

2007 – 2008 National Programme for Combating and Preventing Trafficking In Human Beings

2007 – 2008 National Programme for Combating and Preventing Trafficking in Human Beings is a continuation of the *National Programme for Combating and Preventing the Trafficking in Human Beings* approved by the Council of Ministers on September 16, 2003 and *2005 – 2006 National Programme Combating and Preventing Trafficking in Human Beings* approved by the Council of Ministers on April 20, 2005. The programme was elaborated by the Committee for Combating and Preventing Trafficking in Human Beings established by the regulation no 23 by the President of the Council of Ministers of Poland on 5 March 2004.

The need for such a programme arises from the fact that trafficking in human beings is a dynamic phenomenon that undergoes constant changes. The response to these changes are new tasks described in the Programme. Moreover, part of the tasks described in the former Programme needs continuation and part of the tasks was not realized before the fixed deadline.

The **aim** of the Programme is to create conditions needed for effective combating and prevention of trafficking in human beings in Poland.

Programme Implementation needs participation and cooperation of many governmental administrative subjects and non-governmental organizations.

The responsibility for performing the tasks described in the Programme is put on indicated subjects. Supervising of the implementation of the Programme is given to the Committee on Combating and Preventing Trafficking in Human Beings.

The deadline for the tasks described in the Programme is fixed for the end of 2008.

Programme Financing

The tasks ascribed to certain subjects shall be financed within the scope of the budgets they dispose of.

Ministry of Interior and Administration (MSWiA) for the implementation of the tasks scheduled by *2007 – 2008 National Programme for Combating and Preventing Trafficking in Human Beings* has secured in the 2007 national budget, on the basis of the financial expenditures plan, financial means in the amount of 200 000 PLN - § 4300 (included in the financial plan of MSWiA – part 42 Internal affairs, section 754, Public safety and fire protection chapter 75495, Remaining activities) and financial means in the amount of 150 000 PLN - § 2810 Designated subsidy from the budget for financing or subsidizing tasks commissioned to be implemented by foundations (included in the financial plan of Budget Department of MSWiA) – on 28.12.2006 an agreement with the La Strada Foundation against the Trafficking in Women for implementation of the *Programme of Assistance and Protection for Trafficked Persons* was signed.

Moreover, the Ministry of Labour and Social Policy (*MPiPS*) has secured in the 2007 budget financial means in the amount of 80 000 PLN for implementation of the social aid personnel trainings within the scope of how to treat the victim/witness of trafficking in human beings (part 44 – Social security, section 750 Public Administration)

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In the same time, it is not possible to define the amount of money needed for the implementation of the Programme in 2008, but, due to the existence of the defined tasks, funds to cover the costs resulting from the Programme will be taken into account in the Polish national budget project for 2008, in part 42 Internal matters within the framework of granted initial amount for expenditures.

Certain parts of the programme, especially those concerning problem study, information exchange, best practices and trainings, may be financed from the European Union programmes.

Part I

Preventive Actions, Phenomenon Studies

1.

Organization of the national conference on trafficking in human beings.

First National Conference on Combating and Preventing Trafficking in Human Beings took place in March 2006. The Conference gathered many experts in this domain from public administration institutions, non-governmental organizations and scientific circles from all over the country. It resulted in recommendations applied in works concerning implementation of the National Programme. Moreover, the Conference is the only forum of this kind allowing for broad debate and exchange of experiences within the scope of the domain of trafficking in human beings.

Responsibility for the implementation: Ministry of Interior and Administration

Implementation deadline: II quarter 2007, II quarter 2008.

2.

Information campaign on trafficking in human beings for forced labour: a/ addressed to those seeking work in the EU Member States.

Revealing in 2006 numerous cases of Polish citizens – victims of trafficking in human beings for forced labour confirms the suppositions that keeping labour market restrictions concerning access to their labour market by some EU Member States results in side effects such as growth in illegal employment, including trafficking in human beings for forced labour. There is a need for information campaign addressed to those seeking work in the EU Member States aiming at raising awareness of the risk of becoming a victim. In order to implement this task, the organizational capabilities of MSWiA, MPiPS and MSZ (Ministry of Foreign Affairs of the Republic of Poland) should be made use of, as well as programs concerning Polish citizens abroad being realized by these institutions should be benefited from.

