

NATIONAL PROGRAMME FOR COMBATING AND PREVENTING TRAFFICKING IN HUMAN BEINGS FOR 2005-2006

Introduction

National Programme for Combating and Preventing of Trafficking in Human Beings for 2005-2006 is the continuation of activities undertaken within the framework of the National Programme for Combating and Preventing of Trafficking in Human Beings assumed by the Council of Ministers on 16 September 2003. The program was worked out by the Committee for Combating and Preventing Trafficking in Human Beings established by the Order No. 23 of the Prime Minister, dated 5 March 2004.

The need for such a programme arises from the fact that some of the tasks listed in the previous Programme require continuation while some of them were not implemented within the scheduled time framework. Besides, trafficking in human beings is a dynamic process undergoing constant changes. New tasks listed in the Programme reflect the reaction to the changes. It is necessary to continue working on solutions that are necessary due to Poland's membership in the European Union and international obligations of Poland, particularly signing and ratification of *Protocol* (supplementing the United Nations Convention against Transnational Organized Crime) *to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*.

The task of the Programme is to create conditions necessary for efficient counteracting and fighting the trafficking in human beings.

The Implementation of the Programme shall require participation and cooperation of numerous subjects of governmental administration and non-governmental organizations.

Designated subjects bear responsibility for the implementation of tasks assigned in the Programme. Committee for Combating and Preventing Trafficking in Human Beings is responsible for monitoring its implementation.

The deadline for implementing the tasks assigned in the Programme has been set for the end of 2006. Basing on the report prepared by the Committee, the Council of Ministers shall evaluate the results thereof and make a decision on the way of organizing activities aimed at fighting and prevention of trafficking in human beings.

Financing of the Programme

Tasks assigned to individual subjects shall be financed within the budgets at their disposal. It is necessary to single out the amounts required for implementing the goals and tasks assigned in their 2006 budgets.

Certain elements of the programme, particularly those related to investigating the problem, data exchange, best practice and training might be financed by the EU programs, such as AGIS, Daphne II or EQUAL.

Financial means amounting to PLN 500,000 shall be planned in the national budget for 2006, within section 42. Internal Affairs, for implementing the tasks assigned in the Programme for introducing procedures of support and protection for a victim/witness to trafficking in human beings.

1. Legal status

On 21.03.1950 the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was opened to signing in Lake Success.¹ The Convention unified regulations of agreements passed to date, and extended them onto a wider group of acts.

Crime of trafficking in human beings was firstly classified in article IX § 1 and 2 of regulations introducing the penal code of 1969.² In § 1 the legislator described behaviour involving provision, enticement or abduction of another person in order to induce them to prostitute, even with their consent. Formulation of the regulation implied that the crime stated in article IX § 1 of the regulations introducing the penal code did not depend on whether the provision, enticement or abduction of a person in order to induce them to prostitute occurred against the will, without consent, or with the consent of the wronged person. The fact of agreement or the lack thereof might only be of importance at penalty assessment. In § 2 behaviour involving trafficking in women even with their consent, and trafficking in children, was described. In this case the reason for trafficking in children was not crucial to the existence of the crime.

Therefore, Polish legislation moved further than obliged by the Convention of 21.03.1950. The crime described in article IX § 2 of regulations introducing the penal code was not a directional crime and, as such, did not require the action of the perpetrator of the crime towards prostitution for the occurrence thereof. Trafficking in women or trafficking in children for any reason was already a crime.

Upon the basis of the penal code of 1969, criminal responsibility was also borne by anyone who has induced another person to prostitute, as well as anyone who has financially benefited from another person's prostitution or, in order to gain financial profits, has eased the conditions for the prostitution thereof. These crimes were described in article 174 § 1 and 2 of the penal code of 1969.

The legislator, in the new penal code of 06.06.1997, introduced substantial alternations to both instructions and sanctions of legal regulations concerning trafficking in human beings.³

The crime stated in article IX § 1 of the regulations introducing the penal code of 1969 was incorporated into article 204 § 4 of the new penal code. They are not regulations of identical contents whatsoever. The legislator had left out the phrase 'even with their consent' included in article IX § 1 of the regulations introducing the penal code of 1969. In this way, they must have wished to distance themselves from the wrong interpretation suggesting that abduction with the consent of the abducted person is possible.

¹ Official Journal of Acts of 21 October 1952 (number 41 item 278)

² Act of 19 April 1969 – Regulations introducing the penal code (Official Journal of Acts, number 13 item 95)

³ Official Journal of Acts of 2 August 1997 (Official Journal of Acts, number 88 item 553)

In case of exploitation of prostitution with the consent of the wronged person perpetrator of the crime shall be subject to the penalty of imprisonment of up to 3 years. In case of enticement or abduction of a person in order to induce them to prostitute, the perpetrator shall be subject to the penalty of imprisonment from 1 to 10 years.

