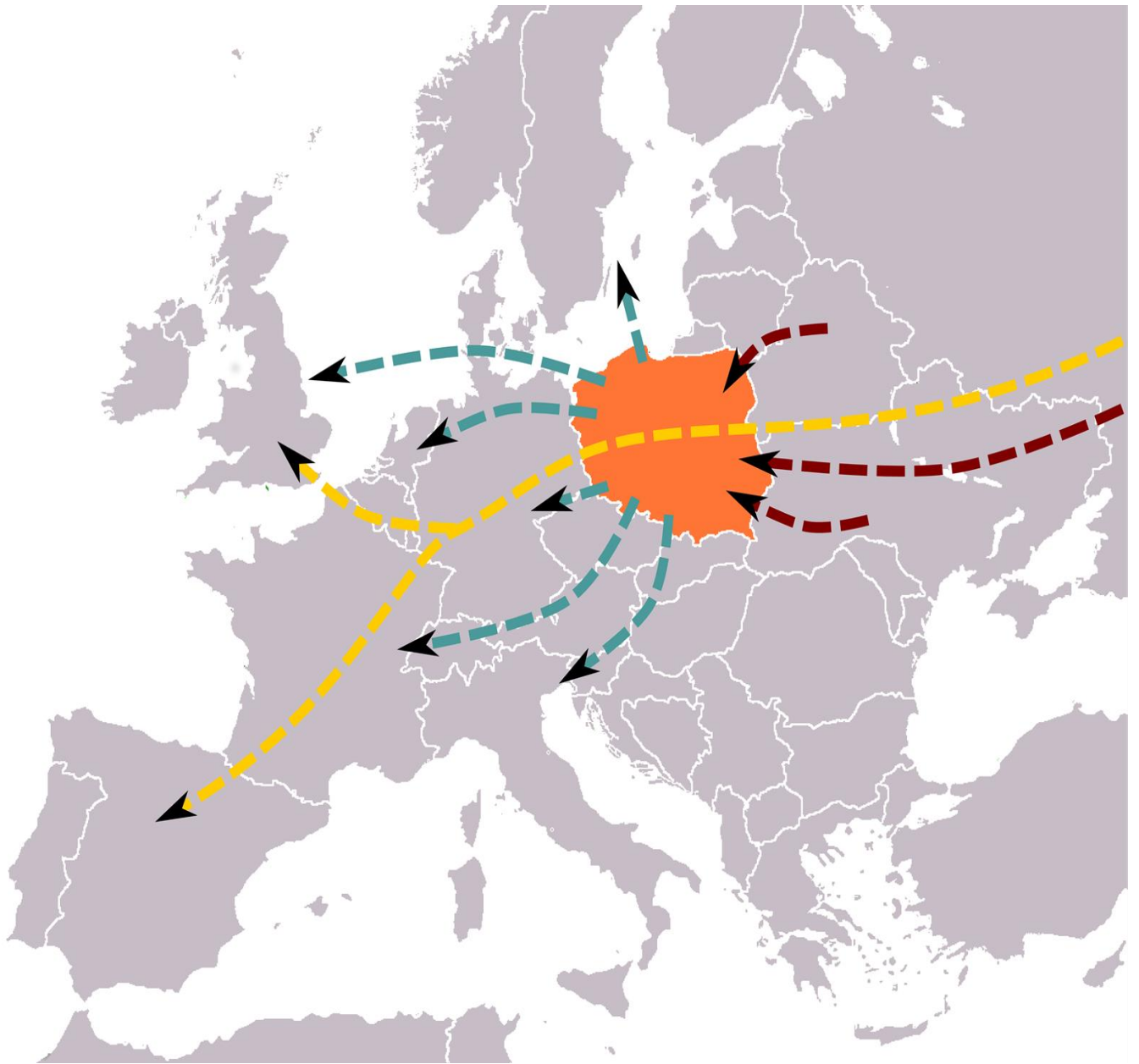


TRAFFICKING IN HUMAN BEINGS IN POLAND REPORT 2015



Warsaw 2016

**This material has been drafted in the Unit Against Trafficking in Human Beings
in the Analyses and Migration Policy Department
of the Ministry of the Interior and Administration**

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INTRODUCTION

Trafficking in human beings, also referred to as modern slavery, is a serious crime and violation of human rights and dignity. It affects women and men, irrespective of their age, to the same extent. The weakest ones, the children, are in a particularly difficult position. The crime often has an international dimension, while organised criminal groups derive substantial financial benefits from it.

In terms of general perception of the public, Polish citizens, in their majority, know the phenomenon, are able to describe it, but often wrongly identify trafficking in human beings with irregular migration or smuggling of people. The malpractice of people smuggling is terminated, when migrants are delivered to the destination, as this is the nature of the contracts between persons migrating and those providing the service. Trafficking in human beings however, is not only about transporting victims from one location to another, but primarily involves various forms of exploitation of victims (often already in transit victims are forced to various practices) from provision of sexual services, through forced labour to criminal activities.

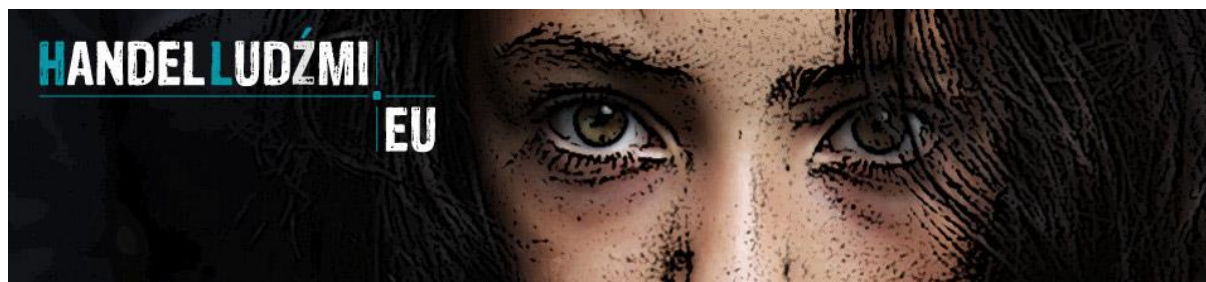
Poland is a transit and destination country, as well as the country of origin. Therefore the phenomenon of trafficking in human beings affects not only foreigners staying in the territory of the Republic of Poland, but also our citizens abroad (and in Poland). Year 2015 saw a clear change of trends in terms of forms of exploitation of victims. Most identified cases of victims of trafficking in human beings were related to forced labour, both in Poland and among registered victims holding Polish citizenship abroad. The first cases involving women holding Polish citizenship being forced into sham marriages with foreigners were revealed.

Trafficking in human beings is a complex phenomenon, it cannot be treated as a common crime. A multitude of forms of exploitation, psychological and physical abuse of victims lead to a situation, where victims require constant and expert assistance. Therefore it is important for the states to have an efficient and comprehensive system of aid and support to victims.

The following materials have been used to draft the report:

1. *Analysis of the crime of trafficking in human beings and related crimes in 2015*, drafted by the Unit for Combating Trafficking in Human Beings of the Criminal Service Bureau of the National Police Headquarters.
2. *Report on the activities of the Border Guard in the area of combating and preventing trafficking in human beings for 2015*, prepared by the Intelligence and Investigation Division of the General Headquarters of the Border Guard.
3. *Report on monitoring of preparatory proceedings on trafficking in human beings for 2015*, drafted by the Department for Organised Crime and Corruption of the General Prosecutor's Office.
4. *Final report on implementation of public task: Conducting the National Consultation and Intervention Centre for Polish and foreign victims of human trafficking between 1 January 2015 and 31 December 2015*, drafted by La Strada Foundation and Po-MOC Association.
5. Report on the people judged in the first instance of district courts for the year 2015, prepared by the Department of Strategy and Deregulation of the Ministry of Justice.
6. Report on activities of the State Labour Inspectorate in 2015.
7. The report „United Kingdom Human Trafficking Centre. National Referral Mechanism Statistics 2012-2015”, drafted by the UK National Criminal offence, NCA
8. The report „*Trafficking in human beings. 2015 edition*”, drafted by Eurostat
9. „*Report on the progress made in the fight against trafficking in human beings*”, drafted by the European Commission in May 2016 on the basis of Eurostat statistics.
10. The study "Trafficking in Persons 2016", drafted by the US Department of State.
11. UNODC reports: “*Global Report on Trafficking in Persons*” and “*An Introduction to Human Trafficking: Vulnerability, Impact and Action*”.
12. The report on the implementation of the National Action Plan against trafficking in human beings for 2013-2015, drafted by the Unit Against Trafficking in Human Beings in the Analysis and Migration Policy Department of the Ministry of the Interior and Administration.

Information was also used, which was found at the following websites: www.handelludzmi.eu, at NICC website www.kcik.pl, La Strada Foundation www.strada.org.pl, Po-MOC Association www.po-moc.pl, and Europol www.europol.europa.eu.



DEFINITION OF THE PROBLEM



Within the understanding of international law: **trafficking in human beings** shall mean 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 others to the prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or removal of organs. The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant where any of the methods listed above have been used¹.

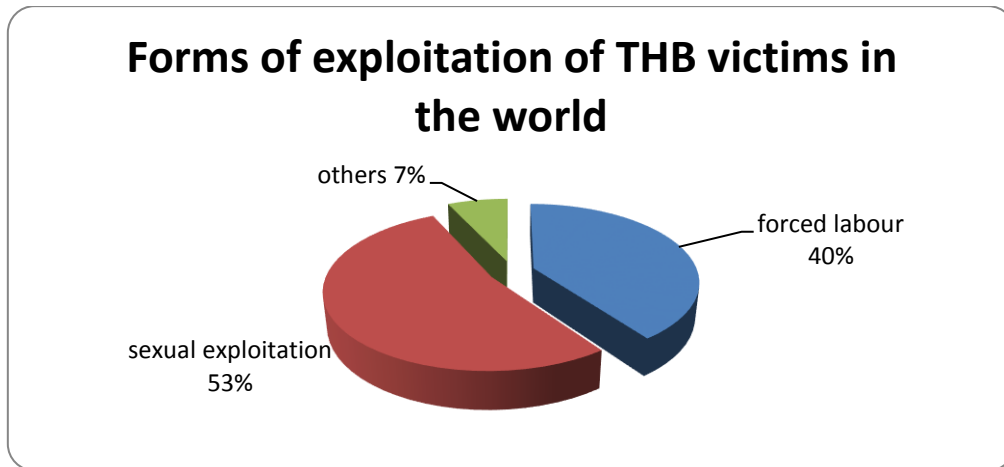
Trafficking in human beings ranks third among illegal businesses in terms of generated income, following arms and drugs trafficking. On behalf of United Nations it is the United Nations Office on Drugs and Crime (UNODC) one of the specialised agencies of the organisation - that is dealing with the issue of trafficking in human beings. UNODC estimates the practice generates an annual income in the amount of USD 32 billion.

Trafficking in human beings is a crime of a global scale, present in majority of the world's countries. In its report on trafficking in human beings in 2010-2012 (published in 2014), UNODC says that over the said period citizens of 152 different states were identified as victims in 124 countries across the world. Each year around 2 million people fall victim to this malpractice, of whom one third are children².

¹Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, approved by the UN General Assembly on 15 October 2000 and the Council of Europe Convention on Action against Trafficking in Human Beings approved on 16 May 2005.

² *Global Report on Trafficking in Persons*, United Nations, New York, 2014.

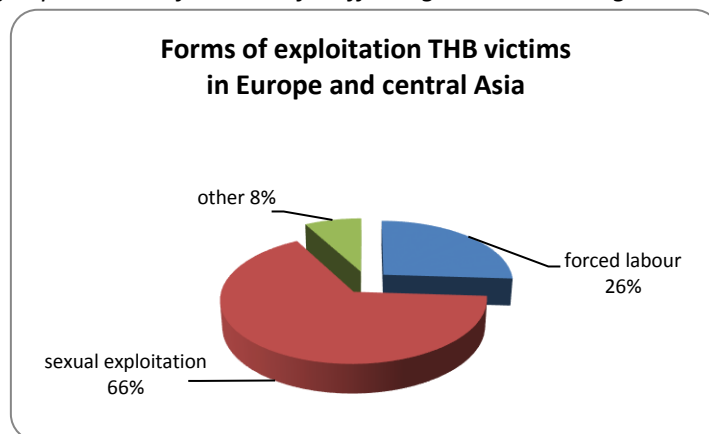
Diagram 1. Forms of exploitation of victims of trafficking in human beings across the world in 2010-2012.



Source: Own elaboration based on UNODC data.

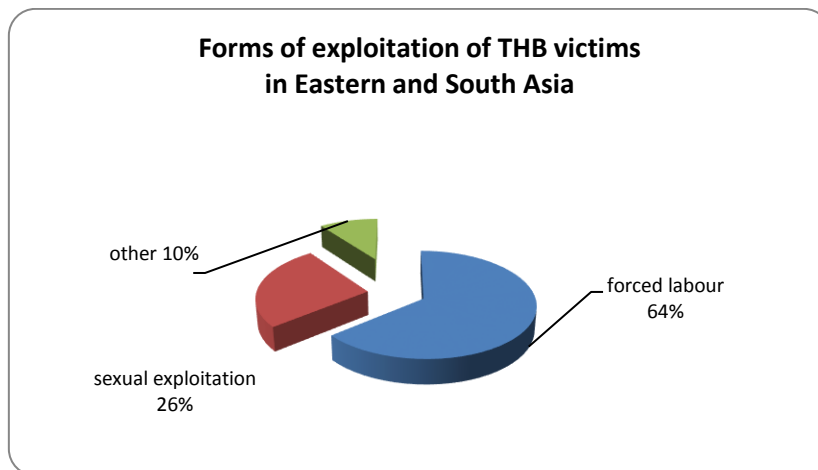
The UNODC report shows main trends in trafficking in human beings. Most of the victims (53%) are exploited in sex industry (prostitution, pornography). Not much less (40%) are forced to work, primarily in agriculture, textile industry, construction and processing plants. The category termed “other” (7%) consists of: forcing into criminal activity (obtaining loans and social security benefits under false pretences, theft), begging, household slavery, forcing into sham marriages, organ trafficking.

Diagram 2. Forms of exploitation of victims of trafficking in human beings in Europe and Central Asia.



Source: Own elaboration based on UNODC data.

Diagram 3. Forms of exploitation of victims of trafficking in human beings in Eastern and South Asia.

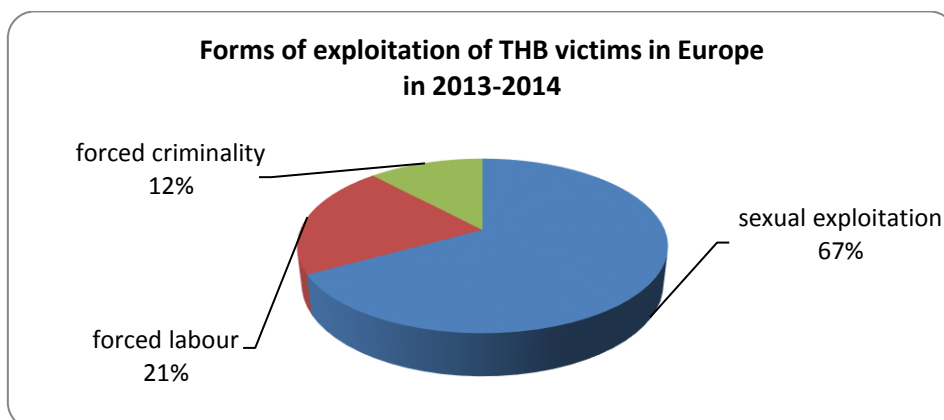


Source: Own elaboration based on UNODC data.

Comparing the data collected by UNODC one can see that forms of exploitation of victims of trafficking in human beings differ from region to region. This is clearly visible on the example of a comparison between the region of Europe and Central Asia and the region of Eastern and South Asia. The proportions are radically different. While in Europe victims are exploited in broadly understood sex-business (66%), in Eastern and South Asia this share amounts to 26% (with forced labour remaining the primary form of exploitation of victims - 64%).

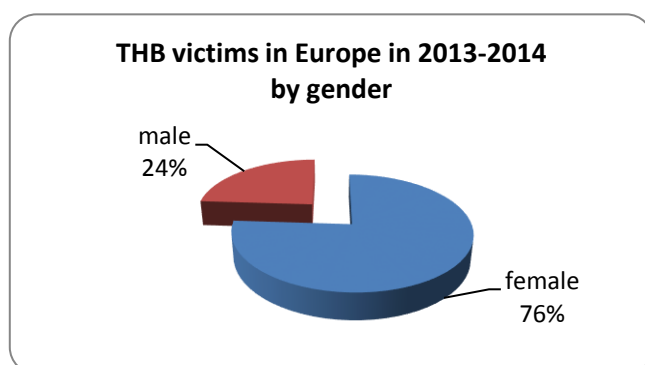
The Eurostat data for 2013-2014 present similar results.

