



**REPORT**  
2014/ I - VI 2015

## Countering Trafficking in Human Beings in Poland

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Im. Haliny Nieć

## **REPORT:**

### ***Countering Trafficking in Human Beings in Poland***

### **In 2014 and I - VI 2015**

Cracow, 18th October 2015

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# TRAFFICKING IN HUMAN BEINGS IN POLAND



National Consultative Intervention Centre for Victims of Trafficking provides comprehensive support to victims of human trafficking

accommodation

medical care

intervention counselling and psychological support

legal aid



71



143



34



136



64



173



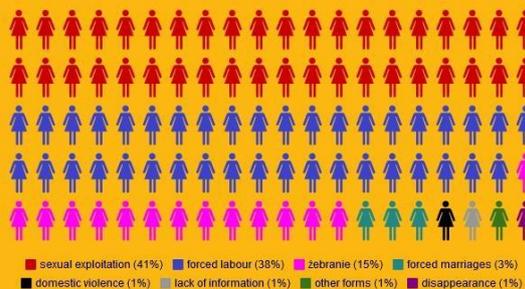
Beneficiaries of the KCIK in 2014:  
- 34 children and 173 adults,  
- 143 females and 64 males,  
- 71 Polish citizens and 136 foreign citizens.

207 people benefited from the help of KCIK in 2014

Countries of origin of the beneficiaries of the KCIK in 2014:



Forms of the human trafficking offence of the beneficiaries of the KCIK in 2014:



KCIK beneficiaries were coming from 17 countries in total, incl. Poland in 2014

The most frequent form of the human trafficking offence among the beneficiaries of the KCIK's aid were: prostitution, sexual exploitation and forced labour.

MORE





# FOREIGNERS – VICTIMS OF THE TRAFFICKING IN HUMAN BEINGS IN POLAND

Aid to foreigners - victims of human trafficking is granted under the Programme of Support and Protection of Victims / Witnesses of Human Trafficking

Support Programme provides the following forms of aid to the victims of trafficking in human beings:

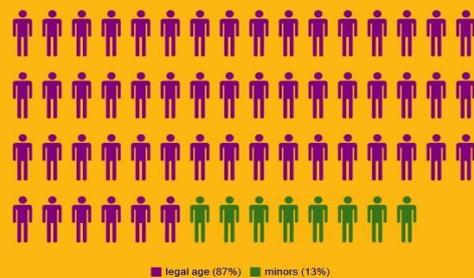
- accommodation,
- basic medical care,
- psychological support,
- legal support,
- assistance in contacts with law enforcement and judiciary officials,
- assistance in legalisation of stay,
- interpreting support.

70 foreigners benefited from the Support Programme in 2014.

## Gender of foreigners covered by the Support Programme in 2014:



## Age of foreigners covered by the Support Programme in 2014:

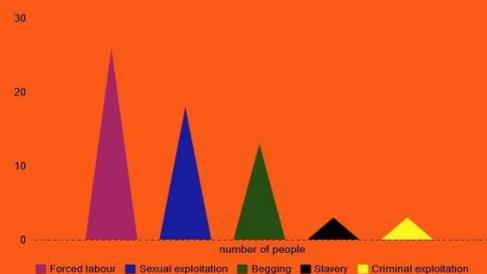


## Countries of origin of foreigners covered by the Support Programme in 2014:



Philippines (17), Romania (16), Bulgaria (9), Ukraine (8), Sri Lanka (6), Vietnam (4), Kenya (1), Slovakia (1)

## Forms of offence of foreigners covered by the Support Programme in 2014:



[www.pomocprawna.org](http://www.pomocprawna.org)





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Halina Nieć Legal Aid Centre (HNLAC) is pleased to present the third edition of the annual report on human trafficking in Poland, with its special focus on the situation of foreign victims. The report includes statistics for the year 2014 and partial data for 2015.

HNLAC is a public benefit NGO existing since 2002. HNLAC's mission is to promote the protection of human rights through the provision of free legal aid to socially marginalised persons and support of the development of civil society and the rule of law. The statutory purposes of the organisation include, among others, scientific and educational activities designed to disseminate and promote the idea of respect for human rights. One of the ways this is being realised is through an active engagement in the field of human trafficking, particularly in that of legal support for foreign victims staying in Poland.

The Centre focuses on the matters of trafficking in human beings in both practical and theoretical terms. The subject of human trafficking appears at training sessions organised for various groups, especially for the Border Guard officers. Another surface of the HNLAC's activity is legal aid and identification of victims, and cooperation in this regard with the La Strada Foundation against Human Trafficking and Slavery. The third aspect of this type of activity is projects aimed at the general public. These have a preventive function, since they raise awareness of the kind of risks associated with the crime of human trafficking. Such initiatives include: social campaigns (including the campaign with the Ministry of the Interior and the Police), lectures for lawyers, law students and related fields, and for high school students. The Centre is also a member of the Team for Combating and Preventing Trafficking in Human Beings, which is an opinion-making and advisory body to the Prime Minister and a member of the Provincial Entity for Combating Trafficking in Human Beings. Since 2014 the HNLAC has been a partner of a project of the National Network of Non-Governmental Organisations against Trafficking People, which is being coordinated by the La Strada Foundation.

Research is complementary to these activities, as is exemplified by this report. Through such efforts, access is facilitated to those who may be interested in aggregated data on the phenomenon of human trafficking in Poland, with particular emphasis on foreign victims.

Information on national, European and global system for counteracting trafficking in human beings, as well as detailed statistics showing the situation in Poland in 2014 and partially in the first half of 2015 were included in the present study.

We would like to thank the La Strada Foundation, the Ministry of the Interior and the Police Head Office for providing statistical data used in this publication.

*Team of the Halina Nieć Legal Aid Centre in Cracow*

## 1. Global system of preventing and fighting trafficking in human beings

United Nations is the leading global player in the field of combating human trafficking, whereas the European Union and the Council of Europe act as the major regional protagonists.

### 1.1. United Nations

According to the UN, human trafficking is the third most profitable crime in the world, following gun and drug trafficking. The human trafficking problem concerns every region in the world. According to the UN data, victims of 152 different nationalities were identified in 124 countries between 2010 and 2012. Each year approximately two million people become victims, one third of them being children. Two girls and one boy fall for every three child victims of trafficking. As for the perpetrators, females represent less than 30% of the total number, the rest are represented by males.<sup>1</sup> The specialised UN agency deals with the issue of human trafficking – the United Nations Office On Drugs and Crime (UNODC). Its main goal is to take actions to increase assistance for the victims of human trafficking. In addition, the Office publishes a range of papers dedicated to preventing and combating human trafficking and protecting its victims. One of the recent major publications is *Global Report on Trafficking in Persons 2014*.

The major international law document in this area is the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime*. The document, known as the Palermo Protocol, was passed by the UN General Assembly on 15<sup>th</sup> of November 2000. Three years later, on the 18<sup>th</sup> of August 2003, it was ratified by the Republic of Poland. Under the Palermo Protocol, trafficking in persons means: *the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs*. The application of the Palermo Protocol is limited to offences of human trafficking of transnational nature committed by organised criminal groups. Importantly for the trafficking victims, the State Parties are obliged to assist them, by protecting their privacy and enabling normal life in the society for instance. The Palermo Protocol has been signed by 117 State Parties.

Following the Palermo Protocol, another significant international law document related to trafficking in human beings is the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*, adopted on the 25<sup>th</sup> of May 2000 in New York. The protocol, ratified by Poland on the 31<sup>th</sup> of December 2004, prohibits the sale of children, child prostitution and child pornography. Further, it obliges States Parties to

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<sup>1</sup>Global Report on Trafficking in Persons 2014, UNODC, <https://www.unodc.org/unodc/en/data-and-analysis/glotip.html>.

adopt measures necessary to prevent, detect, and combat trafficking in persons and related offences.

In order to enhance public awareness of the situation of victims of trafficking and to promote their rights, the UN General Assembly resolution of the 8<sup>th</sup> of November 2013 has established the 30<sup>th</sup> of July as the World Day Against Trafficking in Human Beings.<sup>2</sup>In July 2015 this day was celebrated for the second time in history.

## 1.2. European Union

Under the Article 5 the Charter of Fundamental Rights of the European Union trafficking in human beings is prohibited.<sup>3</sup>Moreover, under the so called Stockholm Programme, laying out the EU action plan in the area of justice, freedom and security for the period 2010-14, fighting human trafficking is one of the European Union's priorities.<sup>4</sup>

A key EU document in this regard is the *Directive of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council framework decision of 19 April 2002*.<sup>5</sup> The Directive lays out the minimum common rules with regard to defining and punishing offences related to human trafficking. Acts deemed to be punishable include: recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons for the purpose of exploitation. Moreover, the directive states that offences of human trafficking must be punishable by a maximum penalty of five years of imprisonment. Under the directive, the position of the European Anti-Trafficking Coordinator has been created in order to ensure a coherent approach of the Member States in this field.

Another important document from the perspective of foreign citizens who have fallen victim to human trafficking and reside illegally in the European Union is the Council Directive 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, and who cooperate with the competent authorities.<sup>6</sup>This directive introduces the term "reflection period", meaning a period granted to a victim of human trafficking residing illegally in the EU to make a decision regarding cooperation with law enforcement agencies. During this period, the duration of which is determined by the Member States' national regulations, foreign citizens cannot be expelled from the country.

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<sup>2</sup>UN General Assembly Resolution of 8 November 2013 on the World Day Against Trafficking in Human Beings, <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/N13/555/70/PDF/N1355570.pdf?OpenElement>.

<sup>3</sup>Charter of Fundamental Rights of the European Union of 12.12.2007, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:083:0389:0403:PL:PDF>.

<sup>4</sup>The Stockholm Programme,

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:01:EN:HTML>

<sup>5</sup>*Directive of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council framework decision of 19 April 2002*, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

<sup>6</sup>*Council Directive 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*, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0081:EN:HTML>

The current approach of the European Union regarding the issue of human trafficking is set out in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions including the *EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016*.<sup>7</sup> The strategy defines five priorities of the European Union in the area of human trafficking: identifying, protecting and assisting victims of trafficking, stepping up the prevention of trafficking in human beings, increased prosecution of traffickers, enhanced coordination and cooperation among key actors and policy coherence, and increased knowledge of and effective response to emerging concerns related to all forms of trafficking in human beings.

By virtue of the European Commission's decision of 17<sup>th</sup> October 2007, the Group of Experts on Trafficking in Human Beings was set up with the aim to *contribute to the further development of the prevention of and the fight against trafficking in human beings, to enable the Commission to gather opinions in view of Commission initiatives relating to trafficking in human beings*<sup>8</sup> and to prepare reports. This advisory body of the European Commission is composed of up to 21 members representing a balance of representatives of bodies of EU Member States and non-profit organisations of the European Union, and Europol. Experts from the academic sector and consultancies specialising in the non-profit sector may also become members. The Commission may consult the Group of Experts on any matter related to trafficking in human beings.

The European Statistical Office released the latest report on human trafficking in the European Union in 2015.<sup>9</sup>

### 1.3. Council of Europe

The flagship document of the Council of Europe with respect to fighting human trafficking is the *Council of Europe Convention on Action against Trafficking in Human Beings*, drawn up in Warsaw on 16<sup>th</sup> of May 2005.<sup>10</sup>

So far 43 countries acceded to the Convention: 42 out of 47 countries of the Council of Europe (except for the Czech Republic, Liechtenstein, Monaco and Russia) and Belarus. In addition, Turkey signed the Convention but has not yet ratified it. Poland adopted the Convention on the date of its preparation.

The purpose of the Convention, in accordance with its Article 1 is to prevent and combat trafficking in human beings, while guaranteeing gender equality, protection of human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of

<sup>7</sup> EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0286:FIN:EN:HTML>

<sup>8</sup> European Commission's decision of 17<sup>th</sup> October 2007 setting up the Group of Experts on Trafficking in Human Beings, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:277:0029:0032:EN:PDF>

<sup>9</sup> Trafficking in human beings, Eurostat, [http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat\\_report\\_on\\_trafficking\\_in\\_human\\_beings\\_-\\_2015\\_edition.pdf](http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eurostat_report_on_trafficking_in_human_beings_-_2015_edition.pdf).

<sup>10</sup> Council of Europe, *Convention on Action against Trafficking in Human Beings*, <http://conventions.coe.int/Treaty/EN/Treaties/Html/197.htm>.

victims and witnesses, while guaranteeing gender equality, as well as ensuring effective investigation and prosecution and promotion of international cooperation in activities against human trafficking. The Council of Europe managed to achieve a wider scope of application of the Convention not only against international organised crime, but also against all forms of trafficking, including national, as well as trafficking unrelated to organised crime.

The Convention of 2005 established a mechanism for implementation of the provisions by its Parties. For this purpose, a special Group of Experts on Action against Trafficking in Human Beings (GRETA) was brought into existence. Article 36 of the Convention forms a basis for its activities.

The Committee of the Parties, which elects the GRETA members, is composed of the representatives of the Council of Europe's Committee of Ministers (foreign ministers of the Member States or their deputies, a decision-making body) and representatives of the Parties to

**GRETA** - Group of Experts on Action against Trafficking in Human Beings, was established to monitor the implementation of the Convention on Action against Trafficking in Human Beings by the State Parties.

the Convention, which are not members of the Council of Europe. The members of GRETA should display high competence in the fields of human rights, assistance and protection of victims of trafficking in human beings. Moreover, they should be independent and impartial. No two members in a single term of GRETA may be

nationals of the same state. The new composition of the Group consists of 15 people and was elected in November 2012. Poland does not have a representative among the newly elected members of the Group.

The procedure of evaluating the implementation of the Council of Europe's Convention by the Parties, being the major purpose of GRETA, is set forth in Article 38 of the convention. It states that GRETA shall conduct cyclical evaluation rounds. Consequently, once every few years, each state party shall be subject to evaluation with regard to the implementation of the document. The first evaluation round has been planned for the period of 2010-2013. The Parties were divided into four groups, whereby the first group was to be evaluated in 2010, the second, including Poland, in 2011, the third in 2012, and the fourth in 2013. As a result of delays, the evaluation of the implementation of the Convention by Poland ended in May 2013.