Beside the above-mentioned legal regulations, an important role is played by the regulation of article 253 of the new penal code, according to which a person trafficking in human beings, even with their consent, is subject to the penalty of imprisonment of no less than 3 years. In this case neither the purpose of trafficking in human beings nor the fact of the wronged person's consent do matter. Formulation of charges most typically involves cumulative qualification of the deed. Indications of two regulations – article 204 §4 of the penal code, and article 253 of the penal code, simultaneously aspire to be considered as the same criminal behaviour.

On 12 December 2000 in Palermo, on behalf of the Republic of Poland, there was signed the UN Convention against Transnational Organized Crime, assumed by General Assembly of the United Nations on 15 November 2000. On 04.10.2001, on behalf of the Republic of Poland, there was also signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as assumed by the General Assembly of the UN on 15 November 2002 (Act of ratification was announced in the Official Journal of Acts No. 17 of 17 4 February 2003, and became legally binding 14 days of announcement).

In the protocol mentioned the definition of trafficking in people was formulated. In accordance with article 3 letter (a) of the Protocol, *'trafficking in people means recruitment, transportation, transfer, hiding or hosting persons, with the use of threats or force, or other means of constraint, abduction, swindle, misleading, authority abuse or taking advantage of weakness, handing or accepting payment or other benefit in order to obtain consent of a person having control over another person in order to abuse them.*

The abuse comprises, as minimum, taking advantage of prostitution of other persons or other forms of sexual abuse, work or service of compulsory nature, slavery or slavery-related practice, captivity, or removal of human organs.' According to letter (b) of the aforementioned article, consent of a victim of trafficking in human beings to intended abuse provided for in letter (a) is of no importance if any of the methods provided for in letter (a) was used. And according to letter (c) of the article, recruitment, transportation, transfer, hiding or hosting a child in order to abuse them is considered as 'trafficking in people' even when it does not involve any of the methods provided for in letter (a). A child then means a person who has yet to become 18 years of age (letter (d) of article 3).

With respect to the legal status, one shall also remember obligations resulting from membership of Poland in the European Union, Among acts of the EU on fighting trafficking in human beings, one shall quote the Council framework Decision on combating in human beings (2002/629/JHA, 19 July 2002), Council framework Decision on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (2004/81/EC, 29 April 2004) and: the Council framework Decision on combating the sexual exploitation of children and child pornography (2003/68/JHA, 22 December 2003).

2. Description of the Phenomenon

INTRODUCTION

Trafficking in women in Central and Eastern Europe grew bigger at the beginning of the 1990's. This coincided with the fall of the communist system in Europe. Economic liberalization contributed to the establishment of new, organized groups dealing with sex and pornography. Such industry, connected with organized crime, became so widely spread that trafficking in women and prostitution became serious commercial enterprises. Undoubtedly, unemployment being the side effect of economic transformation affected the phenomenon.

Before the year 1990 Polish centres of prostitution existed mainly at hotels and restaurants, whereas after the year 1990 the number of the so-called massage parlours and revival clubs, unofficial brothels in fact, significantly increased. These are controlled by organized crime groups. Moreover, Poland features the so-called off-road prostitution. Usually, such prostitutes are foreigners, who came to Poland with tourist visas and provide services to long-distance truck drivers and owners of private vehicles at places not distant from border control points.

As far as the phenomenon of trafficking in women is concerned, Poland initially functioned as a victim's country of origin (forced to prostitute mainly in Germany and the Netherlands). It soon became a transit country for women from the countries of the former Soviet Union and other countries in Eastern Europe.

In the years 1995-2003 304 preparatory proceedings on cases of trafficking in women had been completed, out of which 228 proceedings resulted in bringing the cases to the court (76 proceedings had been remitted). On the whole, 612 people had been accused, and 1511 women found to have been wronged. In the aforementioned period most cases had been conducted by prosecutor offices subordinated to prosecution of appeal offices in Poznań, Wrocław and Katowice.

Courts had pronounced 101 verdicts within that period. 181 persons had been sentenced, and 9 persons had been acquitted. Among the 181 sentenced, 62 persons had been imprisoned for 2 to 5 years.

There exists a justified assumption that our country is also becoming a country importing women from Eastern Europe, thus being a country of destination (mainly for gangs trafficking in women from Bulgaria and former countries of the USSR). Immediate deportation of women precludes collection of possible evidence and discovery of the actual rate of the phenomenon.