Diagram 4. Forms of exploitation of victims of trafficking in human beings in Europe in 2013-2014.



Source: Own elaboration based on Eurostat data.

In Europe, exploitation in sex business dominates, primarily in prostitution (67%), then there is forced labour (21%) and forcing victims to criminal activities (begging, theft, obtaining benefits under false pretences) - 12%.



Source: Own elaboration based on Eurostat data.

Diagram 5. Victims of trafficking in human beings in Europe in 2013-2014 by gender.

This translate into statistics pertaining to gender; as much as **76% of victims of trafficking in human beings are women** (including underage girls)³. 96% persons aggrieved through exploitation in sex business are women. Men dominate the statistics pertaining to forced labour (they represent 74% of victims)⁴.

Europe is not only a destination country, but also (particularly the countries of Eastern and Southern Europe), the source of origin of victims of trafficking in human beings. 65% of registered victims in the EU territory are citizens of the Member States. In 2013-2014 there were most victims among the citizens of the following countries: Romania, Bulgaria, the Netherlands, Hungary and Poland (data on EU citizens), while from outside of the EU the following were registered in greatest numbers: Nigeria, China, Albania, Vietnam and Morocco.

³ Eurostat report for 2010-2012 indicated that women represented 80% of victims of trafficking in human beings. Thus, we can see a downward trend. This also translate into statistics on forms of exploitation - an increase in the number of victims of forced labour. **In 2010-2020 69% of victims were victims of sexual exploitation, while in 2013-2014 this share amounted to 67%. In 2013-2014 there was an increase in the number of victims of forced labour to 21% (in 2010-2012 they had represented 19%).**

⁴ „Report on the progress made in the fight against trafficking in human beings”, European Commission, Brussels, 2016.

TRAFFICKING IN HUMAN BEINGS IN POLISH LEGISLATION



The Republic of Poland is a party to many international conventions on counteracting trafficking in human beings. The most important include:

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1950),

United Nations Convention against international organised crime (2000)

and **the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, Supplementing the United Nations Convention against Transnational Organised Crime (also called **the Palermo Protocol**).

These are UN conventions.

Poland is also a party to **the Council of Europe Convention on Action against Trafficking in Human Beings** (of 2004) and implemented in due time (by 2013) **the Directive 2011/36/EU of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting victims** – a fundamental European Union document that extends the definition of trafficking in human beings (among others ‘exploitation of criminal activities’) and provides for non-prosecution of victims for crimes they were forced to commit as victims of trafficking.

Pursuant to Article 115 (22) of the Criminal Code:

Trafficking in human beings means recruitment, transportation, transfer, harbouring or receipt of a person with the use of:

- 1) *violence or unlawful threat,*
- 2) *kidnapping,*
- 3) *deception,*
- 4) *misleading or taking advantage of a misconception or inability to properly comprehend the action taken,*
- 5) *abusing the position of dependency, using the critical situation or the state of helplessness,*
- 6) *granting or accepting material or personal benefit or its promise to a person taking care of or supervising another person,*

- in order to exploit such a person, even with his/her consent, especially for prostitution, pornography or other forms of sexual abuse, for work or services of a forced nature, for begging, for slavery and other forms of abuse humiliating a human being or in order to obtain cells, tissues or organs against the provisions of the Act.

If the perpetrator's conduct involves a minor, it is deemed to constitute human trafficking even if none of the methods and measures referred to in sections 1-6 were applied.

In Poland human trafficking perpetrators are punished pursuant to Article 189a of the Criminal Code.

§ 1 “Whoever **traffics** in humans, is subject to the penalty of deprivation of liberty for no less than 3 years”.

§ 2 “Whoever **makes preparations** to commit the crime provided for in § 1, is subject to the penalty of deprivation of liberty for between 3 months and 5 years”.

According to Article 189a of the Criminal Code, trafficking in human beings is subject to a penalty of at least 3 years, which means it is considered a crime, and the upper ceiling of the statutory penalty is deprivation of liberty for up to 15 years. It should be emphasised that due to a high level of harmfulness the legislator also introduced a penalty for preparations to commit the crime.

In 2015 the Police recorded an increase in criminal activity related to trafficking in human beings in comparison to 2014 - the number of criminal offences increased from 76 to 101 (in 2013, 186 had been recorded). The Border Guard acted on less cases related to Article 189 (a) of the Penal Code, in 2015 they conducted 7 proceedings (in 2014 there had been 11, and in 2013 - 16 cases). In 2015, the Prosecutor’s Office registered 67 pre-trial proceedings on trafficking in human beings (in 2014 there had been 65, in 2013 - 57) 66 cases under Article 189 (a) (1) and 1 case under Article 189 (a) (2) of the Penal Code.

INSTITUTIONS INVOLVED IN PREVENTING TRAFFICKING IN HUMAN BEINGS AND PROVISION OF ASSISTANCE TO VICTIMS

In Poland, numerous public administration institutions deal with combating trafficking in human beings and provide help and support to victims. Due to complexity of the practice, actions taken in Poland to prevent the crime and prosecute the perpetrators are inter-ministerial and interdisciplinary.

The Committee for Combating and Preventing Trafficking in Human Beings

It was established under Ordinance No 23 of the Prime Minister of 5 December 2004 and is the body providing opinions and advice to the Prime Minister. It is headed by the Secretary of State at the Ministry of the Interior and Administration. The Committee comprises of representatives of institutions, international organisations and NGOs. The tasks of the Committee include the following:

- to assess implementation of national action plans against trafficking in human beings,
- to propose and give opinions about undertaken actions aiming at efficient combating and preventing trafficking in human beings,
- to cooperate with government administration and territorial self-government bodies and NGOs.

The objective of day-to-day monitoring and information exchange within the Committee led to the establishment of the Working Group, comprising of experts representing the institutions taking part in the Committee's work. The Committee comprises expert groups for trafficking in children, for preventive actions, and for victim support.



Ministerstwo
Spraw Wewnętrznych
i Administracji

Ministry of the Interior and Administration

Ministry of the Interior and Administration and, within its structure, the Analyses and Migration Policy Department

(DAiPM), is the key coordinator of the state policy towards trafficking in human beings. The representative of the minister competent for the interior, Deputy Director of DAiPM is the Secretary of the Committee for Combating and Preventing Trafficking in Human Beings. The Department provides formal, organisational and technical assistance to the Committee. **Unit against Trafficking in Human Beings** established in 2006 operates within the Department. The Unit is responsible for:

- handling the work of the inter-ministerial Committee for Combating and Preventing Trafficking in Human Beings as well as its Working Group and expert groups,
- monitoring of efforts related to implementation of National Action Plans against trafficking in human beings,
- preparation and development of national action plans,
- coordination of the process of collecting analyses, information and statistical data on trafficking in human beings,
- international cooperation on trafficking in human beings,



- supervision over the activities of the National Consulting and Intervention Centre for the Victims of Trafficking in Human Beings (NCIC)⁵,
- operating the website at www.handelludzmi.eu.

Police



The Unit for Combating Trafficking in Human Beings of the Criminal Service Bureau of the National Police Headquarters was established by the decision of the Commander-in-Chief of the Police of 22 January 2014 with the task to combat trafficking in human beings. The tasks of the Unit include primarily suppression of crime related to trafficking in human beings, paedophilia and child pornography. While performing its tasks the Unit for Combating Trafficking in Human Beings cooperates with justice administration, public administration and control bodies, NGOs, social organisations and public benefit institutions. Furthermore, the Unit undertakes activities of international nature through operational and investigation cooperation with law enforcement bodies of other countries.

The Unit for Combating Trafficking in Human Beings supervises and coordinates efforts of **Units for Combating Trafficking in Human Beings** established by the Ordinance of the Commander-in-Chief of the Police⁶ at Criminal Departments of Voivodeship Police Headquarters and **coordinators** in Prevention Departments. It is the task of Police Voivodeship Units for Combating Trafficking in Human Beings to apply solutions envisaged in *the Algorithm of conduct of law enforcement officers in the case of revealing a crime of trafficking in human beings*, carry out intelligence operations, monitor potential locations of crimes of trafficking in human beings and participate in international operations and trainings related to suppression of the malpractice.

Border Guard



The Border Guard plays a particular role in combating trafficking in human beings in relation to foreigners. These are officers of the Border Guard, who often have the first contact with victims of the crime and therefore often identify the victims. As all other described institutions, the Border Guard participate in implementing National Action Plans against trafficking in human beings. **The Committee for constant monitoring and coordination of actions of the Border Guard for preventing and combating trafficking in human beings** was established at the National Border Guard Headquarters in 2008. The tasks of this unit are: to coordinate implementation of undertakings resulting from execution of the National

⁵ The present name has been in place since 2016.

⁶ The Ordinance No 14 of the Commander-in-Chief of the Police of 10 June 2015 on certain tasks performed by the Police in the area of identification, prevention and detection of the crime of trafficking in human beings and other related forbidden acts.

Action Plan, coordinate Border Guard activities in the area of combating and prevention of trafficking in human beings taking into account training needs, carry out monitoring and analysis of cases of identification of victims and to cooperate with other bodies competent for combating of this crime.

Furthermore, since 2009, the structure of **the Intelligence and Investigation Division of the Border Guard Headquarters**, includes **the Section for Illegal Migration and Trafficking in Human Beings**, which is responsible for coordination and supervision of actions taken by the Border Guard in the area of combating and preventing trafficking in human beings. In each of the divisions of the Border Guard, a supernumerary coordinator for combating trafficking in human beings has been nominated in the intelligence and investigation departments, responsible for coordination and cooperation between relevant organisational units of the Border Guard, Police and other institutions engaged in combating of this practice.

Prosecutor's Office



The Department for Organised Crime and Corruption is the unit responsible for combating trafficking in human beings in the **National Prosecutor's Office**⁷. The unit coordinates activities of the Prosecutor's Office in the area of prosecution of trafficking in human beings. A special prosecutor-coordinator for trafficking in human beings has been nominated. Since 2007 there are prosecutors performing the function of consultants in the area of trafficking in human beings also the appeal prosecutor's offices. In 2014 the *Guidelines on conducting proceedings in human trafficking cases* were distributed among prosecutors involved in this type of cases.

Voivodeship Units for Trafficking in Human Beings

In 2015 the process of establishing Voivodeship Units for Trafficking in Human Beings has been completed. Voivodeship Units for Trafficking In Human Beings were established under the National Action Plan against trafficking in human beings for 2013-2015. The objective of establishing Voivodeship Units is to create regional cooperation platforms for representatives of public administration, law enforcement authorities and non-governmental organisations, active in the area of prevention of trafficking in human beings. The primary task of the units is to coordinate activities of individual institutions and organisations in a region, to facilitate joint initiatives and exchange information and good practices in the area of prevention and support for victims. The units are composed of representatives of: Voivodeship Offices, Police, Border Guard, Labour Inspectorate, self-governments, Customs Chambers, border crossings' managers, municipal Police, social assistance organisational units, Labour Offices, the Nationwide Network of Non-governmental Organisations

⁷ Pursuant to the Act of 28 January 2016 **The Law on Prosecutor's Office** (Dz.U. 2016, item 177) the functions of the Minister of Justice and the Prosecutor General were combined. The Prosecutor's General Office independent of government structures ceased to exist and its competences were transferred to the National Prosecutor's Office (serving both the Prosecutor General and the National Prosecutor). As the report pertains to 2015, for the purpose of this paper **the legal status in place in 2015 was presented, hence in the further part of this report the term Prosecutor General Office is used.**

against Trafficking in Human Beings and representatives of other NGOs. Specific personal composition of individual units depends on the specificity of a given Voivodeship.

The State Labour Inspectorate (PIP) verifies legality of foreigners' employment in Poland. In the scope of inspection it cooperates with the Border Guard, Voivodes, Poviats Labour Offices and the Social Insurance Institution.



In 2007 the Inspectorate was granted competences to verify legality of foreigners' employment. Signing of an agreement between the Commander in Chief of the Border Guard and the Chief Labour Inspector in 2008 was a step aiming to improve the capacity of labour inspectors to react to illegal employment of foreigners and to the risk of trafficking in human beings. This was the basis for cooperation in the area of joint inspections. Thanks to this cooperation, cases of trafficking in human beings identified by labour inspectors become subject of investigations conducted by relevant law enforcement authorities.

In 2015 a new agreement on the principles of cooperation was signed between the Chief Labour Inspector and the Commander-in-Chief of the Border Guard (replacing the agreement from 2008). The model of cooperation with the Border Guard envisaging future taking over of inspection of legality of foreigners' employment by this service was continued. Presently the cooperation between PIP and the Border Guard is not primarily based on joint inspections, but rather on exchange of experiences, good practices and interpretation of provisions. Both institutions carried out most of their inspections independently.

Office for Foreigners



The Office for Foreigners plays a significant role in the area of preliminary identification of possible victims of trafficking in human beings among foreigners pursuing international protection in Poland. In the course of proceedings for granting of the refugee status, employers of the Office may obtain information indicating that a foreigner could be a victim of trafficking in human beings. Furthermore, there is a supernumerary coordinator for trafficking in human beings nominated in the Department of Refugee Proceedings, who is responsible for coordination of activities and proper flow of information.

The Ministry of Family, Labour and Social Policy (MRPiPS)



Ministerstwo Rodziny,
Pracy i Polityki Społecznej

The Ministry of Family, Labour and Social Policy plays the key role in providing support to and protection of victims of trafficking in human beings. There is possibility envisaged under the social assistance to provide direct crisis intervention due to the need to protect the victims (Article 5 (a), 7 (a) and other of the Act of 12 March 2004 on social assistance, Dz. U. 2004, No 64, item 593, as

amended). In 2014 MRPiPS approved the *Standards for safe shelter for victims of trafficking in human beings* developed by the expert group on support to victims of trafficking in human beings and distributed them to the personnel of social assistance running crisis intervention centres as a supporting material. Since 2008 MRPiPS has carried out an annual series of trainings for personnel of social assistance organisational units on the support for victims of trafficking in human beings, including on principles of cooperation of crisis intervention centres with the National Consulting and Intervention Centre.

The National Consulting and Intervention Centre for Polish and foreign victims of trafficking in human beings



Operating since 2009 and funded by the Ministry of the Interior and Administration, the National Consulting and Intervention Centre for victims of human trafficking (NCIC) constitutes a public institution intended to provide support for Polish and foreign victims of human trafficking. Every year the Ministry of Interior and Administration announces an open competition to run the National Consultation and Intervention Centre for victims of human trafficking. Currently the Centre is run by La Strada Foundation against Human Trafficking and Slavery and the Mary Immaculate Association for Women and Children Po-MOC. Within the framework of the activities of the National Consulting and Intervention Centre for victims of human trafficking a Programme for support and protection of a victim/witness of trafficking in human beings is run.

The Centre has been established to help the victims of human trafficking in Poland. Its tasks include identification of the victims of human trafficking, interventions, preventive counselling, consultations for the institutions and organisations and management of a dedicated shelter for the victims. The Centre employees provide advice not only to the victims of human trafficking but also to their relatives, organisations, institutions, persons threatened by human trafficking.

The key role in providing assistance to victims of human trafficking is played by the preliminary identification, which in most cases is carried out by law enforcement authorities. Following identification of a victim, there is a need to ensure his/her safety, isolate him/her from perpetrators and place him/her in a safe shelter. This is the most important objective of the Centre's activities - to comprehensively support the victims of the crime. The support is provided by non-governmental organisations. A person covered with such support may count on full assistance: lodging, medical and psychological care, legal consultations. In 2015 the employees of National Consultation and Intervention Centre for victims of human trafficking answered over 10 thousand telephone calls related to organisational issued, requests for assistance or information.



Non-governmental organisations engaged in activities against trafficking in human beings are associated in the **Nationwide Network of Non-governmental Organisations Against Trafficking in Human Beings**, which has been established in July 2014, under the project financed from the Norway Grants. Presently the Network associates 19 non-governmental organisations, in future it will have 28 organisations from all Voivodeships.

The primary aim of the Network is to establish a highly specialised network of organisations counteracting trafficking in human beings in order to improve the quality and effectiveness of their work, professionalise their activities and strengthen capacity, so as a result they could be partners for public institutions and law enforcement authorities in joint actions aiming at prevention of trafficking in human beings and providing support to victims of this crime. The activities of the Network include: strengthening of Voivodeship units for counteracting trafficking in human beings, developing of standards for provision of services to victims of trafficking in human beings, in particular ensuring their safety and privacy, as well as respect for victims' choices, as well as organisation of a series of workshops on trafficking in human beings for non-governmental organisations. Thanks to activities of the Network selected non-governmental organisations from across Poland are prepared to work with victims of trafficking in human beings, as a result in the end professional support will be available in each Voivodeship.

