

POLAND (Tier 1)

Poland is a source, transit, and destination country for women trafficked from Ukraine, Moldova, Romania, Belarus, Lithuania, Russia, Bulgaria, Cameroon, Somalia, Uganda, Kenya, Nigeria, and Vietnam to and through Poland to Austria, Belgium, Denmark, Germany, Greece, Italy, the Netherlands, Spain, Sweden, and Japan for the purpose of commercial sexual exploitation. Polish men and women are trafficked to Italy, Austria, Germany, Belgium, France, Spain, Sweden, the Netherlands, and Israel for purposes of forced labor and sexual exploitation. In 2007, there were 880 identified Polish victims of forced agricultural labor in Italy.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. Poland continued to show progress in its law enforcement efforts, notably ensuring that a majority of convicted traffickers served some time in prison. The government also continued to improve its trafficking prevention efforts; however, there was an inadequate number of shelters available to victims during the reporting period.

Recommendations for Poland: Continue training for prosecutors and judges to ensure trafficking offenders are convicted and serve time in prison; increase the number of victims receiving assistance; increase the number of trafficking shelters; and vigorously investigate, prosecute, convict, and sentence government officials for trafficking complicity.

Prosecution

The Government of Poland demonstrated clear progress in its overall law enforcement efforts. Poland prohibits all forms of trafficking in persons. Article 203, Sections 3 and 4 of Article 204, and Article 253 are used to prosecute sex trafficking cases. Article 253 and organized crime statutes are used to prosecute labor trafficking cases, though there are no provisions in the criminal code that specifically define and address trafficking for labor exploitation. Prosecutors rely on trafficking definitions in the 2000 UN TIP Protocol when pursuing cases against traffickers. Penalties prescribed under Article 253 range from three to 15 years' imprisonment, and Articles 203 and 204 prescribe from one to 10 years' imprisonment; these punishments are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Police conducted 122 new investigations and prosecuted at least 58 trafficking suspects in 2007, compared to 21 investigations and 36 prosecutions conducted under Article 203 and Section 4 of Article 204 in 2006. In 2007, 70 traffickers were convicted, compared to 16 convictions under Article 203 and Section 4 of Article 204 in 2006. In 2006, the most recent year for available sentencing data, 14 out of 16 convicted trafficking offenders were sentenced to time in prison: two were sentenced to 12 months' imprisonment; four were sentenced to one to two years' imprisonment; three were sentenced to three years' imprisonment; and five were sentenced to three to five years' imprisonment. This is an improvement from 2005 when only nine out of 37 convicted traffickers served time in prison. During the reporting period, 120 judges were provided training by the Ministry of Interior and NGOs, including on application of the UN Protocol definition of trafficking in persons under Article 253. Notwithstanding the significant increases in numbers of investigations, prosecutions, and sentences from last year, some law enforcement officials and NGOs reported that the lack of a clear legal definition of trafficking in Poland's criminal code hampers prosecutions of trafficking crimes. There were unconfirmed reports of police accepting bribes to tolerate trafficking activity; however, there were no cases of law enforcement officials punished for such complicity in trafficking during the reporting period.

Protection

The government provided limited assistance to foreign and domestic trafficking victims. Poland continued to fund victim assistance programs at both the national and local level; however, only 276 out of 1,015 identified trafficking victims received government-funded assistance in 2007. Although the government provided space and funding to NGOs to operate trafficking shelters, the number of shelters remained inadequate and NGOs frequently resorted to temporary arrangements to provide medical, psychological, and legal assistance to victims. There are reports that border guards and police sometimes regard victims of trafficking as criminals, resulting in punishment or automatic deportation for acts committed as a result of being trafficked. The government encouraged victims to assist in trafficking investigations and prosecutions.

Prevention

The government continued to improve its trafficking prevention efforts. During the reporting period, the government funded several trafficking awareness raising activities including a Ministry of Interior-run information campaign on forced labor. The government increased posters and billboards and funded NGOs to produce awareness materials. In 2007, the government adopted its third national action plan for combating human trafficking. However, the government carried out no measures to reduce the demand for commercial sex acts over the year. The government provided anti-trafficking training for all military personnel and police being deployed abroad for international peacekeeping missions. The government began developing a child sex tourism prevention campaign during the reporting period.