Poland as a country of destination (place for trafficking in foreign women)

In the years 1995-2002 53 proceedings had been completed (20 investigations in progress in the year 2001), in which Poland was the country of destination, that is a country victims had been abducted to in order to prostitute. The aforementioned proceedings revealed 249 wronged women (incl. 73 citizens of Ukraine, 27 citizens of Bulgaria, 85 citizens of Belarus, 15 citizens of Romania, 16 citizens of Moldavia, 8 citizens of Latvia, 6 citizens of Vietnam, 5 citizens of Lithuania, 11 citizens of Russia, 3 citizens of Mongolia, 2 citizens of Costa Rica). What is

characteristic is the fact that the citizens of Bulgaria were forced to prostitute off-road. On the other hand, all wronged women of Ukrainian origin had been sold to society clubs in order to force them to prostitute.

Almost each case featured a citizen of the country of victims cooperating with the perpetrators. Only 11 women were aware of what type of job they were to perform in Poland.

Most often, the victims were promised the job of a salesperson at bazaars, or of farm workers. Women happened to come to Poland of their own accord to find a seasonal job at farms or strawberry plantations. Once the season was over, there appeared someone who offered further employment and then deceitfully abducted them, and sold them to citizens of Bulgaria, engaged in such criminal activities in Poland to the greatest extent. One of the victims was abducted with a significant help from her friend, who assured her of having managed to get a job in Poland for both of them. Having crossed the border, the woman was immediately handed over to 2 men.

Women deceitfully enticed to Poland are very often sold to further traffickers for a higher price several times, thus changing their location, which substantially hinders investigation should they be reported missing.

There is no research data concerning the economical aspect of trafficking in human beings. Findings of an investigation conducted by District Prosecution's Office in Rzeszów may give certain idea thereof. It had been determined that a Ukrainian female managing a group sold about 60 women to persons managing society clubs for USD 200 each. At the same time, upon the basis of agreements with owners of the clubs, she collected USD 100 monthly on each sold woman due to providing sexual services. The trade had lasted for minimum 2 years.

The area of concentrated activity of criminals engaged in trafficking in woman and forcing them to prostitute in our country is the central part of Poland (the environs of Warsaw, Płock, Żyrardów, or Radom).

Poland as a country of a victim's origin

Most serious cases in this category were conducted in the years 1997/1998 by the then Voivodship Prosecution's Office in Szczecin (51 wronged women), and the then Voivodship Prosecution's Office in Opole (89 wronged women.) In both cases women were recruited to work in Germany.

Greatest concentration of criminal groups recruiting victims (from Poland) to Western Europe (Germany, the Netherlands, Belgium) occurs along the German border (the environs of Szczecin, Poznań, and Gorzów Wielkopolski).

Precise data on the Polish victims of trafficking in human beings within the EU countries are not available as information on the nationality of victim is either not registered or registered in different ways.

In Austria in the year 2002 no victim of trafficking in human beings having Polish citizenship was revealed, while in the year 2003 there were 9 revealed out of 169 cases (5.3%).

In Germany in the year 2002 82 Polish women – victims of trafficking in human beings – were revealed (10.1% of the total number of victims), while in the year 2003 – 91 persons (7.4%). In the year 2003 the age structure of victimised Polish women was as follows:

	Age brackets ¹										
	14 – 17		18 – 20		21 – 24		> 24		unknown		total
	N	%	N	%	N	%	N	%	N	%	N
Poland	5	5,5	21	23,1	33	36,3	31	34,1	1	1,1	91

(source: Bundeskriminalamt report - www.bundeskriminalamt.de)

In the Netherlands in the years 1996-2002 Polish women accounted for 5% (21 persons) applying for a stay permit (B-9) for victims of trafficking in human beings. The data supplied by the Dutch police indicate that the role of Poland as the country for recruitment of victims is systematically decreasing (from 21% in 1998 to 2% in 2001).

In Italy 5 Polish women – victims of trafficking in human beings – joined the program for voluntary return in the years 2001-2002 out of the total of 80 persons covered thereby, while in the years 2003-2004 – only one woman.

Poland as a transit country

Poland functions as a transit country, mainly with regard to victims from Lithuania, Latvia and Moldavia. In this case, Germany is the country of destination. The women are smuggled across the border in the environs of Szczecin and Świnoujście. Eastern border of Poland is crossed legally, whereas the German border is crossed upon the basis of falsified documents (Polish passports).

CHARACTERISTICS OF THE WRONGED PERSONS

Majority of determined wronged persons were aware of the purpose of their going abroad and type of job (they were supposed) to perform. Suspects recruiting in Poland women willing to go abroad to prostitute took advantage of their hard economical status.

Women aged 16-20, of primary education and low economical status, were most commonly recruited. Suspects recruiting women generally received from the orderer USD 250-1000 for the provision of 1 woman. The orderer was always a foreigner (most commonly a German citizen) living in Germany or the Netherlands.

Wronged women decided to report on perpetration of a crime only after the return to Poland and only in situations in which they had been raped or drastically sexually exploited. In 12 cases, the wronged women altered their testimony, which hindered the course of legal proceedings at court.