FORMS OF EXPLOITATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS IN POLAND

In Poland trafficking in human beings is a phenomenon, which is relatively new and subject to continuous transformation. The beginning of 1990s saw intensification of such crimes. It is a Polish specificity that Poland is at the same time a country of origin of victims, a transit country - via which victims are transported from Eastern Europe and Asia to Western Europe, and a destination country, in the territory of which victims of trafficking in human beings (primarily from Ukraine, Bulgaria, Romania and Asian countries - particularly Vietnam, and Poles) are exploited.

Most of the time these are young persons (both women and men), with primary education and unemployed, that fall victim to trafficking in human beings. In majority of cases trafficking in human beings is the act committed by organised criminal groups focused on this practice, or treating this activity as one of the convenient sources of income. In Poland victims of trafficking in human beings most frequently fall victim to: sexual exploitation, exploitation for forced labour, being forced to commit criminal offences, begging, as well as obtaining loans and social benefits under false pretences.



Sexual exploitation for many years the crime of trafficking in human beings has been associated almost exclusively with this form of exploitation, which has been most socially visible. Presently cases of sexual exploitation continue to be detected in large numbers, but because of large scale of exploitation for forced labour, they are no longer a dominating trend in the picture of the phenomenon of trafficking in human beings. This crime is most often committed against women and girls. Victims are foreign women in Poland (primarily citizens of Bulgaria, less often Ukraine and Romania - this in particular pertains to the practice of so-called roadside prostitution), as well as Polish women abroad (particularly in Germany and the Netherlands), and in Poland, where they are exploited in prostitution in private flats.

Case conducted by the Prosecutor's Office

District Prosecutor's Office in Wrocław has brought an indictment against three men (citizens of Poland) accused of trafficking in human beings, forcing to prostitution and production of pornography with minors. Between January 2014 and July 2015 they were recruiting young boys under the pretence of organising legal employment in Germany. Between several and more than dozen under age boys could fall victim of the crime. So far nine aggrieved persons have been identified, these were under age boys, one of whom was under 15. The accused made in access EUR 75 thousand and an arrest warrant was issued against the boss of the group, a German citizen.

Case handled by the Border Guard

In 2015 the Border Guard - within their activities aimed at suppressing roadside prostitution - successfully assisted the Appeal Prosecutor's Office in Gdańsk in bringing an indictment in one of the cases. With the verdict of 18 December 2015 the District Court in Gdańsk convicted the main perpetrator (citizen of Bulgaria) to 3 years of imprisonment, the second accused was sentenced to 10 month of imprisonment conditionally suspended for 2 years. The aggrieved women are citizens of Bulgaria. The sentence is not final and binding.



Forced labour – the number of cases of trafficking in human beings for forced labour is definitely increasing. At the stage of recruitment victims are misled about working and living conditions. In the course of employment they do not get remuneration or it is lower than promised, they are detained in their accommodation, they are accommodated in places, the standard of which is often low, their freedom of movement is limited, their phone calls are monitored, their cell phones and documents are taken away from them, while they are forced to pay for accommodation, board and transport, which puts them in a spiral of debt. In cases related to forced labour there is a problem of broad interpretations of causative acts - from infringements of workers' rights, through exploitation for work or services of obligatory nature to features of slavery. The practice affects both Polish citizens abroad (particularly in the United Kingdom, the Netherlands and Germany), as well as Poles in the territory of Poland and foreigners staying in Poland (primarily citizens of Ukraine, Vietnam, Romania).

Case handled by the Border Guard

In 2014 four Ukrainian citizens were identified in Wrocław as victims of trafficking in human beings. The men had been offered construction work, with remuneration at PLN 12 per hour, with 11 hour working day. The employer was to provide accommodation, cover the cost of commuting, pay for medical examination and provide working clothes. The person, who recruited them and organised transport would get money for each person brought to work (PLN 150). The aggrieved felt they were sold like a commodity. They had their passports taken away from them occasionally, they worked at construction sites for 15-17 hours a day without contracts. The victims were not paid their promised remuneration (according to their calculations they should get PLN 10,000 in pay, while they got ca. PLN 1,300).

Case conducted by the State Labour Inspectorate

In 2015 the District Labour Inspectorate in Cracow received information, which indicated that a citizen of Kenya illegally worked in three companies in art, advertising and modelling sectors. The owner of one of these companies declared that he had agreed that the Kenyan would come to rehearsals of his dance group to familiarise herself with the basics of music and choreography. The Kenyan was not employed in his company. Because of the way the Kenyan behaved the owner of the dance group and his wife became suspicious that she could be physically and psychologically maltreated by her carer, who had earlier proclaimed to be the foreigner's mother. Therefore they notified the La Strada Foundation about their suspicions, which in turn informed the Border Guard. The Border Guard provided protection to the Kenyan citizen. In February 2015 the District Labour Inspectorate in Cracow received a letter from the Border Guard with information that the Voivode of Małopolskie granted a temporary residence permit for victims of trafficking in human beings to the Kenyan citizen.



Forcing to petty crime - consist in forcing victims to steal in shops or pickpocket.

This is also part of the pressure that is exerted over victims - their awareness of acting against the law is continuously mentioned by their persecutors, which translates into their unwillingness and concern about turning to law enforcement authorities for help.

Forcing to beg - in Poland it is visible in the statistics almost solely in the context of exploitation of foreigners. There have also been cases identified of Poles being exploited for begging, including in Finland. Romanian citizens dominate among the victims. The victims are recruited in their localities in countries of origin. Recruiters try to find persons with visible physical disability, uneducated and in a difficult life situation. The perpetrators provide transportation, accommodation and assistance in acquiring documents, charging victims for this services and indebting victims, with the debt continuing to grow with the current costs.



Case handled by the Prosecutor's Office.

On 20 October 2015 the District Prosecutor's Office in Lublin brought an indictment to the District Court in Lublin related to activities of an organised criminal group trafficking in human beings between 2009 and 3 November 2014 in Lubelskie Voivodeship and Finland. The malpractice consisted in recruiting, transporting and delivering many persons to the territory of Finland, with the intention to exploit them for begging, having previously misled them as to the nature of their work. The indictment was brought against 11 persons. Furthermore, the accused were charged with committing individual crimes of trafficking in human beings against identified persons, consisting in that acting jointly and in concert, within the activities of an organised criminal group, they committed the crime of trafficking in human beings against identified persons. They had misled them on the nature of the work they had been going

to perform in Finland and their remuneration for this work. They had recruited them abusing their critical situation, and then had participated in transporting them from the territory of the Republic of Poland to the territory of Finland in order to exploit their activities offending human dignity, consisting in collecting money, which had meant to be support in connection with their allegedly poor health in need of treatment, disability or other critical life situations and offering wooden items of small values, which in fact had been begging. The accused had turned the crime into a regular source of income. The total of 76 aggrieved persons were identified in the course of the investigation.

Exploitation to obtain loans and social benefits by deception - is the most dynamically developing method of operation of organised criminal groups involved in trafficking in human beings. The procedure has been identified by law enforcement authorities in the past four years. Criminal activity in this area has been dominated by Polish criminal groups, using gaps in financial systems and social assistance systems of countries such as Germany and the United Kingdom on one hand, and difficult material situation of the aggrieved on the other. Sometimes perpetrators decide to transport entire families, often with many children, as it facilitates extracting additional benefits.

Acquisition of cells, tissues and organs against the provisions of the law - is one of the forms of exploitation of persons in trafficking in human beings, however rarely identified in Poland. In 2015 the prosecutor's office initiated proceeding in one case related to this form of exploitation of victims of trafficking in human beings.



Domestic slavery - is a form of exploitation for work, which happens in private household, which makes it difficult to identify. Victims are tempted with attractive job offers, to work as home carers, baby sitters or carers of the elderly. After they arrive at the destination, their employer does not provide the conditions promised earlier. Female workers - so far only women has been identified as victims of this form of exploitation, have limited personal freedom, their documents are taken away from them, they do not get appropriate remuneration, and are forced to work more than dozen hours a day. Victims are threatened with being reported to the police and often physical and psychological violence is used. In recent years law enforcement authorities managed to identify several cases of forcing foreign women to work in Polish households (the practice also took place in private households of diplomatic representatives of third countries).

Forcing into sham marriages - dynamically developing practice consisting in hunting up women, most of the time young, which are then promised attractive remuneration in return for entering into a sham marriage with foreigner (primarily arriving from outside of the EU) for the purpose of legalisation of his stay. In the end it turns out that the victims do not get the promised remuneration and in addition they have problems with dissolution of such marriage, as foreigners disappear once they get relevant documents.

IMPACT OF THE CRIMINAL OFFENCE OF TRAFFICKING IN HUMAN BEINGS ON VICTIMS

Trafficking in human beings is a crime against an individual, therefore the consequences are experienced primarily by victims of the practice. The crime violates fundamental human rights and takes away fundamental and universally recognised freedoms from human beings. It is difficult to effectively measure the scope and the scale of the phenomenon, and it is even more difficult to assess the psychological impact it has on victims.

The brutality of the crime has a significant impact in health and well-being of victims. The victimisation effect primarily hits the poor, the weak, persons isolating themselves from the society and children. *The victims of the practice, especially minors, are particularly prone to subsequent victimisation.* The consequences of the crime affects all aspects of lives of victims. The aggrieved experience maltreatment, exploitation, poverty and poor health conditions. Each stage on the process of trafficking in human beings may be connected with physical, sexual and psychological abuse, poverty, forced consumption of alcohol and drugs, manipulation, financial abuse and humiliating working and living conditions. The multiplicity of forms of abuse results in a situation, where victims experience an extended and returning trauma.

Child victims of trafficking in human beings undoubtedly find themselves in the most difficult situation, as they are subject to the same cruel treatments as adults are. Their age is the reason why they experience the impact of the practice longer and harder. Apart from psychological problems (continuous, recurring trauma), children also experience a detriment to their health, e.g. a long process of physical and sexual abuse, hunger and under-nutrition may lead to halting of the growth process, future problems with having own children. It is also difficult for child victims to put trust in the authorities. In many cases, where their own families were the perpetrators, they are afraid to trust the adults. Furthermore, children may adopt anti-social behaviours, react aggressively, fall into addictions or carry on in the sex business. Therefore all efforts should be undertaken to support child victims in their return to health, emotional balance and to help them to find their place in the society.

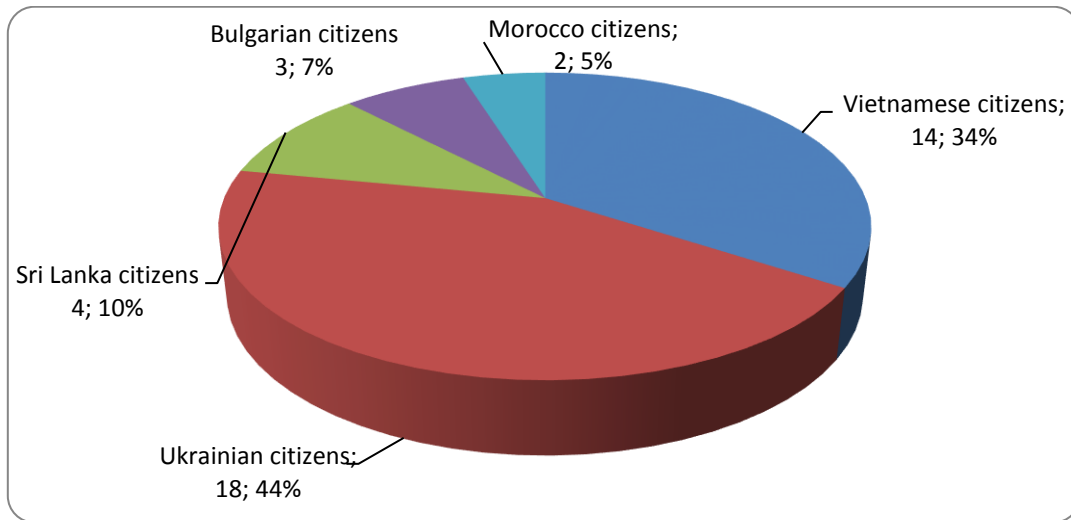
The return of the victims to their countries of origin and reintegration programmes, even long-term and comprehensive, do not guarantee that the victims shall recover health and mental stability. While health problems and stigmatisation in the society (this particularly pertains to victims of sexual abuse) may be overcome, it is difficult to treat the trauma or the psychological harm. Therefore it is of utmost importance to develop and implement comprehensive support mechanism for the victims, beginning with effective identification of the victim, through health recovery process to tailor made reintegration programmes⁸.

⁸ *An Introduction to Human Trafficking: Vulnerability, Impact and Action*, UNODC, New York 2008.

PERSONS AGGRIEVED BY THE CRIMINAL OFFENCE OF TRAFFICKING IN HUMAN BEINGS - FOREIGNERS IN POLAND

According to the data of the Prosecutor's General Office the status of a victim was granted to 115 persons in 2015, including 41 foreigners.

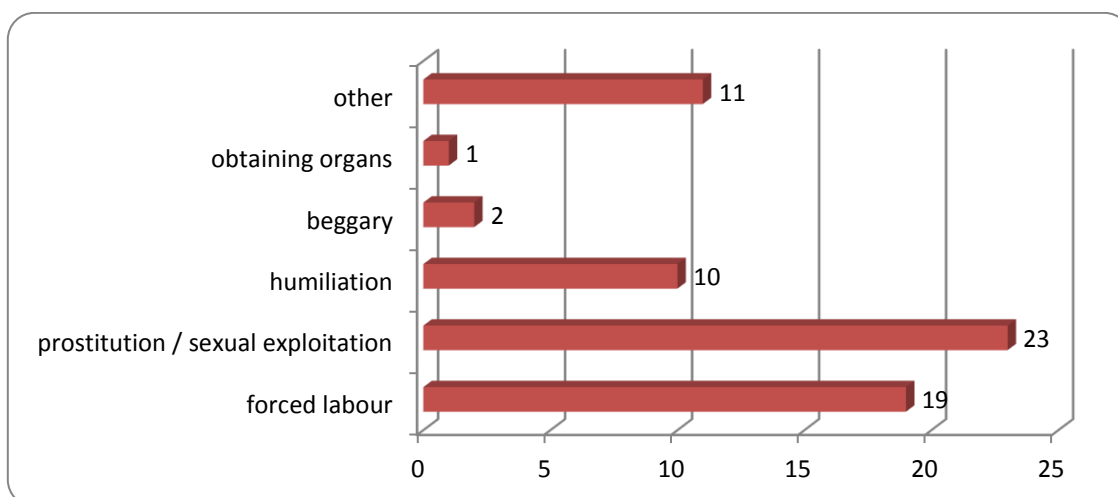
Diagram 6. The number of foreign victims registered by the Prosecutor's General Office in 2015.



Source: Own elaboration based on data of the General Prosecutor's Office.

The citizens of Ukraine were the most numerous group of victims in 2015 (18 persons, i.e. 44% of all registered). For years Ukrainians have continued to dominate among those registered as victims of trafficking in human beings. The second most numerous national group were the citizens of Vietnam (14 persons, 34% of the total). Citizens of the following countries were also identified among the victims: Sri Lanka (4 persons), Bulgaria (3 persons) and Morocco (2 persons).

Diagram 7. Forms of exploitation of victims of trafficking in human beings in 2015 (number of cases).



Source: Own elaboration based on data of the General Prosecutor's Office.

Out of 67 registered cases, most - as many as 23 - were related to sexual exploitation, while forced labour ranked second - 19 cases. The analysis of data from recent years shows a slow change of the trends. So far the Prosecutor's Office have been registering the largest number of cases related to forced prostitution/sexual exploitation: 2013 - 38, 2014 - 33, while in 2015 already only 23 cases. On the other hand the number of cases related to forced labour has significantly increased: 2013 - 6, 2014 - 8, while 19 cases in 2015⁹.

This also translate into statistics pertaining to the gender distribution of victims. There is a decreasing number of cases involving women - in 2013 there were 96 female victims identified, in 2014 - 78, in 2015 - 48, while the number of men increased rapidly - 39 victims in 2013, 25 in 2014, and 67 in 2015.

The analysis of the data shows that the number of aggrieved men may be related to recording of cases connected with exploitation of victims for humiliating purposes, in most cases related to criminal activity (crimes against property – theft and extortion under false pretences) and a larger number of proceedings connected with exploitation for forced labour or services. Unfortunately, the Prosecutor's Office does not have the data on foreigners - victims of trafficking in human beings in a breakdown by form of abuse or gender.

10 minors have been identified among the victims.

⁹ The number of cases processed by the Prosecutor's Office does not reflect the number of victims in a given year, so - for example - 115 victims were identified under 67 proceedings initiated in 2015.

In 2015, the Border Guard identified 33 persons as potential victims of trafficking in human beings in 7 investigations.

