

2016 Trafficking in Persons Report - Poland

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POLAND: Tier 1

Poland is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Labor trafficking is increasing in Poland; victims originate from Europe, Asia, and Africa. Children, particularly Romani children, are recruited for forced begging in Poland. Men and women from Poland are subjected to forced labor in Europe, primarily Western and Northern Europe. Women and children from Poland are subjected to sex trafficking within the country and also in other European countries. Women and children from Eastern Europe, particularly Bulgaria, Romania, and Ukraine, are subjected to sex trafficking in Poland. A growing number of Vietnamese victims transit Poland *en route* to Western Europe after being subjected to labor trafficking in Russia.

The Government of Poland fully meets the minimum standards for the elimination of trafficking. During the reporting period, the government provided training to law enforcement authorities, as well as judges and prosecutors. The police established provincial-level anti-trafficking teams, and the interior ministry installed and trained provincial-level coordination committees in all 16 regions. However, the number of final convictions decreased for the second consecutive year and most convicted traffickers received suspended sentences. Overall law enforcement action against forced labor was insufficient, despite a large number of labor trafficking victims identified. While the government continued to fund services for adult victims, there was no specialized care available for child victims of trafficking.

RECOMMENDATIONS FOR POLAND:

Ensure traffickers receive sentences commensurate with the severity of the crime, such as by continued training for prosecutors and judges; improve measures to identify child victims; provide specialized care to child victims of trafficking; vigorously investigate and prosecute trafficking crimes, particularly forced labor cases; increase training to law enforcement on how to investigate and prosecute labor trafficking cases and consider creating specialized prosecution units for trafficking crimes; educate and incentivize foreign victims to enroll in the witness protection program and assist prosecutions; improve training and efforts to identify victims proactively, particularly among unaccompanied children, irregular migrants, and children exploited in prostitution; facilitate victims' access to compensation by encouraging prosecutors to request

compensation during criminal cases and systematically informing victims of their right to pursue civil suits against their traffickers; consider providing foreign victims enrolled in the witness protection program the right to work in Poland; ensure adult male victims have access to care services and emergency shelter; and improve central operational coordination and data collection for anti-trafficking activities.

PROSECUTION

The government maintained law enforcement efforts, but did not provide effective sentencing for convicted traffickers or increase the number of upheld final convictions. In collecting data, the government only considered convictions and sentences issued after appeals to be final. Poland's penal code defines a trafficking crime in article 155.22, while article 189a prohibits all forms of trafficking and prescribes punishments of three to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In addition, article 203 prohibits inducing an adult into prostitution through force, fraud, or coercion, and article 204.3 prohibits inducing a child into prostitution; both articles prescribe punishments of one to 10 years' imprisonment.

The government lacked a central mechanism to cross-reference and consolidate law enforcement statistics, but authorities launched 30 investigations under article 189a in 2015, compared with 28 in 2014. Authorities reported prosecuting 23 suspected traffickers under article 189a in 2015, compared with 28 in 2014. In 2015, 17 prosecutorial investigations conducted involved forced labor, compared with eight in 2014. First-level courts convicted 36 traffickers under article 189a in 2015, compared with 17 in 2014, the highest number of first-level convictions since 2012. In 2014, the most recent year for which post-appeal judgements were available, nine convictions were upheld, compared with 13 in 2013 and 18 in 2012. Courts also upheld 12 convictions under article 203 and 16 convictions under article 204.3, compared with 13 and 15 convictions, respectively, in 2013. In total, judges issued 37 final convictions in 2014 under these three statutes, compared to 41 in 2013 and 64 in 2012. Prison terms ranged from one year, to three to five years; 78 percent of sentences were for two years or less. Authorities suspended a greater proportion of prison sentences for trafficking convictions, from 41 percent in 2013 to 62 percent in 2014. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Authorities collaborated on investigations with counterparts in several foreign countries. The government provided trafficking-specific training for the police and border guards during 2015. In November 2015, authorities held a training session for 100 prosecutors on trafficking, as well as seven trainings throughout 2015 for prosecutors and judges on international crime that included transnational trafficking. Authorities reported there were very few prosecutions for forced labor because police had difficulty identifying this type of crime, despite NGOs assisting over 290 victims of forced labor and forced begging from 2013 to 2015. Experts noted prosecutors and judges often lacked expertise in labor trafficking cases. Observers reported prosecutors were sometimes reluctant to prosecute suspected traffickers due to the complexity and difficulty of those cases. In June 2015, the police issued an internal regulation creating provincial-level anti-trafficking teams.