CHARACTERISTICS OF SUSPECTS ENGAGED IN TRAFFICKING

Most cases that have been, or are presently investigated into in Poland imply that traffickers come mainly from Poland, Russia, Bulgaria, Turkey, and Germany.

According to the police, Turkish minority in Germany appears to be particularly engaged in trafficking in women. Males coming from the area of former Yugoslavia play almost the same role. In Poland, citizens of Bulgaria are most active in this field. In the year 2001, 21 accused foreigners included 16 citizens of Bulgaria (all of them after primary education and coming from the environs of Varna). Apart from Bulgarian citizens, 3 Turkish citizens, 1 citizen of Albania and 1 citizen of Spain were convicted.

Upon analysed cases it had been noticed that women who had previously been victims, were also engaged in this criminal trade. Those women are mostly recruiters and the first to establish contacts with future victims.

Figures on trafficking in people in Poland – encl. 1

3. Suggested actions

Strengthening of the system of cooperation, education and prevention

1.1

**Continuation of activities of the Committee for Combating and Preventing Trafficking in Human Beings.
Initiating annual national conferences on trafficking in human beings.**

State to date:

The Committee for Combating and Preventing Trafficking in Human Beings was established, based on the Order No. 23 of the Prime Minister of 5 March 2004. Its activities confirmed the necessity for the existence of a body monitoring the implementation of the Programme, gathering data and suggestions from various administrative units and non-governmental organizations.

There is a need for discussion, exchange of information, experiences and proposals on fighting trafficking in human beings on a wider forum than the one offered by the Committee, to be joined by all subjects engaged and interested in these problems.

Objective:

1. Organizing national conference on trafficking in human beings

Responsible for implementation: Ministry of Interior and Administration.

Date of implementation: 3rd quarter of 2005.

2. Establishing cooperation between the Committee and similar institutions in the countries of origin of victims of trafficking in human beings in Poland, as well as countries of destination for the victims of trafficking in human beings coming from Poland.

Responsible for implementation: Ministry of Interior and Administration.

Date of implementation: 1st half of 2005.

1.2

Preparation of report on trafficking in human beings in Poland.

Support of research into trafficking in human beings in Poland, with regard to its victims and methods of perpetrators in particular.

State to date:

Research carried out so far, of fragmentary nature due to the lack of a uniform database, features errors.

Many a time has a body conducted research on the very same topic, which results in the waste of financial means provided for research out of the budget, or means out of non-governmental administration institutions.

Objective:

1. Preparation of comprehensive report on trafficking in human beings in Poland. At its meeting held in the 2nd half of the year 2005, the Committee for Combating and Preventing Trafficking in Human Beings shall define a schedule of activities aimed at preparing the report and share of responsibilities for the contents thereof.

Responsible for implementation: Department of Safety and Public Order of the Ministry of Interior and Administration, Ministry of Justice, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Commissioner for Equal Status of Men and Women, in cooperation with non-governmental organizations and research centres.

Date of implementation: 2nd half of 2006.

2. Working out methodology and scope of permanent collection of information on the phenomenon.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, National Prosecution's Office, in cooperation with non-governmental organizations and research centres.

Date of implementation: 1st half of 2005.

3. Collection of information and statistics data enabling comprehensive research into the problem and better coordination of research carried out by various centres and institutions.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, National Prosecution's Office, in cooperation with non-governmental organizations.

Date of implementation: permanent objective.

4. Support of research into trafficking in human beings on the merits, organization, and finances (depending on the available budget means). The use of means from the programs of the European Union to this aim.

Issues requiring immediate research include, among others:

- profile of a victim of trafficking in human beings,

- situation of foreign children left without care – the potential victims of trafficking in human beings – legal conditions, actual status,
- Polish judicature in cases concerning trafficking in human beings,
- public opinion versus trafficking in human beings and its victims

Responsible for implementation: Ministry of Interior and Administration, Ministry of Justice, Commissioner for Equal Status of Men and Women, in cooperation with research centres and non-governmental organizations.

Date of implementation: permanent objective.

1.3

Introduction of the problem of trafficking in human beings to programs of public media.

State to date:

Media many a time wanting to provide the audience with interesting information, provide biased view of the situation, consolidate stereotypes harmful to perspectives for counteracting the phenomenon. It also happens that they spread information threatening the safety of the victims.

Objective:

1. Starting website of the Committee in order to provide the most extensive and current information on the phenomenon of trafficking in human beings.

Responsible for implementation: Ministry of Interior and Administration.

Date of implementation: 1st quarter of 2005.

2.

Preparation of suggested media actions that would serve both effective prevention and successful fighting the phenomena. Informing on issues requiring special attention from the media.

Responsible for implementation: bodies on the working group, each within their scope of cooperation with public radio and television.

Date of implementation: permanent objective.

