

**DOCTORAL**  
**DISSERTATION SUMMARY**  
**"POLICY OF EUROPEAN INSTITUTIONS**  
**ON HUMAN TRAFFICKING WITH PARTICULAR**  
**FOCUS ON THE CHARACTERISTICS OF THIS**  
**PHENOMENON IN POLAND"**

Irena Malinowska, M.A.

**1. Introduction**

Contemporarily, in the domestic and international dimensions, human trafficking is one of the most serious threats to societies and state organisations. It is perceived as one of the most important global problems of the contemporary world. It constitutes a threat to life and health and is one of the forms of organised crime. In the 21st century, due to economic and demographic inequalities in the world, as well as an increasing number of conflicts and, finally, the global human migration, the phenomenon of human trafficking will escalate. Coordinated actions of governments, the civil society, business communities, international organisations and media are necessary to inhibit the development of this

phenomenon<sup>1</sup>. Undoubtedly, the brutal exploitation of women, children and men constitutes a serious violation of their rights, and at the same time it expressly prejudices the political and social rights<sup>2</sup>.

As late as in the 20th century, human trafficking started to be associated with prostitution and sexual exploitation of women and children<sup>3</sup>. Throughout history, human trafficking was considered natural, as human beings were treated as commodity. Women were considered a form of money already in primitive tribes. Currently, slavery is not accepted anywhere in the world.

Human trafficking is a social and multidimensional phenomenon; it strips people of their rights and liberties. It is one of the main expressions of contemporary organised crime<sup>4</sup>.

Organised crime in Poland and in the world, perceived in the context of human trafficking, results in a number of detrimental consequences not only for the economy, but also other spheres of social and public life. The problems associated with the organised-crime character of human trafficking are not limited only to those existing on the traditional, regional level<sup>5</sup>. Human trafficking became public in Poland, Europe and worldwide 15-20 years ago<sup>6</sup>.

This phenomenon appeared to be connected with a growing demand for more and more sophisticated sexual services, especially those rendered by very young women from other cultures, as well as the services rendered by children. Moreover, the problem of migration and rapid increase in organised crime in Europe and worldwide has arisen<sup>7</sup>.

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<sup>1</sup> L. Shelley, *Human Trafficking*, New York 2010, s. 1.

<sup>2</sup> P. Degani, *Prawa człowieka a handel kobietami i młodymi ludźmi w Europie. Przybornik edukacyjny*, Padwa 2007, s. 5.

<sup>3</sup> *Handel ludźmi do pracy przymusowej. Jak monitorować proces rekrutacji pracowników migrujących*, Genewa 2006, s. 7.

<sup>4</sup> I. Malinowska, W. Szczepański, *Współdziałanie Policji z wybranymi podmiotami w zwalczaniu handlu ludźmi*, „Obronność. Zeszyty Naukowe” 2013, nr 1, s. 168.

<sup>5</sup> L. Shelley, S. Okubo (eds.), *Human Security, Transnational Crime and Human Trafficking: Asian and Western Perspectives*, New York 2011; L. Shelley, S. Stoecker (eds.), *Human Traffic and Transnational Crime: Eurasian and American Perspectives*, Lanham 2005, s. 2.

<sup>6</sup> *The Organisation of Human Trafficking. A Study of Criminal Involvement in Sexual Exploitation in Sweden, Finland and Estonia*, Stockholm 2008, s. 19.

<sup>7</sup> *Trafficking in Human Beings in South Eastern Europe*, UNDP, 2003; E. Pearson, *Historical Development of Trafficking — The Legal Framework for Anti-Trafficking Interventions* [w:] *Challenging Trafficking in Persons. Theoretical Debate & Practical Approaches*, Nomos 2005; R.J. Kelly, J. Maghan, J.D. Serio, *Illicit Trafficking. A Reference Handbook*, Santa Barbara 2005; M. Tchomorova, *Trafficking in Women — Personal, Psychological and Social Problems in (Non)-United Europe*, in: *Trafficking in Women. Questions and Answers*, Animus Association, La Strada Foundation 2002.

Knowledge of the scale of human trafficking consists of estimates which are not justified or reflected in the data collected by law enforcement authorities and the system of justice, as well as the non-governmental organisations<sup>8</sup>.

## **2. Reasons for the research. Problem situation**

The scale of human trafficking is unknown and all information on the actual number of crimes committed (as opposed to the ascertained crimes), victims or perpetrators, consist only of estimates. The literature on the subject includes a relatively high amount of figures regarding the estimated scale of the crime, but the calculation and estimation methods are usually not provided, which renders their credibility questionable. In terms of the statistics, the most accurate data is provided by the U.S. Department of State: it shows that every year, between 800,000 and 900,000 people are transported across the border, two thirds of them to the USA. It is highly probable that the actual scale of the problem is much wider than the police, prosecution and court statistics indicate. Criminologists use the term "dark number of crimes" to describe the difference between the number of actual and ascertained crimes. It appears that in the case of human trafficking, the dark number might be higher than in the case of other crimes<sup>9</sup>. The estimated number of human trafficking victims connected to Poland as the country of origin, destination and transit, is over 15,000 persons per annum<sup>10</sup>. Although the publicized statistics are only estimates, they might appear to be exaggerated. In 2000, the European Parliament announced that four million people fall victims to human trafficking every year<sup>11</sup>.

Human trafficking occurs in virtually every country and is increasingly transnational in nature. It becomes a large illegal industry, a contemporary form of slavery.

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<sup>8</sup> Fundacja przeciwko handlowi kobietami „La Strada”, *Handel ludźmi. Informacje o zjawisku* 2004, s. 10.