Establishing cooperation with mass media is necessary.

b/ addressed to those coming to Poland in order to commence work

Due to the progress of the process of opening Polish labour market to citizens from third countries and incidents concerning cases of trafficking in human beings for forced labour in Poland it is necessary to organize in Poland an information campaign addressed to those

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coming to Poland in order to commence work (mainly Ukrainian citizens) aiming at raising awareness concerning the risk of becoming victims of trafficking in human beings. In order to implement this task, the organizational capabilities of MSWiA, MPiPS and MSZ should be made use of.

Responsibility for the implementation: Ministry of Interior and Administration, Ministry of Labour and Social Policy, Ministry of Foreign Affairs of the Republic of Poland

Implementation deadline: II half 2007, II half 2008.

3.

Elaboration of the II edition of the report on trafficking in human beings in Poland.

In the second quarter of 2007, the Report on Trafficking in Human Beings concerning mainly

the period of 2003 – 2006 will be published. Due to trafficking in human beings phenomenon's dynamic nature and the need of constant updating its description, it is necessary to prepare regular publications of this type on trafficking in human beings in Poland, intended for those interested in the problem – representatives of public administration, non-governmental organizations, scientific institutions.

Responsibility for the implementation:

Ministry of Interior and Administration, Ministry of Justice of the Republic of Poland, Polish General Police Headquarters (KGP), Polish Border Guard General Headquarters, (KGSG) Ministry of Labour and Social Policy, the State Labour Inspection, Voivodship Offices, Voivodship Labour Offices in cooperation with non-governmental organizations and scientific centers.

Implementation deadline: II half of 2008.

Task implementation requires continuation of the work started in the framework of the former National Programme, that is:

1. Elaboration of the methodology and scope of the permanent gathering of information on the phenomenon.

Responsibility for the implementation: Polish General Police Headquarters, Polish Border Guard General Headquarters, Ministry of Justice of the Republic of Poland, State Prosecutor's Office, in cooperation with non-governmental organizations and scientific centers.

2. Gathering of information and statistical data enabling complex study of the problem and better coordination of the research conducted by various centers and institutions.

Responsibility for the implementation: Polish General Police Headquarters, Polish Border Guard General Headquarters, Ministry of Justice of the Republic of Poland, State Prosecutor's Office, in cooperation with non-governmental organizations.

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4.

Content-related, organizational and financial support (depending on owned budgetary means) of the trafficking in human beings research. Making use of European Union programmes means designated to these ends.

Proper definition of the trafficking in human beings phenomenon in its various aspects requires scientific study. The issues requiring urgent study are among others:

the trafficking in human beings for forced work victim's profile;

the situation of the foreigners' stray children, possible victims of trafficking in human beings – legal conditions, factual circumstances;

analysis of Polish courts' judicial decisions concerning trafficking in human beings in terms of securing victim's rights;

best practices in the scope of international cooperation of police concerning law enforcement in the domain of trafficking in human beings;

Responsibility for the implementation:

Institutions represented in the Committee

Implementation deadline: constant task

5.

Organization of the celebrations of the human trafficking victims' day – June 11, 2007.

In the European Union Action Plan concerning human trafficking adopted by the JHA Council in December 2005 and modified in December 2006 the celebrations of Human

*Trafficking Victims' Day*¹ on June 11, 2007, was provided for. That is why this day celebration's scenario in Poland shall be prepared and implemented in cooperation with mass media.

Responsibility for the implementation: Working Group of the Committee – preparation of the celebrations' scenario, institutions constituting the Committee – the celebrations' organization.

Implementation deadline: June 2007

Part II

Changes in the Legislation

1.

Preparation and introducing into the penal code of new regulations concerning trafficking in human beings.

*In the framework of the implementation of the 2005 – 2006 National Programme the National Institute of Justice*² has performed an analysis of the Polish courts' judicial decisions on

¹ W oryginale prawdopodobnie brakuje słowa „Ofiara” w nazwie tego dnia, co może prowadzić do nieporozumień (por. „Dzień Handlu Ludźmi” vs. „Dzień Ofiar Handlu Ludźmi”) przyp. tłum.

² Instytut Wymiaru Sprawiedliwości (przyp.tłum.)

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cases concerning human trafficking in terms of their conformity with definition of trafficking in human beings included in the Protocol on prevention, suppression and punishment of trafficking in persons, especially women and children. From this analysis it results that Polish courts' judicial decisions are not always in conformity with the letter and spirit of law and definition of the human trafficking included in the Protocol. Elaboration and introducing of such a definition into the article 115 of the penal code aims at standardization of the interpretation of the article 253 §1 of the penal code.

Introducing into Polish law human trafficking in connection with the projected punishability of preparation for the offence of trafficking in human beings will constitute a factor of improvement of efficiency in combating this type of crimes.

