

2007 – 2008 National Programme for Combating and Preventing

Trafficking In Human Beings

(...)

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 has performed an analysis of the Polish courts' judicial decisions on 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.

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