<sup>9</sup> A. Siemaszko, *Geografia występku i strachu. Polskie badanie przestępczości '07*, Instytut Wymiaru Sprawiedliwości, Warszawa 2008, s. 7–8.

<sup>10</sup> M. Lehti, *Trafficking in women and children in Europe*, „Heuni Paper” No. 18, The European Institute for Crime Prevention and Control affiliated with the United Nations, Helsinki 2003, s. 10 i 21, <<http://www.heuni.fi/en/index/researchareas/humantrafficking.html>>, z 19 stycznia 2014, <[http://www.unodc.org/unodc/trafficking\\_projects\\_poland.html](http://www.unodc.org/unodc/trafficking_projects_poland.html)>, z 19 stycznia 2014.

<sup>11</sup> European Parliament, Directorate-General for Research, *Trafficking in Women*, Civil Liberties-Series, PE 109 EN, PE 288.127, March 2000, s. 5, <[http://www.europarl.europa.eu/workingpapers/libe/pdf/109\\_en.pdf](http://www.europarl.europa.eu/workingpapers/libe/pdf/109_en.pdf)>, z 19 stycznia 2014.

Governments and domestic and international organisations actively participate in the actions against human trafficking. Legislative frameworks are created in order to counteract this crime.

International legal acts, both regional and created by the United Nations, state that "the prohibition of slavery and forced labour is a human right which cannot be violated under any circumstances"<sup>12</sup>. Still, human trafficking, especially in women and children, continues to escalate.

The most important act of international law in this regard is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime<sup>13</sup>. This act, known as the Palermo Protocol, was adopted by the General Assembly of the United Nations on 15 November 2000. Three years later, on 18 August 2003, Poland ratified this protocol. Its application is limited only to the crime of human trafficking which is international in nature and was committed by an organised crime group.

In the European Union (hereinafter referred to as EU), human trafficking is prohibited under Article 5 of the Charter of Fundamental Rights<sup>14</sup>.

Human rights are one of the main priorities of the European Parliament. It plays a crucial role in the fight for democracy, freedom of speech, fair elections and the rights of the persecuted<sup>15</sup>.

The flagship document of the Council of Europe in respect of the fight against human trafficking is the Council of Europe Convention on Action Against Human Trafficking, prepared in Warsaw on 16 May 2005<sup>16</sup>. 39 countries have acceded to this convention so far, including Poland. The Council of Europe has contributed to the cause by expanding the application of the convention from the organised international criminal

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<sup>12</sup> Konwencja o ochronie praw człowieka i podstawowych wolności sporządzona w Rzymie 4 listopada 1950 r., zmieniona następnie Protokołami nr 3, 5 i 8 oraz uzupełniona Protokołem nr 2, DzU z 1993 r., nr 61, poz. 284, art. 4.

<sup>13</sup> Protokół o zapobieganiu, zwalczaniu oraz karaniu za handel ludźmi, w szczególności kobietami i dziećmi uzupełniający Konwencję Narodów Zjednoczonych przeciwko międzynarodowej przestępczości zorganizowanej, przyjęty przez Zgromadzenie Ogólne Narodów Zjednoczonych 15 listopada 2000 r., DzU z 2005 r., nr 18, poz. 160.

<sup>14</sup> Karta Praw Podstawowych Unii Europejskiej, <<http://www.mpips.gov.pl/>>, z 19 stycznia 2014.

<sup>15</sup> <<http://www.europarl.europa.eu/aboutparliament/en/0039c6d1f9/Human-rights.html>>, z 19 stycznia 2014.

<sup>16</sup> Konwencja Rady Europy w sprawie działań przeciwko handlowi ludźmi, sporządzona w Warszawie 16 maja 2005 r., <[http://www.kcik.pl/doc/Konwencja\\_Rady\\_Europy\\_w\\_sprawie\\_dzialan\\_przeciwko\\_handlowi\\_ludzmi.pdf](http://www.kcik.pl/doc/Konwencja_Rady_Europy_w_sprawie_dzialan_przeciwko_handlowi_ludzmi.pdf)>, z 19 stycznia 2014.

activity to all types of human trafficking, including its domestic form, as well as the activities unrelated to organised crime. Under the convention, the Group of Experts against Trafficking in Human Beings — GRETA, has been appointed. Its objective is to monitor the implementation of the convention regulations by the States Parties<sup>17</sup>.

In Poland, the regulation on human trafficking is contained in the Criminal Code, which, since 20 May 2010, includes the definitions of human trafficking and slavery in Article 115 Section 22 and Section 23, respectively. Slavery is a state of dependency, where the human being is perceived as property<sup>18</sup>.

Current approach of the EU towards the issue of human trafficking is stipulated in the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions which contains *The EU Strategy Towards the Eradication of Trafficking in Human Beings 2012-2016*<sup>19</sup>. The Council of Europe Convention on Action Against Human Trafficking prepared in 2005 established the mechanism for fulfilling the provisions by the States Parties. For that purpose, the GRETA group has been appointed, in order to monitor the implementation of the regulations by the States Parties<sup>20</sup>.

In Poland, various entities including the state authorities and institutions and the entities unrelated to public authority, are involved in preventive actions and combating human trafficking, as well as providing help to the victims of this crime.

Among the most important institutions in this respect are the National Consulting and Intervention Centre for the Victims of Trafficking, the Ministry of the Interior, the police, the Prosecution General, the Border Guard and non-governmental organisations<sup>21</sup>.