Table 1. Victims identified by the Border Guard in 2015

Form of abuse	2015	including	citizenship
Forced labour	26	17	Vietnam
		5	Sri Lanka
		4	Ukraine
Prostitution	6	3	Bulgaria
		3	Poland
Begging	1	1	Romania

Source: Own elaboration based on data of the Border Guard.

Among 33 identified victims 30 are foreigners (91%). The most numerous group were Vietnamese - 17 persons exploited for forced labour. The identified citizens of Sri Lanka were exploited in the territory of Lithuania (it was related to the case from 2014), while Ukrainians were forced to work at construction sites in Wrocław. Most of the victims were exploited for forced labour - 26 persons, the remaining ones for prostitution and begging. In addition, 3 female citizens of Bulgaria exploited for so-called roadside prostitution were identified and 1 citizen of Romania - exploited for begging.

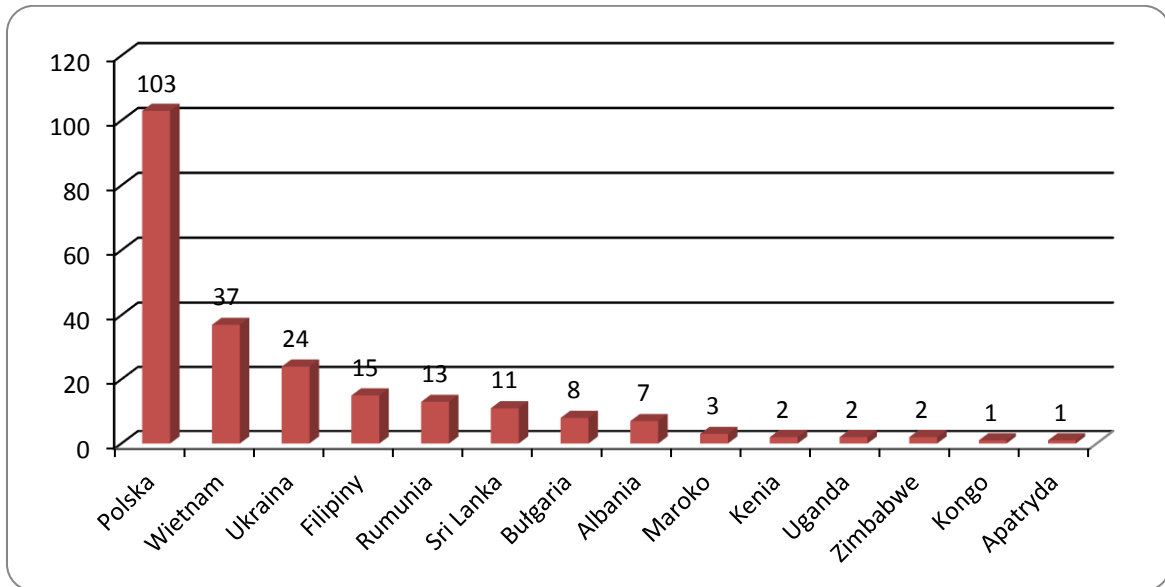
While in 2014 women represented 83% of victims of trafficking, in 2015 the share did not exceed 70%.

In 2015 more or less half of identified victims of trafficking in human beings arrived to Poland illegally. These were primarily citizens of Vietnam, for whom Poland is a transit country on their way to Germany. The collected information indicates that the Vietnamese were exploited in different forms outside of Poland and then transported to Germany via Poland. The reports of the victims indicate that the objective of the perpetrators was not only to deliver them to Germany, but their further exploitation.

The Police identified 25 victims of trafficking in human beings in 2015. There were 16 foreigners among the victims. All foreign victims of the crime were adult women, who were sexually exploited. The Police do not collect the data on countries of origin of victims.

Last year the National Consulting and Intervention Centre (NCIC) provided direct support to 229 persons - victims of trafficking in human beings, including 126 foreigners and 103 Poles.

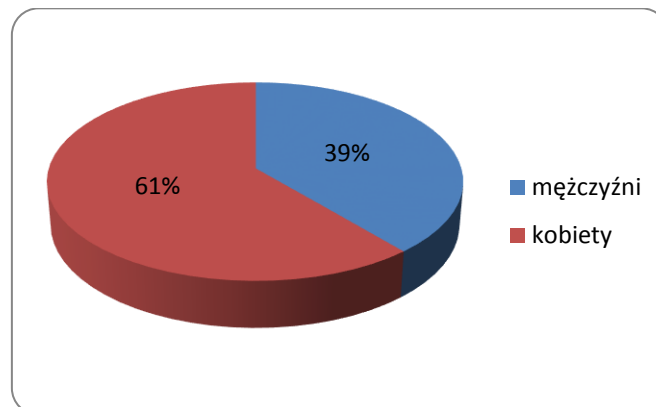
Diagram 8. Countries of origin of NCIC's beneficiaries in 2015



Source: Own elaboration based on NICC data

Most of the victims of trafficking in human beings originates from Vietnam (37), followed by Ukraine (24) Philippines (15), Romania (13), Sri Lanka (11), Bulgaria (8) and Albania (7). Individual victims originated from Morocco, Kenya, Uganda, Zimbabwe and Congo, while one person was stateless were identified. In comparison to 2014, there is a slight increase in the number of registered NICC clients (2014 - 207 persons).

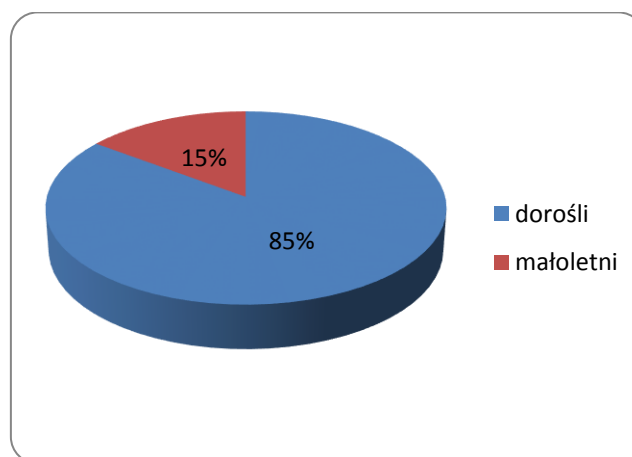
Diagram 9. The gender of NICC's beneficiaries in 2015



Source: Own elaboration based on NCIC data.

The total number of 229 NICC clients comprises **140 women and 89 men**. There were 70 so-called “old clients”, who had used NICC’s support earlier, and 159 newly registered persons. In comparison to the data from previous years there is a decrease in the number of female victims of trafficking in human beings (2013 - 72.2%, 2014 - 69%) and an increase in the number of men (2013 - 27.8%, 2014 - 31%). Unfortunately, there are no detailed data on gender in a breakdown by Poles and foreigners.

Diagram 10. The age of NCIC’s beneficiaries in 2015



Source: Own elaboration based on NCIC data.

The number of victims who were minors continued to remain at a high level - both in 2014, and in 2015 34 aggrieved minors were recorded, of whom 26 children were exploited (8 minors were children of victims of trafficking in human beings). Children - beneficiaries of NCIC - were primarily foreign.

However, these are still adults that continue to dominate the statistics on victims - they represent 85% of all victims.

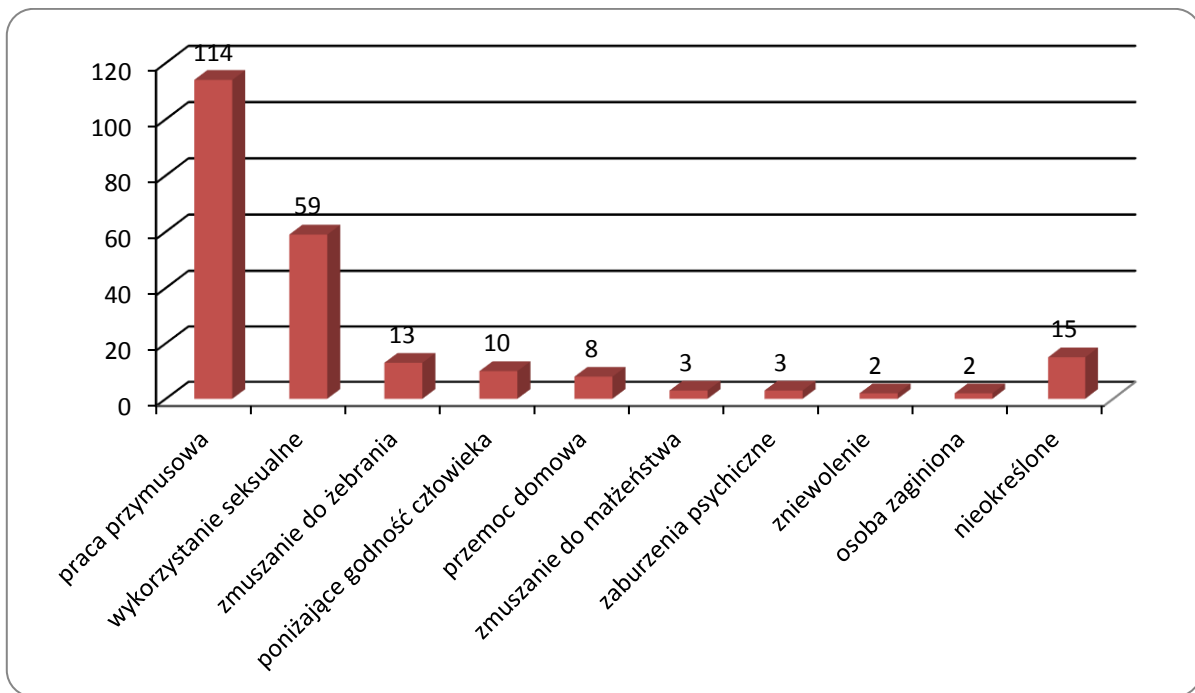
Table 2. The number of victims using the support of NCIC in 2012-2015

Year	The number of foreigners using the support of NCIC in 2012-2015
2012	109
2013	119
2014	136
2015	126

Source: Own elaboration based on NCIC data.

The number of foreigners using the aid and support of NCIC has remained at the more or less same level for years. While in previous years the citizens of Romania dominated (39 persons in 2013, 49 in 2014), in 2015 Vietnamese were the most numerous group.

Diagram 11. Identified forms of exploitation of NCIC's clients in 2015

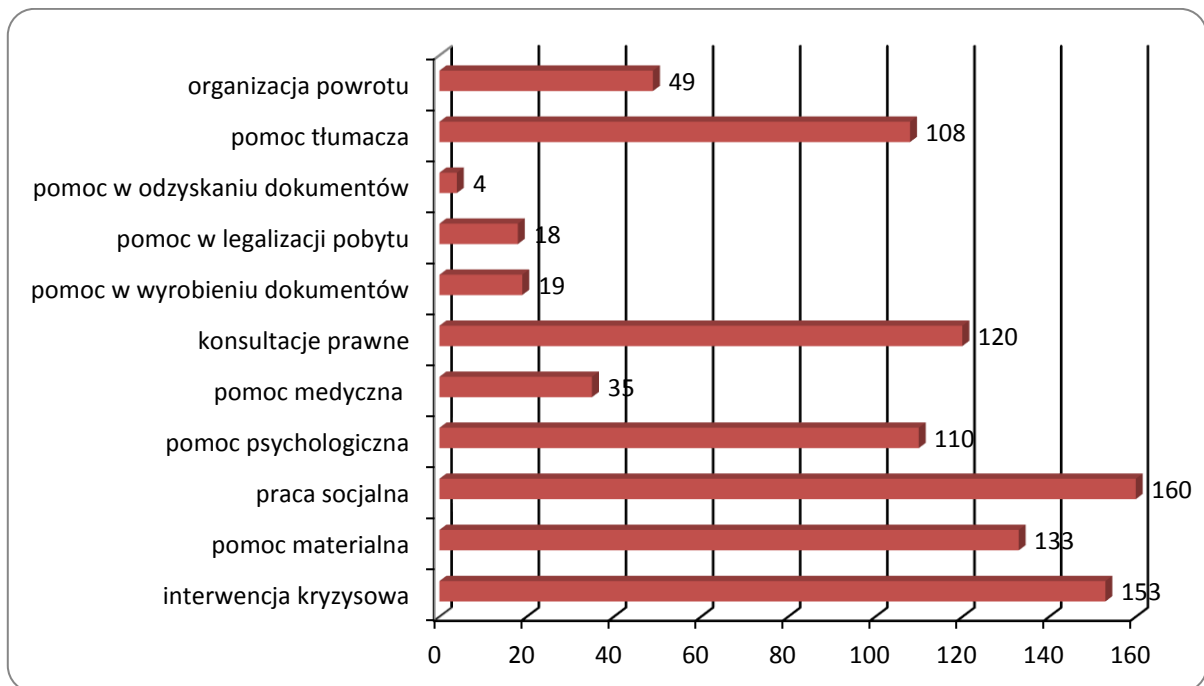


Source: Own elaboration based on NCIC data.

Most of NCIC's beneficiaries fell victim to forced labour (50%) and sexual exploitation (26%) - in 2014 both of these form of exploitation affected 34% of persons. It is clear that there has been a distinct change of the trend - the forced labour has become a dominating form of exploitation at the expense of sexual exploitation of victims of trafficking in human beings. 13% of persons were forced into begging. There were also cases of forcing into humiliating behaviour, forced marriages, domestic violence or even slavery.

The analysis of data from recent years shows a clear change of the trends. There are more male victims. Though women continue to dominate the statistics, the disproportion in the gender of victims of trafficking in human beings changes. This is undoubtedly the result of the change of the trend in the forms of exploitation of victims - while these are women that are primarily sexually exploited, men are forced to work.

Diagram 12. Forms of direct support provided to NCIC's beneficiaries in 2015



Source: Own elaboration based on NCIC data.

The National Centre has diagnosed all registered victims (229 persons) in terms of their needs and provided the support as possible. 153 persons benefited from the crisis intervention, 133 persons were granted material assistance, social work covered 160 persons (including 24 persons, who received targeted allowances from the Social Assistance Centre thanks to NCIC's efforts). 110 person received psychological support, including 28 persons, who benefited from external, paid and unpaid, consultations outside of NCIC. 35 persons received medical assistance and 120 person used legal assistance. 19 person received support in acquiring documents, including 15 that were assisted in legalisation of their stay (Philippines - 5, Vietnam - 4, Ukraine - 3, Kenya - 1, Morocco - 2), while assistance was provided to three citizens of Vietnam in lodging applications for the refugee status.

Return to the country of origin was organised for 49 victims of trafficking in human beings, including 19 persons who returned on their own, 21 - with the assistance of other non-governmental organisations, and 9 persons under IOM¹⁰ voluntary return scheme (7 citizens of Bulgaria, 1 citizen of Romania, 1 citizen of Poland). Interpretation and translation were provided in 10 foreign languages: Vietnamese, Romanian, Bulgarian, Russian, English, Romani, Sinhalese, Arabic, French and Ukrainian.

¹⁰Since 10 March 2012, victims of trafficking in human beings may also apply for assistance in voluntary return. It is on this day that the Agreement, signed on 26 October 2011, *between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration (IOM) amending the Agreement of 12 July 2005 between the Minister of the Interior and Administration of the Republic of Poland and the International Organization for Migration on cooperation in the field of voluntary returns of aliens leaving the territory of the Republic of Poland* came into force. The Agreement extends the cooperation between the Minister and the IOM in organisation of assistance in voluntary returns of foreigners leaving Poland to victims of trafficking in human beings - [more details are available on page 31](#) of this report.

NCIC does not stop at providing assistance to victims of trafficking in human beings; it also delivers support, advice and preventive measures to potential victims. NCIC employees organise meetings with the so-called risk groups (37 meetings with 1840 participants), they contact media, and operate an intervention phone line, where anyone can get assistance, support or information (in 2015 a record breaking number of calls was recorded - as many as 10,339).

The primary form of NCIC's activity is direct support provided to victims of trafficking in human beings, one of the most important components of such assistance is providing shelter. There are two shelters operating in NCIC: in Warsaw (run by La Strada) and Katowice (the centre of Po-MOC Association). The shelters operated by NCIC are intended for women or women with children, while men are accommodated in shelters and direct access hostels or crisis intervention centres operated by other institutions.

PROGRAMME FOR SUPPORT AND PROTECTION OF A VICTIM/WITNESS OF TRAFFICKING IN HUMAN BEINGS

Within the framework of the activities of NCIC a **Programme for support and protection of a victim/witness of trafficking in human beings** is operated. The Programme is addressed exclusively to foreigners who are allegedly (as confirmed by the prosecution authorities) victims of trafficking in human beings.

