

NATIONAL PROGRAM OF FIGHTING AND PREVENTION OF TRAFFICKING IN PEOPLE

Introduction

National Program of Fighting and Prevention of Trafficking in People is an element of the implementation of the program of improving citizens' safety 'Safe Poland' assumed by the Council of Ministers on 28 August 2002.

The need for such a program also arises from the international obligations of Poland, particularly signing and ratification of *Protocol* (appendix to the UN Convention against international organized crime) *of preventing, fighting and penalizing trafficking in people, women and children in particular*.

The task of the Program is to implement the recommendations thereof, in order to create conditions necessary for efficient counteracting and fighting the trafficking in people.

The Implementation of the Program shall require participation and cooperation of numerous subjects of governmental administration and non-governmental organizations.

Tasks assigned to individual subjects shall be financed within the budgets at their disposal.

Certain elements of the program, particularly those related to data exchange, best practice and training might be financed by the EU programs, such as AGIS (program of police and prosecution cooperation on penal cases), or Daphne. Advanced works on the European Council resolution on initiatives concerning trafficking in women ease the conditions for financing such activities by other sources that is programs like EQUAL 2004, INTERREG, European Fund of Regional Development, or European Social Fund. It is also possible to conclude bilateral agreements with other interested countries.

Designated subjects bear responsibility for the implementation of tasks assigned in the Program. As major part of tasks concerning the implementation of the Program lies within the competence of the Ministry of Internal Affairs and Administration, the Minister of Internal Affairs and Administration is responsible for coordinating and monitoring its implementation. Ministers engaged in the implementation of the Program shall delegate authorized representatives for works related thereto. Prime Minister shall define in a decree the procedure of work on the implementation of the Program.

Time for evaluation of the Program has been defined as 1.5 years from its assumption by the Council of Ministers. After that period the Council of Ministers shall evaluate the results thereof and make a decision on the way of organizing activities aimed at fighting and prevention of trafficking in people.

1. Legal status

On 21.03.1950 the Convention of fighting trafficking in people and exploitation of prostitution was opened to signing in Lake Success.¹ The Convention unified regulations of agreements passed to date, and extended them onto a wider group of acts.

Crime of trafficking in people was firstly classified in article IX § 1 and 2 of regulations introducing the penal code of 1969.²

In § 1 the legislator described behaviour involving provision, enticement or abduction of another person in order to induce them to prostitute, even with their consent. Formulation of the regulation implied that the crime stated in article IX § 1 of the regulations introducing the penal code did not depend on whether the provision, enticement or abduction of a person in order to induce them to prostitute occurred against the will, without consent, or with the consent of the wronged person. The fact of agreement or the lack thereof might only be of importance at penalty assessment. In § 2 behaviour involving trafficking in women even with their consent, and trafficking in children, was described. In this case the reason for trafficking in children was not crucial to the existence of the crime.

Therefore, Polish legislation moved further than obliged by the Convention of 21.03.1950. The crime described in article IX § 2 of regulations introducing the penal code was not a directional crime and, as such, did not require the action of the perpetrator of the crime towards prostitution for the occurrence thereof. Trafficking in children for any reason was already a crime.

Upon the basis of the penal code of 1969, criminal responsibility was also borne by anyone who has induced another person to prostitute, as well as anyone who has financially benefited from another person's prostitution or, in order to gain financial profits, has eased the conditions for the prostitution thereof. These crimes were described in article 174 § 1 and 2 of the penal code of 1969.

The legislator, in the new penal code of 06.06.1997, introduced substantial alternations to both instructions and sanctions of legal regulations concerning trafficking in people.³

The crime stated in article IX § 1 of the regulations introducing the penal code of 1969 was incorporated into article 204 § 4 of the new penal code. They are not regulations of identical contents whatsoever. The legislator had left out the phrase 'even with their consent' included in article IX § 1 of the regulations introducing the penal code of 1969. In this way, they must have wished to distance themselves from the wrong interpretation suggesting that abduction with the consent of the abducted person is possible.

In case of exploitation of prostitution with the consent of the wronged person perpetrator of the crime shall be subject to the penalty of imprisonment of up to 3 years. In case of enticement or abduction of a person in order to induce them to prostitute, the perpetrator shall be subject to the penalty of imprisonment from 1 to 10 years.

Beside the above-mentioned legal regulations, an important role is played by the regulation of article 253 of the new penal code, according to which a person trafficking in people, even with their consent, is subject to the penalty of imprisonment of no less than 3 years.

In this case neither the purpose of trafficking in people nor the fact of the wronged person's consent do matter. Formulation of charges most typically involves cumulative qualification of the deed. Indications of two regulations – article 204 §4 of the penal code, and article 253 of the penal code, simultaneously aspire to be considered as the same criminal behaviour.