After each country's evaluation, a report is published, presenting the situation in the country and indicating recommendations in the fields where any problems have been identified. Nonetheless, the reports are merely suggestions directed to the Parties and have no binding effect. All reports from the countries' evaluations are published on the Council of Europe's website.<sup>11</sup>

The monitoring process carried out by GRETA, involving diverse methods of acquiring data on the situation in particular Parties to the Convention, is a complex one. First, a questionnaire is sent to the evaluated country. After its completion, GRETA may request additional information from the government or consult non-governmental organisations operating within the country as well as other members of civil society. Subsequently, GRETA may decide to carry out a visit to the country under evaluation. The visits constitute a significant component of the evaluation as

<sup>11</sup>Country Evaluations, Council of Europe, [http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Monitoring/Country\\_Reports\\_en.asp](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Monitoring/Country_Reports_en.asp)

they enable verification of the information received and acquiring additional knowledge from governmental bodies and organisations of the civil society for instance. Following the visit, a draft version of the report is drawn up, subsequently consulted by the State Party and transformed into the final evaluation report. GRETA does not deal with particular cases related to human trafficking, and hence any requests from individual citizens of the Parties of the Convention are left without consideration.

In addition to the country reports, GRETA publishes annual general reports of its activity. So far, four such reports have been drawn up. The first one, published on 1<sup>st</sup> of September 2011, covers the period from February 2009 to July 2011.<sup>12</sup> During this period 34 states were Parties to the Council of Europe's Convention. Ten of them were subject to evaluation: Cyprus, Slovakia, Austria, Denmark, Albania, Croatia, Bulgaria, Georgia, Moldova, and Romania.

The second General Report, of 4<sup>th</sup> of October 2012, encompasses the period from 1<sup>st</sup> of August 2011 to 31<sup>st</sup> of July 2012.<sup>13</sup> The third general report was released on 17<sup>th</sup> of October 2013 and covers the period from 1<sup>st</sup> of August 2012 to 31<sup>st</sup> of July 2013.<sup>14</sup> In March 2015 GRETA released the fourth general report on its activities, covering the period from 1<sup>st</sup> of August 2013 to 30<sup>th</sup> of September 2014.<sup>15</sup>

Fourteen Member States of the Council of Europe signed the Convention against Trafficking in Human Organs on 25<sup>th</sup> of March 2015, in Spain.<sup>16</sup> This is the first international agreement in this regard. The Convention establishes a legal framework for the implementation of regulations in areas such as prevention of organ trafficking, protection of victims and cooperation at national and international levels, aimed at improving the effectiveness of prosecution. In addition, the Convention introduces requirements to ensure a transparent, national system of transplant services and equal access to them. The document has yet to be ratified. Trafficking in human organs is considered a form of human trafficking.

## 2. National system of prevention and prosecution of human trafficking

### 2.1. Polish legal regulations on combating trafficking in human beings

#### 2.1.1. Legal regulations contained in the Penal Code

<sup>12</sup> First General Report on GRETA's activities, 1.09.2011,  
[http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen\\_Report/GRETA\\_2011\\_11\\_GenRpt\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen_Report/GRETA_2011_11_GenRpt_en.pdf)

<sup>13</sup> Second General Report on GRETA's activities, 4.10.2012,  
[http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen\\_Report/GRETA\\_2012\\_13\\_2ndGenRpt\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen_Report/GRETA_2012_13_2ndGenRpt_en.pdf)

<sup>14</sup> Third General Report on GRETA's activities, 17.10.2013,  
[http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen\\_Report/GRETA\\_2013\\_17\\_3rdGenRpt\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen_Report/GRETA_2013_17_3rdGenRpt_en.pdf).

<sup>15</sup> Fourth General Report on GRETA's activities, March 2015,  
[http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen\\_Report/GRETA\\_2015\\_1\\_4thGenRpt\\_en.pdf](http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Gen_Report/GRETA_2015_1_4thGenRpt_en.pdf).

<sup>16</sup> Council of Europe Convention against Trafficking in Human Organs,  
<http://conventions.coe.int/Treaty/en/Treaties/Html/216.htm>

In Poland, human trafficking is regulated by the Penal Code, amended on 20<sup>th</sup> of May 2010 to include the definitions of human trafficking and slavery in the article 115 sections §22 and §23 respectively.

Article 115 § 22 of the Penal Code:

*Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of:*

- 1) *Violence or unlawful threat,*
- 2) *abduction,*
- 3) *deception,*
- 4) *misleading, the exploitation of a person's mistake or their inability to properly comprehend the action being undertaken,*
- 5) *the abuse of a relation of dependence, taking advantage of a critical situation or state of helplessness,*
- 6) *giving or receiving of payments or benefits or its promise to achieve the consent of a person having control over another person, for the purpose of exploitation, even with the person's consent. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, pornography, or other forms of sexual exploitation, forced labour or services, beggary, slavery or practices similar to slavery, servitude or the removal of cells, tissues, or organs against the regulations of the article. Should the perpetrator's behavior concern a minor, it shall be considered trafficking in persons even if this does not involve any of the means set forth in points 1-6 hereof.*

*§ 23 Slavery means a state of dependence whereby a human being is treated as property<sup>17</sup>.*

Further, article 189a section § 1 states as follows: *Whoever commits human trafficking shall be subject to the penalty of deprivation of liberty for a period not shorter than 3 years.* By imposing the minimum penalty of three years, the offence of human trafficking has been qualified as a crime. Moreover, preparation of human trafficking is punishable as well.

### **2.1.2. National Programme for Fighting and Preventing Trafficking in Human Beings**

The national system of prevention and prosecution of trafficking in human beings is most fully defined by the National Programme for Combating and Preventing Trafficking in Human Beings, being adopted for a period of three years by the Council of Ministers. Currently, the final months of implementation of the National Action Plan against Trafficking in Human Beings for the years 2013-2015 are underway. The work has already started on the next edition of the Action Plan for the period 2016-2018. The first National Programme for Fighting and Preventing Trafficking in Human Beings was adopted by the Council of Ministers in 2002 following the signature by Poland of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime* of 15<sup>th</sup> of November 2000, the so called Palermo Protocol. The major purpose of the national programmes/plans for fighting and preventing trafficking in human beings is implementing the provisions of the Protocol, creating favourable conditions to effectively prevent human trafficking in Poland, and providing support to its victims.

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<sup>17</sup> Act of 6 June 1997 The Penal Code, <http://isap.sejm.gov.pl/DetailsServlet?id=WDU19970880553>, translation based on: <http://www.e-notes-observatory.org/legislation/poland/>

Under the National Action Plan a portal [www.handelludzmi.eu](http://www.handelludzmi.eu) dedicated to preventing and combating trafficking in human beings was created.

The National Action Plan against Trafficking in Human Beings for the years 2013-2015 is being implemented and coordinated by the Unit for Combating and Preventing Trafficking in Human

Beings and its Working Group. The Plan includes the following goals:<sup>18</sup>

- 1) Disseminating knowledge on human trafficking, especially with the “risk groups”.
- 2) Enhancing the range and quality of actions to support the victims of trafficking (including children).
- 3) Increasing effectiveness of agencies responsible for prosecuting the crime of human trafficking by improving legal instruments, structures, and implementing best practices.
- 4) Enhancing competence of those working for agencies and organisations active in the field of preventing human trafficking and supporting its victims.
- 5) Increasing knowledge about human trafficking and the effectiveness of actions taken.
- 6) Strengthening international collaboration.

These objectives are being achieved through the number of specific preventive tasks (film screenings on trafficking in human beings, the European Day Against Trafficking in schools, Police and Border Guard training centres, information campaigns), support and protection of victims, improving the effectiveness of prosecution (i.e. reorganisation of the Border Guard units engaged in actions against trafficking in human beings), improving the qualifications (including training for law enforcement and the judiciary officials), research (including analysis of decisions in cases concerning human trafficking) and international cooperation (i.e. organisation of expert meetings and projects of international nature).

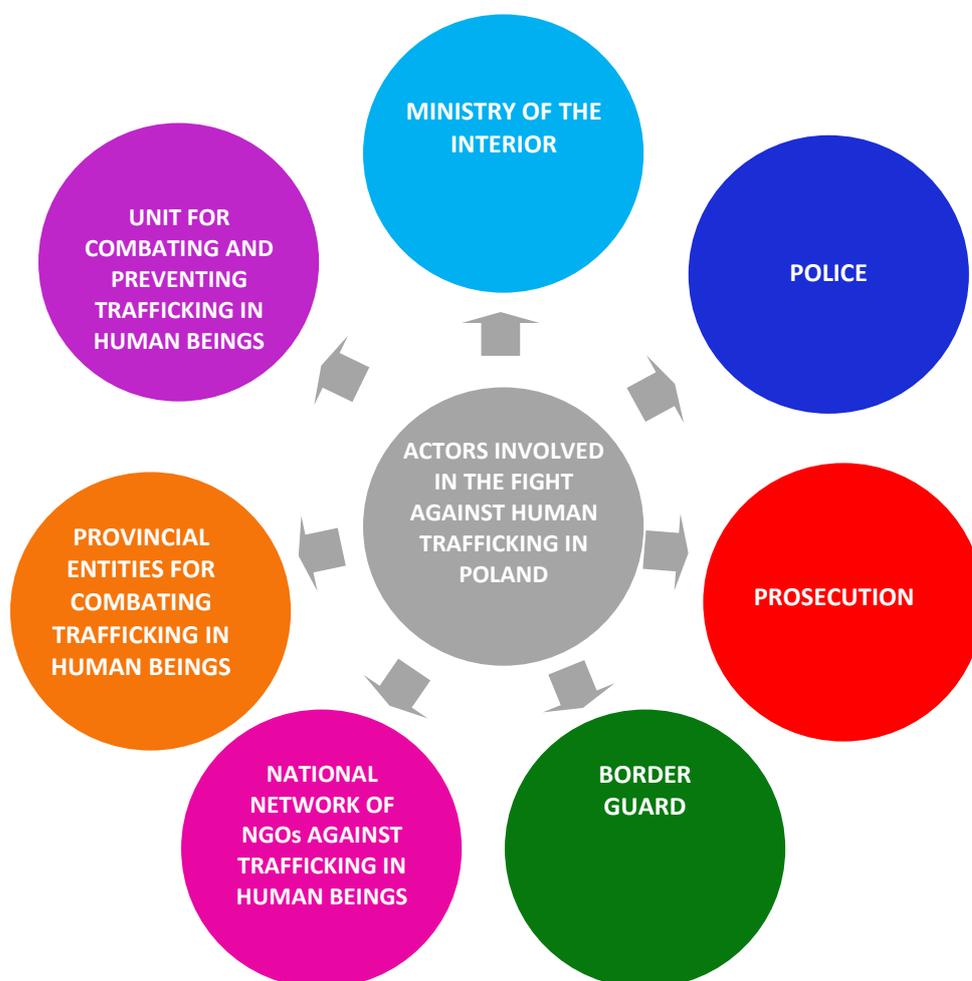
## **2.2. Actors involved in the fight against human trafficking**

A wide range of entities in Poland, including both government agencies and institutions, and non-public authorities, are active in the field of preventing and fighting trafficking in human beings as well as providing assistance to its victims. Key roles are played by the National Consultative Intervention Centre for Victims of Trafficking, Ministry of the Interior, the Police, the Public Prosecutor’s Office, Border Guards, Provincial Entities for Combating Trafficking in Human Beings, the National Network of NGOs against Trafficking in Human Beings and other non-governmental organisations.

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<sup>18</sup> Draft National Action Plan against Trafficking in Human Beings for 2013-2015.

Figure 1. Selected actors involved in the fight against human trafficking in Poland.



Source: developed by HNLAC

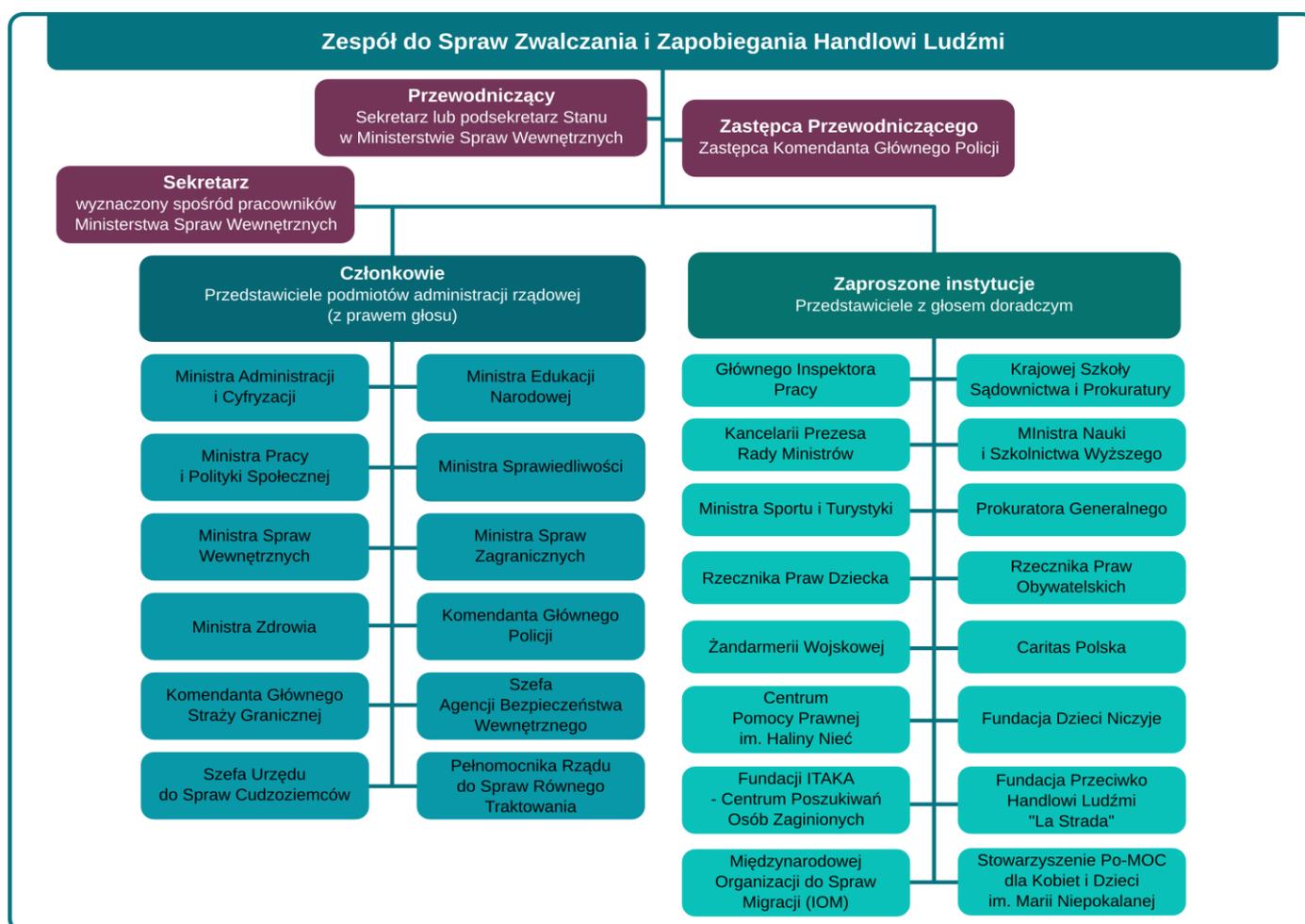
### 2.2.1. Unit for Combating and Preventing Trafficking in Human Beings

**Unit for Combating and Preventing Trafficking in Human Beings** is an opinion-making and advisory body to the Prime Minister and supervises the implementation of the National Action Plan for Combating and Preventing Trafficking in Human Beings.

