

## **NATIONAL ACTION PLAN AGAINST TRAFFICKING IN HUMAN BEINGS FOR 2009 - 2010**

The *National Action Plan against Trafficking in Human Beings for 2009-2010* is a continuance of *National Programmes for Combating and Preventing Trafficking in Human Beings*, which have been implemented since 2003 when the first of them was adopted by the Council of Ministers.

Following developments in national legislation as a consequence of an amendment to the Act of 6 December 2006 on Principles of Conducting Development Policy (Dz.U. (Journal of Laws) No 227 item 1658, of 2007 No 140 item 984 and of 2008 No 216 item 1370), this document has been entitled 'action plan' owing to its nature, which is different from both development programmes described in the above mentioned act and from multi-annual programmes.

### **Description of the phenomenon**

At the beginning of the 1990s, there was a growth trafficking in human beings observed in Poland. Nevertheless, human trafficking, as a new and developing phenomenon, is still an issue, which has not been fully identified and described.

Currently, Poland has a triple role as:

- country of origin,
- country of transit – a region through which victims are transferred from Eastern to Western Europe,
- destination country – victims of trafficking in human beings for sexual exploitation, who are brought to Poland, come mainly from Ukraine, Bulgaria, Romania and Belarus.

For many years trafficking in human beings in Poland has involved, almost exclusively, the exploitation of women in prostitution. Since the beginning of the 1990s, Poland has mainly played the role of country of origin of victims of the so-called sex traffic to Western Europe (usually to Germany and the Netherlands). After a few years, Poland has also become a transit and destination country for women from the former USSR countries and other countries of Southern and Western Europe.

The statistics of the Police and the Public Prosecutor's Office prove that traffic in women, other countries' citizens, for sexual exploitation exists in the territory of Poland (being either a country of origin or a destination country).

The majority of victims of trafficking in human beings come from Ukraine and Belarus. The victims are usually young women aged between 16 and 20, having basic education, unemployed, and of low financial status. As research shows, persons involved in recruiting women to abroad are from the same countries as their victims. A victim becomes dependent once in the destination country, i.e. after her sale. A perpetrator is a person having the same citizenship as the victim or holding resident status of a country to which the victim has been lured.

The main directions of changes, which have become noticeable recently, include: an increase in the phenomenon of human trafficking for forced labour, more and more

frequent incidents of trafficking in human beings for criminal activity, an increase in trafficking in children for begging, among other things, and sexual exploitation of children. In the previous years the major problem from the point of view of actions undertaken was the international trafficking in human beings and the support and protection of third-country nationals who are victims of human trafficking, whereas today the issues related to internal, national trafficking in victims coming from Poland, as well as trafficking in human beings within the European Union seem equally important. The latter phenomenon has taken on a new dimension with the accession of Bulgaria and Romania to the EU.

Due to the changeable nature of the phenomenon of trafficking in human beings and the lack of precise analyses, it is impossible to determine exactly how effective the actions undertaken under the programmes implemented in previous years were, and thus to prepare an evaluation report referred to in Article 15 (6) of the Act of 15 December 6 on Principles of Conducting Development Policy (Dz.U. No 227 item 1658, of 2007 No 140 item 984, of 2008 No 216 item 1370, of 2009 No 19 item 100). Nevertheless, the positive effects of the actions taken can be proven by both an increase in the number of proceedings (in 2007 as well as in 2008 there was an increase in public prosecutor's proceedings closed by nearly 50% compared with the period 2004-2006) and an increase in identified victims of human trafficking (on average, in the years 1995-2006, 152 victims were disclosed each year. The last two years were an exception to this pattern: 1021 victims were disclosed in 2007, and in 2008 – 315). Since 2006 the number of persons accused has been gradually increasing, similarly to the number of victims-foreigners entered in the *Programme for support and protection of victim/witness of trafficking in human beings* in 2006, which has increased as well. In 2006 the Programme covered 10 victims, in 2007 – 20 (of which 3 persons remained in the Programme), while in 2008 – 22 (plus 2 minors under the care of one of the victims), 4 persons remained in the Programme, though.

Trafficking in human beings in the territory of Poland is currently taking various forms. The statistics quoted in the annex (Annex 1) prove that this phenomenon is not only complex, but it is also impossible to foresee its further development precisely.

### **The international context of the Action Plan**

The changes in the profile of this phenomenon are accompanied by the reaction of the international community. They occur in the field of the policy adopted, international cooperation in combating this crime and in the sphere of international law. The most recent and particularly important international law document in this regard is the *Council of Europe Convention on Action against Trafficking in Human Beings*, developed in Warsaw on 16 May 2005, signed and ratified by Poland. This document develops the approach to the issue of human trafficking, focused particularly on the rights of victims, taking account of the necessary developments in relevant national legislation, drawing on experience from the implementation of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime* (the Act on Ratification was published in Dz.U. No 17 of 4 February 2003 and entered into force 14 days after its publication).

Account should be also taken of the obligations resulting from Poland's membership of the European Union. From among the EU acts on combating trafficking in human beings, the following should be mentioned at this point: *Council Framework Decision on combating trafficking in human beings (2002/629/JHA of 19 July 2002)*, *Council Directive 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 (2002/81/EC of 29 April 2004) and Council Framework Decision on combating the sexual exploitation of children and child pornography (2004/68/JHA of 22 December 2003).*

As regards the current initiatives within the EU concerning the issues of trafficking in human beings, one should remind the European Commission's proposals resulting from the document "*Evaluation and monitoring of the implementation of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings*" (COM (2008) 657). In the Government Position on the above mentioned document adopted at the meeting of the European Committee of the Council of Ministers on 28 November 2008, Poland supported the European Commission's proposals on further development of the EU policy on combating trafficking in human beings. It also means it is necessary to take appropriate national actions resulting from the European Commission's proposals.