On 12 December 2000 in Palermo, on behalf of the Republic of Poland, there was signed the UN Convention against international organized crime, assumed by General Assembly of the United Nations on 15 November 2000. On 04.10.2001, on behalf of the Republic of Poland, there was also signed the Protocol of prevention, fighting and penalizing trafficking in people, women and children in particular,

¹ Official Journal of Acts of 21 October 1952 (number 41 item 278)

² Act of 19 April 1969 – Regulations introducing the penal code (Official Journal of Acts, number 13 item 95)

³ Official Journal of Acts of 2 August 1997 (Official Journal of Acts, number 88 item 553)

as assumed by the General Assembly of the UN on 15 November 2002 (Act of ratification was announced in the Official Journal of Acts of 17 February 2003, and became legally binding 14 days of announcement).

In the protocol mentioned the definition of trafficking in people was formulated. In accordance with article 3 letter (a) of the Protocol, *'trafficking in people means recruitment, transportation, transfer, hiding or hosting persons, with the use of threats or force, or other means of constraint, abduction, swindle, misleading, authority abuse or taking advantage of weakness, handing or accepting payment or other benefit in order to obtain consent of a person having control over another person in order to abuse them.*

The abuse comprises, as minimum, taking advantage of prostitution of other persons or other forms of sexual abuse, work or service of compulsory nature, slavery or slavery-related practice, captivity, or removal of human organs.' According to letter (b) of the aforementioned article, consent of a victim of trafficking in people to intended abuse provided for in letter (a) is of no importance if any of the methods provided for in letter (a) was used. And according to letter (c) of the article, recruitment, transportation, transfer, hiding or hosting a child in order to abuse them is considered as 'trafficking in people' even when it does not involve any of the methods provided for in letter (a). A child then means a person who has yet to become 18 years of age (letter (d) of article 3).

Legal binding with regard to the Republic of Poland of the aforementioned Protocol shall result in the fact that the notion of 'trafficking in people' used in 253 § 1 of the penal code shall be defined on the grounds of Polish law in compliance with the definition used in article 3 of the aforementioned Protocol.

With respect to the legal status, one shall also remember obligations resulting from future membership of Poland in the European Union, that is the necessity to take into consideration legal acts of the EU which, being part of *acquis communautaire*, shall decide of the shape of Polish legal order. Among numerous acts of the EU on fighting trafficking in people, one shall quote the Outline Decision of the Council of Europe on fighting trafficking in people (2002/629/JAI 19 July 2002) and currently prepared: the Outline Decision of the Council of Europe on fighting sexual abuse of children and child pornography, and the Directive of the Council of Europe on short-term stay permits for persons harmed by crimes of easing the conditions for illegal migration or trafficking in people, and who cooperate with appropriate bodies.

2. Description of the Phenomenon

INTRODUCTION

Trafficking in women in Central and Eastern Europe grew bigger at the beginning of the 1990's. This coincided with the fall of the communist system in Europe. Economic liberalization contributed to the establishment of new, organized groups dealing with sex and pornography. Such industry, connected with organized crime, became so widely spread that trafficking in women and prostitution became serious commercial enterprises. Undoubtedly, employment being the side effect of economic transformation affected the phenomenon.

Before the year 1990 Polish centres of prostitution existed mainly at hotels and restaurants, whereas after the year 1990 the number of the so-called massage parlours and revival clubs, unofficial brothels in fact, significantly increased. These are controlled by organized crime groups. Moreover, Poland features the so-called off-road prostitution. Usually, such prostitutes are foreigners, who came to Poland with tourist visas and provide services to long-distance truck drivers and owners of private vehicles at places not distant from border control points.

As far as the phenomenon of trafficking in women is concerned, Poland initially functioned as a victim's country of origin (forced to prostitute mainly in Germany and the Netherlands). It soon became a transit country for women from the countries of the former Soviet Union and other countries in Eastern Europe.

In the years 1995-2002 259 preparatory proceedings on cases of trafficking in women had been completed, out of which 198 proceedings resulted in bringing the cases to the court (61 proceedings had been remitted). On the whole, 478 people had been accused, and 1250 women found to have been wronged. In the aforementioned period most cases had been conducted by prosecutor offices subordinated to prosecution of appeal offices in Poznań, Wrocław and Katowice.

Courts had pronounced 101 verdicts within that period. 181 persons had been sentenced, and 9 persons had been acquitted. Among the 181 sentenced, 62 persons had been imprisoned for 2 to 5 years.

There exists a justified assumption that our country is also becoming a country importing women from Eastern Europe, thus being a country of destination (mainly for gangs trafficking in women from Bulgaria and former countries of the USSR). Immediate deportation of women precludes collection of possible evidence and discovery of the actual rate of the phenomenon.

Poland as a country of destination (place for trafficking in foreign women)

In the years 1995-2002 53 proceedings had been completed (20 investigations in progress in the year 2001), in which Poland was the country of destination, that is a country victims had been abducted to in order to prostitute. The aforementioned proceedings concealed 249 wronged women (incl. 73 citizens of Ukraine, 27 citizens of Bulgaria, 85 citizens of Belarus, 15 citizens of Romania, 16 citizens of Moldavia, 8 citizens of Latvia, 6 citizens of Vietnam, 5 citizens of Lithuania, 11 citizens of Russia, 3 citizens of Mongolia, 2 citizens of Costa Rica). What is characteristic is the fact that the citizens of Bulgaria were forced to prostitute off-road. On the other hand, all wronged women of Ukrainian origin had been sold to society clubs in order to force them to prostitute.

