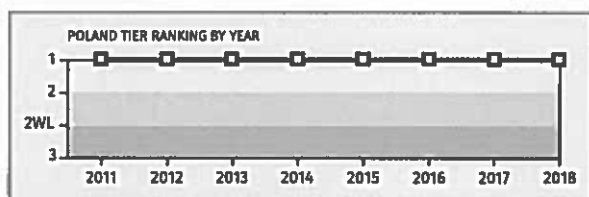


working in immigration, allegedly accept bribes to facilitate illegal departures for overseas workers, reduce trafficking charges, or overlook illegal labor recruiters. Reports in previous years asserted police conduct indiscriminate or fake raids on commercial sex establishments to extort money from managers, clients, and victims. Some personnel working at Philippine embassies reportedly withhold back wages procured for their domestic workers, subject them to domestic servitude, or coerce sexual acts in exchange for government protection services.

POLAND: TIER 1

The Government of Poland fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Poland remained on Tier 1. The government demonstrated serious and sustained efforts by increasing investigations and prosecutions. The government also enhanced penalties for recruiters charging excessive recruitment fees and increased efforts to protect foreign workers. Although the government meets the minimum standards, it still had challenges identifying forced labor and child trafficking victims and prosecuting labor trafficking cases.



RECOMMENDATIONS FOR POLAND

Sentence convicted traffickers to penalties proportionate with the severity of the crime; increase training for prosecutors and judges on the severity of the crime and the importance of prosecuting under the anti-trafficking statute; vigorously investigate and prosecute trafficking crimes, particularly forced labor cases; increase training of law enforcement on investigating and prosecuting labor trafficking cases and consider creating specialized prosecution units for trafficking crimes; improve training and efforts to identify victims proactively, particularly among unaccompanied children, migrants, and children exploited in prostitution; increase referrals of victims to services and the witness protection program; provide specialized services for child victims; educate and incentivize foreign victims to enroll in the witness protection program and assist prosecution; increase training for labor inspectors on trafficking indicators; facilitate victims' access to compensation by encouraging prosecutors to request restitution during criminal cases and systematically informing victims of their right to pursue civil suits against their traffickers; and improve central operational coordination and data collection for anti-trafficking activities.

PROSECUTION

The government increased law enforcement efforts. Article 189a of Poland's penal code criminalized sex and labor trafficking and prescribed punishments of three to 15 years imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In addition, Article 203 criminalized inducing an adult into prostitution through force,

fraud, or coercion, and Article 204.3 criminalized inducing a child into prostitution; both articles prescribed punishments of one to 10 years imprisonment.

The government lacked a central mechanism to cross-reference and consolidate law enforcement statistics, and it only considered convictions and sentences issued after appeals to be final. Authorities initiated 27 investigations under Article 189a in 2017, compared with 31 in 2016 and 30 in 2015. In 2017, 34 prosecutorial investigations conducted involved forced labor (12 in 2016 and 17 in 2015). Authorities reported prosecuting 47 suspected traffickers under Article 189a in 2017 (30 in 2016 and 23 in 2015). First-level courts issued six convictions under Article 189a in 2016 (33 in 2016 and 36 in 2015). In addition, first-level courts issued 24 convictions (15 in 2016) under Article 203. In 2016, the most recent year for which post-appeal judgments were available, judges issued a total of 58 final convictions (58 in 2015, 37 in 2014, and 41 in 2013). Courts upheld 34 convictions under Articles 189a and 253 (30 in 2015 and nine in 2014). Courts also upheld seven convictions under Article 204.3 (12 in 2015). In addition, there were 17 upheld convictions for forced prostitution under Article 203 (16 in 2015). One trafficker received a fine instead of a prison sentence. Prison terms imposed ranged from less than one year to up to eight years. Fifty-five percent of sentences were for two years or less (58 percent in 2015 and 78 percent in 2014); two for seven to 11 months; 10 for one year; 14 for one to two years; five for two years. Authorities suspended 43 percent of prison sentences for trafficking convictions (45 percent in 2015 and 62 percent in 2014), including two sentences for seven to 11 months, ten for one year, and 12 for one to two years. The justice ministry began drafting new legislation in 2016 to reduce the number of suspended sentences on trafficking cases, but did not pass it in 2017.