The conditions for the Programme launching are as follows:

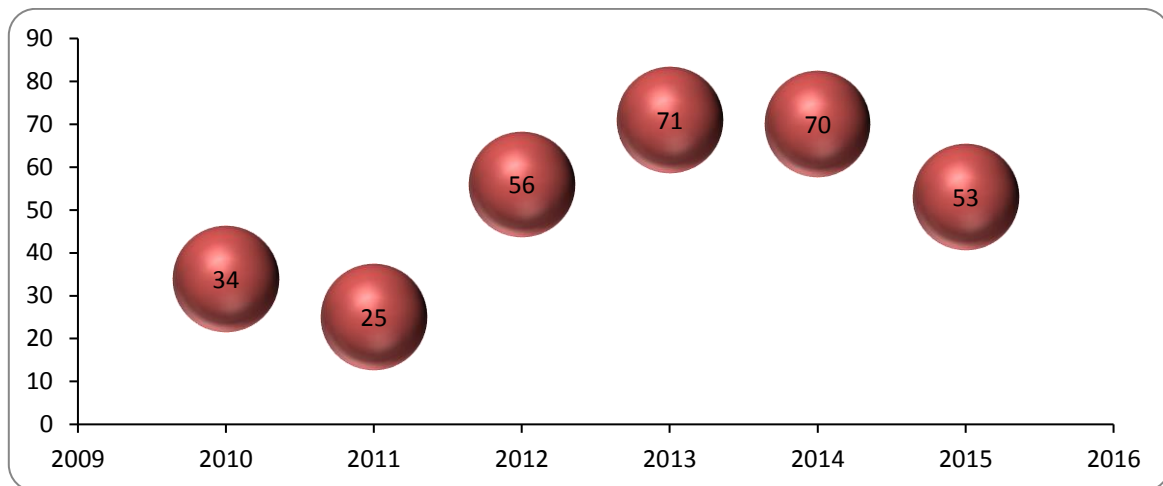
- contacting the prosecution authorities by the victim,
- reasonable grounds to suspect that foreigner is a victim of trafficking in human beings,
- breaking off any contact with the perpetrators by a victim.

The Programme may be launched only by a representative of a law enforcement authority, who - in accordance with the **Algorithm of conduct of law enforcement officers towards trafficking in human beings victims**¹¹ - has decided that a given foreigner may be a victim of trafficking in human beings. Then, the Programme registration form shall be completed and sent to a coordinator responsible for implementation of the Programme in the Ministry of Interior and Administration with a copy to relevant coordinators in the Police, Border Guard and the Prosecutor's Office. Throughout the Programme the foreigner is under protection of the National Consulting and Intervention Centre for victims of human trafficking.

In 2015 the assistance programme covered 53 victims of trafficking in human beings, including 15 persons referred to the Programme in previous years (2 - 2012, 13 - 2014). 38 persons were referred to the Programme in 2015 (6 persons shall remain in the Programme for 2016).

¹¹ **The Algorithm** is a set of guidelines to be applied by the Police and Border Guard officers when trafficking in human beings is revealed or suspected. The document is focused on the description of procedures applied by the prosecution bodies in relation to the victims while taking into account and respecting any rights of the victims of such crime. **The Algorithm** has been developed in 2008 with the purpose of unification of the model of actions taken by the services, thus unifying principles of treating victims of trafficking in human beings.

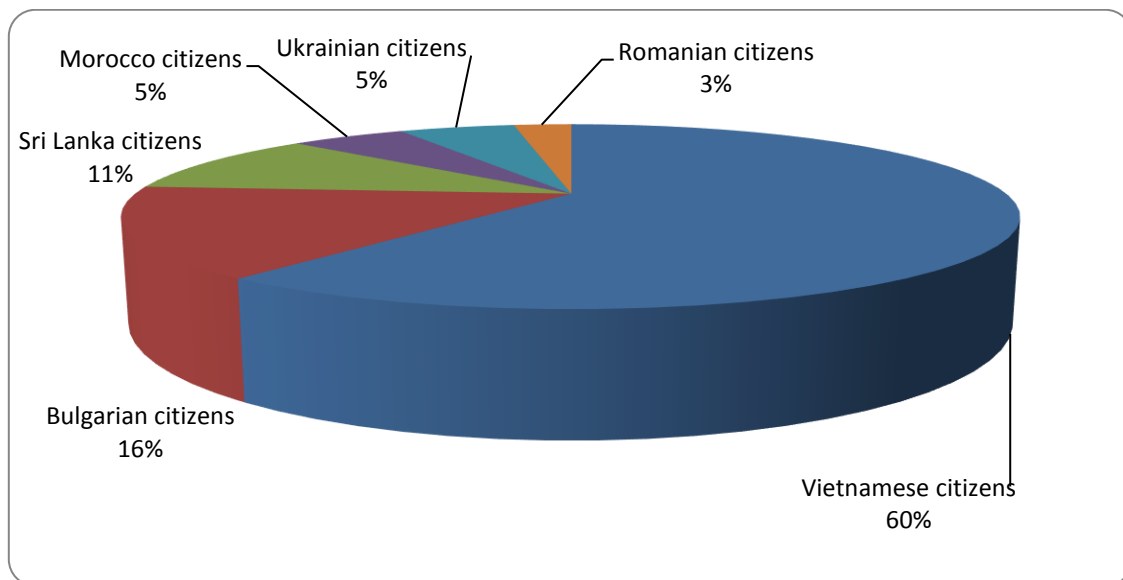
Diagram 13. Number of victims using the Support Programme in 2010-2015



Source: Own elaboration based on NCIC data.

As demonstrated, the number of foreigners referred to the Programme in 2015 significantly decreased and represents 75% of the total number of victims in the most numerous years 2013-2014.

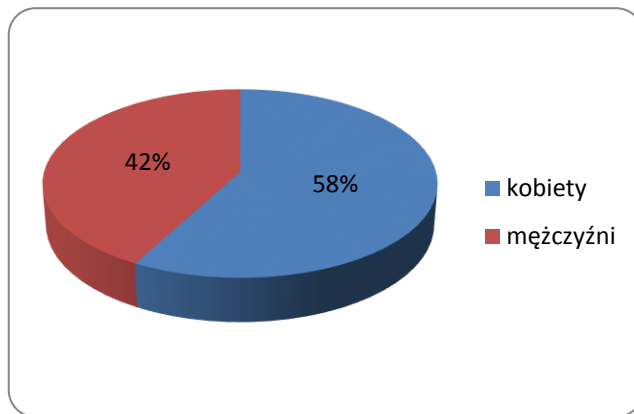
Diagram 14. Countries of origin of victims referred to the Programme in 2015



Source: Own elaboration based on NCIC data.

In 2015 most of the victims originated from Vietnam (23). There were 6 citizens of Bulgaria, 4 from Sri Lanka, 2 each from Morocco and Ukraine and one citizen of Romania.

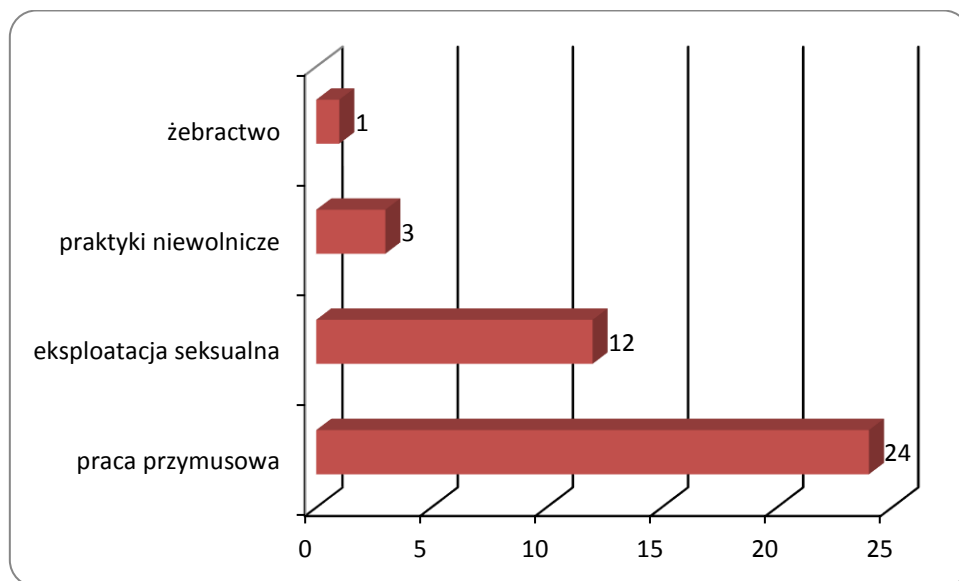
Diagram 15. Victims that entered the Programme for support in 2015 by gender



The Programme included 22 women and 16 men, including 33 persons over 18 and five children. While entering the Programme, 9 persons were residing in the territory of Poland legally, whereas the residence status of the others (29) was not regulated. All victims legalised their stay through the receipt of certificates. 27 victims agreed to testify.

Source: Own elaboration based on the data from the National Consulting and Intervention Centre for victims of human trafficking.

Diagram 16. Victims that entered the Programme for support in 2015 by the form of exploitation



Source: Own elaboration based on the data from the National Consulting and Intervention Centre for victims of human trafficking.

In 2015 the highest number of victims of trafficking in human beings that entered the Programme (24) were the victims of forced labour, and 12 persons were sex industry victims (it represents the abovementioned change of trends). The slavery-like practices concerned 3 victims and 1 was a victim of forced begging. In two cases more than one form of exploitation was recognised: forced labour with slavery-like practices (citizen of Ukraine) and sexual exploitation with slavery-like practices (citizen of Vietnam).

In 2015 inspectors from the **National Labour Inspectorate** carried out 2,956 inspections on the legality of employment and on taking up paid employment by foreigners (2,240 inspections in 2014, 2,026 inspections in 2013), including 2,756 inspections on the legality of employment of third-country nationals (2,009 in 2014, 1,783 in 2013). In total 2,743 entities were inspected, where 24.7 thousand foreigners from 129 countries worked (in 2014 – 15.7 thousand, in 2013 – 13.6 thousand), including almost 21 thousand foreigners without the citizenship of any of the EU/EEA Member States or of Switzerland. Almost 74% of all foreigners covered by inspection were Ukrainian citizens.

It is worth noting that in 2015 a significant increase in the number of foreigners taking up employment in Poland was recorded. A number of declaration of the intention to employ issued by employers for foreigners increased from only 400 thousand in 2014 to almost 800 thousand in 2015.

Labour inspectors found the illegal employment of and work performed by 1,122 foreigners from third countries (5.3% inspected), i.e. by 29% more cases than in 2014 (872) and over twice as many as in 2013 (518). Violations of provisions were identified in case of 334 inspections, i.e. in 12.2% of cases (in 2014 – in 10.5%, in 2012 – in 12.1%). In the reporting year the illegal work of citizens from 30 countries was identified. The largest group of illegally employed foreigners has remained the group of citizens of Ukraine - 989 (5.4% of citizens of Ukraine covered by inspections, 88% of the total number of foreigners who took up illegal work). Inspections revealed also illegal work of citizens of Serbia (31 persons), Belarus (17), Russia (17) and South Korea (10). In years 2010–2015 almost 73% of the identified cases of illegal employment and work by foreigners concerned the citizens of Ukraine.

The phenomenon of illegal employment of foreigners still affects large urban agglomerations to the largest extent. In 2015 the largest intensity of illegal employment of foreigners was recorded in the following Voivodeships: Mazowieckie (223 cases), Śląskie (159), Dolnośląskie (152) and Pomorskie (84). The largest concentration of foreigners illegal work was identified in 2015 in the construction sector – 30% of all identified cases, administrative and support service activities (including in temporary work agencies) – 18%, industrial processing – 16% and trade and repairs – 10%.

Overall in every third inspection (33%) the violations of provisions on the legality of work and fulfilment of the obligations of entity employing foreigners were identified. Inspectors also noted an increased number of cases of employing foreigners whose stay on the territory of Poland was illegal – in 2015 it concerned 30 foreigners employed in 9 entities (in 2014 – 13 in 10 entities, in 2013 – 19 in 19 entities). In 2015 the non-compliance with occupational safety and health regulations and rules was identified towards over 1.8 thousand foreigners – in 32% of controlled entities (in 2014 – towards 1.6 thousand foreigners in 33% of entities, in 2013 – towards 1.2 thousand foreigners in 36% of entities). In the scope of legal protection of foreigners work (complying in e.g. compliance with the working time provisions, leave provisions, provisions on additional payment for overtime) the irregularities were identified in the case of 16% of inspected entities (in 2014 – 17% of cases, in 2013 – 19% of cases). They concerned 1,052 persons, i.e. 8% of foreigners under inspection in this scope.

VOLUNTARY RETURNS

The victims of the trafficking in human beings as persons particularly vulnerable to secondary victimisation. When they decide to leave Poland they have right to assistance in organising safe return to their country of origin. The office of the International Organization for Migration (IOM) in Warsaw implements voluntary returns assistance programme. The programme is implemented on the basis of an agreement between the Minister of Interior and Administration on the one side and the IOM on the other,¹² and is co-financed from the European Return Fund.

In the years 2012–2014, 47 persons – victims of trafficking in human beings – were granted assistance in voluntary return, while in 2015 these were 7 persons, including 6 citizens of Bulgaria and 1 citizen of Romania. The assistance was granted to 6 women and to 1 man (all victims were adults). All women were sexually exploited and one citizen of Romania was the victim of forced begging. To compare, in 2014 the assistance in voluntary return was granted to 17 victims (11 women and 6 men) who were victims of forced labour (7 victims), exploitation for prostitution (7 victims) and forced begging (2 persons). The 17th person who was granted assistance was the child of one of the victims.

The assistance granted by IOM includes:

- counselling on return, including detailed country-of-origin information;
- facilitating travel documentation (when necessary);
- medical tests;
- organisation of return travel to the final destination in the country of return;
- reintegration assistance – an important element of the programme. Returnees receive pocket money to satisfy their needs in the first days after the return. An additional assistance may be granted on the basis of the return plan developed by the foreigner, e.g. assistance with finding employment, starting economic activity, reconstructing the house.

¹² The agreement signed on 26 October 2011, entered into force on 10 March 2012.

PERSONS AGGRIEVED BY THE CRIMINAL OFFENCE OF TRAFFICKING IN HUMAN BEINGS - POLISH CITIZENS IDENTIFIED IN THE TERRITORY OF THE REPUBLIC OF POLAND

General Prosecutor's Office

In 2015, 74 citizens of the Republic of Poland were identified as victims in the territory of Poland. The percentage of Polish citizens in the territory of Poland (64% of victims identified by the Prosecutor's Office) increased significantly compared to 2014, when only 44% of victims were Poles. Thus, the continuous downward trend among the identified Polish victims of the trafficking in human beings persisting from 2011 has been reversed. The new form of exploitation has been identified – Polish women concluding marriages with citizens of non-EU countries in order to legalise their stay in Poland.

Police

In 2015 the Police identified 9 Polish citizens as victims (36% of all victims; the overall number of persons revealed by the Police was 25). All victims of trafficking in human beings registered by the Police are women exploited in the territory of Poland. They were victims of forced labour (6 persons), forced begging (2 persons) and one person was identified as the victim of sexual exploitation.

Border Guard

In 2015 the Border Guard identified 6 victims of sexual exploitation (out of 33 identified victims of trafficking in human beings), including 3 Poles. The victims were exploited in sex industry and they provided prostitution services in apartments. The exploited women were aware that they would work as prostitutes or they had worked in this character before. The victims were promised high wages and good conditions. Finally women were forced to provide their services almost 24 hours a day. During the lifetime of the contract a debt was incurring to be paid by the victim, and it was constantly increasing. The supervisors were using psychological and physical forcing methods, threats, blackmail and they made their victims addicted to alcohol or drugs.