Responsibility for the implementation: Ministry of Justice of the Republic of Poland

Implementation deadline: I quarter of 2008.

2.

Polish law analysis in terms of efficacy of law enforcement in the trafficking in human beings for forced work.

The indications concerning cases of trafficking in human beings for forced labour are more and more frequent. Only one such indication was subject to penal procedure. An analysis of the state of law in order to identify regulations concerning human trafficking and disclosing potential loopholes that obstruct penal procedure is requested. Due to escalation of the human trafficking for enforced labour incidence in Europe, experts call our attention to inadequacy of the regulations of international and national law concerning forced labour. It is highly probable that such a situation is also true for Poland.

Responsibility for the implementation: Ministry of Interior and Administration, Ministry of Justice of the Republic of Poland, Ministry of Labour and Social Policy,

Implementation deadline: III quarter of 2007.

Part III

Activities Efficacy Improvement

Coordination

1.

Improvement of the of coordination mechanism of activities of the police and border guard concerning combating human trafficking

In September 2006 the Central Committee for Combating Trafficking in Human Beings was created in Polish General Police Headquarters. Coordinators for human trafficking were designated in provincial police headquarters; in some of the headquarters permanent teams were established. Promptly, establishing of the teams resulted in the increase of detected cases of human trafficking. It is necessary to create permanent teams for trafficking in human beings in all provincial police headquarters, and non-permanent coordinators in Border Guard departments.

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Responsibility for the implementation: Polish General Police Headquarters, Border Guard General Headquarters

Implementation deadline: II quarter of 2007.

2.

Specialized training for coordinators and team members in provincial police headquarters and coordinators in border guard departments

In September 2006, in provincial Police headquarters coordinators for combating trafficking in human beings were appointed. It is necessary to prepare them for fulfilling their duties properly via training covering the domain of law, psychology, rules governing cooperation among institutions and international cooperation.

Responsibility for the implementation: Working Group – preparation of the training programme, Committee for Trafficking in Human Beings DPM MSWiA, KGP, KGSG, MPiPS – organization of the training.

Implementation deadline: II quarter of 2007.

International Cooperation

3.

Appointing of Joint Investigation Team (Wspólny Zespół Śledczy) for Trafficking in Human Beings

Joint Investigation Teams are a subtle form of international cooperation for investigating organized crime in the European Union, this form is provided for in the Polish law. It is advisable to verify its practical application for investigating crime in trafficking in human beings. Gained experience might be of practical use for further improvement of international cooperation methods.

Responsibility for the implementation: Polish General Police Headquarters,

Implementation deadline: task implementation depends on the foreign partner's approval.

4.

Organization of the yearly meeting of experts from the countries of origin, transit and target countries – from the Polish point of view – in order to Exchange information concerning changes taking place In the domain of trafficking in human beings.

Experience gained so far from organized meetings proves the existence of necessity of continuation of this form of international cooperation. They are an optimal formula of regular information exchange among experts, they facilitate elaboration of the most efficient forms of direct operational cooperation.

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Responsibility for the implementation: Ministry of Interior and Administration, Polish General Police Headquarters, Polish Border Guard General Headquarters, Ministry of Justice of the Republic of Poland in cooperation with non-governmental organizations.

Implementation deadline: II half of 2007, II half of 2008

5.

Managing of the National Contact Point for Unaccompanied and Trafficked Children in Poland

On the Council of the Baltic Sea States initiative a network of National Contact Points for Unaccompanied and Trafficked Children – Victims of Trafficking in Human Beings was established. The task of the contact point is to gather information concerning the issue and exchange of such information with the contact points in the 11 countries of the region. Formerly the task was being carried out by Nobody's Children Foundation on the MEN's commission.

Responsibility for the implementation: Ministry of National Education, in cooperation with one non-governmental organization.

Implementation deadline: constant task

Developing Qualifications

6.

Training for judges and prosecutors within the scope of trafficking in human beings and particularly in children.

Analysis of the Polish courts' judicial decisions concerning cases of trafficking in human beings points to the necessity of constant qualifications development of judges and prosecutors who deal with this kind of crime and its victims. The issue of the scope of meaning of the term trafficking in human beings as well as victim's rights and role in the criminal procedure are of particular concern. With regard to the aspects of trafficking in children, a specialized training should be provided for judges from domestic and juvenile departments.

Responsibility for the implementation: Ministry of Justice of the Republic of Poland, The National Training Centre for the Officials of the Common Courts of Law and the Public Prosecutor's Office

Implementation deadline: constant task

7.