Almost each case featured a citizen of the country of victims cooperating with the perpetrators. Only 11 women were aware of what type of job they were to perform in Poland.

Most often, the victims were promised the job of a salesperson at bazaars, or of farm workers. Women happened to come to Poland of their own accord to find a seasonal job at farms or strawberry plantations. Once the season was over, there appeared someone who offered further employment and then deceitfully abducted them, and sold them to citizens of Bulgaria, engaged in such criminal activities in Poland to the greatest extent. One of the victims was abducted with a significant help from her friend,

who assured her of having managed to get a job in Poland for both of them. Having crossed the border, the woman was immediately handed over to 2 men.

Women deceitfully enticed to Poland are very often sold to further traffickers for a higher prices several times, thus changing their location, which substantially hinders investigation should they be reported missing.

There is no research data concerning the economical aspect of trafficking in people. Findings of an investigation conducted by District Prosecution's Office in Rzeszów may give certain idea thereof. It had been determined that a Ukrainian female managing a group sold about 60 women to persons managing society clubs for USD 200 each. At the same time, upon the basis of agreements with owners of the clubs, she collected USD 100 monthly on each sold woman due to providing sexual services. The trade had lasted for minimum 2 years.

The area of concentrated activity of criminals engaged in trafficking in woman and forcing them to prostitute in our country is the central part of Poland (the environs of Warsaw, Płock, Żyrardów, or Radom).

Poland as a country of a victim's origin

Most serious cases in this category were conducted in the years 1997 / 1998 by the then Voivodship Prosecution's Office in Szczecin (51 wronged women), and the then Voivodship Prosecution's Office in Opole (89 wronged women.) In both cases women were recruited to work in Germany.

In the first case, women were delivered to prostitute with German and Turkish citizens. A Polish citizen, to whom a permanent Turkish citizen of Berlin had offered cooperation, recruited women.

Contact with women was established through placing newspapers advertisements of housekeeping jobs in Germany.

Having delivered women to Berlin, the Pole was paid from 5 DEM 00 to DEM 3000 per each. The women were immediately deprived of passports. The agency worked 'over the phone'. Women were driven to clients after a telephone order. The driver – bodyguard received from the client money for the services to be provided by the woman and, having examined the apartment, left the victim alone with the client.

Price of service was from DEM 120 to DEM 150, out of which amount the wronged woman was only given approximately DEM 30 to DEM 40.

After some time the Pole became a co-owner of the agency, from which he 'collected' DEM 10 per each hour of sexual service provided by all the women he had delivered to the Turkish man. Several women managed to flee with the help of the drivers with the agency. The case has already been legally judged. The Polish citizen dealing with recruitment of women to work in Germany was sentenced to 10 years of imprisonment.

Another case, conducted by the then Voivodship Prosecution's Office in Wrocław, revealed that a female employee of a 'Revival Parlour' recruited women. It was also a place of providing sexual services.

One of the clients – a citizen of Italy living in Germany, offered the employee cooperation on recruiting women to provide sexual services in Germany. The aforementioned employee recruited about 30 women from among those that had provided services at the 'Revival Parlour'. In that case, the women were aware of what kind of job they were going to perform, and generally agreed to the offer. The offer was presented to young women of low economic status.

Greatest concentration of criminal groups recruiting victims (from Poland) to Western Europe (Germany, the Netherlands, Belgium) occurs along the German border (the environs of Szczecin, Poznań, and Gorzów Wielkopolski).

Poland as a transit country

Poland functions as a transit country, mainly with regard to victims from Lithuania, Latvia and Moldavia. In this case, Germany is the country of destination. The women are smuggled across the border in the environs of Szczecin and Świnoujście. Eastern border of Poland is crossed legally, whereas the German border is crossed upon the basis of falsified documents (Polish passports).

CHARACTERISTICS OF THE WRONGED PERSONS

Majority of determined wronged persons were aware of the purpose of their going abroad and type of job (they were supposed) to perform. Suspects recruiting in Poland women willing to go abroad to prostitute took advantage of their hard economical status.

Women aged 16-20, of primary education and low economical status, were most commonly recruited. Suspects recruiting women generally received from the orderer DEM 500-2000 for the provision of 1 woman. The orderer was always a foreigner (most commonly a German citizen) living in Germany or the Netherlands.

Wrong women decided to report on perpetration of a crime only after the return to Poland and only in situations in which they had been raped or drastically sexually exploited. In 12 cases, the wronged women altered their testimony, which hindered the course of legal proceedings at court.

CHARACTERISTICS OF SUSPECTS ENGAGED IN TRAFFICKING

Most cases that have been, or are presently investigated into in Poland imply that traffickers come mainly from Poland, Russia, Bulgaria, Turkey, and Germany.

According to the police, Turkish minority in Germany appears to be particularly engaged in trafficking in women. Males coming from the area of former Yugoslavia play almost the same role. In Poland, citizens of Bulgaria are most active in this field. In the year 2001, 21 accused foreigners included 16 citizens of Bulgaria (all of them after primary education and coming from the environs of Varna). Apart from Bulgarian citizens, 3 Turkish citizens, 1 citizen of Albania and 1 citizen of Spain were convicted.