Another point of reference for national actions is the Global Initiative to Fight Human Trafficking (GIFT) launched by the United Nations Office on Drug and Crime.

In addition to changing the profile of this phenomenon, the above initiatives entail the necessity to review the actions taken so far by public administration institutions and their legal bases, in order to adjust them to the new conditions, needs and challenges.

### **Objectives of the Action Plan**

**The primary objective** of the Plan is to create conditions necessary to effectively prevent and combat trafficking in human beings in Poland and to support and protect victims of this crime.

Actions taken under the Plan should result in the following: improved detection of trafficking in human beings, and, as a consequence, increased number of criminal proceedings related to human trafficking as well as increased number of victims of this crime who have been provided support and protection.

On the other hand, the **specific objectives** of this Plan include:

I. Disseminating knowledge on this phenomenon among potential victims, representatives of institutions providing help to victims and institutions responsible for the prosecution of the crime of human trafficking (tasks described in Part I "*Preventive Actions, Research on the Phenomenon*" of the Action Plan);

II. Improving the effectiveness of actions taken by institutions responsible for prosecuting the crime of human trafficking by means of enhancing legal tools and structures and implementing best practices (tasks described in Part II of the Plan);

III. Extending the range and increasing the standard of actions aimed at supporting victims of human trafficking (tasks described in Part III "*Support and protection of victims*").

The priority tasks for each of the above mentioned categories are described in detail below.

The Plan is consistent with the principles of the midterm national development strategy included in the "*National Development Strategy 2007-2015*", i.e. with the following priorities:

- Priority 3 “*Growth of employment and raising its quality*”, point (h) “*Conducting a rational migration policy*”: preventing negative effects of economic migration.

This priority will involve tasks related to the issues of human trafficking for forced labour in both Polish citizens and foreigners coming to Poland, assigned to the above mentioned specific objectives of the Programme.

- Priority 4 “*Building an integrated social community and its safety*”, point (b) “*Internal safety and public order*”: creating effective local safety systems.

Implementation of the majority of tasks identified in the Action Plan will exert an indirect, positive influence on the creation of the above mentioned safety systems, and some of them (eg. point 3 – Initiating pilot voivodship groups for trafficking in human beings, with the participation of representatives of the Public Prosecutor’s Office, the Police, the Border Guard, the social policy departments of Voivodship Offices, the Labour Inspectorate, non-governmental organizations; point 4 – Strengthening the voivodship structures located in the Criminal Divisions of the Voivodship Police Headquarters/Warsaw Police Headquarters dealing with the issue of human trafficking) directly influence the creation of the above mentioned systems.

### **The Action Plan implementation and monitoring system**

The system for implementation and monitoring of tasks provided for in the Plan consists of the following elements:

- inter-ministerial **Committee for Combating and Preventing Trafficking in Human Beings**, established under Ordinance No 23 of the Prime Minister of 5 March 2004, which is presided by the Undersecretary of State in the Ministry of Interior and Administration, functioning as a consultative and advisory body to the Prime Minister; the Committee is comprised of representatives of government entities (i.e. the Minister competent for education, the Minister competent for social security, the Minister of Justice, the National Public Prosecutor, the Minister competent for foreign affairs, the Minister competent for health, the Minister competent for the Interior, the Committee for European Integration, the Head of the Office for Repatriation and Aliens, the Police Commander-in-Chief, the Border Guard Commander-in-Chief) as well as of invited institutions (the National Labour Inspectorate) and non-governmental organisations dealing with the issues of trafficking in human beings (“La Strada” Foundation Against Trafficking in Persons and Slavery, Caritas Poland, Nobody’s Children Foundation and ITAKA Foundation – Centre For Missing Persons, Halina Nieć Legal Aid Centre).

and

- Working Group of the above-mentioned Committee responsible for day-to-day monitoring of implementation of the Programme, consisting of experts representing the institutions participating in the Committee’s work.

The tasks to be performed under the Plan are nationwide, i.e. they relate either to actions of central institutions in terms of developing legal regulations or best practices, or to actions undertaken in all voivodships through appropriate institutions (such as voivodship police headquarters, border guard divisions, branch offices of the public prosecutor or social policy departments of voivodship offices).

Owing to the fact that the Police and the Border Guard have a particular responsibility for the prosecution of organisers of human trafficking, special structures have been established to fulfil tasks related to this issue.

On 5 July 2007 the Deputy of the Police Commander-in-Chief issued an order to establish, by 31 July 2007, Teams for Combating Trafficking in Human Beings, which would offer separate full-time positions within the structures of Criminal Divisions of Voivodship Police Headquarters and the Warsaw Police Headquarters. The Central Unit for Combating Trafficking in Human Beings, Human Organs, Child Pornography and Paedophilia, established under organisational order No 43/07 of the Police Commander-in-Chief of 14 June 2007 in the Criminal Division of the Criminal Office of the National Police Headquarters, coordinates the actions of voivodship teams for combating trafficking in human beings.

Part-time coordinators and assistant coordinators for combating trafficking in human beings (13 coordinators, 12 assistant coordinators) have been appointed at the Headquarters and branches of the Border Guard. Coordinators are officers from the operation and investigation sector. Their obligations include such tasks as: coordination of actions between organizational units and sections of the Border Guard, between the Border Guard and the Police and coordination of actions under the *Programme for support and protection of victim/witness of trafficking in human beings*, including also cooperation with non-governmental organisations executing tasks related to victim protection.