The Unit for Combating and Preventing Trafficking in Human Beings is an opinion-making and advisory body to the President of the Council of Ministers, established by virtue of President of the Council of Ministers' Order No. 23 of the 5<sup>th</sup> March 2004. It is composed of: undersecretary of state representing the minister competent for internal affairs (the president of the Unit), deputy Police Commander in Chief (the vice-president of the Unit), representatives of the minister of education, the minister

of justice, the minister of internal affairs, minister of social security, minister of foreign affairs, minister of health, the Police Commander in Chief, the Border Guards Commander in Chief, the Government Plenipotentiary for Equal Treatment, and the Head of the Office for Foreigners. Additionally, a range of bodies are invited to cooperate with the Unit for Combating and Preventing Trafficking in Human Beings. These include, inter alia, the President of the Council of Ministers' Chancellery, the National Labour Inspectorate, Public Prosecutor's Office, Commissioner for Civil Rights Protection's Office, The Ombudsman for Children's Office, La Strada Foundation against Trafficking in Persons and Slavery, Caritas Poland, ITAKA Foundation Centre for Missing People, Nobody's Children Foundation, Association Po-MOC, and the HalinaNieć Legal Aid Centre<sup>19</sup>.

Figure 1. Unit for Combating and Preventing Trafficking in Human Beings.

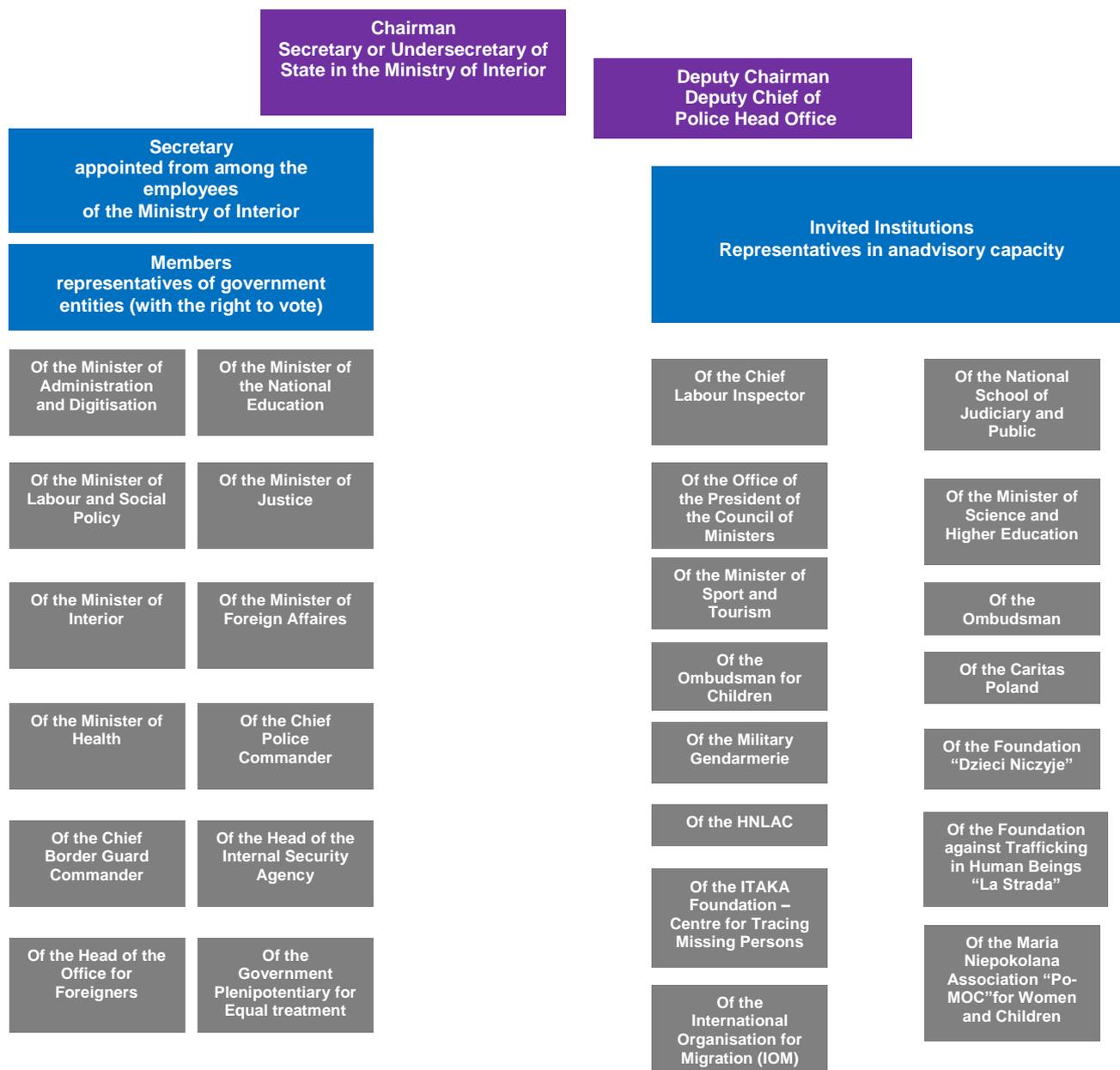


Source: [www.handelludzmi.eu](http://www.handelludzmi.eu)

<sup>19</sup> Unit for Combating and Preventing Trafficking in Human Beings, [http://www.msw.gov.pl/portal/pl/386/1999/Zespol\\_ds\\_Zwalczenia\\_i\\_Zapobiegania\\_Handlowi\\_Ludzmi.html](http://www.msw.gov.pl/portal/pl/386/1999/Zespol_ds_Zwalczenia_i_Zapobiegania_Handlowi_Ludzmi.html)

<sup>20</sup> Report on the implementation of the National Action Plan against Trafficking in Human Beings for 2013-2015 in 2014, <http://www.handelludzmi.eu/hl/baza-wiedzy/krajowy-plan-dzialan/6356,Krajowy-Plan-Dzialan-Przeciwko-Handlowi-Ludzmi-na-lata-2013-2015.html>.

## Unit for Combating and Preventing Trafficking in Human Beings



The goal of the Unit for Combating and Preventing Trafficking in Human Beings is to evaluate the implementation of the National Action Plan against Trafficking in Human Beings, to propose and review actions taken in the field of fighting trafficking and to work together with relevant government agencies. The report on the implementation of the National Action Plan against Trafficking in Human Beings for 2013-2015<sup>21</sup>, in the year 2014 is already available on the Ministry of the Interior's website.

<sup>21</sup>Report on the implementation of the National Action Plan against Trafficking in Human Beings for 2011-2012(as of 31 December 2011), <http://www.msw.gov.pl/portals/pl/390/2174/Dokumenty.html>

Within the Unit for Combating and Preventing Trafficking in Human Beings a Work Group composed of representatives of all member institutions has been created. The group convenes once a month at the Ministry of the Interior to discuss current actions in the field of fighting human trafficking.

### **2.2.2. Provincial Entities for Combating Trafficking in Human Beings**

Provincial Entities for Combating Trafficking in Human Beings were established under the National Action Plan against Trafficking in Human Beings for the years 2013-2015. The purpose of these provincial entities is to develop regional cooperation platforms for representatives of public administration, law enforcement authorities and NGOs working in the field of human trafficking. Their main tasks include coordinating the actions of various institutions and organisations in the region, facilitating common initiatives and exchange of information and good practices on prevention and support to victims.<sup>22</sup> The teams are comprised of representatives of Provincial Offices, Police, Border Guard, the Labour Inspectorate, local governments, the National Network of Non-Governmental Organisations against Human Trafficking and representatives of other NGOs. The exact composition of the teams is dependent on the specifics of the province. Currently, there are seven teams in the following provinces: Mazowieckie (since October 2010), Lubuskie (since May 2014), Lubelskie (since October 2014), Podlaskie (since October 2014), Pomorskie (since November 2014), Malopolskie (since January 2014) and Slaskie (since February 2015). Ultimately, the teams are to be set up in each province.

### **2.2.3. Ministry of the Interior**

The Ministry of the Interior, and in particular the Department of Migration Policy, acts as the major coordinator of national policy for human trafficking. The representative of the minister competent for internal affairs plays a key role in the Unit for Combating and Preventing Trafficking in Human Beings. The Department provides material and organisational support for the Unit<sup>23</sup>.

### **2.2.4. Police**

The Department for Combating Trafficking in Human Beings of the Office of Criminal Service of the Police Head Office was appointed by the Decision of the Chief of Police dated 22th of January 2014 to fight against trafficking in human beings.<sup>24</sup> The tasks of the Department primarily include the fight against crime related to human trafficking, paedophilia and child pornography.

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<sup>22</sup>National Action Plan against Trafficking in Human Beings for the years 2013 - 2015, <http://www.handelludzmi.eu/hl/baza-wiedzy/krajowy-plan-dzialan/6356,Krajowy-Plan-Dzialan-Przeciwno-Handlowi-Ludzmi-na-lata-2013-2015.html>.

<sup>23</sup> Department of Migration Policy, <http://bip.msw.gov.pl/portal/bip/86/15506/>

<sup>24</sup>Department on Combating Trafficking in Human Beings, <http://www.policja.pl/pol/kgp/bsk/struktura/wydzialy/wydzial-do-walki-z-hand/95634,Wydzial-do-Walki-z-Handlem-Ludzmi.html>.

Within the scope of its tasks, the Department for Combating Trafficking in Human Beings cooperates with the judiciary, public administration and state control, NGOs, and social and public services. In addition, the Department carries out activities of an international nature through operational and investigative cooperation with law enforcement authorities in other countries.

Department for Combating Trafficking in Human Beings supervises and coordinates the work of Entities for Combating Trafficking in Human Beings established in the Criminal Divisions of the Provincial Police Head Offices. Provincial Police Entities for Combating Trafficking in Human Beings are supposed to use the solutions adopted in the *Algorithm of conduct of law enforcement officers in the case of disclosure of human trafficking*, conducting reconnaissance, monitoring of potential sites for trafficking offenses and participation in international operations and trainings related to combating human trafficking.<sup>25</sup>

### 2.2.5. Prosecution

The unit of the Public Prosecutor's Office responsible for fighting human trafficking is the Department for Organised Crime and Corruption<sup>26</sup>. It coordinates the Office's actions in the field of prosecuting human trafficking. Moreover, since 2007, prosecutors acting as advisors for the cases of human trafficking have been appointed within the appellate public prosecutor's offices. Including the definition of trafficking in human beings in the Penal Code has notably facilitated the prosecution of this offence by the Police and Public Prosecutor's Office.

### 2.2.6. Border Guards

Border Guards play a particular role in the field of fighting human trafficking with regard to foreign citizens. Acting as the first point of contact, they are often the ones to identify the victims<sup>27</sup>. Like other previously described agencies, the Border Guards participate in the implementation of the National Action Plan against Trafficking in Human Beings.

By virtue of the Decision No. 129 of the Border Guards Commander in Chief, a unit for permanent supervision and coordination of Border Guards' actions in the field of fighting human trafficking was established within the General Border Guards Head Office in 2008. Its role is to coordinate the implementation of actions resulting from the National Action Plan, coordinating Border Guards' operations related to fighting and preventing human trafficking with the consideration of training needs, monitoring and analysing cases of discovered victims, and working together with other relevant authorities.

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<sup>25</sup> System instytucjonalnego podejścia do problemu handlu ludźmi, Marcin Wiśniewski, Instytut Spraw Publicznych, <http://www.isp.org.pl/uploads/pdf/2012093263.pdf>.

<sup>26</sup> Department for Organised Crime and Corruption, <http://www.pg.gov.pl/index.php?0,700>

<sup>27</sup> Border Guards' actions against the offence of human trafficking  
[http://www.strazgraniczna.pl/wps/portal/tresc?WCM\\_GLOBAL\\_CONTEXT=pl/serwis-sg/Handel\\_Ludzmi](http://www.strazgraniczna.pl/wps/portal/tresc?WCM_GLOBAL_CONTEXT=pl/serwis-sg/Handel_Ludzmi)

### 2.2.7. NGOs

Non-governmental organisations perform an invaluable function in the national system of combating human trafficking. The major players are La Strada Foundation against Trafficking in Persons and Slavery, and the Association Po-MOC for Women and Children of Mary Immaculate, which have been running the National Consultative Intervention Centre for Victims of Trafficking for a number of years now. Moreover, a range of other organisations exist which deal with the issue of trafficking in human beings. Among them, the Halina Nieć Legal Aid Centre provides legal aid to the victims free of charge, runs social campaigns, and carries out related educational actions. Some of the organisations acting against human trafficking are members of the Ministry of the Interior's Work Group, including the three above mentioned as well as Caritas Poland, ITAKA Foundation Centre for Missing People and Nobody's Children Foundation.

The role of NGOs is to support government agencies and institutions in their actions against human trafficking, providing support to victims, and raising social awareness.

### 2.2.8. National Network of Non-Governmental Organisations against Human Trafficking

The National Network of Non-Governmental Organisations against Human Trafficking was established in July 2014 within the framework of the project financed by the Norwegian Fund. The Network currently brings together 17 NGOs led by the La Strada Foundation, which will eventually include 28 organisations from all provinces in the country.