Changes in legislation aimed at effective fighting trafficking in human beings

2.1

Ordering Institute of Justice to analyse court verdicts in cases dealing with trafficking in human beings, to check their compliance with the definition of trafficking in human beings provided for by the Protocol to the UN Convention against organized crime.

State to date:

Although Polish law (the penal code) comprises regulations concerning trafficking in human beings, it still does lack the definition of trafficking in human beings, which brings about different interpretation of article 253 of the penal code by courts throughout the country.

Objective:

Research into court verdicts in cases dealing with trafficking in people, to check their compliance with the definition provided for by the Protocol to the UN Convention.

Responsible for implementation: Ministry of Justice.

Date of implementation: 2nd half of 2005.

2.2

Preparing regulations aimed at specifying the conditions for granting stay visas and short-term stay permits to victims of trafficking in human beings, who cooperate with appropriate bodies and methods for implementing state obligations towards the victims, citizens of third country.

State to date:

On 30 September 2004 the Prime Minister forwarded to the Parliament the *Bill on Amending the Act on Foreigners and the Act on Granting Protection to Foreigners within the territory of the Republic of Poland* and some other acts. The bill worked out by the Office for Repatriation and Foreigners provides that art. 33 of the current Act on Foreigners, concerning granting stay visa, shall be supplemented with a clause enabling visa issuance to a foreigner in case of justified assumption of her/him being a victim of trafficking in people in the meaning of Council framework Decision of 19 July 2002 on combating in human beings, as confirmed by the body authorized to carry out the proceedings thereon. The stay visa shall be granted for a period of time required by a foreigner to decide on cooperation with the body authorized to carry out the proceedings in cases of trafficking in people, however not exceeding two months.

The above amendments aim at complying with art. 3 section 1 and 2 and art. 6 of the Council framework Decision 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

Besides, art. 53 of the act of 13 June 2003 on foreigners will be supplemented with point 13 providing the option of granting a residence permit for a definite period of time to a foreigner, staying in Poland, who fell victim to trafficking in people, who cooperates with appropriate bodies authorized to carry out the proceedings in cases concerning trafficking in people and broke the contacts with persons suspected of committing the deeds connected with trafficking in people (according to art. 3 section. 1 and 2 and art. 8 section 1 and 2 of the Council framework Decision 2004/81/EC of 29 April 2004).

The date proposed for the bill to take effect is 1 October 2005. The Council framework Decision 2004/81/EC states that all solutions contained therein shall be implemented not later than 6 August 2006.

Objective:

Preparation of regulations aimed at defining conditions for granting stay visas and stay permits for a definite time to victims of trafficking in human beings, cooperating with appropriate bodies and for methods of implementing the obligations of the state towards such victims, citizens of a third country.

Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Office for Repatriation and Foreigners, Ministry of Social Policy, in cooperation with non-governmental organizations.

Date of implementation: III quarter of 2005.

2.3

Recognition of the extent of compliance of Polish legislation to the recommendations of the Facultative Protocol to the UN Convention of Children's Rights concerning trafficking in children, prostitution and child pornography.

State to date:

The procedure of ratification is coming to a close.

Objective:

Recognition of consequences arising from ratifying the Protocol. Defining potential requirements in the field of adjusting Polish penal law.

Responsible for implementation: Ministry of Justice.

Date of implementation: 2nd half of 2005.

Improvement of effectiveness of actions.

3.1

Preparation and implementation of a program of special training of police officers, Border Guard officers, prosecutors and judges on the procedures in cases of fighting trafficking in human beings.

State to date:

Within the framework of implementing *The Program for Cooperation between the Governments of the Republic of Poland and the Czech Republic and the Bureau of Fighting Drugs and Preventing Crime/UN Centre of Preventing International Crime*, named “*Legal and penal reaction to trafficking in people in the Czech Republic and in Poland*”, the *Model for Supporting/Protecting a Victim/Witness to Trafficking in People* has been prepared. It was experimentally implemented in the Lubuskie voivodship. On 11-13 October 2004 the seminar was held in Legionowo, participated by the officers of police, Border Guard, judges, and prosecutors throughout the country, dedicated to the *Model* and experience gained so far from its implementation.

Objective:

Training on applying procedures on ways of behaviour while meeting with a victim of trafficking in human beings (described in the *Model*), offered to the representatives of the Police, Border Guard, prosecution offices and courts in all voivodships (with particular attention drawn to the problem of children – victims of trafficking in human beings).

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, in cooperation with non-governmental organizations.

Date of implementation: till October 2005.

3.2

Preparation of teaching materials on procedures in cases of trafficking in human beings, for police officers and Border Guard officers.

State to date:

Officers barely possess information prepared by the La Strada Foundation.