In order to enhance the coordination system, a Unit for Constant Monitoring and Coordination of Actions of the Border Guard related to preventing and combating human trafficking was established under Decision No 139 of the Border Guard Commander-in-Chief of 18 June 2008. The Unit is comprised of representatives of the Operation and Investigation Board, the Border Management Board, the Board for Foreigners, the Office for Strategic Analysis, the Personnel and Training Office and the Office of the Border Guard Commander-in-Chief.

Moreover, in June 2007, prosecutors acting as consultants to trafficking in human beings issues were appointed throughout the appeal prosecutors' offices. All these elements contribute to the system of preventing and combating this crime and implementing the tasks provided for in the Action Plan.

In order to facilitate actions related to providing help to victims of human trafficking, consultants for trafficking in human beings were appointed in units of voivodship offices responsible for social assistance.

The tools for monitoring and periodic evaluation of the implementation of the Plan include:

- the report on the implementation of the Plan, approved by the above mentioned interdepartmental Committee

and

- the report on the work of the interdepartmental Committee for Combating and Preventing Trafficking in Human Beings

submitted to the Prime Minister by 31 January each year.

The above mentioned entities are responsible for the implementation of tasks specified in the Plan. The deadline for completion of tasks stipulated in the Plan is the end of 2010.

### **Financing of the Plan**

Tasks assigned to particular entities will be financed within budgets at their disposal.

#### **2009**

For the implementation of tasks stipulated in the *National Action Plan against Trafficking in Human Beings for 2009-2010*, the **Ministry of Interior and Administration** (MSWiA) earmarked in 2009 state budget, on the basis of the financial schedule, financial resources in the amount of PLN 100,000 – § 4300 (included in the financial plan of MSWiA – Part 42 Internal affairs, Section 754 Public safety and fire protection, Chapter 75495 Other activity) as well as financial resources in the amount of PLN 150,000 – § 2810 Designated subsidy from budget funds for financing or co-financing of tasks assigned to foundations (included in the financial plan of the Budget Department in MSWiA).

Funds in the amount of PLN 100,000 will be allocated in 2009 for individual priority tasks stipulated under Objective I – Preventive Actions, Research on the Phenomenon and for tasks stipulated in Point 13 under Objective II – Improved Effectiveness of Actions.

Funds in the amount of PLN 150,000 will be allocated in 2009 for the *Programme for support and protection of victim/witness of trafficking in human beings* for foreigners on a basis of an agreement commissioning a public task implementation concluded between the Minister of Interior and Administration and a selected non-governmental organisation. A detailed material scope of the task covers: crisis intervention, assisting victims in their contacts with law enforcement authorities and the judiciary and in applying for a residence permit, as well as ensuring safe return of victims to their home countries.

Furthermore, the Prime Minister allocated PLN 700,000 from the general reserve of 2009 state budget (Ordinance No 13 of the Prime Minister of 5 February 2009 and Ordinance No 19 of the Prime Minister of 10 March 2009) for the implementation of tasks related to safeguarding the needs of victims and witnesses of trafficking in human beings executed by a non-governmental organization selected under an open tender procedure for the implementation of a public task. A detailed scope of the task is described in Point 10 of Objective III – Support and Protection of Victims.

**In total, financial resources in the amount of PLN 950,000 were earmarked in the MSWiA budget for 2009.**

Moreover, the Ministry of Labour and Social Policy (MPiPS) has allocated funds in the amount of PLN 120,000 in 2009 budget for conducting training sessions for staff of social assistance units with regard to the treatment of a victim/witness of human trafficking (Part 44 – Social Security, Section 750 – Public Administration). In addition, MPiPS will allocate financial resources for the support of crisis intervention centres.

**In total, funds in the amount of PLN 1,070,000 were earmarked in the MSWiA and MPiPS budgets for 2009.**

Owing to the fact that expenditures incurred for the implementation of the Plan by other departments and institutions, mainly within funds earmarked for various training

sessions are not distinguished as allocated for the issue of trafficking in human beings, the presented amounts shall be treated as not fully reflecting the Plan implementation costs.

## **2010**

**Within the MSWiA Schedule of expenditures for 2010 listed by tasks,** the following financial resources were earmarked, respectively:

- PLN 220,000 for tasks under Objective I – Preventive Actions, Research on the Phenomenon and for the priority stipulated in Point 13 under Objective II – Improved Effectiveness of Actions (§ 4300; Part 42 Internal affairs, Section 754 Public Safety and Fire Protection, Chapter 75495 Other activity) and
- PLN 230,000 for the implementation of the *Programme for support and protection of victim/witness of trafficking in human beings* intended for foreigners (§ 2810 Designated subsidy from budget funds for financing or co-financing tasks assigned to foundations).

During the work on the Budget Act for 2010, the Ministry of Interior and Administration will apply for additional funds from the state budget in the amount of **PLN 700,000** for the implementation of the public tasks described in detail in Point 10 of Objective III – Support and Protection of Victims.

**In total, it is estimated that MSWiA will earmark financial resources in the amount of PLN 1,150,000 in its 2010 budget.**

Moreover, the Ministry of Labour and Social Policy has allocated funds in the amount of PLN 120,000 in 2010 budget for conducting training sessions for staff of social assistance units with regard to the treatment of a victim/witness of human trafficking (Part 44 Social Security, Section 750 Public Administration).