The main aim of the entities involved in the project is to create a highly specialised network of organisations countering human trafficking, in order to improve the quality and effectiveness of their work, professionalize activities and strengthen their capacity. This would result in becoming a partner of public institutions and law enforcement authorities in joint activities aimed at preventing and combating human trafficking. Part of the Network's activities include, among other things, strengthening of the Provincial Entities for Combating Trafficking in Human Beings, developing standards for the provision of services for victims of trafficking, especially the standards of safety, privacy and respect for the choices of the victims, and organising a series of workshops on the subject of human trafficking for NGOs. Thanks to the efforts of the Network, selected NGOs from across Poland will be prepared to work with victims of human trafficking, resulting in the possibility of getting professional help in each province.

### 2.3. National Consultative Intervention Centre for Victims of Trafficking

The National Consultative Intervention Centre for Victims of Trafficking is a public task targeted at both Polish and foreign victims of trafficking, implemented since 2009 and financed by the Ministry of the Interior. Each year, an open competition is held for managing the Centre. In 2014, the La Strada Foundation against Trafficking in Persons and Slavery and Association Po-MOC won the call for the Women and Children of Mary Immaculate. The Centre is among the entities implementing the national action plans against trafficking in human

beings<sup>28</sup>. Moreover, the Centre is responsible for the implementation of the Programme of Support and Protection for Victims/Witnesses of Human Trafficking.

The original goal of establishing the Centre was to assist the victims of human trafficking in Poland. Its objectives include identifying the victims, preventive counselling, consulting institutions and organisations, running a specialised shelter for the victims. The Centre's employees provide consulting services from Monday to Friday. This is not only available to the victims of human trafficking, but also to their relatives, institutions and organisations, people in danger being trafficked, law enforcement agencies and judicial authorities.

The initial identification of victims, which is often difficult to carry out, is of key significance to providing them effective support. Subsequently, it is necessary to ensure the victim's security, isolate them from perpetrators, and place them in a safe shelter. The person to whom the support is provided receives complex assistance: lodging, medical and psychological care, legal consultation. The invaluable role of the Centre is evidenced by approximately nine thousand telephone calls per year by people seeking help<sup>29</sup>.

### **2.3.1. Programme of Support and Protection for Victims/Witnesses of Human Trafficking**

Since 2006, the Programme of Support and Protection for Victims/Witnesses of Human Trafficking has been implemented on behalf of the Ministry of the Interior. It is exclusively targeted at foreign nationals – victims of human trafficking in Poland. Initially, in 2006-2009, the Programme constituted a separate public task delegated to a non-governmental organisation. Since the 1<sup>st</sup> of January 2010, it has been a part of a new public task of managing the National Consultative Intervention Centre for Victims of Trafficking, which is also delegated to a non-governmental organisation, selected each year in an open competition.

The goal of the Programme is to guarantee that the victims of human trafficking live with dignity and enjoy all their rights, as well as to build the victims' trust of law enforcement agencies and the judiciary, thus raising their willingness to cooperate with authorities in the field of fighting human trafficking. Every foreign national who supposedly could have been a victim of human trafficking may benefit from the Programme. Nevertheless, terminating all contacts between the victim and the perpetrator as well as cooperating with law enforcement agencies (it is not mandatory to report an offence forthwith; reflection period) are prerequisites of participation in the Programme.

A foreign national qualified to the Programme is provided with complex and diverse assistance, both financial and non-financial. As a part of the Programme, a foreign national who could have

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<sup>28</sup> What is the National Consultative Intervention Centre for Victims of Trafficking, <http://www.kcik.pl/en/index.html>

<sup>29</sup> Assistance provided by the National Consultative Intervention Centre for Victims of Trafficking <http://www.kcik.pl/en/pomoc.html>

been a victim of human trafficking is offered lodging in a safe centre (including care by specialised caseworkers), food, basic medical care, psychological and legal support, assistance in contacts with law enforcement agencies and judicial authorities, as well as interpretation services and legalisation of residence. The latter refers to cases of foreign participants of the Programme who reside in Poland illegally.

Foreign nationals are referred to the Programme by the representatives of law enforcement agencies, whereas the decision regarding their admission is made by a Coordinator who is appointed by the Ministry of the Interior. Each individual participates in the Programme for the duration of the relevant proceedings and until a safe return to their home country is possible<sup>30</sup>.

According to the new Law on Aliens of the 12<sup>th</sup> of December 2013, in force since the 1<sup>st</sup> of May 2014, an alien for whom there is a presumption that he/she is a victim of trafficking, a certificate confirming the existence of this presumption is issued. On the basis of a statement of the alleged victim, the stay on Polish territory shall be regarded as legitimate for a period of three months from the date of issue of this document, or for a period of four months if the foreigner is a minor.

Bodies authorised to issue such certificates are: Police, Border Guards, or the prosecutor conducting the proceedings. From the point of view of trafficking victims, it is very important that the issue of this certificate legalising the three months stay is not dependant on testimony by a foreigner who does not have, even at this stage, to declare his/her willingness to cooperate with law enforcement authorities. In addition to the temporary legislation of residence, this certificate shall also entitle individuals to receive benefits in the form of crisis intervention (shelter, food and clothing), and to an immediate release from the detention facility for foreigners or the guarded centre for foreigners.<sup>31</sup>

The new law on Aliens includes a separate chapter regulating the granting of temporary residence permits for victims of trafficking. These provisions take into consideration provisions of the Council Directive 2004/81/EC of the 29<sup>th</sup> of April 2004 regarding the residence permit issued to third country nationals who are victims of human trafficking or who have been the subject of an action to facilitate illegal immigration; and who cooperate with the competent authorities. They also take into consideration the Directive of the European Parliament and of the Council 2011/36/EU of the 5<sup>th</sup> of April 2011 on preventing and combating trafficking in human beings and protecting victims.

Current procedures for legalisation regarding the stay of foreign victims have been simplified and partly deformed, so as to better meet the needs of this particular category of persons. The provisions of the Aliens Act also provide that after a period of reflection a foreigner will be granted a temporary residence permit, if he/she cooperated with the authority competent to conduct proceedings on combating trafficking in human beings, and terminated contacts with

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<sup>30</sup> Programme of Support and Protection for Victims/Witnesses of Human Trafficking

[http://www.msw.gov.pl/portal/pl/388/7146/Program\\_wsparcia\\_i\\_ochrony\\_ofiaryswiadka\\_handlu\\_ludzmi.html](http://www.msw.gov.pl/portal/pl/388/7146/Program_wsparcia_i_ochrony_ofiaryswiadka_handlu_ludzmi.html)

<sup>31</sup>New Aliens Act came into force on 1 May 2014, <http://handelludzmi.eu/hl/aktualnosci/6412,W-dniu-1-maja-2014-roku-weszla-w-zycie-nowa-ustawa-o-cudzoziemcach.print#czas%20na%20zastanowienie.Program%20wsparcia%20i%20ochrony%20ofiary/%C5%9Bwiadka%20handlu%20ludzmi%C5%BAmi>

persons suspected of committing offenses related to human trafficking. A similar solution functioned well under the previous law too.

A special condition for granting residence permits to victims of trafficking was introduced in the Aliens Act of 2013. It is foreseen that there will also be a possibility to issue a Polish travel document to a foreigner victim, which has a crucial role in case of inability to obtain a travel document of the victim's country of origin. The new law also provides support of an interpreter to victims of human trafficking.

### 3. Trafficking in Human Beings in Poland in 2014 and the first half of 2015

#### 3.1. Statistical data of the National Consultative Intervention Centre for Victims of Trafficking (NCIC) for 2014.

In 2014 the National Consultative Intervention Centre for Victims of Trafficking recorded 8747

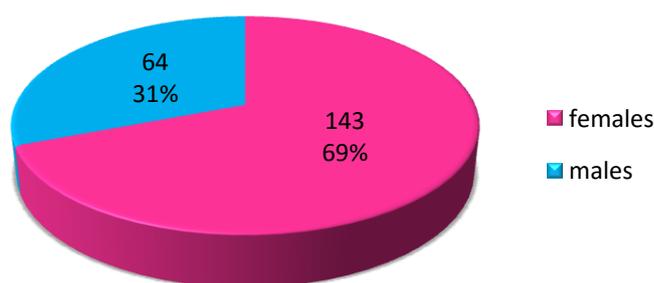
In 2014, **207 people** benefited from the NCIC's help, including **136 foreigners**.

phone calls, which means an average of 24 conversations a day from people in need of help, or seeking information and advice. In addition, 2637 consultations were granted to various institutions.

Moreover, 207 people benefited from direct aid involving NCIC, providing twenty-four hour telephone helpline, shelters for victims, as well as providing comprehensive medical, legal and psychological aid. In 2014 less cases were registered amounting for 15 less people than in the previous year.<sup>32</sup> Just like the year before, approximately 2/3 of the beneficiaries were women.

Figure 2. Beneficiaries of the NCIC in 2014.

Beneficiaries of the NCIC in 2014



Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

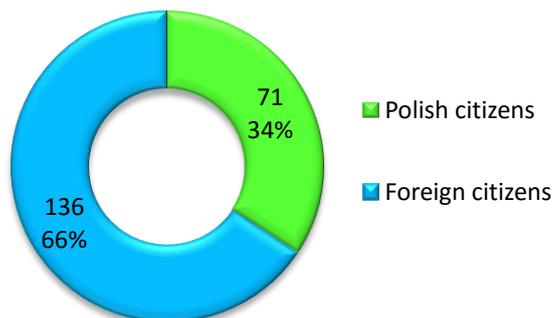
#### 3.1.1. Beneficiaries of the NCIC in 2014 by country of origin

<sup>32</sup>Competition for conducting the National Consultative Intervention Centre for Victims of Trafficking, [http://www.msw.gov.pl/portals/pl/2/9417/Konkurs\\_na\\_prowadzenie\\_Krajowego\\_Centrum\\_Interwencyjno\\_Konsultacyjnego.html](http://www.msw.gov.pl/portals/pl/2/9417/Konkurs_na_prowadzenie_Krajowego_Centrum_Interwencyjno_Konsultacyjnego.html).

The percentage of foreigners benefiting from the NCIC has risen from 54% to 66% of the total number of people benefiting from the aid when compared to 2013. A total number of 136 foreigners benefited from the NCIC's support.

Figure 3. Beneficiaries of the NCIC in 2014, by country of origin.

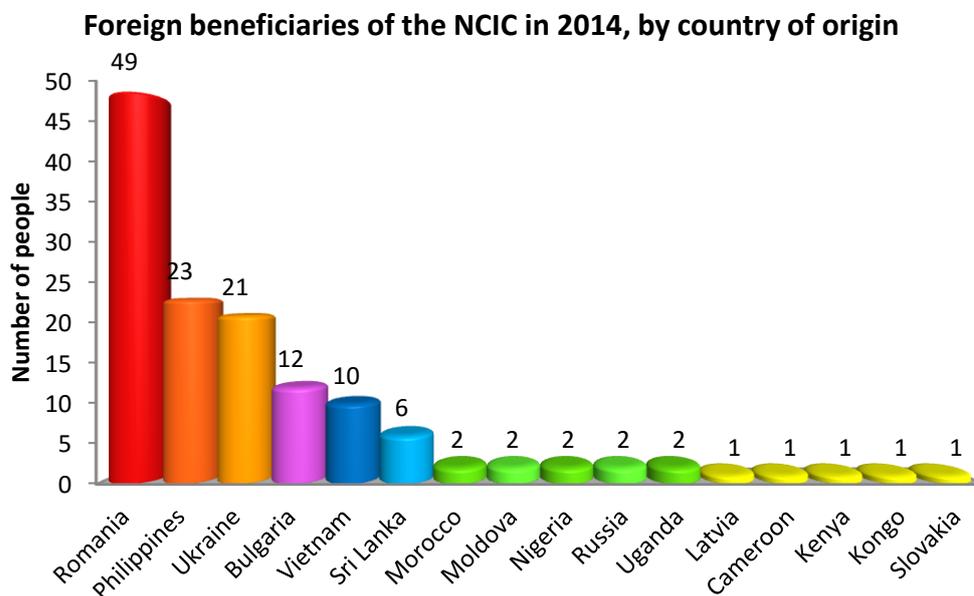
#### Beneficiaries of the NCIC in 2014, by country of origin



Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

Every third foreigner came from Romania, and it was by far the most numerous national group of the NCIC beneficiaries (excluding the Poles) in 2014. The second most prominently represented national group was formed by the citizens of the Philippines (23 people), the third – by Ukrainian nationals (21 people) and the fourth – Bulgarians (12 persons). It is noteworthy to mention that compared to 2013, the number of Bulgarian nationals who benefited from the NCIC has doubled in 2014. The group of Vietnamese nationals (ten people) and the Sri Lankan nationals (six people in 2014 – five more when compared to 2013) followed. Citizens of other countries who have benefited from the NCIC's aid were isolated cases: two Moroccans, two Moldovans, two Nigerians, two Russians and two Ugandans, one person from Latvia, one from Cameroon, one from Kenya, one from Congo and one from Slovakia. In total, 47% of foreigners came from European Union countries (9% less than in 2013), 18% of foreigners came from the rest of Europe, 29% came from Asia and 6% from Africa. It is a permanent trend, and in the years 2012–2013 the percentage of representatives of the continents in the total number of beneficiaries of the NCIC stood very similarly.

Figure4.Foreign beneficiaries of the NCIC in 2014, by country of origin.



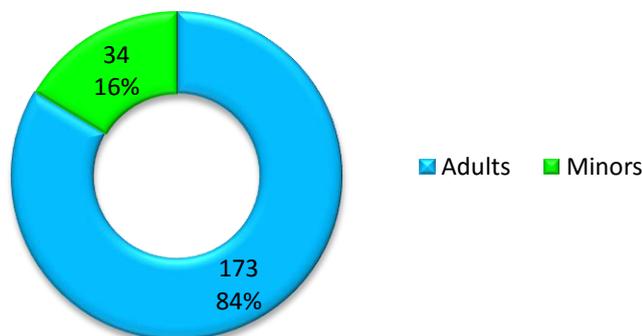
Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

### 3.1.2. Beneficiaries of the NCIC in 2014, by age

The percentage of minors in the total number of beneficiaries of the NCIC in 2014 was very similarly compared to 2013. Back in 2013 minors in the total number of the NCIC's beneficiaries was equal 14%, in 2014 this number was equal 16%. Adults, therefore, constituted the vast majority (84%) of those receiving direct aid from the NCIC.

