

TEMPLATE POLICY PAGE

Category:	Prostitution and Trafficking for Sexual Exploitation
Country:	Poland
Year:	/

Policy page:	<p>The system for implementation and monitoring of tasks provided for in the “National Action Plan Against Trafficking in Human Beings” consists of the following elements:</p> <ul style="list-style-type: none">– interministerial Committee for Combating and Preventing Trafficking in Human Beings, functioning since 2004 as a consultative and advisory body of the Prime Minister. At present, the Committee is comprised of representatives of government entities, as well as of invited institutions and nongovernmental organisation dealing with the issues of trafficking in human beings;– Working Group of the above-mentioned Committee responsible for day-to-day monitoring of implementation of the Plan, consisting of experts representing institutions participating in the Committee’s work. <p>The tasks to be performed under the Plan are nationwide, the relate either to actions of central institutions in terms of developing legal regulations or best practices, or to actions undertaken in all voivodships through appropriate institutions.</p> <p>In 2006 a special Central Team was established at the General Headquarters of Police. In the area of prostitution and trafficking prevention, the focus is directed on the topic of inclusion of trafficking in human beings into special meetings organized with youngsters, especially young girls from secondary schools and universities. The main goal of such activity is the awareness-raising of persons being offered work abroad.</p> <p>Owing to the fact that not only the Police, but also the Border Guard have a particular responsibility for prosecution of organisers of human trafficking, special structures have been established to fulfil tasks related to this issue.</p> <p>Under decision of the Border Guard Commander-in-Chief of 18th June 2008 there was established a Unit for Constant Monitoring and Coordination of Actions of the Border Guard within the field of combating and preventing trafficking in human beings. Main tasks of the Unit consist of:</p> <ul style="list-style-type: none">– Day-to-day monitoring and analysis of cases of trafficking in humans revealed by the Border Guard.– Cooperation with the Ministry of Interior, the Police and other government bodies as well as non-governmental organizations within this field.
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	<p>In 2009, in the National Border Guard Headquarters, as a result of restructuring of the operation and investigation sector the Border Guard, the First Section for Irregular Migration and Trafficking in Human Beings was established. This section was entrusted with tasks related to coordination and supervision of actions undertaken by regional units of the Border Guard in terms of combating and preventing trafficking in human beings.</p> <p>Since 2006, “Programme for Support and Protection of a Victim/Witness of Human Trafficking” has been realized. Financed from state budget, the Programme is dedicated to foreign nationals – citizens of third countries identified as victims of trafficking in human beings in Poland. Since 2010 the Programme is a part of National Consulting and Intervention Centre for Victims of Trafficking, which started its activity in 2009 following a new public task assigned by the Minister of Interior. Within the service it was also possible to support assumed victims of trafficking in human beings, the workers’ rights of whom are violated.</p>
<p>Relevant legislation:</p>	<p>Article 115 § 22 of the Penal Code of 6th June 1997 – a new regulation in Polish legal system which came into force on 8th September 2010, contains a legal definition of trafficking in human beings as followed:</p> <p>Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of:</p> <ol style="list-style-type: none"> 1) violence or unlawful threat, 2) abduction, 3) deception, 4) misleading, the exploitation of a person’s mistake or their inability to properly comprehend the action being undertaken, 5) the abuse of a relation of dependence, taking advantage of a critical situation or state of helplessness, 6) giving or receiving of payments or benefits or its promise to achieve the consent of a person having control over another person, <p>- For the purpose of exploitation, even with the person’s consent. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, pornography, or other forms of sexual exploitation, forced labour or services, beggary, slavery or practices similar to slavery, servitude or the removal of cells, tissues, or organs against the regulations of the article. Should the perpetrator’s behaviour concern a minor, it shall be considered “trafficking in persons” even if this does not involve any of the means set forth in points 1-6 of this article.</p> <p>The definition includes, as an offence, subjecting someone to any of the forms of exploitation mentioned in the Council Framework Decision of 19 July 2002 on combating trafficking in human beings (2002/629/JHA), including “forced or compulsory labour or services”. It focus not only on various forms of sexual exploitation, such as exploitation of the prostitution or pornography, but includes also forced labour and services, begging, servitude or other forms of exploitation that are humiliating to human’s dignity or removal of cells, tissues and organs.</p>

The following regulation from the Polish Penal Code refers directly to the crime of trafficking in human beings:

Article 189a.

§ 1. Whoever conducts a trafficking in persons shall be subject to the penalty of deprivation of liberty for a minimum term of 3 years.

§ 2. Whoever makes preparations to commit the offence specified under § 1, shall be subject to the penalty of deprivation of liberty from 3 months up to 5 years.