Upon analysed cases it had been noticed that women who had previously been victims, were also engaged in this criminal trade. Those women are mostly recruiters and the first to establish contacts with future victims.

3. Suggested actions

Establishment of a system of cooperation, education and prevention

1.1

Establishment of a permanent working team for monitoring the phenomenon of trafficking in people (including the collection of statistics data).

State to date:

At present, various actions conducted with regard to prevention of trafficking in people (The Police, The Border Guard, The Prosecution's Offices, courts, non-governmental organizations) are not coordinated methodically and systematically. Ad hoc actions remain regular. Although efficient to date, they do not guarantee success as the scale of the problem is becoming larger. Lack of one centre precludes competent and reliable collection of data, which would enable a reliable description of the phenomenon.

Objective:

Establishment of a permanent, inter-department and interdisciplinary working team including: Ministry of Internal Affairs and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Office for Repatriation and Foreigners, Ministry of Justice – the prosecution, courts, Commissioner for Equal Status of Women, Ministry of Education and Sports, Ministry of Economy, Labour and Social Policy, Ministry of Foreign Affairs, Ministry of Health, Committee for European Integration, non-governmental organizations (La Strada and others), with the possibility of cooperation with other experts (for instance financial forces).

The group's objectives shall comprise:

- monitoring the implementation of the Program,
- collecting information and statistics data on the problem of trafficking in people and analysis thereof,
- preparing suggested actions for bodies represented in the working team and other bodies of governmental administration, their subordinates or bodies supervised by them,
- cooperating with foreign partners.

Responsible for implementation: Ministry of Internal Affairs and Administration.

Date of implementation: IV quarter of 2003.

1.2

Support of research into trafficking in people in Poland, with regard to its victims and methods of perpetrators in particular.

State to date:

Research carried out so far, of fragmentary nature due to the lack of a uniform database, features errors.

Many a time has a body conducted research on the very same topic, which results in the waste of financial means provided for research out of the budget, or means out of non-governmental administration institutions.

Objective:

Working out methodology and scope of permanent collection of information on the phenomenon. Collection of information and statistics data enabling better coordination of research into the problem. This would enable to define matters requiring immediate investigation, name possible sources of information

etc. therefore it would be possible to effectively support research into trafficking in people on the merits, organization, and finances.

Responsible for implementation: Ministry of Internal Affairs and Administration, Ministry of Justice, Commissioner for Equal Status of Men and Women, in cooperation with non-governmental organizations.

Date of implementation: permanent objective.

1.3

Introduction of the problem of trafficking in people to programs of public media.

State to date:

Lack of coordination of activities regarding fighting trafficking in people, as well as a Program, precludes methodical influence on the shape of information about the problem of trafficking in people in the public media. As a result, media many a time wanting to provide the audience with interesting information, provide biased view of the situation, consolidate stereotypes harmful to perspectives for counteracting the phenomenon. It also happens that they spread information threatening the safety of the victims. It results in the lack of programs that would positively and on a long-term basis influence the society's awareness of the matter.

Objective:

Providing the media with a reliable picture of the phenomenon.

Preparation of suggested media actions that would serve both effective prevention and successful fighting the phenomena: training a group of journalists, naming matters that require particular attention of the media.

Systematic informing public opinion of the situation. Using the Internet for this purpose.

Responsible for implementation: bodies on the working group, each within their scope of cooperation with public radio and television.

Date of implementation: by the end of 2003.

1.4

Introduction of the problem of trafficking in people to the offer of chief teacher training centres.

State to date:

Problem of trafficking in people is not present in teacher training curriculum. Hence, it is difficult to expect their active participation, through influencing their wards, aimed at preventing of children and teenagers becoming victims of the trade.

Objective:

Introduction the problem of trafficking in people to the offer of chief teacher training centres.

Preparation of appropriate informative materials.

Responsible for implementation: Ministry of Education and Sports in cooperation with non-governmental organizations.

Date of implementation: I half of 2004.

1.5

Introduction of the problem of trafficking in people to the national curriculum.

State to date:

Absence of the problem of trafficking in people in educational / upbringing programs. Children and youth's unawareness of possible dangers.

Growing danger of children and youth becoming victims of trafficking in people (general tendency).

Objective:

Introduction of the problem of trafficking in people to the national curriculum. Preparation of appropriate informative materials.

Obliging experts to include in their opinions the assessment of obedience to the regulations of the Protocol (additional to the UN Convention against international organized crime) of preventing, fighting and penalizing trafficking in people, women and children in particular, featured by authors of course books and manufacturers of didactic resources.

Responsible for implementation: Ministry of Education and Sports in cooperation with non-governmental organizations.

Date of implementation: I half of 2004.

Changes in legislation aimed at effective fighting trafficking in people

2.1

Introduction of the definition of trafficking in people provided for by the Protocol to the UN Convention on penal code.

State to date:

Although Polish law (the penal code) comprises regulations concerning trafficking in people, it still does lack the definition of trafficking in people, which brings about different interpretation of article 253 of the penal code by courts throughout the country.