The Ministry of the Interior, with its Department of Migration Policy, is the main coordinator of the state policy towards human trafficking. The department provides substantive, organisational and technical services of this team<sup>22</sup>. Current *National Action Plan to Combat Human Trafficking*, approved by the Council of Ministers for the years

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<sup>17</sup> M. Sobczyk, *Raport: Zjawisko handlu ludźmi, w odniesieniu do cudzoziemców przebywających w Polsce za rok 2011 i 2012*, Kraków 2013, s. 7.

<sup>18</sup> Ustawa z 6 czerwca 1997 r. — Kodeks karny, <<http://isap.sejm.gov.pl/DetailsServlet?id=WDU19970880553>>, z 19 stycznia 2014.

<sup>19</sup> Komunikat Komisji do Parlamentu Europejskiego, Rady, Europejskiego Komitetu ekonomiczno-społecznego i Komitetu regionów, *Strategia UE na rzecz wyeliminowania handlu ludźmi na lata 2012–2016*, Bruksela, 19 czerwca 2012 r., COM(2012) 286 final, Bruksela 2012.

<sup>20</sup> M. Sobczyk, *Raport: Zjawisko handlu ludźmi...*, s. 12.

<sup>21</sup> M. Sobczyk, *Raport: Zjawisko handlu ludźmi...*, s. 14.

<sup>22</sup> Departament Polityki Migracyjnej, <<http://bip.msw.gov.pl/porta/bip/86/15506/>>, z 19 stycznia 2014.

2013-2015 is the sixth document of this type in Poland, crucial in respect of human trafficking<sup>23</sup>.

The fight against human trafficking is still one of the most important objectives of politics and constitutes a challenge for state institutions and non-governmental organisations which combat human trafficking in Poland, Europe and around the world. Hopefully, this fight will prove successful, as the system is becoming more efficient and the number of entities involved is increasing. Building vast coalitions of state and non-governmental entities appears to be the key to the effectiveness of preventive actions, as well as the initiatives which support the victims. Efficient identification of victims is also important; it may be achieved by improving knowledge and qualifications of the competent authorities.

Safety is also subject to globalisation. The issues of global safety<sup>24</sup> include the phenomena and processes of safety which affect all mankind, covering the whole world to various extents, involving the critical figures in the world arena and most of other international entities, including organisations.

The fight against human trafficking, manifested by creating an European strategy and tactics in both domestic and international dimensions, should serve one purpose — providing all citizens with safety, freedom and justice<sup>25</sup>.

### **3. Objectives of the research**

The reason for focusing on the phenomenon of human trafficking are the contemporary human migration trends, as well as the threats and pathologies of the 21st century described above, which constitute the most serious violation of human human rights and dignity<sup>26</sup>. Currently, this phenomenon is strongly related to illegal human migration. Human migration is considered one of the fundamental values of cultural and

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<sup>23</sup> Krajowy Plan Działań Przeciwko Handlowi Ludźmi na lata 2013–2015.

<sup>24</sup> Szerzej na temat globalizacji zob. m.in.: B. Balcerowicz, *Pokój i „nie-pokój” na progu XXI wieku*, Warszawa 2002, s. 90–98; L. Zacher, *Globalne problemy współczesności*, Lublin 1992; R. Kuźniar, *Globalizacja, geopolityka i polityka zagraniczna*, „Sprawy Międzynarodowe” 2000, nr 1; A. Bógdał-Brzezińska, *Kategorie globalizacji w nauce o stosunkach międzynarodowych*, „Sprawy Międzynarodowe” 2001, nr 1–2.

<sup>25</sup> I. Malinowska, W. Szczepański, *Handel ludźmi na początku XXI wieku*, „Obronność. Zeszyty Naukowe” 2013, nr 1, s. 168.

<sup>26</sup> I. Malinowska, W. Szczepański, *Handel ludźmi na początku XXI wieku*, „Obronność. Zeszyty Naukowe” 2013, nr 1, s. 168.

civilisational life<sup>27</sup>. The contemporary phenomena related to the cultural and civilisational life attract the public attention worldwide<sup>28</sup>.

Sometimes, the phenomenon of migration transforms into serious issues which institutions and non-governmental organisations in the EU countries and worldwide, but also the families in question, must face. This phenomenon is considered a fundamental value which shapes the new social reality of the world. It is perceived to be generated by such elements of cultural life as courage, entrepreneurship, the ability to make decisions, critical approach to reality and tolerance<sup>29</sup>.

Another reason for the research work on human trafficking is the lack of research study and monographs which address the problems connected to all forms of human trafficking, as well as the need for presenting the characteristics and identification of perpetrators, the structures of organised crime groups, as well as the working methods of the human traffickers.

In the context of internal security, human trafficking constitutes a serious threat to the society. It affects the economy as it disturbs in the domestic market. A constant increase in the number of victims of human trafficking indicates that the phenomenon should be revealed and discussed in order to provide an outline of the working methods of the traffickers.

## **a) Main objective of the research**

**The main objective of this scientific research was to ascertain whether the policy of European institutions towards the human trafficking, with particular focus on Poland, is effective and why.**

The main objective is followed by the subordinate **detailed objectives**:

- 1. to identify the state authorities and non-governmental organisations competent with regard to the fight against human trafficking and to the safety**

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<sup>27</sup> Por. A.J. Chodubski, *Współczesna tożsamość diaspory polskiej w przemówieniach Jana Pawła II*, „Rocznik Polonii” 2006, t. 2, s. 96–109.