Within the framework of implementing *The Program for Cooperation between the Governments of the Republic of Poland and the Czech Republic and the Bureau of Fighting Drugs and Preventing Crime/UN Centre of Preventing International Crime* named “*Legal and penal reaction to trafficking in people in the Czech Republic and in Poland*”, Chief Headquarters of Border Guard and Chief Headquarters of the Police have prepared the procedures on ways of behaviour while meeting with a victim of trafficking in people. The procedures are verified in the course of experimental project implemented in the Lubuskie voivodship.

Objective:

Preparation and implementation of instructions/recommendations by the chief officers of police forces on ways of behaviour while meeting with victims of trafficking in human beings, based on the prepared procedures.

Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard.

Date of implementation: 2nd half of 2005.

3.3

Training the teaching staff of police forces (police officer colleges, training centres) in the problems of fighting trafficking in human beings.

State to date:

Knowledge featured by teaching staff very often does not address the current state of the phenomenon, ways of preventing it and fighting it. As a result, officers trained are provided with stereotypes and untrue ideas.

Objective:

Training the teaching staff through special courses attended by representatives of non-governmental organizations. Systematic update of knowledge possessed.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard, in cooperation with non-governmental organizations.

Date of implementation: permanent objective.

3.4

Improvement in a mechanism of coordinating actions of the Police concerning trafficking in human beings

State to date:

In all Voivodship Headquarters irregular teams dealing with social pathology issues, including trafficking in people, were established, each team of 2-6 persons, totalling 58 persons. In 6 voivodships: the pomorskie, śląskie, świętokrzyskie, małopolskie, podkarpackie, mazowieckie ones and at the Warsaw Police Headquarters – the teams total 260 persons. The similar team was established also at the Chief Headquarters of the Police. There is no mechanism of coordinating and exchanging information on conducted actions between the aforementioned teams. The gathered data do not undergo the process of profound analysis.

Objective:

1. Establishing a permanent mechanism of exchanging information between the team at the Chief Headquarters of the Police and the teams at headquarters at lower level.
2. Implementing the system of gathering data enabling analysis of the problem of trafficking in human beings with the tools used for criminal analysis.

Responsible for implementation: Chief Headquarters of the Police.

Date of implementation: 1st half of 2005.

3.5

Continuation of bilateral international cooperation with countries of origin and countries of destination of trafficking in human beings.

State to date:

Intensive cooperation in training, exchange of experiences and information with partner organizations from the countries of origin of victims, is run by the La Strada Foundation. The Police and Border Guard have established bilateral contacts with police services in the countries of origin and destination.

Objective:

1. Organization of annual meeting of experts from the countries of origin, transit and destination – from the Polish point of view – in order to exchange information on changes in the phenomenon of trafficking in human beings.

Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, in cooperation with non-governmental organizations.

Date of implementation: 1st half of 2005, 1st half of 2006.

3.6

Preparation of manuals on trafficking in people for the representatives of institutions engaged in fighting and prevention of trafficking in human beings

State to date:

Lack of one, comprehensive national publication raising the issues of trafficking in human beings from the practical point of view and legal grounds on ways of behaviour towards victims/witnesses, carrying out the proceedings, supporting and protecting victims.

Objective:

1. Preparation of manual on trafficking in people, including:

- A) General section – basic information on the phenomenon and legal acts thereon,
- B) Specialized Section I – for justice practitioners,
- C) Specialized Section II – for representatives of institutions supporting the victims of trafficking in human beings.

Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, in cooperation with non-governmental organizations.

Responsible for implementation: 2nd half of 2006.

Intensification of victim and witness protection

4.1

Victim and witness protection against repeated victimization during the investigation, through application of appropriate procedures and technical means.

State to date:

Within the framework of implementing *The Program for Cooperation between the Governments of the Republic of Poland and the Czech Republic and the Bureau of Fighting Drugs and Preventing Crime/UN Centre of Preventing International Crime* named “*Legal and penal reaction to trafficking in people in the Czech Republic and in Poland*”, the *Model of Support/Protection of Victim/Witness to Trafficking in People* has been prepared.

Objective:

Endowing the procedures for support/protection of victim/witness to trafficking in human beings described in the *Model*, with the range of official guideline for state administration organs and their representatives, in their ways of behaviour when meeting with the victims of trafficking in human beings.

Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice

Date of implementation: 2nd half of 2005.

4.2

Protection of a child – victim of trafficking in human beings against repeated victimization during the investigation, through application of appropriate procedures and technical means.

State to date:

Lack of precisely formulated standards of behaviour in cases of a child being a victim of trafficking.

Objective:

1. Preparation of a study with principles defined in accordance with penal procedure, to be applied in case of a victim of trafficking in human beings being a minor. Forwarding the study to courts and prosecution offices.

Responsible for implementation: Ministry of Justice, National Prosecution Office.

Date of implementation: 2nd half of 2005

2. Preparation of the model of support/protection of a child – victim of trafficking in human beings

Responsible for implementation: Ministry of Interior and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice, in cooperation with non-governmental organizations.