PROTECTION

The government demonstrated limited progress in some areas of protection, but authorities did not provide specialized care for child victims or establish a standard protocol to determine whether

unaccompanied minors may be victims of trafficking. Authorities trained police, border guards, about 120 consular officers, 21 labor inspectors, 95 employees of crisis intervention centers, and 270 tourism students and hotel representatives on trafficking victim identification. Sixty-six border guard officers attended specialized training on identification of victims of forced labor provided by an international organization. In the first quarter of 2015, the national police adopted a new identification tool designed to assist police in identifying potential trafficking victims. Police and prosecutors acknowledged they still lacked the expertise to identify forced labor victims. Observers reported authorities did not treat some children exploited in prostitution as victims. Some victims avoided reporting their exploitation because participation in the protection program did not provide for the right to work. In 2015, the government allocated 1.1 million zloty (\$280,800) to two NGOs that run the National Intervention-Consultation Center for Victims of Trafficking (KCIK), which covered the majority of operating expenses; this marked an increase from 1 million zloty (\$255,300) in 2014. KCIK provided assistance to 229 victims in 2015, compared with 207 in 2014. Of the 229 victims, 126 were foreign nationals and 127 were victims of forced labor and forced begging. KCIK offered victims medical and psychological care, legal counseling, shelter referrals, and welfare support. KCIK included two shelters for adult female victims. KCIK was responsible for finding safe shelter for male trafficking victims and used crisis centers, hotels, and hostels for this purpose. The national system of victim assistance did not always address the needs of unaccompanied children, as there was no standardized system of screening unaccompanied minors as potential trafficking victims. The government could place child victims in orphanages, with foster families, or in child assistance centers based on their needs. Observers reported some unaccompanied minors, who may have been trafficking victims, ran away from orphanages and were not recovered. Local governments also funded and operated crisis intervention centers; 18 were designated specifically for trafficking victims in 2015, compared with 23 in 2014.

The government's witness protection program provided foreign victims with a temporary residence permit, medical and psychological care, and shelter for those who cooperated with a prosecution. The government enrolled 38 trafficking victims into this program in 2015, compared with 62 in 2014. Foreign victims were entitled to a three-month reflection period, during which they could stay legally in Poland to decide whether to assist in the criminal process; 33 victims received this reflection period in 2015. GRETA reported authorities did not systematically inform victims about the reflection period. In 2015, 27 foreign victims who joined the witness protection program agreed to participate in the prosecution of their traffickers, compared with 52 in 2014. Although victims could file civil suits against traffickers and judges could order compensation for victims in criminal cases, observers reported very few trafficking victims have ever received compensation from their traffickers. Six trafficking victims were convicted for illegally crossing the Polish border in 2014; in 2015, the Supreme Court returned the case to the lower court for reconsideration.

PREVENTION

The government demonstrated progress in prevention. In 2015, the government again allocated 135,000 zloty (\$34,500) for the implementation of tasks related to the 2013-2015 national action plan for combating trafficking. The government drafted and began the implementation of the 2016-2018 action plan, although the government had not formally approved it by the close of the reporting period. 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 anti-trafficking policies. However, observers reported Poland lacked effective central operational coordination for all anti-trafficking activities. During the reporting period, the

government completed the establishment of provincial interagency anti-trafficking teams in all 16 regions of the country to improve cooperation at the regional level. Between June and November 2015, the interior ministry conducted 15 trainings for members of all provincial interagency teams. The interior ministry released an assessment of the government's 2014 anti-trafficking activities in 2015. The government lacked a central mechanism to cross-reference and consolidate trafficking-related statistics, hindering officials' ability to assess the scope of trafficking in Poland and the efficacy of law enforcement efforts. The government sponsored information campaigns, several of which targeted schoolchildren, migrant workers in Poland, and Poles seeking work abroad. The labor inspectorate continued to inspect job recruitment agencies for fraud, which resulted in the removal of several agencies from its official register. The government provided anti-trafficking training for its diplomatic personnel. The government demonstrated efforts to reduce the demand for commercial sex and forced labor.