National Consulting and Intervention Centre

Table 3. Number of citizens of the Republic of Poland, beneficiaries of the National Consulting and Intervention Centre for victims of human trafficking in 2015

Year	The number of Polish citizens using the support of the NCIC in 2012-2014	Beneficiaries overall
2012	89	198
2013	103	222
2014	71	207
2015	103	229

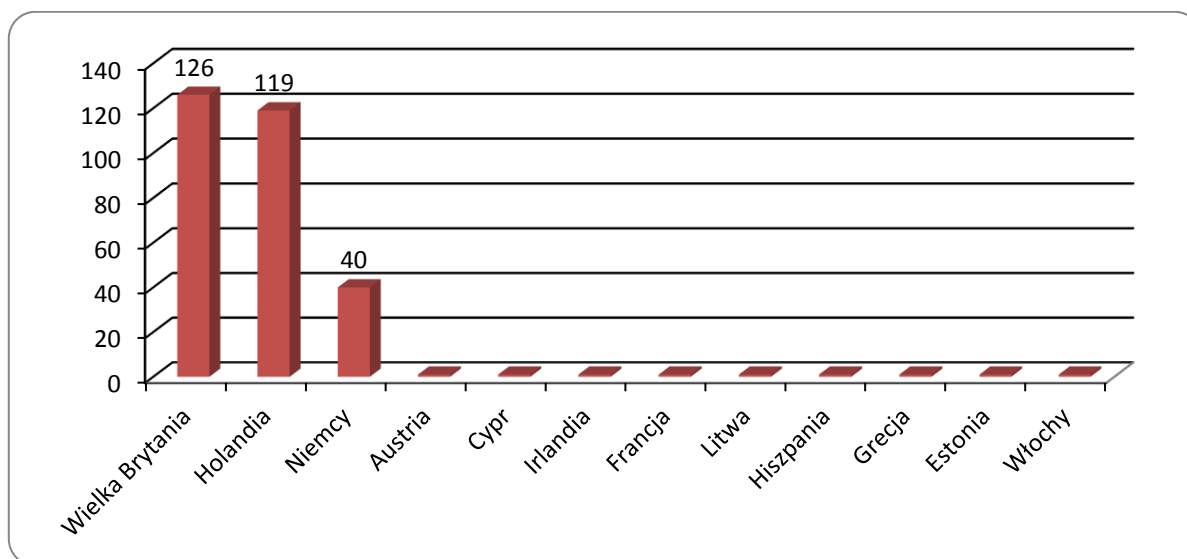
Source: Own elaboration based on the data from the National Consultation and Intervention Centre for victims of human trafficking.

The National Consulting and Intervention Centre for victims of human trafficking is an important entity granting assistance also for Polish citizens who are victims of trafficking in human beings. Throughout the last 4 years the percentage of Poles registered in the National Consulting and Intervention Centre for victims of human trafficking amounted to approximately 45% (2014 was an exception – the percentage of Poles using the National Consulting and Intervention Centre for victims of human trafficking support amounted then to 34%). In 2015 the National Centre granted assistance to 103 citizens of the Republic of Poland. 21 Poles found shelter in refuges managed by the National Consulting and Intervention Centre for victims of human trafficking, including 3 Polish women in the La Strada shelter in Warsaw and 17 persons (women with children) in the shelter managed by the Association Po-MOC in Katowice. Thanks to the assistance of the National Consulting and Intervention Centre for victims of human trafficking, 24 persons received special purpose benefits from the Social Assistance Centres, and 2 victims were granted assistance in obtaining documents. In the framework of organising voluntary return, IOM organised the return of 1 Polish woman, and 17 persons returned to Poland from abroad with the assistance of non-governmental organisations.

POLISH VICTIMS OF TRAFFICKING IN HUMAN BEINGS ABROAD

Polish citizens become victims of trafficking in human beings also abroad. Eurostat's report on trafficking in human beings published in May 2016 contains data from 2013-2014.

Diagram 17. Polish citizens as victims of trafficking in human beings in Europe in 2013-2014.



Source: Own elaboration based on Eurostat data.

In the abovementioned years 396 Poles that were victims of trafficking in human beings were registered in EU, including 298 that were exploited abroad. The highest numbers were registered in Great Britain (126), Netherlands (119) and Germany (40). Moreover individual victims of trafficking in human beings were identified in Austria, Spain, Greece, Estonia, France, Ireland, Portugal, Romania, Lithuania, Cyprus and Italy.

The most common form of victims exploitation in EU countries is sexual exploitation – 67%, while 21% were victims of forced labour. Poles – victims of trafficking in human beings – were mostly victims of forced labour (Great Britain, Netherlands and Germany). Some cases of sexual exploitation were also identified (mostly in Germany and Netherlands), as well as exploitation of criminal activities (thefts, extortions), forced begging (e.g. in Finland) and sham marriage.

The victims were in most of the cases recruited in Poland by employment agencies or private intermediaries offering attractive employment conditions and via Internet (increasingly popular form for criminals). Job promises included high remuneration, transport as well as accommodation. However in most of the cases victims did not receive any information or guarantee in writing. Sometimes it was only in the place of destination that they received contracts for signing which included different job and payment conditions than those presented during the recruitment process (victims had to pay commission on employment, the cost of transport and accommodation, which

were deducted from wages). Victims had their documents taken away, they were threatened and the physical violence was used against them.

POLISH VICTIMS OF TRAFFICKING IN HUMAN BEINGS IN GREAT BRITAIN

For a number of years Great Britain has remained the country with the highest number of registered cases of exploiting Poles – victims of trafficking in human beings. It is undoubtedly related to the high number of Poles living in Great Britain (according to estimates of the Office for National Statistics, in December 2014 over 790 thousand of Polish citizens were staying there¹³ – it is unofficially claimed that approximately 1 million Poles stay in Great Britain permanently or temporarily).

The entity responsible for fighting the trafficking in human beings in Great Britain is the United Kingdom Human Trafficking Centre (UKHTC). According to the UKHTC data 160 victims out of 3,266 victims registered in 2015 are Polish citizens, including two minors (in 2014 among 2,340 identified victims 81 persons were Poles).

Table 4. Poles registered as victims of trafficking in human beings in Great Britain in 2012–2015.

Year	Number of registered victims	Of which children	Number of women	Number of men	Change year/year
2012	45	–	No data available	No data available	100%
2013	86	4	22	64	+ 65%
2014	81	3	23	58	– 6%
2015	160	2	No data available	No data available	+ 97.5%

Source: Own elaboration based on data of the UKHTC.

An increase by 97.5% among Polish citizens – victims of trafficking in human beings may be observed (an overall increase by 40% in the number of registered persons in comparison to 2014 was observed).

¹³ “UK population by country of birth”, Office for National Statistics, August 2015.

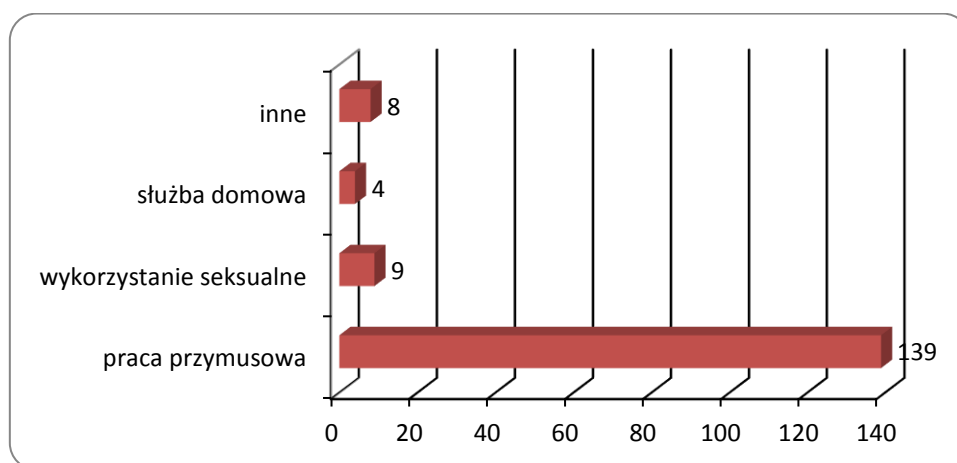


This significant increase in the number of identified victims of trafficking in human beings largely results from the fact, that in 2015 Great Britain introduced into its legislation the **Modern Slavery Act**, which consolidated and clarified existing definitions related to trafficking in human beings, enabled distinction between perpetrators and victims in courts and introduced the non-penalization principle for victims of trafficking in human beings for crimes they were forced to commit, it introduced the confiscation of assets of perpetrators and reparation orders

from convicted criminals. The Act introduced a comprehensive system for identification of victims of trafficking in human beings (National Referral Mechanism), i.e. regulations on identification and registration of victims, legal assistance, taking care of victims by public institutions. However, the critics of the Act argue that it focuses more on combating the phenomenon than helping the victims (perpetrators may face even a life sentence). The Act imposes an obligation on companies (with annual turnover exceeding GBP 36 million) to report on observance of recommendations and measures taken to prevent trafficking in human beings (this applies in particular to the supply chain). However, few companies fulfil this obligation. The critics point out that the Act does not provide any penalties for enterprises that do not comply with its recommendations. The position of the National Rapporteur is also criticised, since the role is limited to reporting, issuing recommendations and performing information activities. The list of forms of victim abuse must be extended to enable the victims to take civil law actions to obtain compensation from perpetrators (thus far only the victims of physical assault, rape or kidnapping could claim compensation from their persecutors in court). The provisions of the Modern Slavery Act and the Domestic Overseas Worker Visa, which include a provision on prohibition of changing the employer during the programme, should be harmonised.

Polish citizens represent 4% of victims identified in the United Kingdom (5th place). The data (for 2013 and 2014) show that men fall victim to crimes more often (women account for approx. 40% of victims). Unfortunately, in its report for 2015 the UKHTC does not provide detailed information broken down by sex, and it can only be supposed that the trend was maintained in 2015.

Diagram 18. Forms of exploitation of Poles in the United Kingdom in 2015



Source: Own elaboration based on data of the UKHTC.

As many as 87.8% of Polish victims (139 persons) were forced to work, 9 were sexually exploited, and 4 were classified as victims of domestic servitude (the category other includes criminal activity, forced marriage, degrading treatment).

The scale of this phenomenon requires an efficient formula of cooperation between the institutions involved in combating trafficking in human beings in the United Kingdom and in Poland. A special Joint Investigation Team (JIT) comprising prosecutors from the United Kingdom and from Poland was established within the framework of bilateral cooperation. The team was to contribute to increasing the promptness and efficiency of operations of law enforcement agencies from both countries. Furthermore, the Polish Police delegated to London a liaison officer with experience in combating trafficking in human beings and additional officers who cooperate in joint actions against traffickers.

COMBATING TRAFFICKING IN HUMAN BEINGS IN POLAND

SUSPECTS

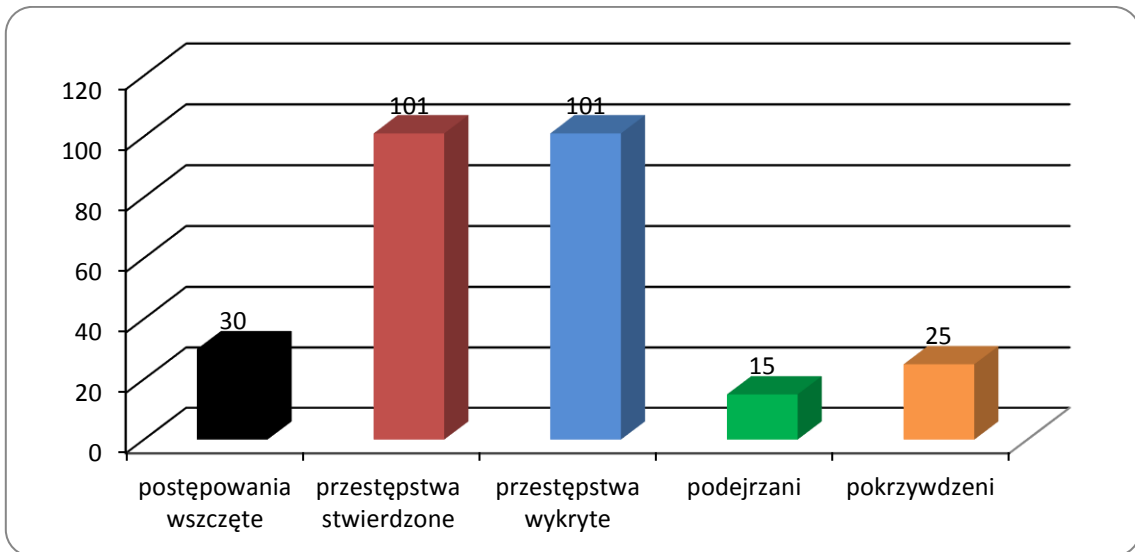
In 2015, **the Border Guard** initiated 7 preparatory proceedings concerning trafficking in human beings (in 2014 there were 11 such proceedings). Charges were levelled against 10 perpetrators – one person with respect to the case from 2015, 7 persons with respect to cases from 2014 and 2 in relation to a case from 2010.

In 2015, the Border Guard continued its operations, initiated in the previous years, aimed at suppressing roadside prostitution. One of the cases finished with filing of the indictment concerning the act defined in Article 189a of the Penal Code to the court by the Appellate Prosecutor's Office in Gdańsk. In its judgment of 18 December 2015, the Regional Court in Gdańsk convicted the chief accused (Bulgarian national) for trafficking in human beings for a penalty of deprivation of liberty for 3 years. The sentence is not final.

The Border Guard also continued investigations to combat exploitation of people of Roma origin for begging. Two investigations ended in detention and arrest of Romanian citizens suspected of trafficking in human beings. The detention took place in Germany on the basis of an European Arrest Warrant.

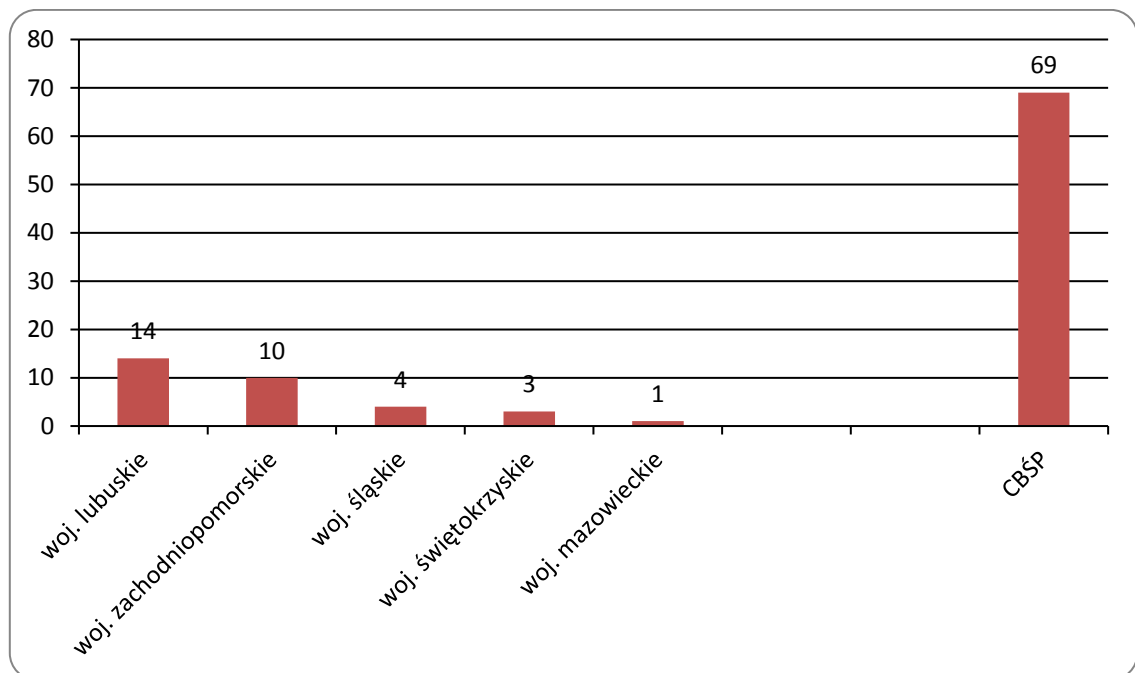
In 2015, **the Police** initiated 30 proceedings concerning trafficking in human beings (in 2014 there were 28 such proceedings). The number of criminal offences identified by the Police amounted to 101 and was 32.8% higher than in 2014 (76). 25 victims and 15 suspects were identified in these cases. From among the suspects, 8 were Polish citizens and 7 foreigners (in 2014 there were 10 Poles and one foreigner). All suspects were men. 11 suspects committed sexual exploitation crimes (including 6 foreigners, 8 of them were temporarily arrested). Three were suspected of abusing the victims in begging (only Polish citizens, all were arrested) and one foreigner was suspected of other forms of exploitation degrading human dignity. All suspects were covered by an indictment.

Diagram 19. Crimes defined in Article 189a of the Penal Code, identified by the Police in 2015



Source: Own elaboration based on data of the Police.