Figure5.Beneficiaries of the NCIC in 2014, by age.

### Beneficiaries of the NCIC in 2014, by age



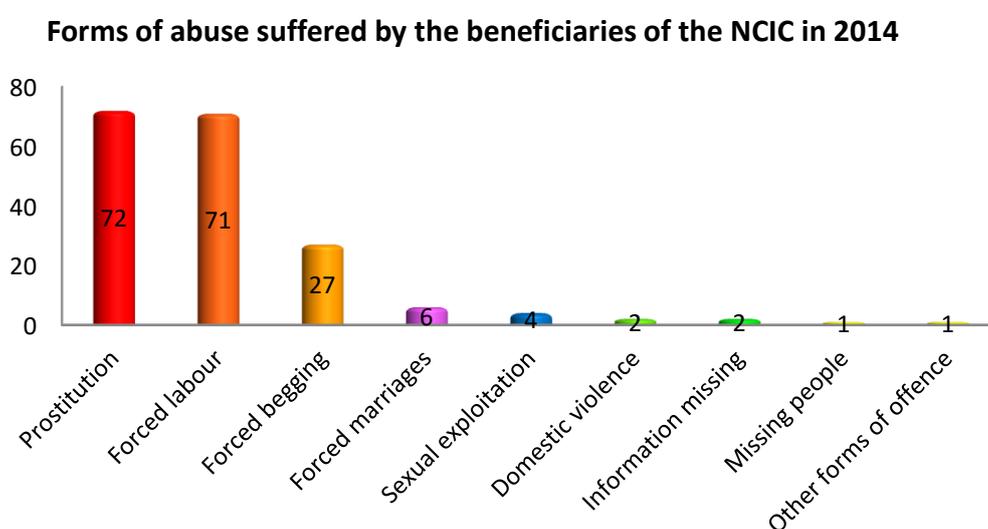
Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

### 3.1.3. Forms of offence of the beneficiaries of the NCIC

Prostitution and forced labour were the two most common forms of offence committed against the victims of human trafficking, who benefited from the NCIC's aid in 2014. Among the total number of 207 people, 27 of them were forced into begging (13%). An increase of 4.5% has

been observed with regard to this form of offence compared to 2013. When it comes to forced marriages, a total number of six people (3%) claimed this type of offence; whilst four people (2%) became victims of the sexual exploitation. There were also two registered cases of domestic violence and one case of disappearance of the victim. In relation to one victim of the human trafficking, another form of offence was exercised. There is no information as to the form of offence in relation to two other victims. One of the victims was diagnosed with mental disorders. It should be noted, that in 20 cases no offence was found, including in relation to 14 children.

Figure 6. Forms of abuse suffered by the beneficiaries of the NCIC in 2014.



Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

### 3.1.4. Forms of aid provided to the beneficiaries of the NCIC in 2014

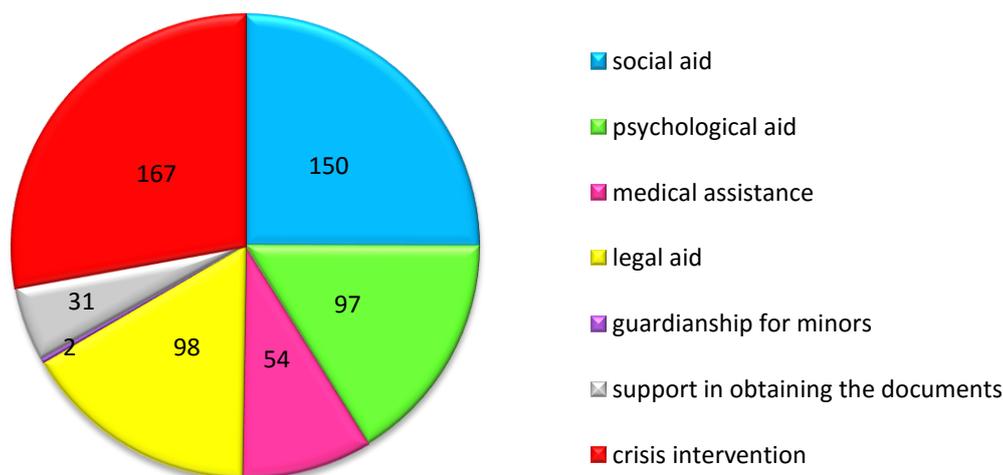
All the 207 applicants for the NCIC's assistance were diagnosed with the specific needs in their individual situations. Based on this diagnosis, the NCIC provided the most comprehensive and adequate assistance in various forms. Crisis intervention was provided in 167 cases (three more than in 2013), social assistance was granted to 150 people, medical aid was provided to 54 people, 97 people received psychological support and 98 people received legal aid. A guardian was appointed to two minors originating from Vietnam. Support in obtaining the documents was granted to 31 beneficiaries of the NCIC's aid, including 20 cases of legalising foreigners' stay in Poland. Two applications for refugee status were submitted to the Polish authorities; in one case assistance was provided to the victim during a status hearing. In relation to 37 victims applying for aid, the NCIC provided advice on obtaining the temporary residence permit due to employment undertaken in Poland. A total number of 16 applications for the temporary residence permits were submitted.

The foreigners who have received support from the NCIC had the following legal basis to stay in Poland: 63 people had EU citizenship (49 Romanians, 12 Bulgarians, one Latvian and one

Slovak), 22 people had a certificate issued pursuant to Art. 170 of the Aliens Act for alleged victims of human trafficking, seven people had a temporary residence and work permit, and 17 foreign nationals had a temporary residence permit for victims of human trafficking (pursuant to Art. 176 of the Aliens Act).

Figure 7. Forms of aid provided to the beneficiaries of the NCIC in 2014.

#### Forms of aid provided to the beneficiaries of the NCIC in 2014

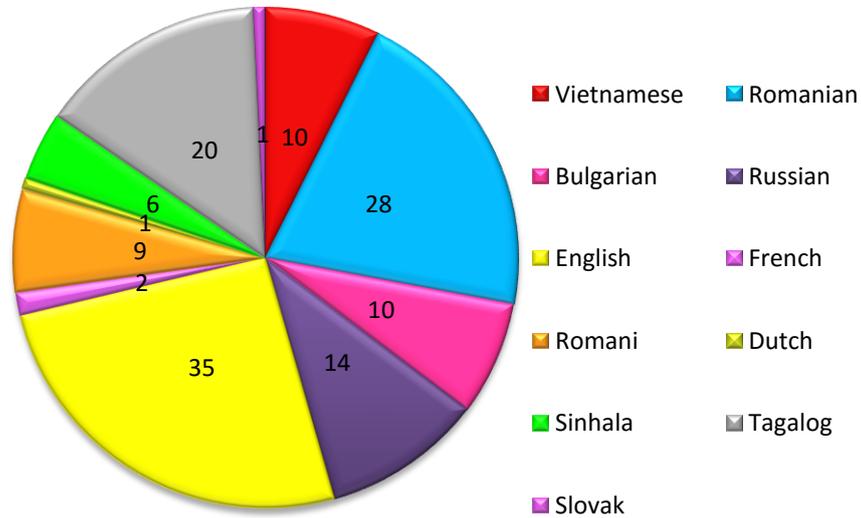


Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

Just as in the previous years, provision of translation services was required due to the fact that most of the NCIC's beneficiaries were foreigners. Most people have benefited from translation into English (35 beneficiaries), followed by Romanian (28 beneficiaries), Tagalog (20 beneficiaries) and Russian (14 beneficiaries). Ten people took advantage of translation into Bulgarian and Vietnamese. Not much less – a number of nine beneficiaries – have benefited from the translation into Romani. In individual cases, translations into Sinhala, French, Dutch and Slovak were provided. In total, translations into 11 languages were made.

Figure 8. Provision of the translation services to the beneficiaries of the NCIC in 2014.

**Provision of the translation services to the beneficiaries of the NCIC in 2014**



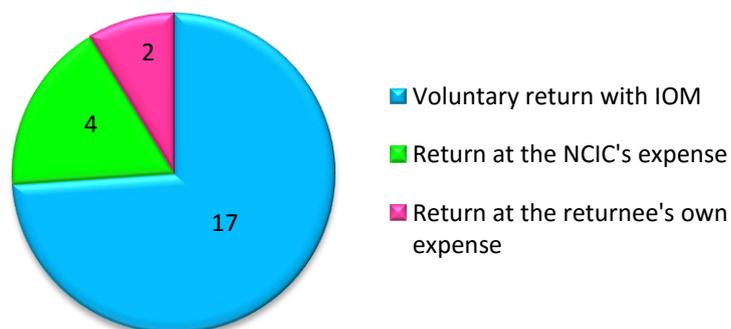
Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

**3.1.5. Returns of foreigners –beneficiaries of the NCIC to their countries of origin in 2014**

Return procedures to countries of origin were organised for a total number of 23 beneficiaries of the NCIC’s aid, which is about 11 less cases than in 2013. The predominant, 17 number of cases, returns were organised under the voluntary return procedures with assistance of the International Organization for Migration. This was the case for six citizens of Romania, five citizens of Bulgaria, five citizens of the Philippines and one citizen of Slovakia. As for the rest, four people returned to their home countries at the expense of the NCIC, and two people on their own expense.

Figure 9. Returns of foreigners – beneficiaries of the NCIC to their countries of origin in 2014.

**Returns of foreign beneficiaries of the NCIC's aid to the countries of origin in 2014**

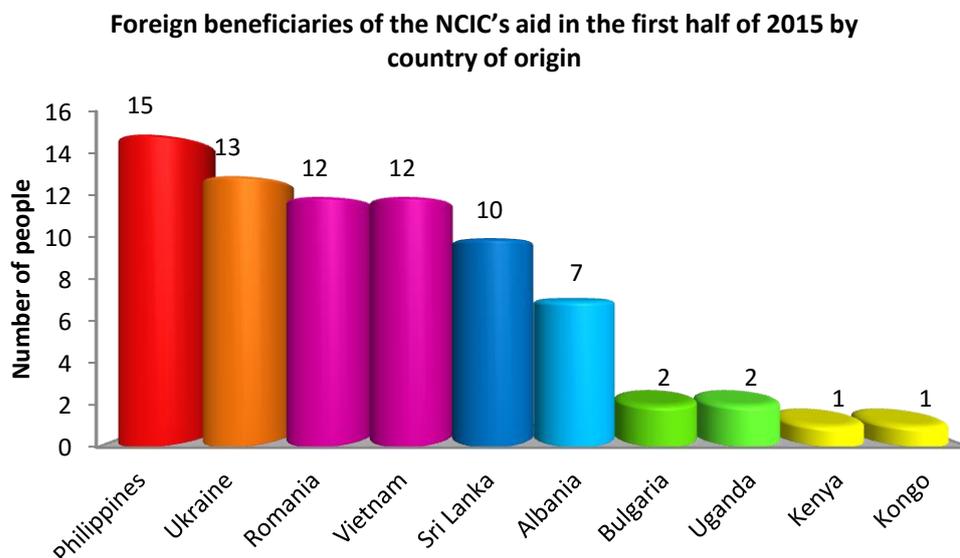


Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

### 3.2. Statistical data of the National Consultative Intervention Centre for Victims of Trafficking (NCIC) for the first half of 2015

Statistics for the first six months of operation of the National Consultative Intervention Centre for Victims of Trafficking in 2015 shared by the La Strada Foundation, reveal that 135 people (60 Poles and 75 foreigners) benefited from the support of the NCIC in the period indicated. Among the beneficiaries of the support were 86 females and 49 males. Minors accounted for 13% of the total number of beneficiaries (18 people, including 12 abused children), 16 people testified during the preliminary investigation, and five people testified in a criminal trial on trafficking in human beings under Article 189a (1) of the Penal Code. NCIC's employees have dealt with 5006 phone calls, or an average of 28 calls a day in the indicated period. Moreover, 1211 various institutions received the advice sought.

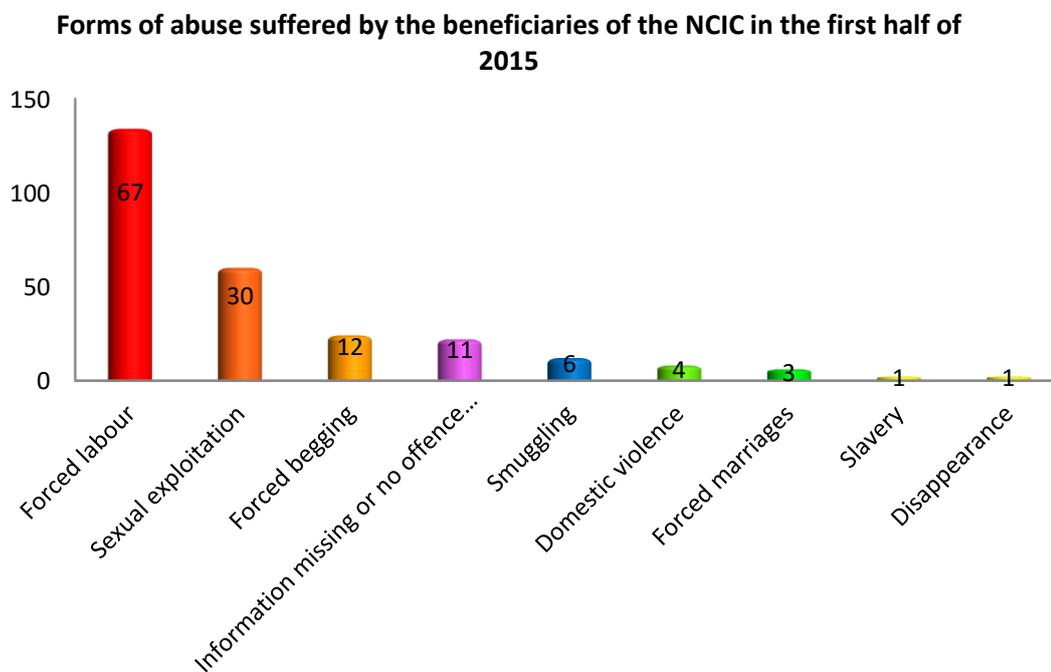
Figure 10. Foreign beneficiaries of the NCIC's aid in the first half of 2015 by country of origin.



Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

The majority of foreign citizens (15 people) came from the Philippines (20% of the total number of foreign beneficiaries), 13 foreign nationals came from Ukraine (17%), 12 people came from each Romania and Vietnam (16% respectively), ten people came from Sri Lanka (13%) and seven people came from Albania (9%). Two people from both Bulgaria and Uganda addressed the NCIC for help (2.5% respectively), and finally, one individual came from Kenya and one person came from Congo (less than 1.5% respectively).

Figure 11. Forms of abuse suffered by the beneficiaries of the NCIC in the first half of 2015.

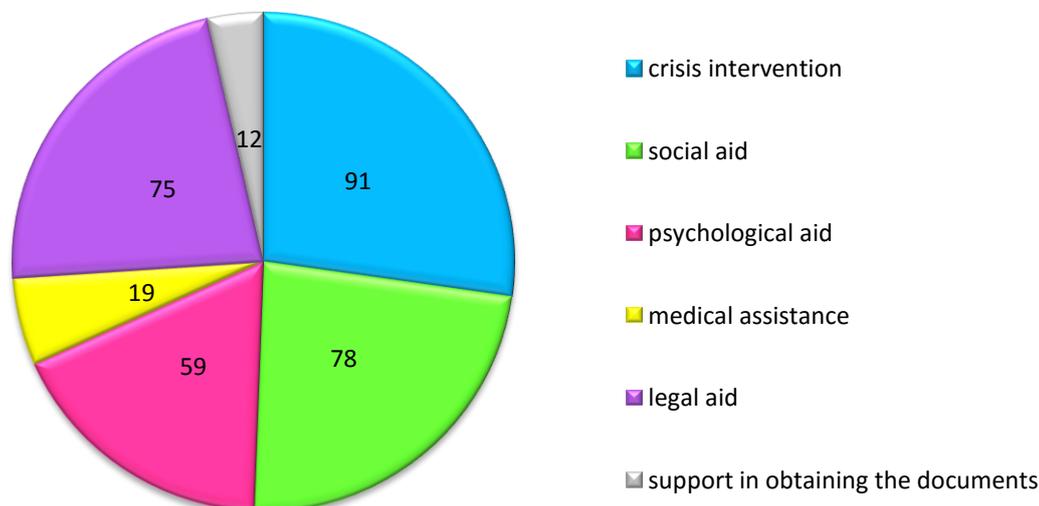


Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

The vast majority of the NCIC's beneficiaries were victims of the forced labour exploitation in the first half of 2015 (67 people out of 135). More than half of the total number of victims have been sexually abused. A total number of 12 people were forced to begging, whilst six people have been exploited for smuggling. Domestic violence was exercised on four victims, and three people have been forced to marriages. There were isolated recorded cases of slavery and disappearances. In relation to 11 beneficiaries of the NCIC, there was no exploitation in trafficking in human beings established, or there is no information as to the form used.

Figure12.Forms of aid provided to the beneficiaries of the NCIC in the first half of 2015

**Forms of aid provided to the beneficiaries of the NCIC in the first half of 2015**

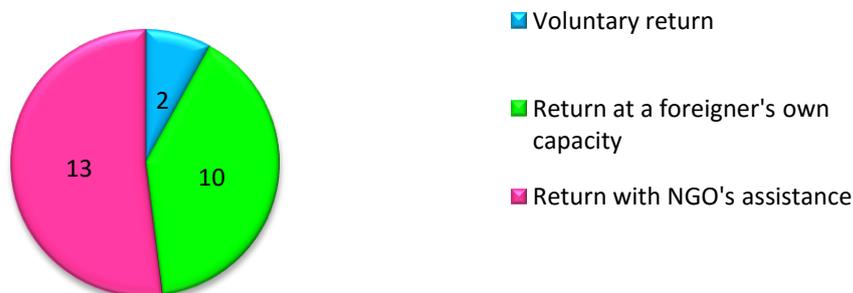


Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

All the applicants for the NCIC's assistance were diagnosed by the specific needs in their individual situations. Based on this diagnosis, the NCIC provided the most comprehensive and adequate assistance. A number of 91 people benefited from crisis intervention, 78 people received social aid, 75 applicants were granted legal aid, psychological aid was provided to 59 people and 19 people received medical assistance. In addition, 12 people were supported in the process of obtaining documents.

Figure13>Returns of foreigners – beneficiaries of the NCIC to their countries of origin in the first half of 2015

**Returns of foreign beneficiaries of the NCIC to their countries of origin in the first half of 2015**



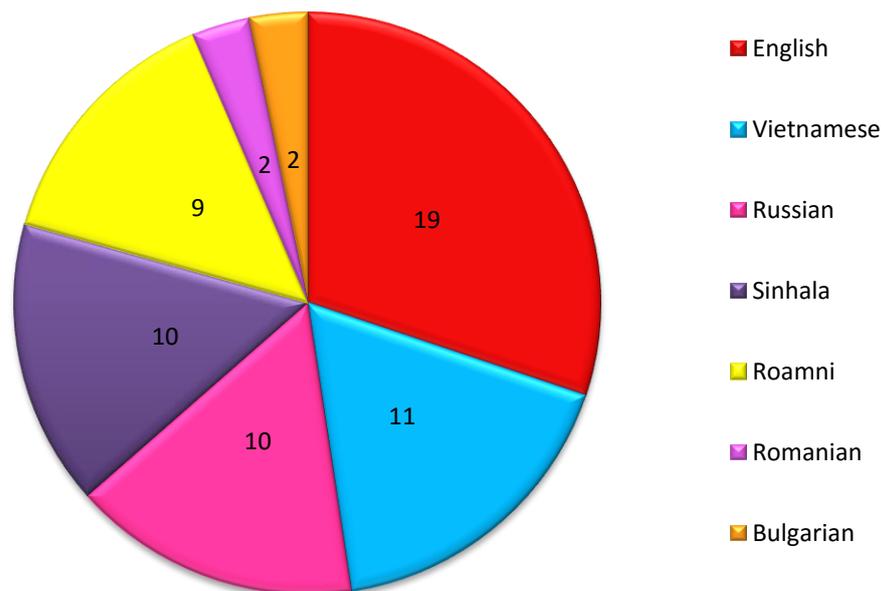
Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

A total number of 25 foreigners covered by the support of the NCIC decided to return to their country of origin in the first half of 2015. Another group of 13 people returned to the countries of origin with the assistance of NGOs (this concerns the Poles returning to Poland), while ten people returned at their own capacity (eight Poles, one Ukrainian person and one person with

Romanian citizenship). Another two foreign nationals coming from Bulgaria returned to their country of origin with the help of the International Organization for Migration.

Figure 14. Provision of the translation services to the beneficiaries of the NCIC in the first half of 2015

**Provision of the translation services to the beneficiaries of the NCIC in the first half of 2015**



Source: developed by the HNLAC, based on the data delivered by La Strada Foundation.

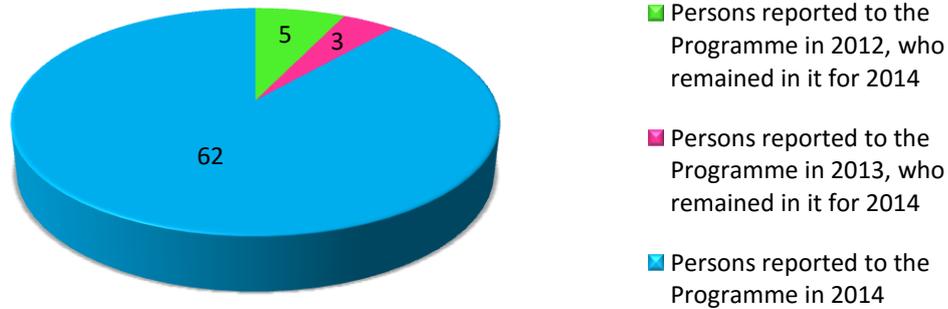
The NCIC provided translation services to the foreign beneficiaries also in the first half of 2015. In total, translations into seven foreign languages were delivered, the majority of which were made into English (19 times), equalling almost half that figure into Vietnamese (11 times), ten times into Sinhala, ten times into Russian, and nine times into the Romani language. Translations into Romanian and Bulgarian were delivered twice for each language.

### **3.3. Implementation of the Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings in 2014**

#### **3.3.1. The number of foreigners covered by the Support Programme in 2014.**

Figure15. The number of human trafficking victims covered by the Support Programme in 2014.

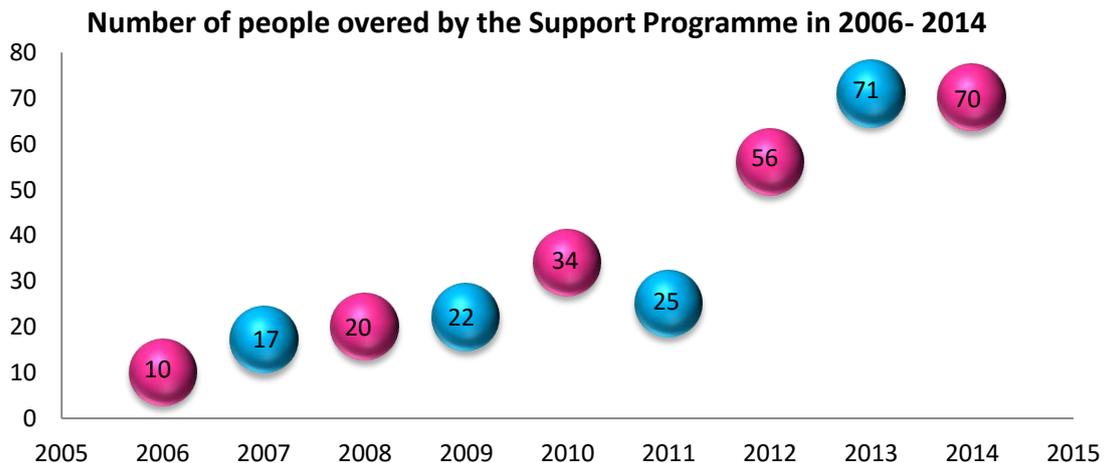
**The number of human trafficking victims covered by the Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings in 2014**



Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

In 2014, 70 foreigners victims of trafficking in human beings were covered by the Support Programme, of which 62 people were reported in 2014 and eight people reported in previous years. A number of 15 foreign victims of trafficking in human beings remained in the Programme for 2015. Compared to previous years, an exceptionally high number of participants remained in the Programme. While taking into consideration all the years of functioning of the Support Programme, i.e. 2006–2013, the last year’s number of foreigners was almost the same as in the record year 2013 (71 people covered by the Programme). Back in 2013, the number of beneficiaries of the Programme was 127% higher than in 2012, and about 284% higher than in 2011, and as much as 560% times higher than in 2006.

Figure16. Number of people covered by the Support Programme in the years 2006 - 2014.



Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

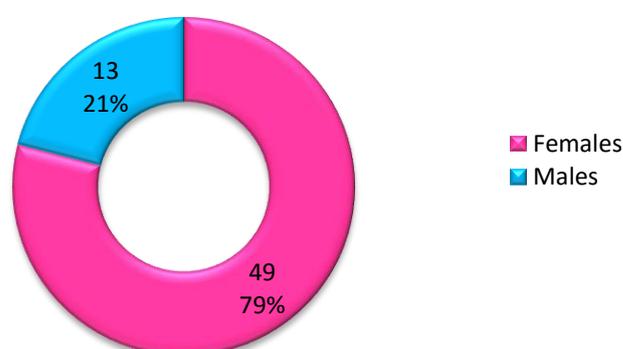
All statistical data presented below relate exclusively to individuals reported to participate in the Support Programme in 2014 (i.e. 62 people).

### 3.3.2. Gender of foreigners covered by the Support Programme in 2014

The proportion of men and women in the total number of people covered by the Support Programme showed different results in 2014. Among 62 foreigners covered by the Support Programme in 2014, there were as many as 49 females (79%) and only 13 males (21%). In previous years, the difference between the number of men and women covered by the Programme was not as significant, usually amounting to several per cent.

Figure 17. Gender of victims of trafficking in human beings reported to the Support Programme in 2014

**Gender of victims of trafficking in human beings reported to the Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings in 2014**



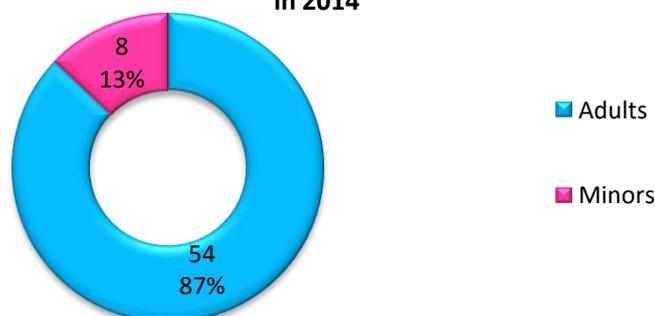
Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

### 3.3.3. Age of foreigners covered by the Support Programme in 2014

The breakdown of the beneficiaries of the Support Programme in 2014 by their age presents similarly to the preceding year. Out of 62 persons covered by the Programme, eight were children, the rest were adults. This means, that adults accounted for almost 90% of all foreigners participating in the program. The oldest person was 62 years old, while the youngest person was one year old. The average age of foreigners was 29 years.

Figure 18. Age of victims of trafficking in human beings reported to the Support Programme in 2014

**Age of victims of trafficking in human beings reported to the Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings in 2014**

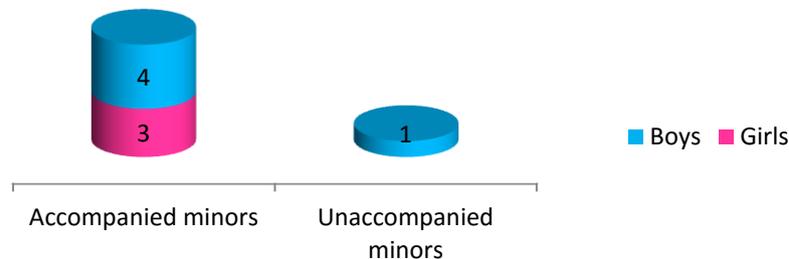


Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

Among the eight minors covered by the Support Programme in 2014, seven minors were accompanied, while neither a parent nor guardian accompanied only one minor. The unaccompanied minor was a 17 year-old Vietnamese national. As for minors accompanied by adults, these were four boys aged 13, 11 and in two cases – one year-olds; and three girls aged 16, nine and seven years old. They were all Romanian citizens.