Authorities provided training on victim identification to police, border guards, 154 consular officers (189 in 2016), 30 labor inspectors (99 in 2016), 94 employees of crisis intervention centers (79 in 2016), and 13 officials who interview asylum-seekers (11 in 2016). The border guard organized training for 410 officers on standard operating procedures for assisting child victims of trafficking, compared with 2,065 in 2016. Police and prosecutors, however, acknowledged authorities lacked the expertise to identify forced labor victims and child victims. During 2017, authorities held trafficking training sessions for 111 prosecutors and judges, compared with 236 in 2016.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. Authorities collaborated on investigations with counterparts in several foreign countries and requested extradition of two Bulgarian citizens on trafficking-related charges. Despite NGOs assisting more than 82 victims of forced labor, authorities reported there were very few prosecutions for forced labor for several reasons: law enforcement had difficulty identifying this type of crime, there was no clear definition of what constitutes forced labor in the Polish criminal code, prosecutors and judges often lacked expertise in labor trafficking cases, and victims were often unwilling to testify against their traffickers.

PROTECTION

The government maintained protection measures. Law enforcement identified 155 potential trafficking victims during the reporting period (compared with 144 in 2016), of which 21 joined the nationwide witness and victim protection program.

The National Intervention-Consultation Center for Victims of Trafficking (KCIK) provided assistance to 169 potential victims, including 10 minors, in 2017, compared with 200 in 2016 and 229 in 2015. Of these potential victims, 74 were for forced labor; 50 sexual exploitation and abuse; 25 violation of workers' rights; four forced begging; four inhumane or degrading treatment; three domestic violence; three combined sexual exploitation and forced labor; two domestic slavery and violence; one sexual exploitation and violence; one domestic slavery, sexual exploitation and forced labor; one forced marriage; and one forced labor and slavery-like conditions. KCIK offered victims medical and psychological care, legal counseling, shelter referrals, and welfare support. KCIK included two shelters for adult female victims and one shelter for male victims that opened in the reporting period. The shelters housed a combined total of 46 victims in the reporting period. KCIK arranged accommodations for an additional 61 victims, using crisis centers, hotels, and hostels for this purpose. Victims also could receive comprehensive assistance (social, medical, psychological, and legal) in 17 crisis intervention centers operated and funded by local governments, where staff were trained in assisting trafficking victims. The government did not report the number of trafficking victims served by these non-specialized centers. In addition to KCIK services, all foreign victims from outside the European Economic Area (EEA) formally identified by law enforcement were entitled to social welfare benefits, including crisis intervention assistance, shelter, meals, necessary clothing, and financial assistance; 11 non-EEA national victims received assistance through the welfare system during the first six months of 2017. EEA victims had access to the full scope of welfare benefits offered to Polish citizens. Non-EEA national victims had access to services to normalize their presence in Poland. The government did not have facilities available to provide specialized care to child victims, who typically were placed in orphanages or with foster families. Observers reported orphanages often were not well prepared to assist child victims of trafficking. In 2017, law enforcement did not refer any child victims to the national referral program. The border guard had a formal procedure for screening unaccompanied children for trafficking, but NGOs and academics reported there was no clear system of assistance to meet the needs of unaccompanied children.

In 2017, the government allocated 1.1 million zloty (\$315,820) to two NGOs that run KCIK, which covered the majority of operating expenses; this was the same amount allocated in 2016 and 2015. The government allocated 79,800 zloty (\$22,910) to train welfare assistance personnel on assisting trafficking victims and witnesses, compared with 78,000 zloty (\$22,390) in 2016.