<sup>28</sup> Por. A. Chodubski, *Migracje i imigranci a współczesne przemiany europejskie* [w:] J. Balicki (red.), *Integracja kulturowa imigrantów. Wyzwania i dylematy*, Warszawa 2007, s. 103–121; J. Grabowska-Lusińska, M. Okólski, *Emigracja ostatnia?*, Warszawa 2009; J. Balicki, *Imigranci i uchodźcy w Unii Europejskiej. Humanizacja polityki migracyjnej i azylowej*, Warszawa 2012, s. 22.

<sup>29</sup> Por. A. Chodubski, *Migracje i imigranci...*; J. Grabowska-Lusińska, M. Okólski, *Emigracja ostatnia...*; J. Balicki, *Imigranci i uchodźcy w Unii Europejskiej...*

**of citizens and the public order, as well as the functional and formal aspects of their actions and systemic solutions;**

- 2. to prosecute and arraign human traffickers - to establish specialized domestic criminal investigation teams in order to increase the number of inquiries conducted in cooperation with EU institutions, such as Europol, Interpol or Eurojust;**
- 3. to learn the legal and organisational determinants of the actions of police, the Border Guard, Europol, Interpol, Eurojust and other non-governmental organisations against human trafficking;**
- 4. to describe the scale of human trafficking as part of organised crime and its geography in the world, in the EU countries and in Poland;**
- 5. to undertake more preventive actions, limit the demand which facilitates all kinds of exploitation - financing the research in order to become acquainted with the human trafficking system and to arrive at solutions;**
- 6. to determine whether human trafficking as part of organised crime activity becomes a global, mass phenomenon, whether it increases and constitutes a threat to democracy and the civil society in Poland, in the EU countries and in the world.**

This dissertation comprises four chapters of problem analysis in the theoretical and empirical aspects of the policy of European institutions towards human trafficking, including political and social phenomena. The scientific cognition of human trafficking requires the use of methodological grounds, i.e. the theory of the collection of data from litigation and police documents, press articles and their analyses, interpretation and generalization.

Due to the need for a comprehensive introduction to the subject of human trafficking in the contemporary cultural and civilisational reality, the first chapter comprises six sections. It begins with a theoretical approach to human trafficking as a civilisational phenomenon. It is important to present the scale and geography of human trafficking in the world, in the EU countries and in Poland, together with the circumstances which generate this phenomenon from a historical-comparative perspective. Later, the chapter includes an attempt to identify the human being as a commodity in human trafficking. The social and political interest in this phenomenon is also of importance. Finally, the chapter focuses on the threat of human trafficking to democracy and the civil society. Therefore, the following questions are cognitively interesting:



1. To what extent does human trafficking affect the culture and civilisation of a society?
2. What is the scale and geography of human trafficking in the world, in the EU countries and in Poland?
3. Why do human beings become a commodity in human trafficking?
4. What characteristics can be used in polling the public on human trafficking?
5. What risk does human trafficking constitute for the civil society?

The next chapter of the dissertation provides an insight into the policy of European institutions towards human trafficking. It is important to analyse the implementation of human rights and the phenomena accompanying human trafficking together with legal solutions which facilitate the fight against human trafficking in Europe, with particular focus on the European Union. Moreover, it is cognitively important to examine the role of the European Parliament and the Council of Europe in the context of human trafficking. It is also crucial to follow a comprehensive approach to the collected empirical data and the comparison of the examined EU directives and the objectives of police structures which fight human trafficking, as well as the non-governmental organisations which provide help to the victims of human trafficking. This part of the dissertation constitutes an attempt to answer the following research questions:

1. How are the human rights and the rights of the victims to human trafficking perceived by European institutions?
2. What solutions do the European Parliament and the Council of Europe implement in order to combat human trafficking?
3. What goals with regard to fighting crime related to trafficking in human beings and human organs, paedophilia and child pornography do the police structures which fight organised crime attempt to achieve?
4. What non-governmental organisations in the world, in the EU and in Poland provide help to the victims of human trafficking and what are their methods?

The third chapter of this dissertation demonstrates human trafficking in Poland as part of organised crime activity, as well as the attitude of Polish public opinion to human trafficking and the international cooperation in the cases related to this crime. It is important to present the provisions of the domestic law. It is also crucial to provide characteristics of the forms of human trafficking, the structure of a crime group and the perpetrators' working methods, as well as their identification. It is cognitively important to

describe the classification of human traffickers. Finally, the chapter focuses on international cooperation and the exchange of information within the European Union.

This part of the dissertation constitutes an attempt to answer the following research questions:

1. What are the trends of development of organised crime with regard to human trafficking?
2. How can the human trafficking perpetrators be identified and classified?
3. What methods do the human trafficking perpetrators employ?
4. What is the procedure of the exchange of data on human trafficking within the EU?

The last chapter includes the content formulated in order to explicate the countermeasures against human trafficking in Poland and other EU countries. Therefore, it is necessary to identify the political activity in the context of the involvement of the state and political institutions in actions against this social pathology, as well the objectives included in the national action plan to combat human trafficking. Moreover, it is important to present *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012-2016* which results in the social support for the victims to human trafficking. In other words, the process of social campaigns for the fight against human trafficking and the trends of actions of the institutions responsible for prosecuting human trafficking cases are crucial. In view of the above mentioned objectives, the following research questions emerge:

1. How did the state and political institutions policy towards prostitution and beggary as social pathologies connected with human trafficking develop?
2. What are the characteristics of information campaigns for the fight against human trafficking?
3. What are the directions of actions adopted by the institutions responsible for prosecuting the crimes related to human trafficking?

Therefore, the decision to approach the title issue is justified by the the innovativeness of this research in all existing justifications in Polish and worldwide literature.

Human trafficking is a dynamic phenomenon which requires constant monitoring not only in order to prevent and combat crime and, as a result, prosecute the perpetrators, but also in order to verify the adequacy of the obligation to enact legislation<sup>30</sup>.