Objective:

Introduction of the definition to the penal code in the form included in the Protocol and the Outline Decision of the Council of Europe on fighting trafficking in people would unify the application of article 253 of the penal code, and ease the conditions for proving there has occurred the crime of trafficking in people.

Responsible for implementation: Ministry of Justice.

Date of implementation: by 1 May 2004.

2.2

Revision of the Act on Foreigners – application thereof to *acquis communautaire* (after assuming the EU Directive on short-term stay permits for victims of trafficking in people, cooperating with appropriate bodies).

State to date:

According to the act of 13 June 2003 on foreigners, a foreigner staying in Poland with an objective different that declared, or their stay is not wanted due to the necessity of protecting public order (for example prostituting) may in particularly justified cases (for instance, to give testimony imposing guilt on the

perpetrators) be issued at stay visa for a definite time. This regulation remains 'dead' and is not applied in Poland, as there are no legal regulations settling the financial aspects of the victim's stay in Poland. Such persons should be provided with financial means for living for the period of their stay in Poland. Difficulty applying this regulation results also from the short time of making a decision on deportation or issuing a stay visa that is provide for (by the law).

Objective:

Establishing an instrument of fighting trafficking in people through introducing the short-term stay permit for victims thereof, who cooperate with appropriate bodies. Project of a Council Of Europe Directive provides, among others, that a victim of trafficking in people detained by the police forces would be given time to consider readiness to cooperate with them. Within that period they would be provided with aid (accommodation, medical, psychological and social aid). Should they agree to cooperate, they may be issued a stay permit for not longer than until the end of legal proceedings at court.

Responsible for implementation: Office for Repatriation and Foreigners + Ministry of Internal Affairs and Administration, Chief Headquarters of the Police, Chief Headquarters of the Border Guard.

Date of implementation: I half of 2004.

2.3

Ratification and implementation of the Facultative Protocol to the Convention of Children's Rights concerning trafficking in children, prostitution and child pornography.

State to date:

Lack of ratification.

Objective:

Propagation among administrators of justice of the particular attitude towards cases of trafficking in children. Implementation of Polish international tasks.

Responsible for implementation: Ministry of Justice, Ministry of Internal Affairs and Administration.

Date of implementation: I half of 2004.

Improvement of effectiveness of actions.

3.1

Introduction of classes on procedures in cases of trafficking in people to the basic curriculum of the police and border guard training.

State to date:

The subject of trafficking in people is presently introduced to the basic curriculum of the police and border guard training. It is very essential as very often the first contact of victims of trafficking in people with such forces has a fundamental impact on their further decisions concerning possible testimony against the perpetrators.

Objective:

Introduction of information on trafficking in people to the basic curriculum of the aforementioned officers' training as well as acquainting them with the suggested procedures in cases of meeting with victim of trafficking in people.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard.

Date of implementation: II half of 2003.

3.2

Preparation and implementation of a program of special training of police officers, fire brigade officers, Border Guard officers, prosecutors and judges on the procedures in cases of fighting trafficking in people.

State to date:

Lack of uniform, based on the analysis of the phenomenon in Poland, program of special training. Lack of database on persons trained in fighting trafficking in people. Lack of coordination, and conferences, courses and training concerning the phenomenon.

Objective:

Establishing data base on persons trained and list of positions / persons who, due to the duties they perform, should be trained. Preparing a skeleton program of special training. Preparing facilities and financial means enabling the implementation of systematic special training in fighting trafficking in people.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice.

Date of implementation: I half of 2004.

3.3

Preparation of teaching materials on procedures in cases of trafficking in people for police officers and Border Guard officers.

State to date:

Lack of instructions prepared by the forces. Officers barely possess information prepared by the La Strada foundation.

Objective:

Preparation of instructions / recommendations by the chief officers of police forces on ways of behaviour while meeting with victims of trafficking in people.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard.

Date of implementation: II half of 2003.

3.4

Training the teaching staff of police forces (police officer colleges, training centres) in the problems of fighting trafficking in people.

State to date:

Knowledge featured by teaching staff very often does not address the current state of the phenomenon, ways of preventing it and fighting it. As a result, officers trained are provided with stereotypes and untrue ideas.

Objective:

Training the teaching staff through special courses attended by representatives of non-governmental organizations. Systematic update of knowledge possessed.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard.

Date of implementation: permanent objective.

3.5

Establishing at the Chief Headquarters of the Police a mechanism of coordinating actions concerning trafficking in people and appointing (where justified by the extent of the phenomenon) task groups at voivodship headquarters and independent positions at lower-rank units, dealing with trafficking-in-people-related crimes.

State to date:

Different departments and units of the police and the Border Guard (criminal department, organized crime department). There is no mechanism of coordinating and exchanging information on conducted actions, which is bound to affect their effectiveness.

Objective:

Establishing at the Chief Headquarters of the Police (coordination of actions and information exchange) and voivodship headquarters task groups, and at lower-rank units – positions whose competence shall include, among others, coordination of fighting against people.

Responsible for implementation: Chief Headquarters of the Police.

