate like a family business, with emotional connections rather than formal working structures. This can be a barrier to reporting safeguarding concerns. Whilst they may wish to integrate more effective safeguarding measures, they say they lack the time and financial resources to do so.

Municipal structures

Municipal structures lack flexibility to adapt to the needs of refugees.

Municipal offices function according to fixed rules and have internalised the discrimination prevalent in society. Many therefore fail to recognise the risks of SEAH and the importance of feedback mechanisms. Furthermore, they may not be ready to adapt to the needs of Ukrainians seeking refuge and services.

Citizen support

Private citizens have been active in providing support which has had a mixed response.

Whilst many individuals offer support out of kindness, there is a risk of abuse of power between the individual host and refugee. There are examples of hosts refusing refugees of colour, and of sexual violence and rape.

Human resources

Safeguarding is not fully integrated into human resource practices.

The pace of the expansion of programmes to respond to the refugee crisis has required rapid recruitment and competition for skilled staff, both Polish and Ukrainian. Safer recruitment practices, background checks and on-boarding activities for employees and volunteers have been ad hoc.

Recommendations

Systemic

- Advocate for dialogue between central and local authorities. Present examples of international best practice that could be relevant for safeguarding in Poland. Promote the effective coordination of government and civil society service provision for refugees.
- Advocate for the state to develop, implement and monitor minimum standards for safeguarding in state actors, NGOs, volunteer-led organisations, and private hosts and service providers. These measures may include:
 - Registration and monitoring of private citizens and agencies including I/NGOs and volunteer-led organisations providing services to refugees.
 - Safer recruitment, vetting and background checks of employees, volunteers and private citizens working with refugees and regular capacity building.
 - Adequate risk assessments and safety measures for programmes.
 - Adequate facilities in accommodation centres, including in bathrooms and bedrooms, to reduce risks of sexual violence. Accessible and safe accommodation for people with disabilities and LGBTQI+ refugees.
 - Availability of safeguarding information in languages and media, which are accessible for all.
 - Increased coordination between civil society and local and central authorities.
- Public awareness campaigns on the importance of safe humanitarian aid. This would complement the advocacy aimed at state actors. It would increase NGOs', volunteer-led organisations' and private hosts' accountability to the public. Furthermore, it would support efforts by refugee and migrant, women's and LGBTQI+ organisations who are promoting rights for all those facing rights violations.

Organisational

- Provision of a start-up package for safeguarding. This could include a sample code of conduct, policies, Terms of Reference for a safeguarding focal point, risk assessment and case management templates.
- Provision of live and online training, and opportunities for exchange of experiences. Topics may include:
 - Gender-based violence and SEAH.
 - Discrimination, intersectionality and unconscious bias.
 - Adapting humanitarian interventions to groups with diverse needs.
 - Crisis intervention.
 - Culture of feedback.
- Specific roles which include focal points for safeguarding and SEAH, cross-cultural working and accessibility for people with disabilities.



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