Intensification of political activities and commercial competitiveness are the two challenges which the EU currently faces. Political reinforcement of the European community, in this case — the adoption of the Lisbon Treaty, is a necessary condition for the creation of solid basis for economic growth. In turn, due to the progressing globalisation and the existing crisis, additional actions towards the creation of the competitiveness of the EU economy need to be undertaken.

Addressing both challenges and searching for ways to gain political and economical power, the EU must firstly face the two crucial and very real threats: the demographical problems and human migration, along with the organised crime. If we fail to respond to these threats and overcome them, we will not be able to acquire real civilisation advantage<sup>31</sup>.

The phenomenon, which has been domestic and national in nature so far, becomes a global and transnational problem. Finally, the significance of non-state and non-governmental organisations, along with all private entities in the globalised world increases<sup>32</sup>.

The policy of European institutions on human trafficking with particular focus on the characteristics of this phenomenon in Poland is subject to the necessary elements of political science analysis.

European institutions undertake actions with respect to the emerging threats connected to human trafficking. Those institutions include both EU and domestic and local entities.

In Poland the issue of human trafficking has only recently become the subject of serious research interests and social campaigns organised by governmental instrumentalities and non-governmental organisations. This issue is usually presented from the legal point of view in the form of joint publications<sup>33</sup>, and sometimes as monographs<sup>34</sup>.

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<sup>30</sup> M. Pomarańska-Bielecka, M. Wiśniewski, *Analiza przepisów prawnych dotyczących zapobiegania i przeciwdziałania zjawiska handlu dziećmi*, Warszawa 2010, s. 4.

<sup>31</sup> A. Kukliński, K. Pawłowski, J. Woźniak, *Polska wobec wyzwań cywilizacji XXI wieku*, Kraków 2009, s. 11.

<sup>32</sup> P. Necas, *Beyond Tradition: A New Strategic Concept for NATO*, "Research Paper", NATO Defense College, Rome, September 2004, s. 1.

<sup>33</sup> Z. Lasocik (red.), *Handel ludźmi zapobieganie i ściganie*, Warszawa 2006, ss. 629; W. Pływaczewski (red.), *Handel ludźmi — współczesne niewolnictwo*, Olsztyn 2006, ss. 185.

These publications include also reports and training materials<sup>35</sup> or handbooks<sup>36</sup>. Some publications discuss selected areas of human trafficking, such as trafficking in children<sup>37</sup> or the fight against this crime at the external borders of Poland<sup>38</sup>. However, the great majority of these publications discuss only the domestic dimension of the crime. There are few Polish translations of the studies on the selected aspects of human trafficking<sup>39</sup>.

In conclusion, Polish publishing market still lacks interdisciplinary monographs on the issue of human trafficking.

The present state of research on human trafficking among Polish scholars indicates, that this matter has never been thoroughly analysed. Although certain elements of the issue discussed herein are present in the works of Polish scholars, they merely constitute the background for the main subjects of the studies, which results in a lack of full and comprehensive insight into this matter. So far, neither in Poland or in the EU countries, no exhaustive monograph discussing the issue of the policy of European institutions towards human trafficking with particular focus on the perpetrator's profile and their working methods has been written. Among the works which address the issue of human trafficking

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<sup>34</sup> K. Karsznicki, *Ściganie przestępstwa handlu ludźmi w Polsce*, Warszawa 2010, ss. 166; J.J. Jurewicz, *Handel ludźmi w polskim prawie karnym i prawie międzynarodowym*, Łódź 2011, ss. 423.

<sup>35</sup> P. Rudnicka (oprac.), *Raport Handel ludźmi: prawo polskie na tle standardów międzynarodowych*, Kraków 2003, ss. 194; I. Dawid-Olczyk, A. Dośpiał (red.), *Handel ludźmi: informacje o zjawisku*, Łódź 2004, ss. 64; J. Szymańczak (red.), *Konferencja zamykająca program „Handel ludźmi — zapobieganie i ściganie: projekt szkoleniowy*, Biuletyn Biura Studiów i Ekspertyz Kancelarii Sejmu, Warszawa 2005, ss. 178; A. Gorzałczyńska-Mróż (red.), *Procedury postępowania z ofiarą/świadkiem handlu ludźmi*, *Materiały szkoleniowe opracowane przez grupę roboczą ds. zwalczania i zapobiegania handlowi ludźmi*, Ministerstwo Spraw Wewnętrznych i Administracji, Warszawa 2006, ss. 92; Zespół ds. Handlu Ludźmi Departamentu Polityki Migracyjnej MSWiA (prac.), *Zwalczanie i zapobieganie handlowi ludźmi w Polsce*, Ministerstwo Spraw Wewnętrznych i Administracji, Warszawa 2008, ss. 21; B. Hołyst, J. Bryk, I. Malinowska (red.), *Metody działania sprawców przestępstw handlu ludźmi*, Szczytno 2008, ss. 27; Zespół ds. Handlu Ludźmi Departamentu Polityki Migracyjnej MSWiA (oprac.), *Handel ludźmi w Polsce: materiały do raportu 2009*, Warszawa 2009, ss. 146.