Date of implementation: II half of 2003.

3.6

Intensification of bilateral international cooperation with countries of origin and countries of destination of trafficking in people.

State to date:

Bilateral contacts with the police forces of countries of origin and destination have been established. There are no special units / teams on the Polish side, which hinders effective development of cooperation on the matter.

Objective:

Intensification of bilateral cooperation, establishment of permanent contact points for information exchange and analysis.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Internal Affairs and Administration.

Date of implementation: II half of 2003.

3.7

Annual meeting of experts from countries of origin, transit and destination – from the Polish point of view – in order to exchange information on changes occurring in the phenomenon of trafficking in people.

State to date:

Polish experts are members of different bodies established by political inspirations devoted to trafficking in people (Central European Initiative, Organization of Safety and Cooperation in Europe, Council of Baltic Countries etc.) regardless of different contents of merits of their meetings, they are not focused on the Polish point of view, that is considering Poland as a country of destination, country of origin and transit country.

Objective:

Gaining, through annual meetings, a full picture of the phenomenon of trafficking in people with regard to Poland and Polish citizens, establishing direct contacts with practitioners from other countries. Establishing a permanent mechanism of information, experience and best practice exchange.

Responsible for implementation: Ministry of Internal Affairs and Administration, Ministry of Justice.

Responsible for implementation: I half of 2004.

3.8

Recommendations for administrators of justice with regard to trafficking in people cases.

State to date:

Lack of precisely formulated standards of procedure in cases of trafficking in people.

Objective:

Preparation of recommendations for prosecutors and judges with regard to procedures in cases of trafficking in people.

Responsible for implementation: Ministry of Justice.

Date of implementation: II half of 2003.

3.9

Recommendations for employees of consular services with regard to dealing with potential victims of trafficking in people.

State to date:

Knowledge passed during training courses is not complete due to the extent of knowledge of the phenomenon.

Objective:

Providing employees of consular services (through special training and written recommendations) with knowledge of trafficking in people and dealing with potential victims in the situation of issuing a visa (foreigners) and dealing with victims who have established contacts with consular services (Polish citizens). Establishing cooperation on this matter with consular services of the UE countries.

Responsible for implementation: Ministry of Foreign Affairs, Ministry of Internal Affairs and Administration.

Date of implementation: I half of 2004.

Intensification of victim and witness protection

4.1

Victim and witness protection against repeated victimization during the investigation through application of appropriate procedures and technical means.

State to date:

Victims are repeatedly interrogated, sometimes by persons possessing no elementary knowledge of the problem, in unfavourable conditions.

Objective:

Reduce to the unavoidable minimum the number of interrogations and interrogators. Ensure appropriate attitude and professionalism. Ensure subjective, not objective treatment through effective informing of procedures and legal status. Use procedures protecting the witness, such as sight with the use of the Venetian mirror, interrogation with the use of technical means, interrogation without the presence of the accused persons.

Responsible for implementation: Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Ministry of Justice in cooperation with non-governmental organizations.

Date of implementation: permanent objective.

4.2

Ensuring (through budgetary means or financial support of non-governmental organizations) the possibility of aiding the victim during the crisis situation and after cessation thereof.

State to date:

It happens that victims of trafficking in people – particularly foreign females, are deprived of the possibility of meeting basic needs, such as food, drink, clothing, hygiene, or safety. The wronged women are for example persuaded to rent a hotel room at their own expense for the period of giving testimony, or to stay at, for instance, police stations. Not always is the health condition examined. Once the witness is not needed for proceedings with their participation, they are deported to their home country without prior examination of safety conditions both during the trip and at the arrival / in the country. The Police turn to non-governmental organizations, mainly the La Strada foundations, in just a few cases.

Objective:

Providing victims with thorough information on their status, decent and safe conditions, possibility to receive support and consultations at each stage of the proceedings.

Responsible for implementation: Ministry of Economy, Labour and Social Policy, Ministry of Internal Affairs and Administration in cooperation with non-governmental organizations.

Date of implementation: permanent objective.

4.3

Creation of a list of centres and non-governmental organizations capable of and having the rights to provide aid to victims / witnesses of trafficking in people.

State to date:

Knowledge of possible aid and its range is just fragmentary, occasional and based on private contacts. There are numerous places – poviats or local communities, where such aid is barely available.

Objective:

Creation of an integrated record naming not only centres and institutions, but also the range of their activities with regard to the merits and geographical location. Upon the basis thereof it shall be possible to examine to possibility of meeting the needs of a particular wronged person with regard to individual ranges.

Responsible for implementation: working team in cooperation of non-governmental organizations, Ministry of economy, Labour and Social Policy, Ministry of Internal Affairs and Administration, Ministry of Justice, and Ministry of Health.

Date of implementation: II half of 2003.

4.4

Introduction of the problem of trafficking in people to the curriculum of social workers' education.

State to date:

Except individual possibilities of local community training and occasional school sessions, there exists no systematic training of social workers.

Objective:

Regular training of workers, as well as introducing the subject to the curriculum of schools for social workers, so that each social worker in Poland would be capable of recognizing incidents of trafficking in people and managing them with regard to organization of aid, attitude to the client, and directing them to other bodies such as a psychologist, the police, the prosecution's office, a non-governmental organization etc.

