

## **TRAFFICKING IN PERSONS 2014 REPORT – Poland**

Poland is a source, transit, and destination country for men and women subjected to forced labor, and for women and children subjected to sex trafficking. Men and women from Poland are subjected to forced labor in Europe, primarily Belgium, the Czech Republic, Italy, the Netherlands, the Scandinavian countries, and the United Kingdom (UK). Women and children from Poland are subjected to sex trafficking within the country and also in Austria, Germany, Italy, Japan, Malta, Morocco, the Netherlands, Sweden, and the UK. Women and children from Belarus, Bulgaria, Moldova, Romania, and Ukraine are subjected to sex trafficking in Poland. Labor trafficking is increasing in Poland; forced labor victims originate from Belarus, Bulgaria, Moldova, Morocco, the Philippines, Romania, Russia, Ukraine, and Vietnam. Foreign children, particularly Roma children, are recruited for forced begging in Poland.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. During the reporting period, authorities expanded the mandate of the border guard to investigate more trafficking cases and designated police investigators at the national and provincial headquarters to specialize in trafficking investigations. The government continued to provide training to border guard and police officers on trafficking; however, judges lacked adequate training opportunities. A large proportion of convicted traffickers continued to receive suspended prison sentences. The government increased funding for victim assistance and amended laws to improve available protections for identified victims. However, the Polish government did not systematically provide specialized services to child victims of trafficking, and authorities lacked a trafficking-specific shelter for men.

### **RECOMMENDATIONS FOR POLAND:**

Systematically provide child victims of trafficking specialized care; continue to increase the shelter system's capacity to assist victims, including men and children; improve efforts to identify trafficking victims proactively among vulnerable populations, particularly unaccompanied children and irregular migrants; continue to vigorously investigate and prosecute trafficking offenses and take steps to ensure that trafficking offenders receive sentences commensurate with the severity of the crime; improve victim identification procedures and training on such procedures to better identify victims of labor trafficking; increase training for prosecutors and judges; incorporate the victim compensation process into criminal proceedings; amend the criminal code to ensure that identified victims of trafficking are not penalized for acts committed as a direct result of being trafficked; consider establishing an independent national rapporteur to monitor the government's anti-trafficking progress; ensure all victims are given access to and encouraged to use the reflection period; and conduct additional awareness campaigns to reduce the demand for commercial sex acts and deter child sex tourism.

### **PROSECUTION**

The Government of Poland improved its anti-trafficking law enforcement efforts during the reporting period through establishing trafficking-specific police investigators and empowering the border guard to investigate more trafficking cases. Poland prohibits all forms of both sex and labor trafficking through several articles of its criminal code, including Articles 115.22, 115.23, 189a, 203, and 204.3. Prescribed punishments under these statutes range from one to 15 years' imprisonment; these sentences are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2013, Polish police investigated 68 new cases of human trafficking, compared to 60 in 2012. The border guard began nine additional investigations. The government prosecuted 48 suspected trafficking offenders and convicted 35 in 2013, compared to 24 defendants prosecuted and 39 traffickers convicted in 2012. In collecting data, the government only considered sentences issued after appeals to be final. In

2012, the most recent year for which post-appeal sentences were available, 64 traffickers were sentenced, compared to 63 in 2011. (Reporting inconsistencies on convictions result from the collection of data on first-instance court convictions, and post-appeal sentences. The government acknowledged that no central mechanism exists to cross-reference and consolidate these statistics.) Sentences ranged from suspended sentences to less than one year to eight years' imprisonment. Similar to the previous three years, approximately half of the convicted offenders received suspended sentences. The government did not report the investigation or prosecution of any public officials for alleged complicity in human trafficking-related offenses. Polish authorities collaborated on human trafficking investigations with counterparts in several European countries. The government continued to include a module on human trafficking in the basic training for all police officers and invited civil society to assist in training. During the year, the government continued to offer limited optional trainings on human trafficking to prosecutors and judges; according to the Council of Europe's Group of Experts on Action Against Trafficking in Human Beings (GRETA), prosecutors and judges often lacked expertise in labor trafficking cases. Government officials acknowledged that police were less adept at identifying forced labor victims as compared to sex trafficking victims. In December 2013, an amendment to the Law on Aliens expanded the border guard's authority to investigate potential trafficking cases that did not involve another border-related offense, such as possession of false documents. In January 2014, the police established a department in its national headquarters that will have eight officers focused exclusively on human trafficking investigations. In addition, the police continued to designate 40 officers in provincial headquarters to handle trafficking offenses. Regional prosecutorial offices continued to designate specially trained prosecutors to assist local prosecutors with trafficking cases and assume lead responsibility for particularly complicated cases.