Other criminal offences related to trafficking in human beings:

Article 189

§ 1. Whoever deprives a human being of their liberty shall be subject to the penalty of the deprivation of liberty for a term of between 3 months and 5 years.

§ 2. If the deprivation of liberty exceeded longer than seven days, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 3. If the deprivation of liberty specified in § 1 or § 2 was coupled with special torment, the perpetrator shall be subject to the penalty of the deprivation of liberty for a minimum term of 3 years.

Article 191

§ 1. Whoever uses force or an illegal threat with the purpose of compelling another person to conduct himself in a specified manner, or to resist from or to submit to a certain conduct shall be subject to the penalty of deprivation of liberty for up to 3 years.

Article 203

Whoever, by means of violence, unlawful threats, deceit or taking advantage of the dependency or critical position, leads another person to prostitution, shall be subject to the penalty of deprivation of liberty for a term between 1 year and 10 years.

Article 204

§ 1. Whoever, in order to gain material benefits, impels another person to prostitution or facilitates it, shall be subject to the penalty of deprivation of liberty for a term of up to 3 years.

§ 2. Whoever gains material benefits from prostitution of another person shall be subject to penalty specified in § 1.

§ 3. If a person specified in § 1 or § 2 is a minor, the offender shall be subject to penalty of deprivation of liberty for a term between 1 year and 10 years.

Trends:

Trafficking in human beings

Poland is considered to be a **country of origin** for victims – trafficked mostly to other EU MS), a **transit country** and a **destination country**.

Taking into account the collected statistical data we may conclude that the scale and nature of the trafficking in human beings phenomenon

didn't undergo any significant changes in the last couple of years. The number of cases lead by law enforcement agencies remains on the same level throughout last years. The largest fluctuations are registered in the number of victims, but they are usually connected to the detection of large organized crime groups exploiting large numbers of victims in forced labour, for benefits and bank loans.

The most dynamically evolving part of the trafficking phenomenon is the variety of exploitation forms that are encountered.

As of today, sexual exploitation remains the prevalent and most commonly identified form of THB in Poland. Recently, Polish sex industry is being partially taken over by Bulgarian organised crime groups, which transfer part of the profits to Polish criminal groups. The majority of victims are Polish women and women from Ukraine and Belarus, providing sexual services in brothels and private apartments. At the same time there is a noticeable decline in the number of Polish nationals forced to provide sexual services abroad – in Germany, Netherlands, Italy and in the UK. A number that has reached its peak directly after Poland's accession to the EU.

Second largest in numbers form of THB is exploitation for criminal activity – mostly shoplifting and fraudulent transactions using debit/credit cards – as well as exploitation for bank loans and social benefits. The crimes of forcing people to fraudulently obtain social benefits or buy expensive goods on credit, involving Polish citizens were recorded in the UK and Germany. In 2013 more than 600 people were granted the status of victim in course of the proceedings. Furthermore 113 OCG members have been detained and property worth about 5 M PLN was secured. In 2013 a scheme of women criminal exploitation has been discovered in Italy. The perpetrators who were Polish nationals forced the women to shoplift in boutiques.

Poland noted an increase in numbers of labour exploitation, although labour exploitation cases are still hard to identify. In 2011-2014, 18 (5-8 per year) investigations concerning forced labour were conducted in Poland. In recent years, large numbers of Poles were registered as presumed victims of labour exploitation in the UK – 157 registered in 2013. Regarding the exploitation of foreigners in Poland, based on scientific research, it is believed that the exploitation is most common in agriculture and construction sectors. Furthermore the Border Guard estimates the number of Asian countries nationals (particularly Vietnamese) exploited in Poland is increasing. Large numbers of Ukrainian citizens arriving to work in Poland are also a group that is at risk of being exploited

Key Statistical data:

The number of preparatory proceedings launched by prosecutors' offices in 2011-2014 remained stable – 52, 65, 57 and 65 respectively.

The share of cases completed with an indictment for the years 2011-2014 was 29%

The Police uncovered 750 crimes and initiated 93 investigations in 2011-2014. The vast majority of uncovered crimes concerned Polish citizens

exploited outside the country. Moreover, concentration of the phenomenon of THB can be observed in the capital city Warsaw. In 2014 Border Guard has been conducting 11 proceedings in THB cases.

Majority of perpetrators accused in 2011-2014 were Polish citizens (82) other nationalities were Bulgarian (13), Belarussian (2), Romanian (2), German (1) and Russian (1).

In 2011-2014, 1058 formally identified victims were recorded by the prosecution. Majority of them were citizens of Ukraine (101), Belarus (37), Bulgaria (34) and Romania (63). Additionally IOM office in Kiev provided assistance Ukrainians who fell victim to trafficking in Poland: 108 persons in 2011, 64 in 2012 and 70 in 2013.