The government's witness protection program provided foreign victims with a temporary residence permit, medical and psychological care, legal assistance, and shelter for those who cooperated with a prosecution; this program also provided for a victim's repatriation. The government enrolled 21 trafficking victims into this program in 2017, compared with 39 in 2016 and 38 in 2015; from 2012 to 2014, the government enrolled at least 56 victims each year. 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; 12 victims used this reflection period in 2016 (23 in 2016 and 33 in 2015). Foreign victims were eligible for a residency permit valid for up to three years and were entitled to work; victims could also apply for permanent residency and were protected against deportation. Foreign victims were eligible for repatriation and may receive assistance upon return to their country of origin; the assistance did not depend on

cooperation with law enforcement. In 2017, the government, in cooperation with an international organization, assisted four trafficking victims to return to their home countries (seven in 2016). In 2017, 35 foreign victims who joined the witness protection program agreed to participate in the prosecution of their traffickers (23 in 2016 and 27 in 2015). Polish law permitted victims to provide testimony via video or written statements; however, in cases where victims left Poland, judges often requested additional testimony that resulted in a longer and more complicated legal process. Media reports indicated North Korean laborers in the country were highly vulnerable to forced labor and showed indicators of trafficking. One ongoing prosecutorial investigation involved suspected forced labor of 107 North Korean potential victims in the agricultural sector with trafficking indicators, such as workers paying money to middlemen in advance to obtain employment. None of the workers were referred to services. The labor inspectorate inspected all companies employing North Korean workers, but did not report finding actionable evidence to justify recommending formal law enforcement investigations. Officials acknowledged inspections usually were confined to paperwork and investigators typically relied on translators provided by employers. Victims could file civil suits against traffickers, prosecutors could request restitution, and judges could order compensation for victims in criminal cases. Prosecutors rarely requested compensation. No victims received court ordered restitution in criminal cases in 2016 or 2017.

PREVENTION

The government increased prevention efforts. The government allocated 135,000 zloty (\$38,760) for the implementation of the 2016-2018 action plan, a 43 percent decrease from 235,000 zloty (\$67,470) allocated in 2016, but the same amount as allocated in 2015 for the 2013-2015 plan. The interior ministry continued to lead the inter-ministerial anti-trafficking team, which met twice during the reporting period, as well as a working-level group of experts and NGOs, which met four times to coordinate efforts and develop national policies. During the reporting period, provincial-level interagency anti-trafficking teams in all 16 regions conducted prevention and public awareness campaigns, and organized trafficking-related trainings and conferences for NGOs and professional associations. In September, the interior ministry published a report analyzing the child identification system and offering recommendations for enhancing the capacity of law enforcement to better identify child victims. The interior ministry approved an assessment of the government's anti-trafficking activities in February 2018, but had not make it publicly available by the end of March 2018. 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 on human trafficking, several of which focused on forced labor, and targeted students, migrant workers in Poland, at-risk Polish communities, and Poles seeking work abroad. The ministry of interior's web portal continued to operate, offering information on prevention, the system of victim support, and relevant statistics and publications. A government-funded NGO operated a hotline (10 hours per day on weekdays and 24 hours per day on weekends) for trafficking victims and witnesses, which received approximately 9,600 calls during the reporting period. In June 2017, the government increased the minimum fine for recruitment agencies operating without a license and agencies charging excessive fees for job placement and mandated agencies

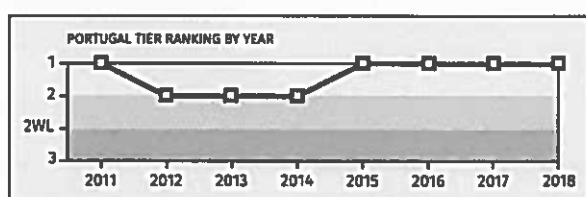
provide foreigners with a copy of their employment agreement in their own language, as well as their rights and responsibilities as workers in Poland. The government also enhanced local regulatory control over the simplified procedure of hiring foreigners from six countries in the region, which came into effect in January 2018; local authorities could ban employers previously convicted of trafficking from hiring foreigners. The government did not confirm whether any employers were banned in the reporting period. The National Labor Inspector identified 51 job recruiting agencies operating illegally during the reporting period, but did not report taking punitive action. To help address experts' concerns that Poland may become a destination country for child sex tourism, the government continued to operate an NGO-designed internet platform for reporting cases of child sex trafficking. The government made efforts to reduce the demand for commercial sex acts and forced labor during the reporting period. The government provided training for several foreign governments on anti-trafficking measures.