**In total, it is estimated that financial resources in the amount of PLN 1,270,000 will be earmarked in the MSWiA and MPiPS budgets for 2010.**

**The estimated cost of the Plan implementation in the same period 2009-2010 is PLN 2,340,000.**

Some elements of the Plan, especially those related to research on the issue, exchange of information and best practices, and training sessions, may be financed from the European Union programmes, such as *Daphne III – EU specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk for the period 2007-2013*, *ISEC – Prevention and fight against crime* or *CIPS – Prevention, preparedness and consequence management of terrorism and other security related risks*.

*The priority tasks described in this Plan may be divided into three categories. Some of them are constant tasks, appearing in subsequent programmes. They are included in this Plan since they have turned out to be a kind of “good practices”, whose appropriateness and effectiveness has been proved in practice. The second group involves brand new tasks related to the dynamic natures of the phenomenon of human trafficking. The last one involves tasks which have failed to be implemented under the previous Programme. The Plan provides information on the nature of individual priority tasks.*

## **Part I**

### **Preventive Actions, Research on the Phenomenon**

#### **1. Organisation of the national conference on trafficking in human beings** (*constant task*).

*The First National Conference on Combating and Preventing Trafficking in Human Beings took place in March 2006. Subsequent conferences took place in 2007 and 2008. Since 2008, it was agreed that the national conferences should constitute a part of celebration of the European (EU) Anti-Trafficking Day established on 18 October.*

*These Conferences gather many experts in the field of human trafficking from public administration institutions, non-governmental organisations and scientific circles from all over the country. They result in recommendations used in work related to the implementation of National Programmes. Moreover, the Conferences have been the only forum of this kind allowing for wide debate and exchange of experiences on the issues of trafficking in human beings in Poland so far.*

Task implementation responsibility: Ministry of Interior and Administration

Implementation deadline: October 2009, October 2010.

#### **1.1. Organisation of the celebrations of the European Anti-Trafficking Day in police academies and Border Guard training centres** (*constant task*).

*The celebrations of the EU Anti-Trafficking Day should become an opportunity for an information campaign aimed at raising the awareness of police officers. A good practice observed during the last two years was the organisation of special workshop for the students of Border Guard training centres, the distribution of information materials, and screening of films on human trafficking.*

Task implementation responsibility: General Headquarters of Police, General Headquarters of Border Guard

Implementation deadline: October 2009, October 2010.

#### **2. Information campaign on trafficking in human beings for forced labour, directed at Polish citizens migrating to the EU Member States to find employment** (*constant task*).

*The numerous cases of Polish citizens – victims of trafficking in human beings for forced labour revealed in 2006 prove that it is necessary to launch an information campaign directed at people migrating to the EU Member States to find employment, which will aim at raising their awareness of the risk of becoming a victim of this crime. To this end, use should be made of the organisational capacity of MSWiA, MPiPS and MSZ (Ministry of Foreign Affairs) as well as programmes for Polish citizens abroad implemented by these Ministries. It is also necessary to establish cooperation with the mass-media.*



Task implementation responsibility: Ministry of Interior and Administration, Ministry of Labour and Social Policy, Ministry of Foreign Affairs

Implementation deadline: constant task

### **3. Information campaign on trafficking in human beings for forced labour directed at people coming to Poland to undertake employment (constant task).**

*In view of the ongoing process of opening the Polish labour market for third-country nationals and the reported cases of trafficking in human beings for forced labour in Poland, it is necessary to launch an information campaign directed at people coming to Poland to undertake employment (mainly citizens of Ukraine and Belarus), which will aim at raising their awareness of the risk of becoming a victim of human trafficking. To this end, use should be made of the organisational capacity of MSWiA, MPiPS and MSZ (Ministry of Foreign Affairs), and cooperation with trade unions and entrepreneur associations should be established.*

Task implementation responsibility: Ministry of Interior and Administration, Ministry of Labour and Social Policy, Ministry of Foreign Affairs

Implementation deadline: constant task

### **4. Development of annual reports on trafficking in human beings in Poland (constant task).**

*In 2008, the publication entitled “Trafficking in Human Beings in Poland. Report materials” was issued by MSWiA. It is necessary to continue this initiative as an instrument for disseminating knowledge about this phenomenon in the form of a publication intended for all stakeholders – representatives of the public administration, non-governmental organisations, and scientific institutions.*

Task implementation responsibility: Ministry of Interior and Administration

Implementation deadline: 1<sup>st</sup> half of 2009, 1<sup>st</sup> half of 2010

### **5. Development of the methodology and range of gathering information on this phenomenon (task not implemented under the previous Programme).**

*The currently existing sets of statistical data on human trafficking provide only fragmentary knowledge of this crime and its victims. In order to change this situation, it is necessary to develop the principles for gathering data. These principles should cover a list of indicators of information gathered, method of information gathering (the number of data bases and institutions responsible for gathering) and processing (the purpose of processing and responsible institutions). MSWiA participates in the project by the ICMPD “Trafficking in Human Beings, Data Collection and Harmonised Information Management Systems – DCIM EU”, which relates to the above mentioned issues and should facilitate the implementation of the said objectives.*

Task implementation responsibility: Ministry of Interior and Administration, Ministry of Justice, National Public Prosecutor’s Office, General Headquarters of Police, General

Headquarters of Border Guard in cooperation with non-governmental organisations and scientific centres

Implementation deadline: 2<sup>nd</sup> half of 2009 – development of principles of the system

2<sup>nd</sup> half of 2010 – system implementation

**6. Technical, organisational and financial support (depending on budgetary means available) of research on the phenomenon of trafficking in human beings with the use funds allocated under the European Union programmes (*constant task*).**