<sup>36</sup> P. Rudnicka, A. Bulandra, P. Szwedo, *Jak podjąć legalną pracę w Polsce i nie stać się ofiarą handlu ludźmi?, Przewodnik dla cudzoziemców*, Kraków 2003, ss. 59; A. Gorzałczyńska-Mróż (red.), *Procedury postępowania...*; I. Malinowska, J. Bryk (red.), *Handel ludźmi — zapobieganie i zwalczanie: przewodnik dla policjantów*, Szczytno 2008, ss. 27; *Zanim wyjedziesz do pracy za granicę; poradnik — praktyczne informacje dotyczące niebezpieczeństw związanych z procederem handlu ludźmi*, Stowarzyszenie im. Marii Niepokalanej na Rzecz Pomocy Dziewczętom i Kobietom, Katowice 2009, ss. 13; U. Kozłowska, *Handel ludźmi: podstawowe informacje dla pracowników urzędów pracy*, Ministerstwo Pracy i Polityki Społecznej, Warszawa 2011, ss. 143.

<sup>37</sup> Z. Lasocik, M. Koss, Ł. Wieczorek (red.), *Handel dziećmi: wybrane problemy*, Warszawa 2007, ss. 231.

<sup>38</sup> J. Bryk, I. Malinowska (red.), *Walka z handlem ludźmi w aspekcie współpracy międzynarodowej: polsko-ukraińska wymiana doświadczeń i umiejętności praktycznych*, *Materiały poseminaryjne*, Szczytno 2007, ss. 122.

<sup>39</sup> Dla przykładu temat handlu ludźmi w Azji w latach 90. XX w., w tym prostytucji i przemocy wobec kobiet porusza Louise T. Brown w książce pt. *Sprzedane: ile kosztuje człowiek?* (Warszawa 2009, ss. 237).

and are intended to be a part of an academic degree, the doctoral dissertation by Louise Shelley, *Human Trafficking* is a valuable source of knowledge on human trafficking, as it examines, inter alia, human trafficking in Europe and in the world<sup>40</sup>. This dissertation bridges the gap in the existing literature by analysing international crime, human trafficking and its impact on social security from the perspective of Poland and European Union, as well as other countries around the world. It presents a general outline of organised crime and human trafficking in contemporary world and examines current trends and the latest changes.

The research conducted in Poland concerning the perpetrators of human trafficking, the structure of an organised crime group and the working methods used in relation to the victims, lacks innovativeness. The policy of European institutions towards human trafficking confirms the decision to address this issue. This subject has also been raised for the sake of the citizens' safety and in relation to the escalation of organised crime in the form of human trafficking.

As human trafficking is a new and virtually unknown problem in Poland and Europe, and as it is very important not only from the perspective of its political and social significance, but also because it concerns the credibility of state authorities and the need for providing the state's internal security, it has been chosen as the subject of this dissertation. The risk of human trafficking as part of organised crime activity is a dynamic and unpredictable phenomenon which becomes increasingly dangerous. Therefore, the analysis of the phenomenon to the extent possible and the creation of forecasting methods will constitute a basis for coordinated preventive actions.

The research conducted for the purpose of this dissertation will allow the verification whether the joint actions of non-governmental institutions and organisations are prepared based on regulations, decisions, etc., which result from nationwide or local prevention programs, agreements, contracts drawn up or entered into in order to provide security, peace and public order, and how do such documents affect the cooperation; does this phenomenon remain undiagnosed in Poland and due to its false presentation in media and social opinion, it is often very difficult to combat.

This dissertation focuses on the attempt to present human trafficking in contemporary cultural and civilisational reality in a comprehensive way, as well as to discuss the problems concerning the prosecution and prevention of organised crime which

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<sup>40</sup> L. Shelley, *Human Trafficking...*

are faced by the state and its authorities. It also indicates the main directions of actions which may result in the improvement of the policy of European institutions towards human trafficking and the efficiency of the fight against this type of crime.

The dissertation also addresses the issue of human trafficking in Poland as part of organised crime activity and focuses on discussing the dominant forms of human trafficking, the structure of crime groups and the working methods of the perpetrators. The countermeasures against human trafficking in Poland and in other EU countries have also been analysed.

So far, no comprehensive social research concerning human trafficking including the perpetrator's profile, the structure of a crime group and the working methods has been conducted. Therefore, there is no complete, organised knowledge of the phenomenon, which impedes the process of creating proper forms and methods of fight, as well as the legislation which will help to eliminate this crime and effectively prevent it.

## **4. Research methodology**

### **a) Subject of the research**

The research data has been collected based on the knowledge of people who are involved in the fight with human trafficking as part of organised crime activity. Initially, the research was intended to be based on the analysis of the records of selected preparatory proceedings. However, the generalization of the phenomenon and its intensity is only possible if based on the knowledge of police officers, Border Guard officers, prosecutors and judges working in Poland. The analysis of several dozen cases would provide *modus operandi* of crime groups characteristic only for those individual cases. Moreover, many crucial aspects of their activity would be overlooked as they are not included in the litigation data. Disregarding the undocumented knowledge - especially in relation to such a delicate subject as human trafficking as part of organised crime activity - is always a flaw of the analysis of the litigation data that has been processed multiple times.

During research, this problem has been mostly overcome. The research comprised procedural and operational knowledge of the police and the Board Guard officers. It resulted in an image of a Polish organised human trafficking crime group from the point of view of political science, which was based on the experience from both individual court

cases and the outcomes of years of litigation and operational work against human trafficking. Results of research of police officers with the use of an expert opinion survey were complemented with the knowledge diagnosis of the employees of non-governmental institutions and organisations which fight against human trafficking by supporting the victims of this crime. The vast knowledge acquired during research was complemented with the results obtained during the first Polish study of a human trafficker's profile.

## **b) Research methods, techniques and tools**

The spectrum of researched areas was the source of most of the empirical data of the study which included adjudications (along with justifications) in human trafficking cases, in which convictions have been issued in the years 2005-2012.