Date of implementation: 1st half of 2006

3. Preparation and implementation of instructions/recommendations to the chiefs of police services on ways of behaviour when meeting with children – victims of trafficking in human beings.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard

Date of implementation: 1st half of 2006

4.3

Ensuring (through budgetary means for financial support of non-governmental organizations and self-government institutions) the possibility of aiding the victim during the crisis situation and after cessation thereof.

State to date:

It happens that victims of trafficking in human beings – particularly foreign females, are deprived of the possibility of meeting basic needs, such as food, drink, clothing, hygiene, or safety. The wronged women are for example persuaded to rent a hotel room at their own expense for the period of giving testimony, or to stay at, for instance, police stations. Not always is the health condition examined. Once the witnesses are not needed for proceedings with their participation, they are deported to their home country without prior examination of safety conditions both during the trip and at the arrival/in the country.

Objective:

Providing victims with thorough information on their status, decent and safe conditions, possibility to receive support and consultations at each stage of the proceedings, in accordance with the *Model of Support/Protection of Victim/Witness to Trafficking in People*.

Implementation of procedures for support/protection of victim/witness to trafficking in human beings, described in the *Model*, throughout the country, shall require allocating of financial means amounting to PLN 500,000 in the budget for 2006, in the section 4.2 Internal Affairs.

Responsible for implementation: Ministry of Interior and Administration in cooperation with non-governmental organizations.

Date of implementation: 2nd half of 2005.

4.4

Establishing standards to be met by non-governmental organizations and other institutions capable of and having the rights to provide aid to victims / witnesses to trafficking in human beings. Creation of a list of centres meeting the standards.

State to date:

Expecting the growing number of victims of trafficking in human beings willing to make use of the program of support/protection, it is necessary to prepare a network of shelters. In order to provide the victims with an aid rendered at a level adequate to their situation, it is necessary to establish the standards to be met by institutions providing such aid.

The La Strada Foundation has only one shelter for victims of trafficking in human beings at their disposal.

Caritas Polska, within the framework of the Program of Fighting the Forced Prostitution, established 5 contact centres in Poland. The centres are in a position to provide shelter to a victim of trafficking in people.

Ministry of Social Policy has gathered, through social policy departments, information on addresses and a range of activities of crisis centres, that shall be used to prepare an appropriate information leaflet, in cooperation with non-governmental organizations.

Objective:

1. Establishing standards to be met by institutions rendering aid to the victims of trafficking in human beings.

Responsible for implementation: Working Group in cooperation with non-governmental organizations, Ministry of Social Policy, Ministry of Interior and Administration, Ministry of Justice, and Ministry of Health, Commissioner for Equal Status of Men and Women.

Date of implementation: 1st half of 2006.

2. Establishing an integrated list pointing out not only to centres and institutions, but also to the range of their activities both in substance and by geography. It shall be helpful for checking the possibility of meeting the needs of a particular wronged person in particular aspects.

Responsible for implementation: Working Group in cooperation with non-governmental organizations, Commissioner for Equal Status of Men and Women.

Date of implementation: 2nd half of 2005

4.5

Introduction of the problem of trafficking in human beings to the curriculum of social workers' education.

State to date:

58 workers of the poviats social aid centres and crisis centres have been trained; they shall form a national network of assistance to victims of trafficking in human beings.

Objective:

1. Preparation of training kits for future social workers, to be used during vocational training at the Colleges for Social Services Workers.
2. Regular training of social workers.

Responsible for implementation: Ministry of Social Policy in cooperation with non-governmental organizations.

Date of implementation: 2nd half of 2006.

4.6

Preparation and implementation of programs of reintegration of a victim of trafficking in human beings.

State to date:

The La Strada Foundation has some experience in activities aimed at reintegration of victims. There is a need to work out the best practice in this field and establish a network of institutions supporting a victim in her/his reintegration process.

Objective:

1. Preparation of procedures and conditions of their implementation for the monitored person's return to normal life supported by professional social services and non-governmental organizations.

Responsible for implementation: Working Group of the Committee in cooperation with non-governmental organizations.

Date of implementation: 2nd half of 2006

4.7

Preparation and implementation of the programs of voluntary return of a victim of trafficking in human beings

State to date:

Victims of trafficking in human beings after possible testimony are deported to the country of origin. There also occur cases of taking them over during the return trip already.

Activities of non-governmental organizations, such as the La Strada network, cover only some of them. In this case such organizations ensure monitoring their return home and aid at a safe place of dwelling, while seeking a job, or using medical aid.

Objective:

Preparation of procedures and conditions of their implementation concerning individual consultation on each case, organization of a safe trip, possible negotiations with the family, provision of an alternative place of dwelling should there arise a need, the monitored person's return to normal life supported by professional social services – for example non-governmental organizations. In particularly difficult cases (threat to life) – consideration of the possibility of the victim staying in Poland until the threat ceases to exist.