*Scientific research on the phenomenon of human trafficking in its various aspects is significant for actual measures taken in order to prevent and combat trafficking in human beings, as well as for supporting victims of this crime. The issues requiring study research include:*

- *the profile of a victim of human trafficking for forced labour;*
- *the situation of uncared-for foreign national children, possible victims of trafficking in human beings – legal conditions, actual state of affairs, public awareness, risk groups;*
- *analysis of Polish court judgements in cases of trafficking in human beings in terms of securing the rights of victims.*

Task implementation responsibility: Institutions represented in the Committee for Combating and Preventing Trafficking in Human Beings

Implementation deadline: constant task

**7. Conducting an information campaign about trafficking in human beings directed at pupils and students (*new task*).**

*The following information activities are intended to be carried out under the project “Children at Risk” by means of the Internet, owing to the access to the WGCC website [www.childcentre.info](http://www.childcentre.info):*

- *facilitating access to educational and research programmes, results of research conducted in the region, professional literature with its suggested practical application;*
- *creating an information network for children and teenagers on how to get support in case of danger (through school websites);*
- *promoting the exchange of experience related to prevention and methods of behaviour in situations of danger for minors at the local and international level;*
- *promoting Polish solutions.*

*Moreover, it is also intended to launch an information campaign with the use of the cartoon book prepared by the Council of Europe entitled “You’re not for sale” in the Polish language version (additional printing financed by the Ministry of Labour and Social Policy, the Ministry of National Education (MEN) fulfils an intermediary function in the distribution of this publication to schools).*

Task implementation responsibility: Ministry of National Education, Ministry of Labour and Social Policy, Working Group

Implementation deadline: successively in 2009 and 2010

## **Part II**

### **Improved Effectiveness of Actions**

#### **Changes to Legislation**

##### **1. Preparation and introduction into the Penal Code of new regulations on trafficking in human beings** (*task not implemented under the previous Programme*).

*Within the implementation of the National Programme for 2005-2006, the Institute of Justice has analysed the Polish court judgements in cases concerning human trafficking in terms of their consistence with the definition of trafficking in human beings included in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children. As the analysis shows, the Polish court judgements are not always in accordance with the letter and spirit of the definition of human trafficking included in the Protocol. The development and introduction of such a definition into Article 115 of the Penal Code aims at standardizing the interpretation of Article 253 (1) of the Penal Code. Unfortunately, the work on the development of amendment, which commenced in 2007 under the previous Programme, has not yet been finished, and therefore it is necessary to include this task into the present Plan. The introduction of the definition of trafficking in human beings to the Polish legislation, combined with the intended introduction of criminal liability for preparing the crime of trafficking in human beings, will contribute to improved effectiveness in combating this type of crime.*

Task implementation responsibility: Ministry of Justice

Implementation deadline: 1<sup>st</sup> half of 2009

##### **2. Amendment to the provision of Article 1 (2) point 4 of the Border Guard Act of 12 October 1990 by extending the competence of the Border Guard to combating the crime of trafficking in human beings** (*new task*).

*Although in its practice the Border Guard has often investigated cases concerning human trafficking, the lack of clear provision in the Border Guard Act has caused competence disputes. In view of the new operational strategy of the Border Guard in the different circumstances after Poland entered the Schengen area, it is necessary to amend the Act since combating trafficking in human beings should be one of priorities of the Border Guard.*

Task implementation responsibility: General Headquarters of Border Guard

Implementation deadline: 1<sup>st</sup> half of 2009

## Coordination

### **3. Initiating pilot voivodship teams for trafficking in human beings, with the participation of representatives of the Public Prosecutor's Office, the Police, the Border Guard, the social policy departments of Voivodship Offices, the Labour Inspectorate, non-governmental organizations (new task).**

*On the basis of experience resulting from the functioning of the Working Group of the Committee for Combating and Preventing Trafficking in Human Beings as well as experience of other countries, it seems necessary to establish regional (voivodship) platforms for exchange of information between institutions involved in the issues of human trafficking. Such teams could also serve as a mechanism coordinating training and preventive activities undertaken on a given territory. The Working Group should develop the concept of functioning of teams and suggest the method of implementing the pilot project in one or several voivodships.*

Task implementation responsibility: Working Group, institutions involved in the work of the Committee

Implementation deadline: 2<sup>nd</sup> half of 2009

### **4. Strengthening the voivodship structures located in the Criminal Divisions of the Voivodship Police Headquarters/Warsaw Police Headquarters dealing with the issue of human trafficking (new task).**

*The appointment of Teams for Human Trafficking at the Voivodship Police Headquarters in 2007 soon resulted in an increased number of revealed cases of trafficking in human beings. The proactive approach to prosecuting the organisers of human trafficking, recommended by experts, requires employing additional staff for teams appointed at the Voivodship Police Headquarters/Warsaw Police Headquarters.*

Task implementation responsibility: General Headquarters of Police, voivodship Police Commanders-in-Chief (depending on the current staff level in teams)

Implementation deadline: 1<sup>st</sup> half of 2010

### **5. Development of annual reports (analyses) on the results of the prosecution of the crime of trafficking in human beings by the Police and the Border Guard (new task).**

*With a view to observing possible changes in the nature of the phenomenon of human trafficking in Poland and in order to identify the resulting threats early, it is necessary to prepare, once a year, an analysis of the situation and effectiveness of actions taken.*

Task implementation responsibility: General Headquarters of Police, General Headquarters of Border Guard

Implementation deadline: 1<sup>st</sup> half of 2010

## Upgrading of qualifications

### **6. Organising training workshops for coordinators and members of Teams at the Police Voivodship Headquarters and for coordinators in the Border Guard branches in order to exchange experience and information** (*constant task*).