Investigation and prosecution

Latest number of prosecutions and convictions

According to the data from the Prosecution General the number of instituted preparatory proceedings related to THB cases amounted to 239 in the period of 2011-2014. In the same period 260 proceedings were completed. Out of all the completed proceedings (29%) were completed with an indictment and 129 persons were accused.

Results of preparatory proceedings in cases of THB in 2011-2013 / Prosecution General data/						
Year	Preparatory proceedings instituted ^[1]	Proceedings completed	Cases completed with indictment	Cases completed with remission	Persons	
					Accused	Victims
2011	52	52	11	24	22	590
2012	65	68	23	20	32	230
2013	57	76	26	23	47	135
2014	65	64	15	19	28	103

From those accused 76 persons in total were sentenced.

Trafficking in human beings /Police data/					
	Crimes Detected	Persons Suspected	Victims*	Victims – Polish citizens	Victims – Foreigners
2011	427	13	166	165	1
2012	61	23	18	16	2
2013	186	23	98	133	8
2014	76	11	50	18	32
In total	674	59	325	314	11

Proceedings conducted by the Border Guard each year

Year	Proceedings	Presumed victims
2011	5	11
2012	7	31
2013	9	54
2014	11	48

Assistance and support provided to victims of THB

Total number of persons receiving support from KCIK:

Year	Victims, supported by KCIK in 2011 – 2014
2011	133 persons (81 Polish citizens, 52 foreigners)
2012	198 persons (89 Polish citizens, 109 foreigners)
2013	222 persons (103 Polish citizens, 119 foreigners)
2014	207 (71 Polish citizens, 136 foreigners)
In total	760 persons (344 Polish citizens, 416 foreigners)

Prostitution

Police data

Crime	Year	All cases	Act of accusation
Forced prostitution	2005	35	32
	2006	42	41
	2007	55	43
	2008	35	34
	2009	33	32
	2010	28	25
	2011	19	19
	2012	26	23
	2013	18	5
	2014	31	14

Crime	Year	All cases	Act of accusation
Aiding prostitution (including minors)	2005	481	452
	2006	234	224
	2007	315	309
	2008	235	231
	2009	395	388
	2010	486	480
	2011	327	315
	2012	378	364
	2013	452	155
	2014	264	161

Crime	Year	All cases	Act of accusation
Aiding prostitution of minors	2010	28	28
	2011	25	22
	2012	20	14
	2013	7	1
	2014	10	6

Contacts:	<p>National organisations</p> <p>Ministerstwo Spraw Wewnętrznych (Ministry of Interior) – Ministry supports all the activities in the framework of the Committee For Combating and Preventing Trafficking in Human Beings. It ensures organization of conferences and meetings gathering actors involved in combating trafficking and supports projects on trafficking related issues. Ministry cooperates with non-governmental organizations in this area.</p> <p><u>Non-governmental organizations actively involved and preventing trafficking in human beings:</u></p> <p>Fundacja ITAKA – Centrum Poszukiwań Osób Zaginionych (ITAKA Foundation for the Assistance to Those Affected by Problem of Missing Persons) – seeks for missing persons, helps families of persons who left abroad searching for work, became the victims of trafficking or lost contact with the closest family.</p> <p>Fundacja Dzieci Niczyje (Nobody’s Children Foundation) – foundation organizes training programmes on problems related to child abuse for various professional groups and interdisciplinary terms, provides psychological assistance to unaccompanied children of foreign origins and children-victims of trafficking.</p> <p>Fundacja Przeciwko Handlowi Ludźmi i Niewolnictwu “La Strada” (“La Strada” Foundation against Trafficking in Persons and Slavery) – specialized and professional expert and advisory centre on the issue of trafficking in human beings. The personnel of the foundation is engaged in three fields of activities: lobby, prevention and social assistance. It responds to changes, new trends and developments in this area.</p> <p>Centrum Pomocy Prawnej im. Haliny Nieć (The Halina Nieć Legal Aid Center) – it’s main objective is to undertake activities aimed at preventing and tackling human and child trafficking by organizing social campaigns and offering free legal aid to the victims.</p> <p>Stowarzyszenie Po-MOC dla Kobiet i Dzieci im. Marii Niepokalanej (Association Help-Full for Women and Children of Immaculate Mary) – the main goal is to help women and their children endangered or afflicted by sexual, physical and psychological violence, victims of human trafficking and their families.</p> <p>Caritas Polska (Caritas Poland) - supports women who were impelled to</p>
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	prostitution and forced labour by means of deceit or abduction. It's structure comprises information point, places of staying and assistance points.
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