Training for police services training staff (military academies and training institutions) within the scope of the aspects of combating trafficking in human beings.

The dynamic nature of the trafficking in human beings phenomenon triggers the need of constant updating of the police academies permanent lecturers' knowledge that is passed over to the audience.

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Responsibility for the implementation: Polish General Police Headquarters, Polish Border Guard General Headquarters in cooperation with non-governmental organizations

Implementation deadline: constant task

8.

Social security employees training concerning the issues of trafficking in

human beings victims identification, crisis intervention and the principles of cooperation with other countries.

The planned amendment to the Law on social security gives the possibility of providing aid to human trafficking victims by the social security institutions. It is required to provide the social security employees with the knowledge indispensable for victim's identification, providing aid and cooperation with other competent institutions.

Responsibility for the implementation: Working Group – training programme preparation, Ministry of Labour and Social Policy – training implementation

Implementation deadline: in stages, up to the end of 2008

9.

Training of the Office for Repatriation and Foreigners' employees who interview those seeking refugee status and for employees working in Refugee Centers within the scope of identification of victims of trafficking in human beings.

It is necessary to provide Office for Repatriation and Foreigners' employees and those working in Refugee Centers with knowledge indispensable for victim's identification, providing aid and cooperation with other competent institutions.

Responsibility for the implementation: Working Team – training programme preparation, Office for Repatriation and Foreigners

Implementation deadline: in stages, up to the end of 2008

IV.

Victims Support and Protection

1.

Elaborating of the support/protection model of Polish citizen – a victim of trafficking in human beings.

The growing number of Polish citizens – victims of trafficking in human beings, who became subject to trafficking either in Poland or beyond its territory, requires foundation of support and protection mechanism, different from the one presently operating, applied to foreigners.

We're concerned with the fact that the help foreigners are presently provided with by La

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Strada Foundation may prove to be insufficient in the presence of the growing number of cases. It is necessary to elaborate a model of action comprising among others:

protection of the Polish citizens who have become victims of the trafficking in human beings beyond the borders of Poland, in the first time period after identification, organization of their comeback to country,

protecting the victim within the Polish territory in the scope enabling their coming back to normal functioning in society (applied both to victims identified beyond Poland and on its territory, victims of internal trafficking)

Responsibility for the implementation: Working Team of the Committee

Implementation deadline: III quarter of 2007

2.

Elaborating of the support/protection model for children – victims of trafficking in human beings

Information about children – human trafficking victims received by non-governmental organizations or mass media is not confirmed in data gathered by police service and public

prosecutor's office. One of the causes of this state of affairs may be lack of elaborated model of treating the victims, that would favor their disclosure and starting of the criminal procedure against the culprits. That is why it is necessary to elaborate a model of support and protection for children – human trafficking victims, based on the experiences in dealing with adult victims, taking into consideration all differences coming from the fact of different status and psychological reality.

Responsibility for the implementation: Ministry of Interior and Administration, Polish Main Police Headquarters, Polish Border Guard Main Headquarters, Ministry of Justice of the Republic of Poland in cooperation with non-governmental organizations.

Implementation deadline: IV quarter of 2007

3.

Elaboration of model of reintegration of trafficking in human beings victims surveyed and supported by professional social service and non-governmental organizations.

Experience gained during Partnership for Development Project “IRIS – social and vocational inclusion of women – victims of trafficking in persons” should allow for starting work on elaborating present model of inclusion of the victims of trafficking in persons.

Responsibility for the implementation: Working Team of the Committee in cooperation with non-governmental organizations,

Implementation deadline: IV quarter of 2008

4.

Establishing of standards to live up to for non-governmental organizations and other institutions capable and authorized to provide aid to victims/witnesses of trafficking in human beings.

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Amendments to the act on social security shall enable the social security institutions effective aid for the victims of human trafficking. These institutions personnel's training (task III. 9) will enable establishing the international network of institutions providing aid to human trafficking victims.

La Strada Foundation is in possession of a hostel for human trafficking victims. The Archdiocese of Warsaw has the possibility to offer refugee to human trafficking victims. It is necessary to elaborate a uniform standard of providing aid and spreading information about institutions authorized to providing such aid. Already gained experience within the framework of implementing of the Partnership for Development Project “IRIS – social and vocational inclusion of women – victims of trafficking in persons” should come of use.

Responsibility for the implementation: working team in cooperation with non-governmental organizations, Ministry of Labour and Social Policy, Ministry of Interior and Administration, Ministry of Justice of the Republic of Poland, Ministry of Health,

Implementation deadline: I half of 2008