*The training seminar for coordinators at the Police and the Border Guard headquarters, organised in 2008, was positively assessed by its participants as a meeting forum for practitioners and a place for exchanging information useful in coordinators' work.*

Task implementation responsibility: Working Group, General Headquarters of Border Guard, General Headquarters of Police

Implementation deadline: 2<sup>nd</sup> quarter of 2009, 2<sup>nd</sup> quarter of 2010

### **7. Implementing a comprehensive system of training in human trafficking in the Police** (*new task*).

*In 2008, following the decision of the Police Commander-in-Chief, the "Analysis of training initiatives on the issues of trafficking in human beings organised at the Police headquarters" was carried out. As a result, it was decided to develop the programme of a specialist course directed at Police officers executing tasks related to combating human trafficking. Furthermore, it was concluded that one should aim at including a higher number of training courses in human trafficking into the training process which would focus on both teaching and developing abilities useful for Police officers in terms of preventing and identifying the phenomenon, identifying victims, prosecuting the perpetrators and providing victims with help effectively. In addition, it was recommended to include the issues of human trafficking into the plans of professional development for 2009 at the Voivodship Police Headquarters/Warsaw Police Headquarters, as well as at the Poviast Police Headquarters/District Police Headquarters/Municipal Police Headquarters. It is also appropriate to involve Police psychologists and representatives of non-police entities, including non-governmental organisations, into the conduct of courses.*

Task implementation responsibility: General Headquarters of Police

Implementation deadline: implementation of the specialist course – 2<sup>nd</sup> half of 2009

### **8. Creating a system of training and professional development for coordinators and officers of the Border Guard from the operation and investigation sector, the border sector and officers for foreigners, including in particular the issues of children trafficking and trafficking for forced labour** (*new task*).

*In connection with the intended amendment to the Border Guard Act (see point II.2) and changes in the Border Guard strategy of operation, it is necessary to prepare and implement a concept of training and professional development of officers from various units and of different ranks in the field of trafficking in human beings. This concept should cover training for people who could then conduct training in issues related to trafficking in human beings at the Border Guard branches and posts.*

Task implementation responsibility: General Headquarters of Border Guard

Implementation deadline: 2<sup>nd</sup> half of 2009

**9. Training for police services training staff (police academies and training centres) in issues related to combating human trafficking (constant task).**

*The dynamic nature of the phenomenon of trafficking in human beings entails the need for constant updating of knowledge of police academies' lecturers which is transmitted by them to their students.*

Task implementation responsibility: General Headquarters of Police, General Headquarters of Border Guard in cooperation with non-governmental organisations

Implementation deadline: constant task

**10. Training for judges and prosecutors in issues related to trafficking in human beings and, particularly, in children (constant task).**

*Analyses of cases dismissed by the Public Prosecutor's Office and the judgements issued by Polish courts in cases of trafficking in human beings point to the need for constant upgrading of professional skills of judges and prosecutors who deal with this kind of crime and its victims. The issues related to the scope of the concept of trafficking in human beings as well as to the rights and role of a victim in the criminal procedure are of particular concern. Taking account of the issues related to trafficking in children, specialist training should be provided for judges of family and juvenile departments.*

Task implementation responsibility: Ministry of Justice, National Training Centre for the Officials of the Common Courts of Law and the Public Prosecutor's Office

Implementation deadline: constant task

**11. Training for the Office for Foreigners' employees who interview those seeking refugee status and for employees working in Refugee Centres in issues related to identification of victims of trafficking in human beings (constant task).**

*It is probable that among those seeking refugee status there are victims of trafficking in human beings. It is necessary to provide employees of the Office for Foreigners and those working in Refugee Centres with knowledge necessary to identify victims, provide them with help and cooperate with other competent institutions.*

Task implementation responsibility: Office for Foreigners

Implementation deadline: 2<sup>nd</sup> half of 2009, 2<sup>nd</sup> half of 2010

**12. Organising training for labour inspectors in issues related to the phenomenon of human trafficking for forced labour (new task).**

*The relatively new competences of the National Labour Inspectorate related to the control of illegal employment and the lack of knowledge on the phenomenon of trafficking in human beings among inspectors in the face of increasing number of cases of human trafficking for forced labour result in the need to train inspectors in issues related to human trafficking. The content and organisational concept of training should be agreed on during the work of the Working Group.*

Task implementation responsibility: Working Group, National Labour Inspectorate

Implementation deadline: successively in 2009 and 2010

**International cooperation**

**13. Strengthening cooperation with institutions competent for combating and preventing human trafficking from countries of origin, transit and destination countries – from the Polish perspective – in order to exchange experience, best practices and information on developments in the phenomenon of trafficking in human beings (new task).**

*Previous experience resulting from the meetings organised and projects implemented proves that it is necessary to continue this form of international cooperation. They constitute the optimal means of systematic exchange of information among experts and facilitate the development of the most effective forms of direct operational cooperation. Therefore, the work within the Group of Experts on Trafficking in Human Beings within the G6 Group should be continued and projects on the cooperation with Moldova and Ukraine should be developed and implemented.*

Task implementation responsibility: Ministry of Interior and Administration, General Headquarters of Police, General Headquarters of Border Guard, Ministry of Justice in cooperation with non-governmental organisations

Implementation deadline: depending on agreements with foreign partners

## **Part III**

### **Support and Protection of Victims**

#### **Changes to Legislation**

**1. Amendment to the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions with a view to providing victims of trafficking in human beings – third-country nationals, making use of the residence permit referred to in Directive 2004/81/EC – with access to the labour market (new task).**