Figure 19. Minor victims of trafficking in human beings reported to the Support Programme in 2014

**Minor victims of trafficking in human beings reported to the Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings in 2014**



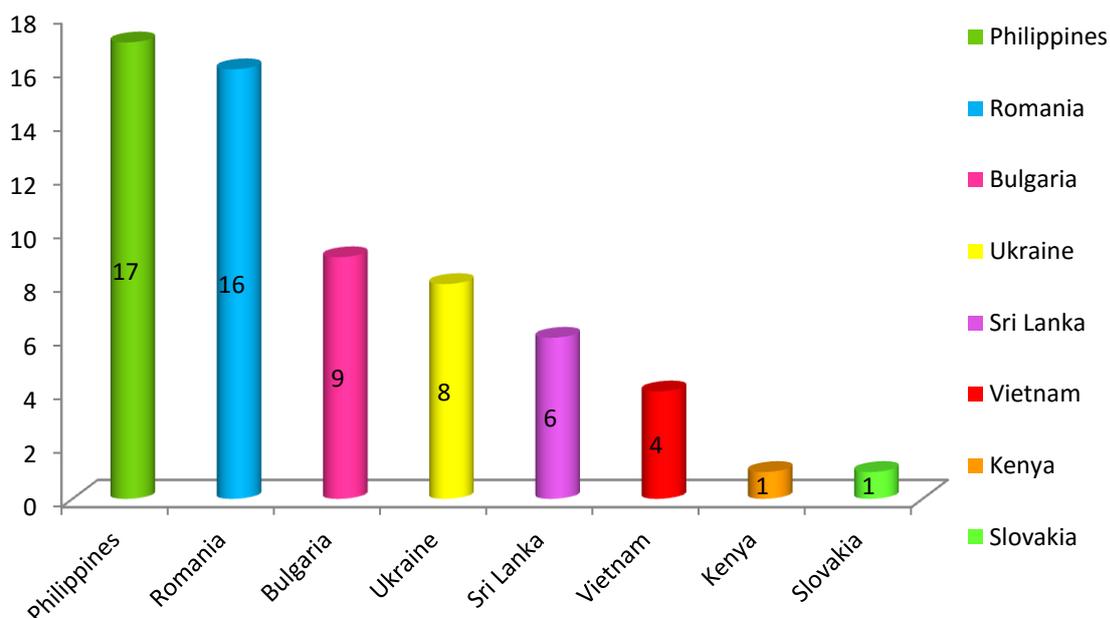
Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

**3.3.4. Nationality of victims of trafficking reported to the Support Programme in 2014**

The majority of victims of trafficking in human beings covered by the 2014 Support Programme came from the Philippines (27%) and Romania (26%). Less than ten foreigners came from Bulgaria, Ukraine, Sri Lanka and Vietnam. From each of the countries, i.e. Kenya and Slovakia, one national was reported to the Programme. Compared to 2013, a particularly significant increase in the number of victims of trafficking in human beings was noted in relation to the nationals from the Philippines (one person in 2013 and 17 people in 2014). Therefore, the Romanian nationals, being the most numerous national group participating in the program in 2013, moved to the second place in 2014 (36% in 2013 and 26% in 2014). Overall, most of the victims came from Asia (43,5%), followed by the European Union (42%), other European countries amounted to 13% of victims, who were covered by the Support Programme and the least number of victims came from Africa (1.5%).

Figure 20. Nationality of victims of trafficking reported to the Support Programme in 2014

**Nationality of victims of trafficking reported to the Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings in 2014**



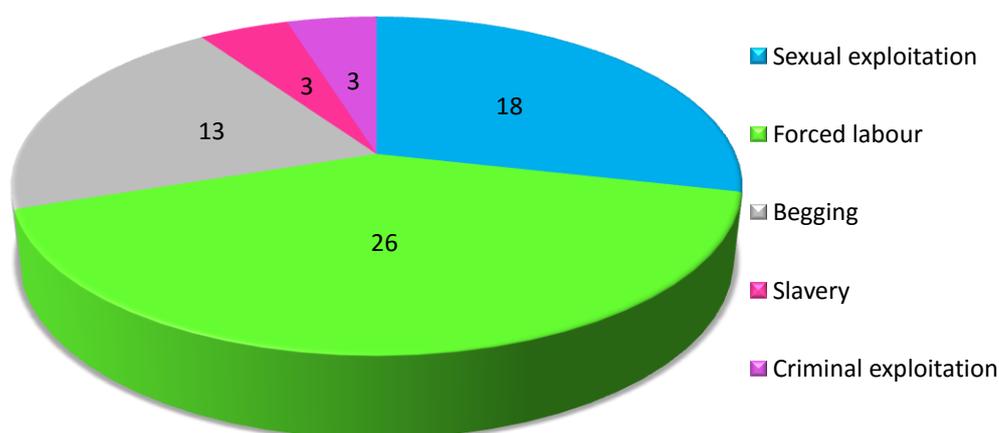
Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

**3.3.5. Forms of offence of victims of human trafficking reported to the Support Programme in 2014**

Victims of trafficking in human beings covered by the Support Programme in 2014 became subject to various forms of offence. The majority, 26 out of 62 people (i.e. 41%), became victims of forced labour exploitation. There were registered 18 cases of sexual exploitation and 13 cases of forced begging. Three victims were exposed to slavery practices and three other people became victims of criminal exploitation. One of the victims originating from Slovakia reported two forms of offence: forced labour and forced begging. Over the years of operating of the Support Programme (since 2006), the forms of offence of victims of trafficking in human being have been changing. Initially, the majority was victims of sexual exploitation and other forms of offence played a rather marginal role. In 2010 the number of cases of sexual exploitation and forced labour equalled. In 2011, the first case of slavery was reported. A substantial proportion of victims of human trafficking report an offence of a forced begging every year.

Figure 21. Forms of offence of victims of human trafficking reported to the Support Programme in 2014

**Forms of offence of victims of human trafficking reported to the Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings in 2014**



Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

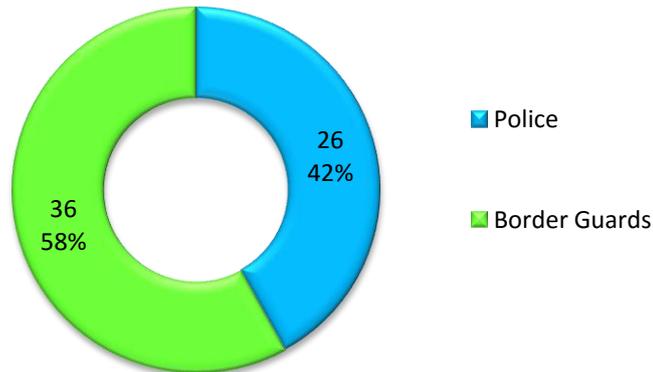
**3.3.6. Identification of victims of human trafficking reported to the Support Programme in 2014.**

As a rule, Police and the Border Guard identify foreigners as victims of trafficking and report them to the Support Programme. In 2014, the Border Guard issued identification in 58% of cases, and Police identified the rest 42% of cases. These entities use the provision on identification and reporting adopted in the *Algorithm of conduct of law enforcement officers in the case of disclosure of human trafficking*.<sup>33</sup> The prosecutor's public office can also identify the victim and report him/her to the Programme, however in practice it happens rarely – there was only one such case reported in 2008. Identification of victims of trafficking in human beings is a crucial element in the whole system for combating and preventing trafficking in human beings. Effective identification is decisive in terms of whether the victim of human trafficking receives appropriate support.

<sup>33</sup>*Algorithm of conduct of law enforcement officers in the case of disclosure of human trafficking*, <http://www.strazgraniczna.pl/wps/wcm/connect/4e85cf004103472aa372b3ff9e6aba3f/ALGORYTM+post%C4%99powania.pdf?MOD=AJPERES&CACHEID=4e85cf004103472aa372b3ff9e6aba3f&CACHEID=4e85cf004103472aa372b3ff9e6aba3f&CACHEID=4e85cf004103472aa372b3ff9e6aba3f&CACHEID=4e85cf004103472aa372b3ff9e6aba3f>.

Figure 23. The entity in charge of identification of victims of trafficking in human beings and of reporting them to the Support Programme in 2014.

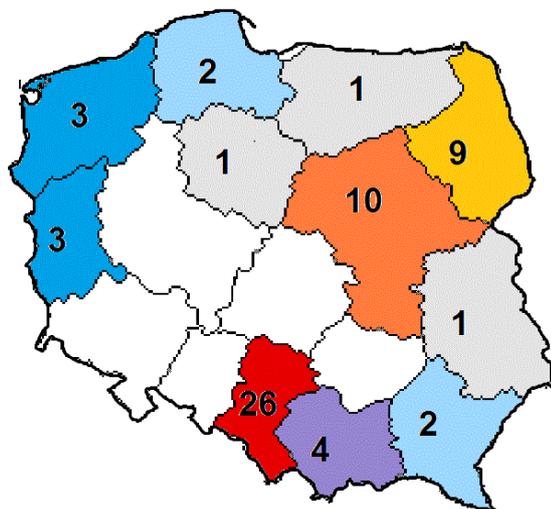
**The entity in charge of identification of victims of trafficking in human beings and of reporting them to the Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings in 2014**



Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

In 2014, a significant change was noted in identifying and reporting victims of trafficking in human beings to the Support Programme by province in comparison to 2013. The biggest number of foreigners was reported in Silesian province (26 people – 40%), followed by Mazowieckie province (ten people), Podlaskie province (nine people) and Malopolskie province (four people), in 2014. To each of the Lubuskie and Pomorskie provinces three people were reported to the Support Programme. Another two people were reported to the Programme in Podkarpackie province and two people in Pomorskie province. There were reported some isolated cases in Kujawsko-Pomorskie, Lubelskie and Warminsko - Mazurskie provinces. Particular attention should be paid to the significant decrease in the number of foreigners reported to the Support Programme from the Malopolskie province, in which there was the highest number of cases reported in the year 2013 (17 cases – the most numerous of all the provinces).

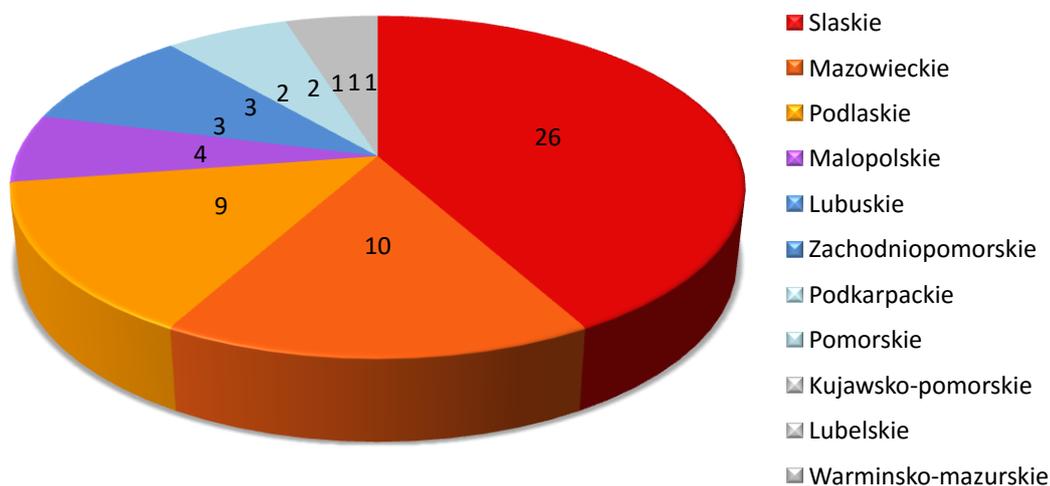
Figure 22. Identification of victims of trafficking in human beings and reporting to the Support Programme in 2014, by province.



Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

Figure 23. Reporting of victims of trafficking in human beings to the Support Programme in 2014, by province.

**Reporting of victims of trafficking in human beings to the Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings in 2014, by province**



Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

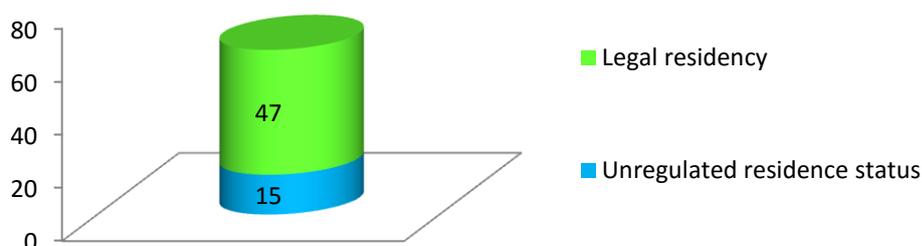
**3.3.7. Status of residence on the territory of the Republic of Poland of foreigners reported to Support Programme in 2014**

The percentage of foreigners, who at the time of reporting to the Support Programme had unregulated status in Poland, significantly increased: from 3.5% of the total number of beneficiaries in 2013 to 24% in 2014. Among 62 foreigners covered by the Support Programme

in 2014, 47 stayed in Poland legally, while 15 people had unregulated residence status at the time of reporting to the Programme. Among 47 foreigners, 26 had a citizenship of the European Union, 14 stayed in Poland based on a temporary work and residence permit, six people stayed on the basis of visas, and one person stayed on the basis of a temporary residence permit for education purposes. All 15 people with unregulated status in Poland were able to legalise their status on the basis of certificates issued according to the Article 170 of the Aliens Act. Following that, two people out of 15, applied for a temporary residence permit for victims of trafficking inhuman beings (pursuant to Article 176 of the Aliens Act).

Figure 24. Status of residence on the territory of the Republic of Poland of foreigners reported to Support Programme in 2014.

#### Status of residence on the territory of the Republic of Poland of foreigners reported to Support Programme in 2014

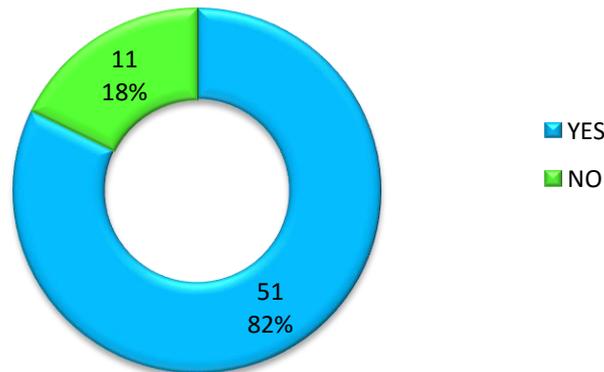


Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

In most cases, victims of trafficking in human beings covered by the Support Programme agreed to testify, which was also the case in the previous years. This was done by 51 foreigners - 85% of the total number of beneficiaries of the Programme. Refusal to testify was received in 11 cases, including in six cases due to the foreigners' age (minors), and in one case due to an aggravated psychological state.