Research in the pre-specified scope was conducted with the use of a supporting questionnaire and the statistical methods, taking into account the quantitative and qualitative aspects of the source material.

This dissertation reflects the results of empirical research in the form of a questionnaire, conducted within the territory of Poland on the following respondents: police officers of the Central Investigation Office of the General Headquarters of Police, the officers of the General Headquarters of the Border Guard, members of La Strada organisation and the employees of the Ministry of Justice. Examination of press articles allowed the determination of the perpetrators' working methods and the threat of organised crime, as well as the presentation of the society's awareness and knowledge of this type of crime. The theoretical section of the dissertation includes numerous statements of people who actively fight against human trafficking, obtained during research and targeted conversations, which complement the dogmatic approach with practical remarks with regard to the discussed aspects.

The statistical data, analysed concerning its credibility, has also been included in this dissertation. Statistical calculations of statistical data of the General Headquarters of Police have been used in order to verify and realize the assumptions in a scientific manner. The respondents were interviewed with the use of a questionnaire including open, half-open and multiple-choice questions. In order to present the problem in a more comprehensive manner, the research has been complemented with the statements of persons who are engaged in the fight against human trafficking and have vast knowledge of the subject. Most of the research was conducted with the use of the inductive method, i.e. the direct analysis of source documents; the deductive method was also employed, i.e. using the specialist literature, which has complemented the results of the first method.

Individual acts of domestic and international law were also compared in the dissertation, which constitutes the analytical comparative study. However, this method was used only if it contributed to further conclusions in a considerable way. The dissertation is



based on analogy which consists in searching for similarities between the processes and phenomena of human trafficking; those similarities facilitate the determination of differences between working methods of individual perpetrators. With regard to human trafficking, the achievements concerning the fight against human trafficking in Poland, the EU and other countries, were compared with the use of this method - both in the organisational and technical terms, and from the point of view of the comparative law.

The dissertation has a political science character with elements of legal dogma. An attempt to maintain a certain balance has been made, taking into consideration that not every issue can be analysed with the use of empirical scientific research. On the other hand, not every assumption may be based on the principles of interpretation of the norms of applicable law. A number of conclusions are therefore only probabilistic; however, there is no universal research method to diagnose such a delicate and intangible phenomenon as human trafficking as part of organised crime activity.

Based on the research results, this study attempted to describe the policy of European institutions towards human trafficking with particular focus on this phenomenon in Poland. The scale of the dominant forms of human trafficking has been unknown, along with the structure of destructively active crime groups, the working methods and the impact of human trafficking on the structure of the state and the local government, along with its consequences. In order to determine the *nature of the gap* in practice, which is the profile of the human trafficking perpetrator, the political entities, especially the institutions, must recognize the scope and opportunities to fulfil the civilisation mission, as well as to achieve benefits both in the global and local sphere, in order to increase the efficiency of the fight against this type of crime. Scientific verification results in the determination of type and scope of undertaken actions, strategy and the overall impact on institutions and organisations. Until the factual circumstances are established, it is impossible to undertake effective, i.e. precise and coordinated, actions in this respect.

### **c) Research difficulties**

The research was an attempt to forecast the future of human trafficking, the trends of its development and, as a result, to identify the international relations, including the global order. It is characteristic of political practice of human trafficking to use the comparative knowledge as a model or a gap. Comprehensive diagnosis allowed the

identification of factors which have the greatest influence on the effectiveness of fight against human trafficking as part of organised crime activity.

The issues addressed in this dissertation cannot be discussed only from the perspective of political science. Human trafficking is a vast and complex phenomenon, comprising a large number of various aspects which should be addressed. Therefore, there is always a possibility to claim that the analysis is only superficial; the new suggested solutions may be criticized in relation to the issues of human rights, psychology, sociology or criminology. However, in order to introduce new, more efficient and synchronised political and organisational actions, it is necessary to make new attempts on solving the existing problems and formulating new instruments, also with the use of scientific research and simulations, even if it entails making individual mistakes. The development of human trafficking is so dynamic that in order to follow it, the state and its authorities must undertake intensive political actions.

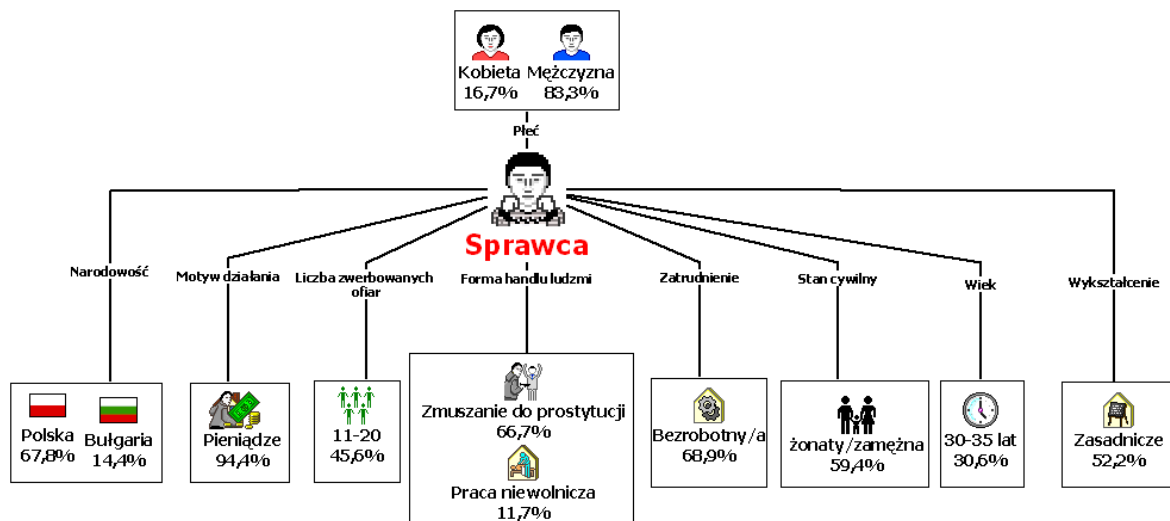
Due to the vast nature of the subject discussed herein, some of the issues, such as the identification of victims to human trafficking or legal international solutions, however important, were not further analysed. Only the most crucial aspects, directly related to the combat against human trafficking in Poland, i.e. to the perpetrators, have been discussed. The thorough analysis is also a response to the proposals of the employees of the law enforcement agencies which fight against human trafficking. Therefore, the recommendations concerning the improvement of efficiency of organisational and technical actions of state institutions and organisations, have been emphasized. The summary includes a number of practical conclusions drawn during the research, as well as the proposals concerning many aspects of the fight against human trafficking.