Responsible for implementation: Ministry of Economy, Labour and Social Policy in cooperation with non-governmental organizations.

Date of implementation: I half of 2004.

4.5

Preparation and implementation of programs of voluntary return and reintegration of a victim of trafficking in people.

State to date:

Victims of trafficking in people after possible testimony are deported to the country of origin. There also occur cases of taking the over during the return trip already.

Activities of non-governmental organizations, such as the La Strada network, covers only part of such persons. In this case such organizations ensure monitoring their return home and aid at a safe place of dwelling, while seeking a job, or using medical aid.

Objective:

Preparation of procedures and conditions of their implementation concerning individual consultation on each case, organization of a safe trip, possible negotiations with the family, provision of an alternative place of dwelling should there arise a need, the monitored person's return to normal life supported by social services – for example non-governmental organizations. In particularly difficult cases (threat to life) – consideration of the possibility of the victim staying in Poland until the threat ceases to exist.

Responsible for implementation: Ministry of Internal Affairs and Administration in cooperation with non-governmental organizations.

Date of implementation: II half of 2004.

Ad 3. Suggested actions

Establishment of a system of cooperation				
<i>1. Establish a system of cooperation, prevention and fighting of trafficking in people</i>	<i>1.1</i>	<i>Establishment of a permanent working team for monitoring the phenomenon of trafficking in people (including the collection of statistics data).</i>	<i>Ministry of Internal Affairs and Administration</i>	<i>Better coordination of information exchange between bodies engaged in the prevention of and fighting the phenomenon.</i>
	<i>1.2</i>	<i>Supporting and initiating research devoted to trafficking in people in Poland, with regard to its victims and methods used by perpetrators in particular.</i>	<i>Ministry of Internal Affairs and Administration Ministry of Justice, Commissioner for Equal Status of Women, Ministry of Economy, Labour and Social Policy</i>	<i>Better understanding of the problem. Working out methodology and scope of permanent collection of information on the phenomenon (including activities concerning criminal data collection and processing as well as collection of statistics data on crime).</i>
	<i>1.3</i>	<i>Introduction of the problem of trafficking in people to programs of public media. (+ private media and Internet networks).</i>	<i>Bodies on the working group, each within their scope of cooperation with radio and television.</i>	<i>Systematic informing public opinion of the actual situation and dangers related thereto. Fighting stereotypes of victims of trafficking in people in particular.</i>
	<i>1.4</i>	<i>Introduction of the problem of trafficking in people to the offer of chief teacher training centres.</i>	<i>Ministry of Education and Sports, Non-governmental organizations</i>	<i>Introduction of the problem of trafficking in people to the offer of chief teacher training centres. Preparation of appropriate informative materials.</i>
	<i>1.5</i>	<i>Introduction of the problem of trafficking in people to the national curriculum.</i>	<i>Ministry of Education and Sports, Non-governmental organizations</i>	<i>Introduction of the problem of trafficking in people to the national curriculum. Preparation of appropriate informative materials. Obliging experts to include in their opinions the assessment of obedience to the</i>

				<i>regulations of the Protocol of preventing, fighting and penalizing trafficking in people, women and children in particular, featured by authors of course books and manufacturers of didactic resources.</i>
Changes in legislation				
	2.1	<i>Introduction of the definition of trafficking in people provided for by the Protocol to the UN Convention and the Outline Decision of the Council of Europe on fighting trafficking in people to the penal code.</i>	<i>Ministry of Justice</i>	<i>Propagation among administrators of justice of complex consideration of cases of trafficking in people. Implementation of Polish legal and international obligations.</i>
	2.2	<i>Revision of the Act on Foreigners – application thereof to <i>acquis communautaire</i> (after assuming the EU Directive on short-term stay permits for victims of trafficking in people, cooperating with appropriate bodies).</i>	<i>Ministry of Internal Affairs and Administration Office for Repatriation and Foreigners + Ministry of Justice, Chief Headquarters of the Police, Chief Headquarters of the Border Guard</i>	<i>Creating conditions in favour of making a decision about testifying against perpetrators.</i>
	2.3	<i>Ratification and implementation of the Facultative Protocol to the Convention of Children's Rights concerning trafficking in children, prostitution and child pornography.</i>	<i>Ministry of Justice, Ministry of Internal Affairs and Administration</i>	<i>Propagation among administrators of justice of complex consideration of cases of trafficking in people. Implementation of Polish legal and international obligations.</i>