*As results from the description included in the EC document entitled “Evaluation and monitoring of the implementation of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings” (COM (2008) 657), Poland is the only EU Member State which does not provide victims of trafficking in human beings – third-country nationals, making use of the residence permit referred to in Directive 2004/81/EC – with access to its labour market. Therefore, with a view to strengthening the mechanism of identification of victims of trafficking in human beings and making the existing solutions more appealing to victims cooperating with competent authorities, the legislation in force should be changed in order to create such a possibility.*

Task implementation responsibility: Ministry of Labour and Social Policy

Implementation deadline: 2009

**2. Amendment to the Act on Foreigners of 13 April 2003 by means of changing the present institutions of long-term stay or introducing new solutions related to victims of trafficking in human beings – third-country nationals (new task).**

*Taking account of experience resulting from the Programme for support and protection of victim/witness of trafficking in human beings intended for foreigners, which has been implemented since 2006, it seems appropriate to provide the victims, whose cooperation with the authorities contributed significantly to detention of perpetrators, with the possibility of obtaining an unlimited residence permit (for example by means of changing the present institutions of long-term stay or introducing new solutions), where the above mentioned cooperation with the authorities would be a positive reason for issuing the relevant permit.*

Task implementation responsibility: Migration Policy Department in the Ministry of Interior and Administration, Office for Foreigners, National Public Prosecutor’s Office

Implementation deadline: as a part of amendment to the Act on Foreigners



**3. Elaborating the support/protection model for a Polish citizen – a victim of trafficking in human beings. Analysis of the policy adopted and provisions related to the support of Polish citizens – victims of trafficking in human beings (constant task).**

*Based on experience resulting from the implementation of various programmes of support of victims in 2008, it may be concluded that the existing provisions or the policy adopted limit the possibility of providing Polish victims of human trafficking with help and using the funds allocated to this end effectively. It is necessary to analyse this situation and suggest new solutions in the field of the policy adopted or implementing provisions to the Act on Social Assistance and other acts.*

*Moreover, it is necessary to elaborate the model of conduct covering such issues as:*

- *taking care of Polish citizens – victims of human trafficking outside Poland in the first period after their identification and organisation of their return home,*
- *taking care of a victim in the territory of Poland to the extent which allows for return to normal functioning in the society (it applies to both victims identified outside Poland and victims of internal trafficking identified within the territory of Poland).*

Task implementation responsibility: Working Group, Ministry of Labour and Social Policy, Ministry of Foreign Affairs in cooperation with non-governmental organisations

Implementation deadline: 1<sup>st</sup> half of 2010

**4. Elaborating the support/protection model for child victims of trafficking (constant task).**

*The work on the support/protection model for child victims of human trafficking under the previous Programme showed clearly that the existing solutions applying to adult victims of human trafficking are not sufficient in relation to child victims, foreign nationals in particular. And it proved in practice as a consequence of covering two child victims by the Programme for support and protection of victims/witnesses of trafficking in human beings. An analysis of these cases made it possible to identify the most significant loopholes in legislation and the policy adopted. It is necessary to continue work on the support/protection model for child victims of trafficking in human beings, taking into account experience gained, all differences resulting from the specific legal status and psychological conditions of children, especially by providing care for foreign national children placed in educational and care centres in the territory of Poland.*

Task implementation responsibility: Ministry of Interior and Administration, General Headquarters of Police, General Headquarters of Border Guard, Ministry of Justice, Ministry of Labour and Social Policy in cooperation with non-governmental organisations

Implementation deadline: 4<sup>th</sup> quarter of 2009

**5. Updating the support/protection model for victims of trafficking in human beings (constant task).**

*Following the developments in the phenomenon of trafficking in human beings, especially as regards the victim profile and the developments in the legislation in force, it is necessary to adjust the Model to the new circumstances and analyse the need for potential changes in the applicable “Algorithm of conduct of law enforcement officers in the case of revealing a crime of trafficking in human beings”.*

Task implementation responsibility: Working Group

Implementation deadline: 4<sup>th</sup> quarter of 2009

**6. Promotion and implementation of the inclusion model for victims of trafficking in human beings monitored and supported by professional social services and non-governmental organisations (task not implemented under the previous Programme).**

*Experience gained during the implementation of the Partnership for Development Project “IRIS – social and vocational inclusion of women victims of trafficking in persons” should be shared and used in the work of social services and non-governmental organisations supporting victims of human trafficking.*

Task implementation responsibility: Ministry of Labour and Social Policy

Implementation deadline: constant task

**7. Setting standards for non-governmental organizations and other institutions capable and authorised to provide victims/witnesses of trafficking in human beings with help (task not implemented under the previous Programme).**

*Due to the small number of entities providing support to victims, the lack of various experience and limited organisational capacity, this task, which was specified in the previous Programme, has not yet been implemented. Amendments to the Act on Social Assistance and training provided for staff of social assistance institutions allow them to effectively provide aid to victims of trafficking in human beings. The number of entities declaring their readiness to provide support to victims is increasing, which means it is necessary to develop a uniform standard of help provided. To this end, use should be made of experience resulting from the implementation of the Programme for support of victims of trafficking in human beings commissioned by MSWiA and experience of non-governmental institutions.*

Task implementation responsibility: Working Group in cooperation with non-governmental organisations, Ministry of Labour and Social Policy, Ministry of Interior and Administration, Ministry of Justice, Ministry of Health