Diagram 20. Number of crimes identified by the Police in 2015 (by voivodeship)



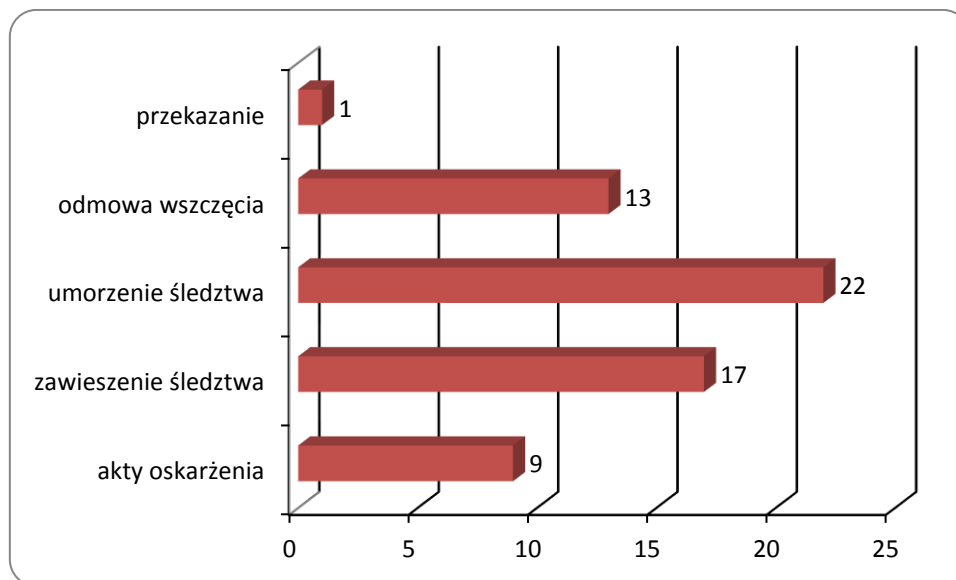
Source: Own elaboration based on data of the Police.

For years, the largest number of crimes of trafficking in human beings has been recorded in the Lubuskie Voivodeship – 14 in 2015, and 31 in 2014. A rapid increase in crimes detected by the Central Investigation Bureau of the Police has been reported – from 11 in 2014 to 69 in 2015.

Detectability of this category of crimes has remained very high for years. In 2015, it amounted to 100% (96.8% in 2014). However, the number of 30 proceedings initiated in the entire country is not satisfactory and requires more commitment on the part of officers.

When analysing the data from the **General Prosecutor's Office**, one needs to emphasize that conclusions on the scale of the phenomenon should be drawn on the basis of the number of preparatory proceedings initiated in a given year. The number of completed proceedings may be different from the number of initiated proceedings. This is due to the fact that some cases are conducted by the Prosecutor's Office for a long time, often 2 or 3 years. In 2015, 67 proceedings were initiated, of which 66 concerning Article 189a §1 of the Penal Code and one with respect to Article 189a §2 of the Penal Code (in 2014, 65 proceedings were initiated).

Diagram 21. Preparatory proceedings completed in 2015



Source: Own elaboration based on data of the General Prosecutor's Office.

In 2015, 60 preparatory proceedings were concluded, in 9 cases charges were brought, which represents 15% of the concluded cases. A persisting downward trend is recorded with regard to cases concerning trafficking in human beings brought to court, as compared to the previous years (34.2% in 2013, 23.4% in 2014). In 2015, 22 cases were discontinued, of which the most pursuant to Article 17 §1(2) of the Code of Criminal Procedure (the act does not meet the criteria of a prohibited act or it is acknowledged by the law that the perpetrator has not committed the crime), 5 cases pursuant to Article 17 §1(2) (the act has not been committed or there are no sufficient grounds to suspect that it has been committed). Four cases were discontinued pursuant to Article 322(1) of the Code of Criminal Procedure (failure to identify the perpetrators). Prosecutors still have problems with collecting sufficient evidence (in 2014, 19 cases were discontinued, mainly relating to Article 17 §1(1) of the Code of Criminal Procedure) to bring charges.

Table 5. Data on persons accused of trafficking in human beings in 2015

Citizenship	Number
Citizens of the Republic of Poland	18
Citizens of Bulgaria	2
Citizens of Romania	2

In 2015, the accused included only the citizens of the European Union countries, i.e. Poland (18), Bulgaria (2) and Romania (2). Property worth PLN 64,860 was secured on account of future penalties and forfeiture of property.

Source: Own elaboration based on data of the General Prosecutor's Office.

CONVICTED

Table 6. Final court judgments in the years 2010–2015.

Year	Final convictions under Article 189 in the years 2010–2015
2010	6
2011	16
2012	16
2013	12
2014	9
2015	36 (judgments of courts of first instance)

Source: Own elaboration based on data of the Ministry of Justice.

From 2010, i.e. from the entry into force of the amended Penal Code which included a binding definition of the crime of trafficking in human beings, until 2014 final judgments in cases relating to trafficking in human beings were issued in 59 cases (including one judgment under Article 189a§2). Between 2013 and 2014, 21 persons in total were convicted. In 2013, 12 persons (9 Poles and 3 foreigners) were tried and convicted, of whom 11 were convicted to immediate deprivation of liberty (8 for 3 years and more, 3 for one year and one person received a suspended sentence of two-year imprisonment). In 2014, 9 persons (6 Poles and 3 foreigners) were convicted, but only in three cases the perpetrators were sentenced to immediate deprivation of liberty and the highest penalty was a 3-year imprisonment.

As regards 2015, only the data for persons convicted by courts of first instance are available. In total, 41 persons were put on trial, while 36 were convicted – one person was accused under Article 189a §2 (no sentence was issued). 19 persons were convicted to 3-5 years of immediate deprivation of liberty, while the others (17) received suspended sentences.

NGOs AGAINST TRAFFICKING IN HUMAN BEINGS

Non-governmental organisations support state authorities and institutions in actions against trafficking in human beings, providing assistance to victims and educating the society. Most of them belong to the [Nationwide Network of Non-Governmental Organisations Against Trafficking in Human Beings](#), which was established in July 2014, under the project financed from the Norway Grants.¹⁴

Major non-governmental organisations dealing with trafficking in human beings:

The [La Strada Foundation against Trafficking in Persons and Slavery](#) established in 1996. The aim of



the Foundation is to act for observance of human rights, combat trafficking in human beings, slavery and forced labour, and suppress exploitation of prostitution and crimes against freedom and health of individuals. From its very beginning, the Foundation actively provides assistance to victims. From 2009, i.e. from the launch of the National Consulting and Intervention Centre for victims of human trafficking, it has been involved in the work of the Centre – so far each year it won the contest of the Ministry of the Interior (and Administration) for running the Centre (providing specialist personnel and a shelter for women in Warsaw).

The [Po-MOC – Mary Immaculate Association for Women and Children](#) – established in 1998. Its



mission is to provide comprehensive assistance to women in crisis situations by means of providing them with a safe shelter, accompany them in their personal development process, undertaking preventive and educational activities relating to

violence, trafficking in human beings and forced prostitution. The main aim of the Association is to help women and their children at risk of or affected by sexual, physical and mental abuse, victims of trafficking in women and their families. Since 2014, the Association has been involved in the functioning of the National Consulting and Intervention Centre for victims of human trafficking, in the framework of which it runs a shelter for women in Katowice.

The [Halina Nieć Legal Aid Center](#) is a non-governmental organisation of public benefit, established in



2002 in Krakow. The Centre acts for the protection of human rights by providing free-of-charge legal aid to persons at risk of social exclusion and discrimination, including the poor, victims of domestic violence, foreigners and refugees. The Centre also monitors the observance of

¹⁴ More information on page 16.

human rights, undertakes legal interventions and implements educational and research projects. The Centre also undertakes activities aimed at preventing trafficking in human beings and child trafficking by means of organising social campaigns and providing legal aid to the victims. The Centre publishes cyclical reports on trafficking in human beings in Poland, which apart from analysing the scale and various aspects of the phenomenon, also evaluates the system of assistance to victims (three editions of the report has been published so far).

The Empowering Children Foundation has been active since 1991. The Empowering Children



Foundation (formerly Nobody's Children Foundation) supports children and their families, providing help in abuse situations. Its branches provide psychological and legal help to abused children (victims of physical violence, mental abuse, sexual exploitation, neglect, cyber violence) and their families. The Foundation also offers support to parents of small children, aged 0-6 years, who for various reasons are not prepared to

provide informed, safe care and upbringing to their children. The aim of the Foundation is to support children in overcoming the trauma caused by abuse. The Foundation actively cooperates with the Police in combating crimes related to sexual exploitation of children. The Foundation operates a website www.stopseksturystyce.fdds.pl, where crimes involving children may be reported and the reports are forwarded to the Police on an ongoing basis.

The Itaka Centre for Missing People is a non-governmental organisation established in 1999, dealing



with the problem of missing persons in Poland. It is a public benefit organisation. Itaka finds the missing people, helps their families and prevents further cases of missing people. It runs an online missing people database, a 24/7 helpline offering support for missing persons and their families and a helpline in cases of missing children. It provides all assistance free of charge. Itaka cooperates

with the General Headquarters of the Police and is a member of the Missing Children Europe Federation.

The above list of non-governmental organisations is not exhaustive. Several dozens of entities provide assistance to victims of trafficking in human beings, including Caritas, Polish Red Cross, Helsinki Foundation for Human Rights, St. Brother Albert's Aid Society and many other organisations, foundations and associations providing various forms of support for the affected persons, including those affected by the trafficking in human beings.

NEW SOLUTIONS SUPPORTING COMBATING TRAFFICKING IN HUMAN BEINGS

LEGAL SOLUTIONS



The Act of 28 November 2014 the **on protection and assistance for aggrieved party and witnesses** entered into force on 7 April 2015. The Act comprehensively regulates the issues related to the protection of aggrieved persons and witnesses whose life and health are at risk. Its aim is to protect them from intimidation and retaliation and to provide them with the proper participation in proceedings and avoidance of secondary victimisation. To this end, the Act introduces the new protection and assistance measures in three categories:

- protection for the period of procedural acts,
- personal protection,
- assistance in changing the place of residence.

In addition, the Act introduces two mechanisms that accompany the above-mentioned protection and assistance measures system. The first relates to the creation of an institution of coordinators for the protection and assistance for aggrieved party and witness who act for the Police. The second is aimed to facilitate the access to the psychological assistance for aggrieved persons, witnesses or people closest to them whose psychological health was identified as threatened.

The Act of 28 November 2014 on protection of and assistance for the aggrieved party and the witness also introduces the amendments to the Code of Criminal Procedure in terms of the protection of the aggrieved party and the witness in the preparatory proceedings:

- increases the range of the anonymisation of the aggrieved persons' data,
- allows for the participation of the person indicated by the aggrieved party in activities,
- extends the scope of the instructions provided for the aggrieved party on his/her rights, among others, to an interpreter and on the possibilities for the accused to redress the damage or to obtain the state compensation, on the access to legal assistance, available protection and assistance measures and on the support organisations for the aggrieved persons and the possibility to reimburse the costs incurred in connection with the involvement in the proceedings.

The scope for using the telecommunication devices for hearing witnesses, e.g. in case where it is to be feared that the presence of the accused could negatively influence the testimony of witness, was also extended. So far, hearing in the form of the videoconference was envisaged only as a manner to remotely hear the witness and the manner to hear the anonymous witness.

The Act also introduces another protection measure in the form of the European Protection Order to the Polish legal system.

In 2014, Ministry of the Interior – as a part of the work of the expert group for support to and protection of victims of trafficking in human beings – developed the document entitled *Rights of victims of trafficking in humans* and the *Rights and obligations of persons wronged by trafficking in humans*, on the basis of which the flyer for the victims of trafficking in human beings related to their most important rights was developed. In 2015, the flyer was translated into 9 foreign languages and its distribution was launched. This is the way in which the actions to raise awareness regarding the rights of the victims of trafficking in human beings are taken also among foreigners who do not speak Polish and who belong to different culture and ethnic groups. The flyer is also available at: <http://www.handelludzmi.eu/hl/o-handlu-ludzmi/informacje-dla-ofiar/6671,Prawa-ofiar-handlu-ludzmi.html>

The Act of 5 August 2015 [amending the Act on state compensation for victims of certain offences, Act – Code of Civil Procedure and Act on civil court Fees](#) (entry into force on 12 January 2016).

The main amendments to the Act include:

- extension of the personal scope by resignation from the condition of the nationality of aggrieved party in favour of the condition of his/her permanent residence. According to the amended Act, the compensation will be paid when the criminal offence was committed on the Polish territory or the territory of other EU country to the detriment of the person permanently residing in Poland or another UE country;
- extension of the material scope by introduction of the possibility to obtain compensation even if the perpetrator could not be subject to criminal liability;
- facilitation of the compensation claim by specifying applicable terms and facilitation of the procedure.

The Act of 27 September 2013 [amending the Act – Code of Criminal Procedure and certain other Acts, introduced the amendments in relation to the compensation and redress in the course of criminal proceedings](#) (the amendment entered into force on 1 July 2015). These amendments include:

- specification of the conditions and extension of the cases (by resignation of the obligation related to occurrence of certain crime effects) of imposing the fine for the benefit of the victim, when the payment of the compensation or redress for the damage suffered is not possible (Article 46 of the Criminal Code);
- repealing possibility to launch a civil action within criminal proceedings (repealing the provisions of Article 62–70 of the Code of Criminal Procedure). However, this amendment does not deprive the aggrieved party of the possibility to claim compensation or redress within civil proceedings in accordance with the general rules (Article 46 and Article 415 of Code of Criminal Procedure);
- introduction of written instruction for the parties to the proceeding, including the aggrieved party, on his/her rights.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

In 2015, Poland signed the **Council of the Europe Convention on action against trafficking in human organs** – being the first international legal document of its kind which regulates the issues related to removing and transplanting organs. The removal of organs without the declaration of the will of donor will be treated by the countries as a crime and the countries will themselves decide whether to hold the donors criminally liable. The Convention provides for the introduction of the system of

compensation for the victims and their protection, as well as preventive measures and information exchange between the countries.

On 10 June 2015, the Commander-in-Chief of the Police **signed the Ordinance No 14 on certain tasks performed by the Police in the area of identification, prevention and detection of the crime of trafficking in human beings and other related forbidden acts**, which identifies:

- certain tasks performed by the particular Police services in the area of identification, prevention and detection of the crime of trafficking in human beings and other related forbidden acts;
- methods and forms of performance of tasks in the area of identification of the victim of crime of trafficking in human beings and other related forbidden acts;
- Police services (criminal, investigation, prevention services) responsible for the implementation of tasks.

In December 2015, the Police and Border Guard organisational units received a document entitled **Rules of conduct for officers in the case of issuing a certificate confirming the presumption that the foreigner is a victim of trafficking in human beings** developed by the expert group for support to and protection of victims of trafficking in human beings.

At the beginning of 2015, the procedure aiming at ensuring a safe return and protection of the victims against re-victimisation was implemented. In 2014, the expert group for support to and protection of victim/witness of trafficking in human beings developed the document entitled **Assessment of risk in case of the organisation of return of the victim of trafficking in human beings – rules of conduct** accompanied by Annexes. In the light of the above-mentioned document, the risk assessment is performed only in the case of return of the foreigners identified as victims of trafficking in human beings being third country nationals and, in justified cases, the citizens of the European Union, and will concern only the victims covered with the Programme of Support and Protection of Victims/Witnesses of Trafficking in Human Beings. The risk assessment is a process that consists of 3 stages:

- stage I – assessment performed by the National Intervention and Consulting Centre;
- stage II – assessment performed by the body that carries out the investigation in the case in question (Police or Border Guard);

- stage III – assessment performed by MIA on the basis of information obtained from other institutions or organisations on situation and conditions in the country to which the victim plans to return.

The individual stages of the risk assessment are carried out on the basis of tools constituting Annexes to the document.

In the middle of 2015, the Police and Border Guard units received the *Algorithm of identification of and conduct towards minor victims of trafficking in human beings* to better identify the presumed minor victims of trafficking in human beings. The document contains a list of circumstances and situations which require particular attention of the Police or Border Guard officer and should result in further actions in order to verify whether trafficking in human beings could take place in such circumstances. The algorithm makes a reservation that the identification cannot be based only on information provided by the minor. Such information must be always supplemented with an in-depth analysis of the minor's situation and other circumstances. The hearing of the minor, if necessary, must be performed in conditions that he/she finds friendly, in such a way that the minor does not feel suspected or guilty of the crime. After the preliminary identification, the Police or the Border Guard officer should contact the anti-trafficking coordinator in the relevant Voivodeship / Warsaw Metropolitan Police Headquarters or in the relevant unit of the Border Guard and inform about the results of the suspicions. In the meantime the potential minor victim of trafficking in human beings should be separated from the third parties who accompany him/her immediately when there is a suspicion that they can be perpetrators of or accomplices to a crime. In order to ensure continuing care of the minor, he/she is sent directly to the National Consulting and Intervention Centre and informed of his/her rights and obligations.

INTERNATIONAL COOPERATION

Bilateral cooperation with Great Britain – following the entry into force of the Modern Slavery Act in Great Britain and a large number of Polish citizens identified as the victims of trafficking in human beings in the British Isles, the bilateral cooperation was intensified. The arrangements concluded during the meetings included:

- the development of the cooperation plan in the area of counteracting trafficking in human beings identifying its areas and proposals for the concrete actions;
- the cooperation between non-governmental organisations in the area of identification of victims, supporting them, performing the coherent risk assessments and preventing repeat victimisation;
- cooperation in the preventive actions;
- study visits, officers exchange, including strengthening the existing operational cooperation.