Figure 25. Consent for testifying from the victims of trafficking in human beings reported to the Support Programme in 2014.

**Consent for testifying from the victims of trafficking in human beings reported to the Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings in 2014**



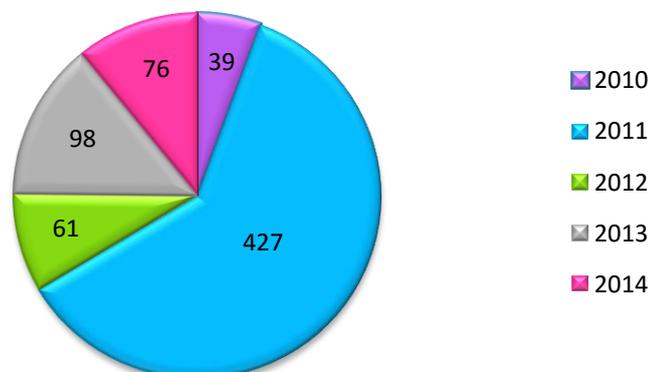
Source: developed by the HNLAC, based on the data delivered by the Ministry of the Interior.

**3.3. Statistical data on human trafficking - Art. 189a (1) of the Penal Code in 2014**

According to the data received from the Department for Combating Trafficking in Human Beings functioning in the structure of the Office of Criminal Service of the Police Head Office, there were 76 crimes of trafficking in human beings of the Article 189a (1) of the Penal Code detected in Poland in 2014. In this regard, a decrease of 22% can be noted compared to the number of crimes detected in 2013.

Figure 26. Number of offenses of trafficking in human beings detected during in the years 2010-2014.

**Number of offenses of trafficking in human beings detected during in the years 2010-2014**



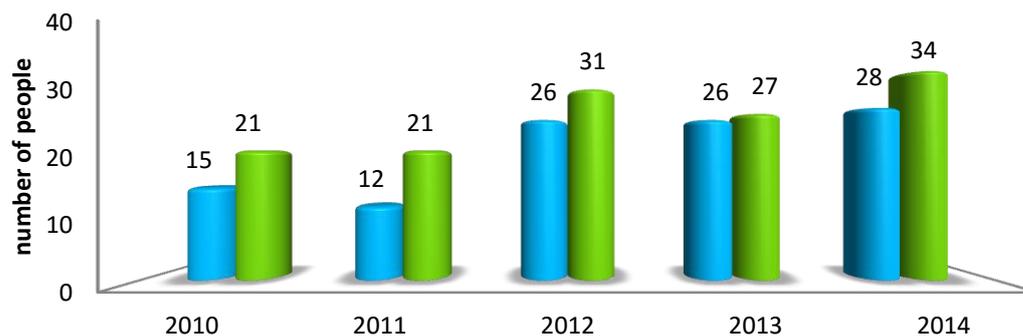
Source: developed by the HNLAC, based on the data delivered by the Police Head Office.

There were 28 proceedings initiated in connection with an offense of human trafficking in 2014, which is two more cases than in 2013. Another 34 proceedings were concluded in 2014 (seven

more than in 2013). Thus, the year 2014 could be considered a year with the highest number of concluded proceedings in the past five years.

Figure 27. Proceedings in connection with an offense of trafficking in human beings in the years 2010-2014.

### Proceedings in connection with an offense of trafficking in human beings in the years 2010-2014



	2010	2011	2012	2013	2014
Proceeding initiated	15	12	26	26	28
Proceeding concluded	21	21	31	27	34

Source: developed by the HNLAC, based on the data delivered by the Police Head Office.

There was a number of 50 identified victims of trafficking in human beings, according to the Article 189a (1) of the Penal Code in 2014, which is 49% less than in 2013. In the same year, 11 perpetrators of the trafficking in human beings were determined, which means that either one perpetrator is accountable for more than one victim or that not all perpetrators are detected.

Figure 28. Perpetrators and victims of human trafficking in the years 2010-2014.



Source: developed by the HNLAC, based on the data delivered by the Police Head Office.

There were a total number of 76 crimes of trafficking in human beings found in Poland in 2014, among which there were 50 victims and 11 perpetrators. Among the victims identified, there were 13 cases of the forced labour exploitation or forced exploitation in services, and 37 cases of exploitation in prostitution, pornography or other forms of sexual exploitation. Males accounted for 14% of the victims, whilst females accounted for 86% of the total number of victims in trafficking in human beings in 2014. Almost all the victims were adults (49 people), except for one minor person. Polish citizens were victims of 18 offenses; another 30 victims had the Ukrainian nationality and two victims came from Bulgaria. All the foreign nationals (32 people) were exploited in prostitution, pornography or other forms of sexual exploitation. Moreover, 28 investigations in connection with the Article 189a (1) of the Penal Code were initiated and 34 proceedings concluded in 2014.

#### **3.4. Statistical data on human trafficking - Art. 189a (1) of the Penal Code in the first half of 2015.**

There were a total number of 28 cases of trafficking in human beings found in Poland in the first half of 2015, among which there were 22 victims or those with a status of a victim, and 11 perpetrators identified. Among the victims identified, there were six cases of the forced labour exploitation or forced exploitation in services, and 16 cases of exploitation in prostitution, pornography or other forms of sexual exploitation. All the victims were adult females, of which seven held the Polish citizenship, 13 were Ukrainian nationals and two victims came from Romania. In the period indicated, 16 proceedings in connection with the Article 189a (1) of the Penal Code and two proceedings in connection with the Article 189a (2) of the Penal Code were concluded. In addition, 20 investigations on the trafficking in human beings were initiated, which is only eight cases less than in the entire year of 2014.

### 3.5. Trafficking in children

Trafficking in children is a particularly significant aspect of this malpractice. Annually, children account for as much as one third of approximately two million victims worldwide. According to the provisions of the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* of 2000, *sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration.*

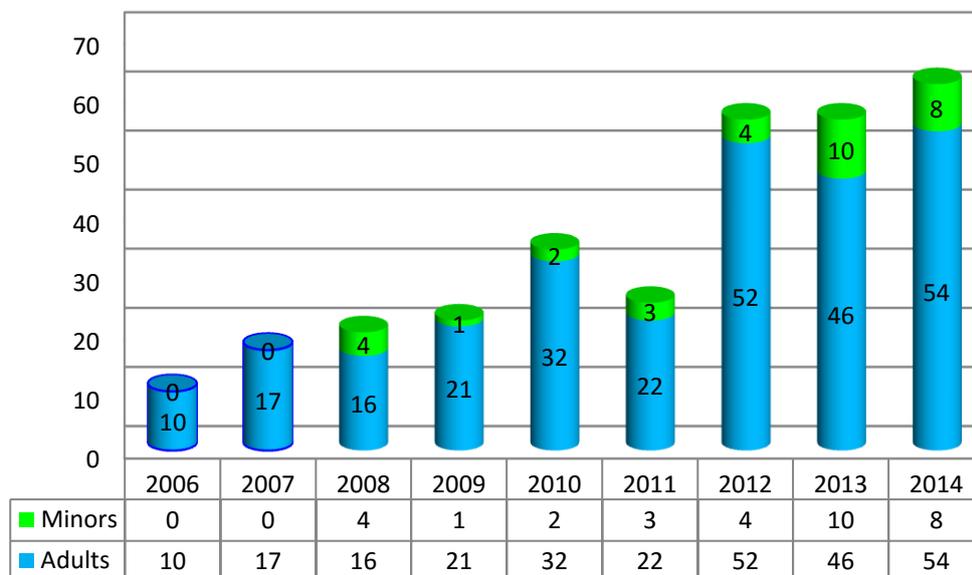
The Polish Penal Code includes special provisions pertaining to the trafficking in children. Under point six of the definition of trafficking in human beings contained in the Article 115 § 22 of the Penal Code, *should the perpetrator's behaviour concern a minor, it shall be considered trafficking in persons even if this does not involve any of the means set forth in points 1-6, i.e. violence, unlawful threat, abduction, deception, misleading, the exploitation of a person's mistake or their inability to properly comprehend the action being undertaken, the abuse of a relation of dependence, taking advantage of a critical situation or state of helplessness.*

#### 3.4.1. Minor victims of the trafficking in human beings covered by the Support Programme in years 2006– 2014.

For nine years of operation of the Support Programme, its minors accounted for only 10.5% of a total number of beneficiaries. In the first two years, i.e. in 2006 and 2007 of the Support Programme, no minor victims were reported. In the following years, some individual cases were reported, with the highest number of minor victims of trafficking in human beings reported in 2013 – ten people. In 2014, eight minors benefited from the Support Programme. To date, 32 minor foreign victims of human trafficking benefited from the Support Programme.

Figure 29. Minor victims of the trafficking in human beings covered by the Support Programme in years 2006 – 2014.

**Minor victims of the trafficking in human beings covered by the Support Programme in years 2006 – 2014**

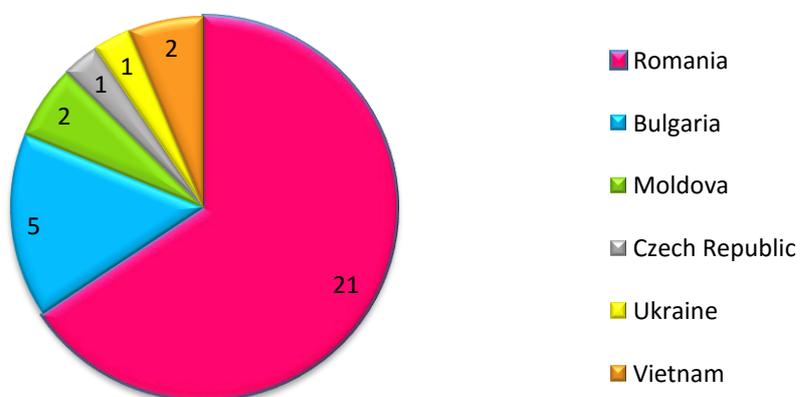


Source: developed by the HNLAC, based on the data from: [www.handelludzmi.eu](http://www.handelludzmi.eu)

In the years 2006 – 2014, 66% of minor victims of trafficking covered by the Support Programme, came from Romania, 16% came from Bulgaria, 6% came from Moldova and Vietnam and 3% from each – the Czech Republic and Ukraine. Overall, 27 out of 32 minor victims were citizens of the EU Member States.

Figure 30. Minor victims of the trafficking in human beings covered by the Support Programme in years 2006 – 2014, by country of origin.

**Minor victims of the trafficking in human beings covered by the Support Programme in years 2006 – 2014, by country of origin**

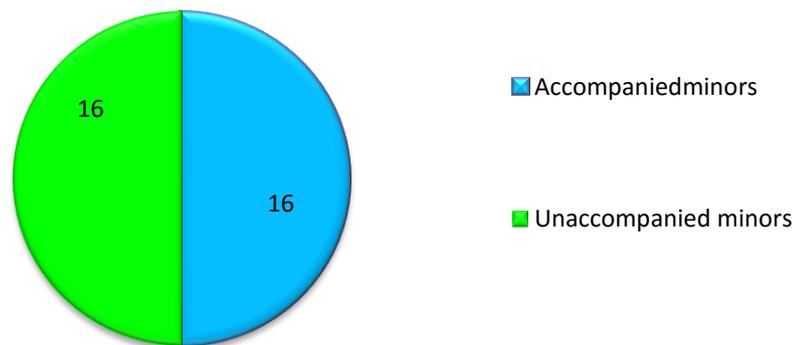


Source: developed by the HNLAC, based on the data from: [www.handelludzmi.eu](http://www.handelludzmi.eu)

A parent or a guardian did not accompany half of the 32 minor victims of trafficking in human beings covered by the Support Programme in years 2006–2013. None of the unaccompanied minor victims of trafficking in human beings was younger than 12 years old.

Figure 31. Minor victims of trafficking in human beings covered by the Support Programme in years 2010- 2014.

**Minor victims of trafficking in human beings covered by the Support Programme in years 2010-2014**



Source: developed by the HNLAC, based on the data from: [www.handelludzmi.eu](http://www.handelludzmi.eu).

#### 4. Summary

For several years, trafficking in human beings remains the third most profitable crime in the world. It is estimated that every year approximately two million people fall victims of this crime, with one third of them being children. In Poland, a total number of 76 crimes of trafficking in human beings were detected in 2014, of which 50 people were found victims of such crime. Most of them (37 people), were also victims of forced labour exploitation or forced exploitation in services; 37 people were victims of other form of offence, such as prostitution, pornography or other forms of sexual exploitation. Invariably, the majority of these victims are women (86%). In the first half of 2015, 28 cases of trafficking in human beings were reported, of which 22 people were subjects of this offense. It is important to note, that due to the nature of this offense, the actual number of victims of trafficking in human beings remains unknown, and thus the majority of victims not receiving any help.

The support of the National Consultative and Intervention Centre has been delivered to 207 people in 2014; among which there were 71 Poles and 136 foreigners. The first half of 2015 reveals, there are already 135 beneficiaries - as many as 60 Poles and 75 foreigners. With a dedicated Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings, 70 people benefited in 2014. The majority came from the Philippines, Romania, Bulgaria and Ukraine. The main forms of offence of victims of trafficking in human beings in Poland were forced labour and sexual exploitation. Forced begging also constitutes a large share of the

forms of offence of victims. There is a growing number of cases of other forms of exploitation of the victims, such as coercion to commit crimes.

A range of entities, at the national, regional and global levels strive to combat trafficking in human beings. The United Nations undertakes actions through the UN Office on Drugs and Crime; the Council of Europe acts through the Group of Experts on Action against Trafficking in Human Beings at the European regional level, and the European Union tries to combat and prevent cases of trafficking in human beings through the Group of Experts on Trafficking in Human Beings in the EU.

The national system of preventing and combating trafficking in human beings has been recently enhanced by two new types of entities: Provincial Entities for Combating Trafficking in Human Beings and National Network of Non-Governmental Organisations against Trafficking People. The Halina Nieć Legal Aid Centre remains an active member of both of these structures.

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