Moreover, the dissertation indicates that the catalogue of research results and the conclusions based on those results is not exhaustive, as the phenomenon of human trafficking as part of organised crime activity is a remarkably vast issue. Therefore, in order to understand this phenomenon in a more comprehensive manner, it is advisable to continue the research and combine it with the experience of people involved in fighting against this type of crime.

## **5. Conclusions**

The objectives of this dissertation have been achieved with the use of the analysis of criminal cases which indicate that **the human trafficker, the person who recruits and subsequently exploits the victim is usually a man; however, the number of women as perpetrators is increasing, many of them being trafficking victims themselves. The traffickers search for persons in a difficult life situation - unemployed, burdened with problems, in debt, single mothers with low income. An ideal victim is a woman who does not ask about the destination or the purpose of the travel and is desperate enough to accept the trafficker's offer uncritically. The perpetrators search mostly for young and poor people.** The following chart presents a typical perpetrator of human trafficking.

**Chart: A typical human trafficker in Poland**



Source: The author's own analysis based on research results concerning the criminal cases in relation to the police and courts

Kobieta — woman; Mężczyzna — man; Płeć — sex; Sprawca — perpetrator; Narodowość — nationality; Motyw działania — motive for action; Liczba zwerbowanych ofiar — number of recruited victims; Zatrudnienie — employment; Stan cywilny — marital status; Wiek — age; Wykształcenie — education; Polska — Poland; Bułgaria — Bulgaria; Pieniądże — money; Zmuszanie do prostytucji — forcing into prostitution; Praca niewolnicza — slave labour; Bezrobotny — unemployed; Żonaty/zamężna — married; 30-35 lat — 30-35 years of age; Zasadnicze — basic.

A person falls victim to the crime as a result of human actions, as depicted in the chart. It is a specific person who suffers damage or unwarranted harm as a result of the crime or deviant acts committed by individuals, groups or institutions.

While analysing and subsequently assessing the competence of state authorities and non-governmental institutions to fight against human trafficking, as well as the problems related to providing help to the victims, it has been determined that:

The European Union should financially support organisations and structures which combat and prevent human trafficking; algorithms concerning the actions leading to the disclosure of begging, trafficking in human organs, paedophilia or child pornography, which constitute forms of human trafficking from the perspective of the organisations and structures which combat and prevent human trafficking, should be formulated in order to ensure the compliance of legal norms concerning human rights

A multidirectional cooperation and coordination of actions of individual entities is vital for the creation of integrated policy, in order to efficiently fight and prevent human trafficking. Legislative actions are necessary in order to identify and secure the assets of the perpetrators and their next of kin. There is a need for promoting awareness and organising training sessions with regard to the prevention of human trafficking, including the decision makers, organisations and structures which fight and prevent human trafficking. The public should be informed on education and support for safe opportunities and methods of seeking employment, in the form of campaigns for the citizens of the European Union and other countries.

The research has demonstrated that the system of security and public order is able to function properly as a fully integrated and concise whole only if its entities are informed on their objectives and competences in a manner which allows them to act and cooperate effectively. As it has been pointed out earlier, official government documents emphasize the fact that if the said system is efficient, it facilitates public security and order - the values which guarantee the sustainable growth of the country in every aspect.

According to *The European Union Strategy Towards the Eradication of Trafficking in Human Beings 2012-2016*, such growth will be possible only if the civil society becomes a partner in actions against this crime.

**The effective help provided by experts who fight human trafficking allowed the achievement of the research objectives and the presentation of the aforementioned conclusions and solutions. The last section of the dissertation comprises the conclusion, the bibliography which includes the publications used as a theoretical basis for the dissertation,** as well as the annexes. The final part of the dissertation is an attempt to compare the research assumptions and questions, formulated based on the theoretical basis for this dissertation, with the results of the study. It was also

an attempt to answer the questions included in the methodological part of the dissertation, with the use of the results of interviews and surveys of the respondents and the analysed documents. Such answers allow the verification whether the research assumptions have been correct, as well as allow the formulation of conclusions regarding further policy of the institutions towards human trafficking, as well as between public authority and the civil society organisations in the scope of creating and implementing the policy of local authorities, the EU and other countries towards human trafficking.

The research confirms that, in the context of public order and security of the citizens, normative, institutional, functional and formal solutions indicate the existence of the system of public security and order in the Republic of Poland, the European Union and in the world.

Based on the research conducted in the years 2005-2013, the number of cases of illegal trafficking in women and children has increased as compared to the previous years, most of them being related to sexual exploitation of women and children, as well as prostitution.

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