In 2015, the British Embassy prepared the draft Action Plan against the Modern Slavery foreseen for Poland. As a part of the preparation process of its implementation, the number of meetings with the representatives, among others, of Home Office, National Crime Agency were organised.

Bilateral cooperation with Netherlands – as a part of preventive actions aimed at preventing trafficking in human beings and related crimes, the Prevention and Traffic Police Bureau of the General Headquarters of Police established the partnership cooperation with the Dutch Police. The project ***Your safety - our business, work in Netherlands*** aimed at organising meetings in some of the Police garrisons in Poland based on the exchange of experiences regarding combating the trafficking in human beings, was implemented.

The Unit against Trafficking in Human Beings is a partner of the International Organisation for Migration under ***the TACT project (Transnational Action – safe and sustainable return and reintegration for Victims of trafficking returning from France, Greece, Italy, Poland and Spain to priority countries Albania, Morocco and Ukraine)***. The project was initiated in 2015 and is financed from the European Asylum, Migration and Integration Fund. The main project goals include:

- establishment of the cooperation mechanism in the field of safe return and reintegration of victims of trafficking in human beings in the priority counties,
- strengthening the cooperation (good experiences and information exchange) between the relevant institutions in the involved countries,
- providing the Albanian, Moroccan and Ukrainian victims returning to their countries of origin with support in the field of reintegration.

SELECTED PROGRAMMES AND PROJECTS RELATED TO PREVENTING TRAFFICKING IN HUMAN BEINGS IN 2015



The basic document of the system of combating and preventing trafficking in human beings in Poland is the **National Action Plan against Trafficking in Human Beings**. It is a government programme adopted by the Council of Ministers and delegating tasks related to combating trafficking in human beings to individual government administration bodies. The document is intended not only for individual central administration units, but also for non-governmental institutions and organisations that engage in actions against trafficking in human beings in Poland voluntarily. The first document of its type entitled: National Action Programme against Trafficking in Human Beings for 2003–2004 was adopted by the Council of Ministers in 2003.

On 26 February 2016 the Council of Ministers approved a report on the implementation of the **National Action Plan against Trafficking in Human Beings for 2013-2015**¹⁵. The main objective of the Plan was to create conditions necessary for efficient preventing and combating of trafficking in human beings and protection of victims of such crimes in Poland. During the period of the Plan term the following has been carried out:

- information campaigns (e.g. a website www.handelludzmi.eu has been set up in the Ministry of Interior and Administration, run by the Unit against Trafficking in Human Beings; the Police and the Border Guards organised the celebrations of the European Anti-Trafficking Day; the competitions for youth were organised, information and educational materials regarding trafficking in human beings were distributed);
- training courses for the law enforcement and judicial authorities (a comprehensive system of training on trafficking in human beings was implemented for the Police, the Border Guards, and training courses for the judges and prosecutors were carried out), trainings were delivered for the employees of the Office for Foreigners, social care employees, consulates, non-governmental organisations;
- comprehensive mechanisms of victim identification were developed and implemented for the Police and the Border Guard officers as well as for the employees of the Office for Foreigners; mechanism of identification and aid for minor victims of trafficking in human beings were developed and implemented;
- cooperation with the Great Britain and the Netherlands was intensified due to a large number of Polish victims affected by this trafficking in human beings in these countries;
- analytical activity was carried out in the field of issues related to trafficking in human beings (reporting, statistics analysis, research work in this area).

At present, the **National Action Plan against Trafficking in Human Beings for 2016–2018** has been developed and adopted by the Committee for Combating and Preventing Trafficking in Human Beings; after the interministerial consultation stage the Plan was submitted to the Council of Ministers¹⁶.

¹⁵The entire document is available at: www.handelludzmi.eu.

¹⁶ The National Action Plan against Trafficking in Human Beings for 2016-2018 was adopted by the Council of Ministers on 17 August 2016.



In 2015 a **nationwide survey of awareness of risks related to trafficking in human beings and work abroad**¹⁷ was carried out. The results of the survey constitute a diagnosis of the knowledge on trafficking in human beings and inclination to undertake risky behaviour among Poles. They are also the basis for planning future preventive measures. To a large extent, the survey was a repetition of the study on awareness of trafficking in human beings commissioned by the Embassy of the United Kingdom in 2010, which also allowed to grasp trends and assess effectiveness of preventive measures carried out so far. The project is implemented in partnership with the Council of Europe. Its results were published in October 2015.

Poles generally know what trafficking in human beings is and are able to describe it: they mostly use contemporary terms such as prostitution, selling people and trafficking in women. At the same time, however, the respondents fail to see the difference between trafficking in human beings and human smuggling (organisation of other people's illegal border crossing). Many Poles see that this practice takes place in Poland and its victims are not only Poles, but also foreigners. Knowledge on this crime is more extensive and the society becomes more sensitive to this problem. A conviction that the victims should not be left to themselves prevails. According to the respondents the institutions competent to provide such assistance are: the Police, government bodies and NGOs. The survey results show that half of respondents know no Polish or international institution that helps victims of trafficking in human beings. Yet some improvement compared to 2010 can be noticed as back then 70% had no such knowledge.



Improving Poland's capacity to prevent trafficking in human beings

In 2015 the Ministry of the Interior and Administration organised the first part of a national awareness-raising campaign under the project entitled **"Improving Poland's capacity to combat trafficking in human beings"**. It was developed on the basis of the above-mentioned public awareness survey. The campaign was addressed at a wide audience. Its message was that everyone can fall victim of trafficking in human beings and everyone can get help. In December, a spot was broadcast in three national TV stations and thematic channels (100 broadcasts), as well as on national and supra-regional radio stations (300 broadcasts).



Improved national cooperation structures to prevent trafficking in human beings

The project **Enhancing cooperation of national structures established to combat trafficking in human beings** implemented by the Unit against Trafficking in Human Beings and the International Organisation for Migration (IOM) as the project

¹⁷ The survey was carried out under the project "Improving Poland's capacity to prevent trafficking in human beings". The survey report is available at www.handelludzmi.eu.

partner. The purpose of the project is to establish voivodeship cooperation structures to combat trafficking in human beings. In 2015, setting up of Voivodeship Units for Trafficking in Human Beings has been finalised.¹⁸

FIGAS project – *Filling the Gaps in the System of combating human trafficking in Poland* implemented by the Human Trafficking Studies Centre of the University of Warsaw, General Headquarters of Board Guard and the Central Border Guard Training Centre in Koszalin, financed by the European Commission under *ISEC Prevention and Fight Against Crime 2011*. It was implemented between January 2013 and March 2015; its purpose was to identify gaps in the system for preventing and combating trafficking in human beings in Poland. The results of the surveys were presented at the international conference on 9 March 2015. The experts discussed the most important issues connected with so-far work of national rapporteurs on trafficking in human beings in Europe.

In 2015 the Central Border Guard Training Centre in Koszalin together with the IOM implemented a project co-financed from Norway Grants on **Strengthening the potential of the Border Guard in combating organised crime, including trafficking in human beings**. Under the project, 59 Border Guard officers were trained in identification of victims of trafficking in human beings.

LASM project – Lubuski Alliance of Uniformed Services against trafficking in human beings and cross-border crime. The project, financed from Norway Grants and implemented by the Office of Lubuski Voivode, Nadodrzański Border Guard Unit and the Human Trafficking Studies Centre of the University of Warsaw, envisaged *inter alia* a regional campaign intended for the general public in Lubuskie Voivodeship. Its purpose was to effectively enhance the qualifications and possibilities of Border Guard officers and public administration personnel in terms of preventing organised cross-border crime, including trafficking in human beings.

Cooperation and Competence as Key to Effective Combating Trafficking in Human Beings, a project implemented by the National Headquarters of the Board Guard with the International Organization for Migration (IOM). The purpose of the project was to contribute to enhancing the competence of the services responsible for combating trafficking in human beings and strengthening institutional cooperation in assisting victims of this crime, with particular emphasis on help in voluntary return and reintegration. A cycle of trainings for Border Guard officers was organised, attended by 66 people. Also under the project, creation of an interactive training application for the Police and the Border Guard was planned.¹⁹ The project was co-financed from Norway Grants.

¹⁸ More on p. 14.

¹⁹ It is an interactive film where the viewers decide on the fate of the protagonists. By making choices, they co-create sequences of events according to various scenarios and learn the consequences. Three films were produced. The application was launched in June 2016.

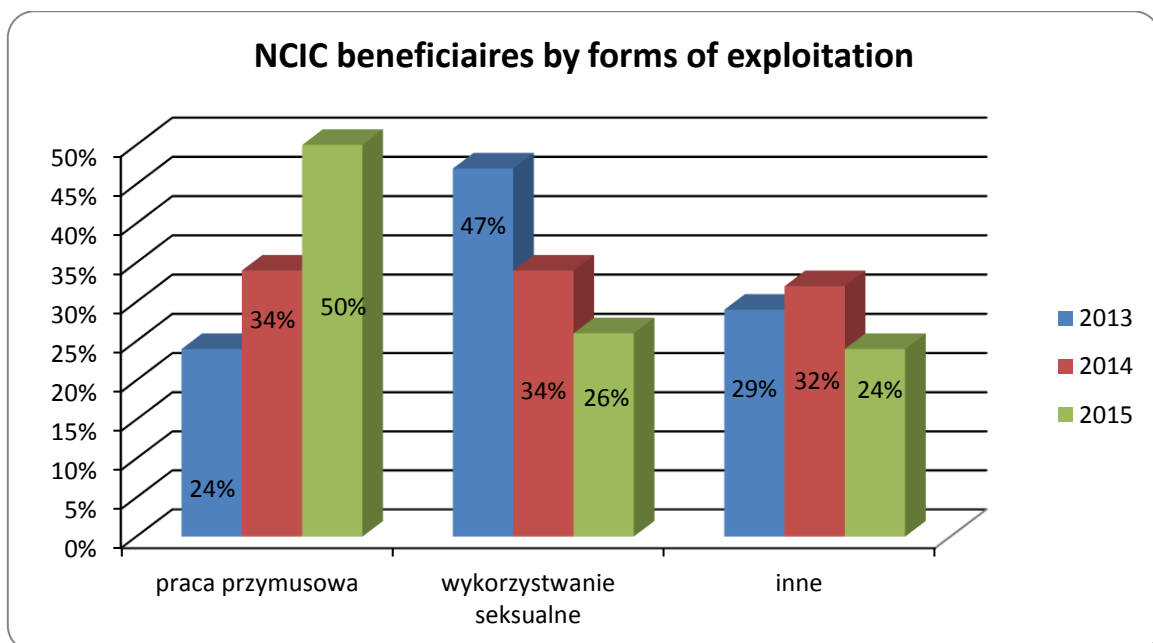
SUMMARY

Trafficking in human beings is a cruel crime that violates fundamental human rights and has a destructive effect on individuals. In the majority of cases it is conducted by organised criminal groups (frequently transnational) that derive considerable proceeds therefrom (according to UNODC estimates trafficking in human beings generates annual turnover of USD 32 billion). It seems that this form of slavery should be non-existent in the 21st century, but continuous demand for the cheapest labour and the requirements of highly developed sex industry make trafficking in human beings a financially attractive criminal venture.

Compared to other EU countries, Poland ranks as the 5th country of origin of victims of trafficking in human beings. It is also a transit country (smuggling routes of victims from Eastern Europe and Asia run through Poland) and the destination country for abused victims (especially from Ukraine, Bulgaria, Romania and East Asia).

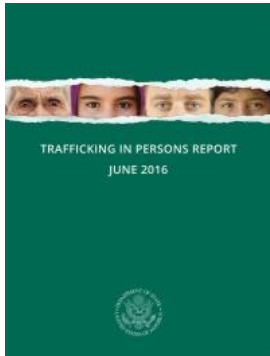
Analysis of the statistics for recent years shows that the trend in trafficking in human beings in Poland has changed considerably. Previously, the most frequent form of abuse was exploitation for prostitution and in pornography. It translated into data on victims divided by sex: the vast majority of victims of trafficking in human beings were women. Data for recent years show, however, a sudden increase in the number of victims exploited for forced labour, which stands for an increase in the number of male victims who now dominate the statistics of forced labour victims.

Diagram 22. Evolution of exploitation forms of victims of trafficking in human beings in Poland between 2013 and 2015.



Source: Own elaboration based on data of the National Consulting and Intervention Centre for victims of human trafficking.

Also the cases of Poles who fell victims of trafficking in human beings in other European countries, especially in the United Kingdom, the Netherlands and Germany, show that Poles are most frequently victims of forced labour and men are the most aggrieved group.



Annual reports by the U.S. Department of State, **Trafficking in Persons**, include Poland in the highest category (Tier 1) for the states that meet the **Palermo Protocol requirements**. Report authors state that Poland meets the minimum requirements and conducts ongoing actions aimed at improving the effectiveness of combating trafficking in human beings and puts forward effort to improve the victim support and assistance system. The Department of State also points to areas in need of improvement and provides recommendations, such as to introduce special support measures for minor victims of trafficking in human beings, to aggravate penalties so that they correspond to gravity of the crime, to improve prosecution of perpetrators who exploit victims for forced labour, and to increase the number of trainings for prosecutors and judges.

The Department of State recommendations coincide with the conclusions of this paper:

1. To improve the effectiveness of prosecution of trafficking in human beings perpetrators – prosecutors have problems with collecting sufficient evidence in cases of trafficking in human beings, hence many proceedings are discontinued.
2. To increase the number of trainings for judges and prosecutors – a decrease in the number of sentences for crimes that breached Article 189a of the Penal Code in recent years and a large number of suspended sentences that are inadequate to the gravity of the crime.
3. Due to constant increase in the number of victims of trafficking in human beings forced to work, the detectability and prosecution of perpetrators who exploit victims for forced labour must be improved – it is the kind of crime with which Polish law enforcement bodies have the biggest problem when it comes to collection of sufficient evidence.
4. The constantly high number of child victims requires additional effort to support juvenile victims of trafficking in human beings.
5. It is necessary to develop and comprehensive document, the National Reference Mechanism (NRM), that would bring together all the institutions, instruments and means – NRM establishment is one of the priorities of the National Action Plan against Trafficking in Human Beings for 2016-2018.
6. To enhance victims' chances for compensations from the perpetrators – facilitations for the victims, legal aid from the institutions involved in victim assistance.

SUMMARY

Trafficking in human beings (THB) is the buying, selling and exploitation of adults and children. It is a phenomenon which has a detrimental effect on individuals, society, and the economy. Traffickers exploit people's vulnerabilities, which may be exacerbated by factors such as poverty, discrimination, gender inequality, violence against women, lack of access to education, ethnic conflict and natural disasters.

THB is a crime driven by demand and profit. The profits, in both the legal and illegal economies, result in a complex interplay between supply. And demand is what must be addressed if the crime is to be eradicated. THB is a gross violation of fundamental rights, and is explicitly prohibited under the international law.

Poland is a transit (through our territory lead main routes for victims from Eastern Europe and Asia to Western Europe), destination country for abused victims (especially from Ukraine, Bulgaria, Romania and East Asia), and Poland is on 5th position among EU countries, as the country of origin of victims of trafficking in human beings.

Analysing the statistics of recent years, it is noticeable that there is a clear change in the trend regarding human trafficking in Poland. So far, the most disclosure form of exploitation was sexual exploitation in prostitution or the sex industry. This was reflected in the data on the distribution of victims by gender - the vast majority of victims of trafficking were women. However, the data from previous years shows that rapidly growing number of victims used for forced labour, which is inseparably connected with increasing number of men victims, dominating in the statistics of victims of forced labour.

Most of the identified victims of THB in Poland were citizens of: Poland, Ukraine, Romania, Bulgaria, Vietnam, Sri Lanka and Philippines (mostly exploited in forced labour, sexual exploitation, forced begging). Poles also were being exploited abroad, mainly in the United Kingdom, the Netherlands and Germany (the vast majority of Polish victims are used for forced labour).

The data from General Prosecutor Office pointed that perpetrators of this crime on the territory of Poland, in most cases, are Polish citizens. Unfortunately, we can observe steady decreasing number of closed investigations which resolved on small number of bills of indictment. As a result only a few defendants were sentenced to deprivation of liberty (effectively enforced).

Having in mind that THB is a serious crime and willing to provide assistance to victims, the National Consulting and Intervention Centre, fully financed by Ministry of the Interior and Administration, operates since April 2009. The Centre is currently run by two NGOs (La Strada Foundation and Po-MOC Association) both very experienced in THB issues.

Poland initiated significant number of actions to improve country's capacity to prevent in THB i.e. Poland made amendments to the law (regarding to THB matters), conducting initiatives in cooperation with NGOs (in most cases co-financed from Norway Grants) to improve assistance to the victims and to inform the society about THB phenomenon in Poland.

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