## **PROTECTION**

The Government of Poland improved its anti-trafficking victim protection efforts during the reporting period through increased funding and legal changes, although authorities did not systematically provide specialized care for child trafficking victims. The police and border guard identified 218 possible victims of trafficking in 2013, compared to 90 possible victims identified in 2012. Observers reported that Polish authorities did not conduct sufficient outreach and proactive identification among unaccompanied children and irregular migrants held in detention. The government increased funding for victim assistance, allocating the equivalent of approximately \$329,400 in 2013, compared to the equivalent of approximately \$256,300 in 2012. The government continued to completely finance the NGO-run National Intervention-Consultation Center for Victims of Trafficking (KCIK) to provide assistance to foreign and Polish victims of trafficking, which provided assistance to 222 victims in 2013, compared to 198 in 2012. Of the 222 victims, 161 were women and 61 were men. Slightly more than half of these victims were foreign nationals and 31 of those assisted were child victims. Government-funded NGOs offered trafficking victims medical and psychological care, legal assistance, food, clothing, and employment-related training. Local governments also funded and operated 178 crisis intervention centers around the country, 16 of which were prepared to accept trafficking victims and had a capacity to accommodate approximately 200 persons. Adult female victims of trafficking had access to trafficking-specific shelters, and they were allowed to leave the shelters unchaperoned and at will. KCIK was responsible for finding safe shelter for male trafficking victims and utilized crisis centers and hostels for this purpose, as there were no trafficking-specific shelters for men. The government placed child victims in orphanages and with foster families. The government did not systematically refer child victims of sex trafficking to KCIK for specialized care. GRETA reported that some unaccompanied minors disappeared from orphanages. The government provided training for social workers, consular officers, medical personnel, and other civil servants working with trafficking victims.

The government's witness protection program, which is implemented by KCIK, provided for a temporary residence permit, medical and psychological care, safe transportation, food, clothing, and shelter or lodging support for victims who cooperated with law enforcement. The government enrolled 56 trafficking victims into this program in 2013. The Law on Aliens offered foreign victims a three-month reflection period during which foreign victims can stay legally in Poland to decide whether to cooperate with the criminal process; however, no victims received a reflection period in 2013. GRETA reported that authorities do not systematically inform victims about the reflection period, particularly victims who chose not to participate in an investigation. Victims who decided to report the trafficking offense to law enforcement could apply for a temporary residence permit that enabled them to live and work in Poland. The December 2013 amendment to the Law on Aliens extended the duration of the temporary residency permit for victims of trafficking from six months to three years. The amendment also provided for the possibility of victims of trafficking to obtain permanent residency. The Interior Ministry continued to work with an international organization to repatriate foreign victims of trafficking, and in 2013, 25 trafficking victims were repatriated to their country of origin. During the reporting period, the government modified the code of criminal proceedings to establish special interview procedures for victims of sexual crimes and child victims to prevent re-traumatization. Victims may file civil suits against traffickers, but observers reported that very few trafficking victims have ever received compensation from their traffickers. There were no reports of trafficking victims punished for crimes committed as a direct result of being trafficked.

## **PREVENTION**

The government sustained its strong anti-trafficking prevention efforts during the reporting period. In May 2013, the government adopted a 2013-2015 national action plan for combating trafficking. The plan was developed in coordination with NGOs and prioritizes enhanced care for child victims, more training for those likely to encounter victims, and information campaigns targeting the most vulnerable populations. The Interior Ministry continued to lead the inter-ministerial anti-trafficking team, as well as a working-level group of experts, which met regularly to coordinate efforts and develop national policies. However, observers reported that Poland lacked effective central operational coordination for all anti-trafficking activities. The government did not have an independent national rapporteur to monitor anti-trafficking efforts. The government sponsored a number of information campaigns, including a festival featuring films that highlighted human trafficking. Government-funded KCIK also operated an anti-trafficking hotline. Authorities continued to produce and distribute information to Polish citizens seeking work abroad, and the Ministry of Labor operated a website in which Polish citizens could chat with experts about finding legitimate jobs abroad. Authorities also continued to distribute labor rights information to foreign workers in Poland and migrants at Poland's eastern border crossings. The government offered a training session on combating human trafficking for 32 labor inspectors. A Polish court fined one individual for fraudulent recruitment of foreign workers. The government did not organize any programs to reduce the participation of Polish citizens in child sex tourism. The government did not run any programs specifically designed to reduce the demand for commercial sex or forced labor.