TRAFFICKING PROFILE

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. There is an increasing vulnerability to labor trafficking among Poland's growing Ukrainian and Belarusian migrant populations, particularly in restaurants and construction, and North Korean migrant workers, particularly in shipyards, construction, and agriculture. Children, particularly Roma, are recruited for forced begging in Poland. Men and women from Poland are subjected to forced labor in Europe, primarily Western and Northern Europe. There is an increasing number of Polish victims of forced labor for construction in the United Kingdom. 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.

PORTUGAL: TIER 1

The Government of Portugal fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Portugal remained on Tier 1. The government demonstrated serious and sustained efforts by increasing the number of investigations, training more law enforcement personnel, and sentencing the majority of convicted traffickers with strong penalties. The government approved its fourth national action plan for 2018 to 2021. Although the government meets the minimum standards, it prosecuted significantly fewer traffickers, identified significantly fewer victims, and lacked specialized services for child victims.



RECOMMENDATIONS FOR PORTUGAL

Increase proactive identification of victims, particularly adult and child sex trafficking victims; increase resources for law enforcement and labor inspectors monitoring for labor trafficking; increase prosecutions and convictions of traffickers; provide specialized shelter and assistance for child trafficking victims; increase victim identification training within the health care sector, specifically for victims of sexual exploitation; continue to increase and document use of victim services, such as shelters and residence permits, and ensure availability of a sufficient number of places to accommodate all victims in need of shelter; continue to train immigration and social workers, law enforcement, labor inspectors, and NGOs on victim identification and referral; strengthen monitoring and regulation of temporary employment agencies, including employing and recruiting domestic workers; and increase efforts to reduce the demand for commercial sex.

PROSECUTION

The government maintained law enforcement efforts. Article 160 of the penal code criminalized sex and labor trafficking and prescribed penalties of three to 10 years imprisonment, which were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. Article 159 prohibited slavery and prescribed penalties of five to 15 years imprisonment. Article 175 prohibited child sex trafficking, with penalties of one to 10 years imprisonment, although it classified these crimes as pimping rather than trafficking.

In 2017, the government investigated 103 potential trafficking cases, compared with 83 in 2016. Authorities did not report how many cases involved labor or sex trafficking. In 2017, authorities prosecuted 45 defendants in 12 cases, compared with 77 defendants in nine cases prosecuted in 2016. Courts convicted and sentenced 12 traffickers in 2017 (one sex trafficking and 11 forced labor), compared with 15 convictions in 2016. Eleven out of the 12 sentences issued were more than one year imprisonment, and the average sentence was seven and a half years imprisonment. Authorities suspended only one sentence compared with five in 2016. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses. The judiciary police provided training in investigations and victim identification to 40 of its senior officials and 80 mid-level officials. The office of the attorney general reported more than 100 prosecutors received anti-trafficking training in 2017. The immigration and border service provided victim identification training to 60 border officers and 44 new border officers received anti-trafficking training as part of their initial training. The national rapporteur held training programs for first responders in districts vulnerable to labor trafficking, including police, social workers, and health professionals. Authorities cooperated with Ireland, Romania, Spain, and the United Kingdom on international trafficking cases during the reporting period.

PROTECTION

The government maintained protection efforts. The government's national referral system coordinated victim assistance efforts between law enforcement and government-supported NGOs. During the reporting period, the government, with input from two NGOs, updated the referral system process to streamline communication between law enforcement and victim assistance providers and to ensure all stakeholders were represented nationwide. The government's anti-trafficking