Implementation deadline: 2<sup>nd</sup> half of 2009

**8. Specialist training for employees of social assistance units, especially for crisis intervention centres' staff, with regard to the identification of victims of trafficking in human beings, crisis intervention and the principles of cooperation with other institutions (constant task).**

*The amendment to the Act on Social Assistance allowed social assistance institutions to effectively provide assistance to victims of trafficking in human beings. It is necessary to provide social employees with knowledge necessary to identify victims, provide them with help and cooperate with other competent institutions.*

Task implementation responsibility: Ministry of Labour and Social Policy – implementation of training

Implementation deadline: successively, until the end of 2010

**9. Specialist training for employees of educational and care centres with regard to the identification of child victims of trafficking in human beings, crisis intervention and the principles of cooperation with other institutions (new task).**

*The amendment to the Act on Social Assistance allowed social assistance institutions to effectively provide assistance to victims of trafficking in human beings. It is necessary to provide employees of educational and care centres with knowledge necessary to identify victims, provide them with help and cooperate with other competent institutions.*

Task implementation responsibility: Ministry of Interior and Administration, Ministry of Labour and Social Policy in cooperation with non-governmental organisations and Poviats Family Assistance Centres

Implementation deadline: successively, until the end of 2010

**10. Developing and implementing the concept of comprehensive care and protection for victims and victims/witnesses of trafficking in human beings (new task).**

*Following the decision of the Prime Minister, the amount of PLN 700,000 was allocated from the general reserve of 2009 state budget (Ordinance No 13 of the Prime Minister of 5 February 2009 and Ordinance No 19 of the Prime Minister of 10 March 2009) for the implementation of tasks related to safeguarding the needs of victims and witnesses of trafficking in human beings executed by a non-governmental organization selected under an open tender procedure for the implementation of a public task.*

*The tasks envisaged for implementation include the following:*

- running 24-hour telephone helpline for victims and witnesses of trafficking in human beings,*
- supporting victims of trafficking in human beings in terms of identification,*
- crisis intervention,*
- consultations for state and self-government institutions related to work with victims of trafficking in human beings,*
- providing both individuals and institutions with prevention counselling,*

- *providing victims of trafficking in human beings with secure accommodation.*

*On the basis of an analysis of experience resulting from the implementation of this task, the comprehensive concept of care and protection for victims and victims/witnesses of trafficking in human beings will be developed.*

Task implementation responsibility: Working Group, Ministry of Interior and Administration

Implementation deadline: concept analysis – 2<sup>nd</sup> half of 2009

concept implementation – 2010

## Annex 1

## Statistical data of the National Public Prosecutor's Office

<b>Outcomes of preparatory proceedings on trafficking in human being in 1995-2008</b>						
<b>Year</b>	<b>Number of cases closed</b>	<b>Number of cases closed which resulted in indictment</b>	<b>Number of cases discontinued on the grounds of</b>		<b>Number of persons</b>	
			<b>unknown perpetrator</b>	<b>non-existence of crime</b>	<b>accused</b>	<b>aggrieved</b>
<b>1995</b>	20	18	0	2	43	205
<b>1996</b>	33	26	1	6	59	232
<b>1997</b>	37	31	1	5	58	163
<b>1998</b>	41	25	2	14	64	109
<b>1999</b>	17	14	0	3	24	109
<b>2000</b>	43	38	1	4	119	172
<b>2001</b>	49	35	6	8	71	93
<b>2002</b>	19	11	4	4	40	167
<b>2003</b>	45	30	4	11	134	261
<b>2004</b>	25	18	2	5	39	98
<b>2005</b>	31	19	2	10	42	99
<b>2006</b>	26	17	0	9	36	126
<b>2007</b>	48	28	1	19	62	1021
<b>2008</b>	53	28	4	21	78	315
<b>Total</b>	<b>487</b>	<b>338</b>	<b>28</b>	<b>121</b>	<b>869</b>	<b>3170</b>

**Statistical data of the Ministry of Justice**

<b>Adults validly convicted according to the crime and the sentencing – the main offence Article 204 (4) of the Penal Code</b>				
<b>Year</b>	<b>Number of convictions</b>	<b>Penalty of imprisonment</b>	<b>Penalty of imprisonment without conditional suspension of its execution</b>	<b>Penalty of imprisonment with conditional suspension of its execution</b>
<b>1998</b>	6	6	2	4
<b>1999</b>	8	8	3	5
<b>2000</b>	4	4	2	2
<b>2001</b>	3	3	0	3
<b>2002</b>	3	3	1	2
<b>2003</b>	1	1	0	1
<b>2004</b>	-	-	-	-
<b>2005</b>	7	7	1	6
<b>2006</b>	1	1	-	1
<b>2007</b>	1	1	-	1
<b>Total</b>	<b>34</b>	<b>34</b>	<b>9</b>	<b>25</b>

**Adults validly convicted according to the crime and the sentencing – the main offence  
Article 253 (1) of the Penal Code**

<b>Year</b>	<b>Number of convictions</b>	<b>Penalty of imprisonment</b>	<b>Penalty of imprisonment without conditional suspension of its execution</b>	<b>Penalty of imprisonment with conditional suspension of its execution</b>
<b>1998</b>	2	2	1	1
<b>1999</b>	2	2	2	0
<b>2000</b>	3	3	3	0
<b>2001</b>	7	6	6	1
<b>2002</b>	20	20	15	5
<b>2003</b>	5	5	4	1
<b>2004</b>	16	16	13	3
<b>2005</b>	9	9	4	5
<b>2006</b>	13	13	11	2
<b>2007</b>	3	3	2	1
<b>Total</b>	<b>80</b>	<b>79</b>	<b>61</b>	<b>19</b>