Responsible for implementation: Ministry of Interior and Administration in cooperation with non-governmental organizations and international organizations.

Date of implementation: 2nd half of 2006

TABLE - RESULTS OF PREPARATORY PROCEEDINGS

Year	Number of finalized cases	Number of cases finalized with indictment	Number of cases remitted on the grounds of		Number of accused persons	Number of wronged persons
			unknown perpetrator	non-existence of crime		
1995	20	18	-	2	43	205
1996	33	26	1	6	59	232
1997	37	31	1	5	58	163
1998	41	25	2	14	64	109
1999	17	14	-	3	24	109
2000	43	38	1	4	119	172
2001	40	35	6	8	71	93
2002	19	11	4	4	40	167
2003	45	30	4	11	134	261
Total in 1995-2003	304	228	19	57	612	1511

source: Bureau for Organized Crime of the National Prosecution Office

Legally condemned adults, accused by public prosecution
In 2002, basing on chosen articles of penal code

Legal classification	Sentenced											
	total	women	to the penalty of								foreigners	
			Autonomous fine	women	restriction of freedom	women	imprisonment				total	nationality
							total	women	sus-pended	women		
art. 203 p.c.	13	2	-	-	-	-	13	2	8	2	5	Armenian, Bulgarian (4 persons)
art. 204 §1 p.c..	40	7	3	-	1	-	36	7	35	7	3	Bulgarian, German, Ukrainian
art. 204 §2 p.c..	55	12	8	5	-	-	47	7	43	7	1	Bulgarian
art. 204 §3 p.c..	15	2	-	-	-	-	15	2	7	2	-	
art. 204 §3 p.c. (wronged minors)	-	-	-	-	-	-	-	-	-	-	-	-
art. 204 §3 in con. §1 p.c..	4	-	-	-	-	-	4	-	-	-	-	-
art. 204 §3 in con. §2 p.c.	3	1	-	-	-	-	3	1	1	1	-	-
art. 204 § 4 p.c..	3	-	-	-	-	-	3	-	2	-	-	-
art. 253 § 1 p.c..	20	4	-	-	-	-	20	4	5	2	3	Bulgarian (2 persons), Ukrainian
art. 253 § 2 p.c.	-	-	-	-	-	-	-	-	-	-	-	-

(source: Statistics Department of the Ministry of Justice)

Legally condemned adults, accused by public prosecution
In 2002, basing on chosen articles of penal code

Legal classification	Sentenced											
	total	women	to the penalty of								foreigners	
			Autonomous fine	women	restriction of freedom	women	imprisonment				total	nationality
							total	women	suspended.	women		
art. 203 p.c..	14	3	1	-	-	-	13	3	6	3	4	Bulgarian
art. 204 §1 p.c..	37	7	5	2	1	-	31	5	27	5	1	Ukrainian
art. 204 §2 p.c..	62	13	4	-	-	-	58	13	46	13	1	Macedonian
art. 204 §3 p.c..	14	4	-	-	-	-	14	4	12	4	-	-
art. 204 §3 p.c.. (wronged minors)	1	1	-	-	-	-	1	1	-	-	-	-
art. 204 §3 in con. §1 p.c.	5	1	-	-	-	-	5	1	2	1	1	Belarussian
art. 204 §3 in con. §2 p.c.	9	-	-	-	-	-	9	-	8	-	1	Bulgarian
art. 204 § 4 p.c..	1	1	-	-	-	-	1	1	1	1	-	-
art. 253 § 1 p.c..	5	1	-	-	-	-	5	1	1	-	1	Bulgarian
art. 253 § 2 p.c..	1	-	1	-	-	-	-	-	-	-	-	-

Victims assisted by the La Strada Foundation (based on: Interim Report of La Strada Poland)

Year 2004 Month	Number of new vic- tims	Nationality	Number of contacts with „old victims”	Nationality
<i>January</i>	2 4	1-BY, 1-MD 4-P	10 56	BY,MD,UA
<i>February</i>	5 5	2-BG,3-UA, P	15 49	BG, BY,UA
<i>March</i>	3 3	1-BY,2-UA P	12 60	MD, UA
<i>April</i>	3 8	1-BY,1-BG,1- UA P	12 82	MD,UA
<i>May</i>	- 5	- P	10 70	MD,UA
<i>June</i>	3 9	3-UA, P	16 89	BG, BY,UA
<i>July</i>	10 10	BY,B-G, UA,MD PL	19 59	MD,UA,BG,BY PL
<i>August</i>	7 4	- PL	12 16	MD,UA PL
<i>September</i>	5 13	UA PL	14 62	MD,UA, PL
<i>Total</i>	99	38 foreigners 59 Polish women	663	120 foreigners 543 Polish women