Improvement of effectiveness of actions.				
<i>3. Improvement of effectiveness of actions by police forces and administration of justice.</i>	<i>3.1</i>	<i>Introduction of classes on procedures in cases of trafficking in people to the basic curriculum of the police and border guard training.</i>	<i>Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Non-governmental organizations</i>	<i>Broadening the officers' knowledge on cases of trafficking in people and dealing with victims thereof. Providing appropriate procedures in cases of meeting with victim of trafficking in people.</i>
	<i>3.2</i>	<i>Preparation and implementation of a program of special training of police officers, fire brigade officers, Border Guard officers, prosecutors and judges on the procedures in cases of fighting trafficking in people.</i>	<i>Ministry of Internal Affairs and Administration Ministry of Justice, Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Non-governmental organizations</i>	<i>Providing officers meeting with trafficking in people at work with specialist knowledge of fighting this phenomenon.</i>
	<i>3.3</i>	<i>Training the teaching staff of police forces (police officer colleges, training centres) in the problems of trafficking in people.</i>	<i>Chief Headquarters of the Police, Chief Headquarters of the Border Guard</i>	<i>Updating and broadening the knowledge, changing the attitude of the teaching staff of police forces to result in more effective officer training. .</i>
	<i>3.4</i>	<i>Preparation of instructions upon the basis of the procedure prepared, concerning behaviour in cases of trafficking in people, and addressed at police officers and Border Guards.</i>	<i>Chief Headquarters of the Police, Chief Headquarters of the Border Guard, Non-governmental organizations</i>	<i>Standardization of behaviour in cases of meeting victims of trafficking in people.</i>
	<i>3.5</i>	<i>Establishing at the Chief Headquarters of the Police a mechanism of coordinating actions concerning trafficking in</i>	<i>Chief Headquarters of the Police</i>	<i>Effective coordination of activities aimed at fighting trafficking in people.</i>

		<i>people and appointing (where justified by the extent of the phenomenon) task groups at voivodship headquarters and independent positions at lower-rank units, dealing with trafficking-in-people-related crimes.</i>		
	3.6	<i>Intensification of bilateral international cooperation with countries of origin and countries of destination of trafficking in people. Cooperation with bodies of other countries (of origin and destination) as well as international organizations, including exchange of statistics data on the phenomenon and discerned changes, on methods and systems of aid provided for victims.</i>	<i>Chief Headquarters of the Police, Chief Headquarters of the Border Guard</i>	<i>Establishment of contact points on trafficking in people between bodies concerned. Introduction of the problems of trafficking in people to the agenda of annual meetings of Police Chiefs. Improvement in international cooperation.</i>
	3.7	<i>Annual meeting of experts from countries of origin, transit and destination (to be defined) in order to exchange information on changes occurring in the phenomenon of trafficking in people.</i>	<i>Ministry of Internal Affairs and Administration Ministry of Justice</i>	<i>Gaining the possibility of analysing the phenomenon on a large scale and exchanging experience between practitioners.</i>
	3.8	<i>Recommendations for administrators of justice with regard to trafficking in people cases.</i>	<i>Ministry of Justice,</i>	<i>Standardization of practices of administrators of justice. Providing prosecutors and judges with specialist knowledge and practical guidelines concerning trafficking in people, fighting the phenomenon and dealing with victims / witnesses.</i>
	3.9	<i>Recommendations for employees of consular services with regard to dealing with potential victims of trafficking in people.</i>	<i>Ministry of Foreign Affairs, Ministry of Internal Affairs and Administration</i>	<i>Providing employees of consular services with knowledge of and practical guidelines concerning trafficking in people, fighting the phenomenon and dealing with poten-</i>

				<i>tial victims.</i>
Intensification of victim and witness protection				
<i>4. Intensify the victim / witness protection and the process of the victim's rehabilitation.</i>	<i>4.1</i>	<i>Victim / Witness protection against repeated victimization during the investigation through application of appropriate procedures and technical means.</i>	<i>Ministry of Internal Affairs and Administration Ministry of Justice, Non-governmental organizations</i>	<i>More effective victim / witness protection.</i>
	<i>4.2</i>	<i>To ensure (through budgetary means or financial support of non-governmental organizations) the possibility of aiding the victim during the crisis situation and after cessation thereof.</i>	<i>Ministry of Economy, Labour and Social Policy, Ministry of Internal Affairs and Administration Non-governmental organizations</i>	<i>Establishment of an efficient system of aid for victims of trafficking in people, easing the conditions for their return to normal life.</i>
	<i>4.3</i>	<i>Creation of a list of centres and non-governmental organizations capable of and having the rights to provide aid to victims / witnesses of trafficking in people.</i>	<i>Working group, Non-governmental Organizations, Ministry of Economy, Labour and Social Policy, Ministry of Internal Affairs and Administration Ministry of Justice, Ministry of Health</i>	<i>Establishment of practical conditions to ensure the provision of basic living conditions to victims / witnesses.</i>
	<i>4.4</i>	<i>Introduction of the problem of trafficking in people to the curriculum of social workers' education. Providing them with practical skills. Preparation of procedures, methods and principles of working with victims of trafficking in people, foreigners in particular.</i>	<i>Ministry of Economy, Labour and Social Policy, Non-governmental organizations</i>	<i>Providing social workers with necessary knowledge of the phenomenon of trafficking in people that they may use at contacts with victims of this crime.</i>

	4.5	<i>Preparation and implementation of programs of voluntary return and reintegration of a victim of trafficking in people.</i>	<i>Ministry of Internal Affairs and Administration Non-governmental organizations, Social service, Aid institutions</i>	<i>Providing a victim of trafficking in people with the possibility of returning to normal life.</i>
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