

Amendments concerning “Trafficking in persons” crime entering into force from 8 September 2010

(Act dated 20 May 2010 concerning changes in the Penal Code, the Police Act and the Act concerning introducing of Penal Code and Criminal Procedure Code)

No	Article	Subject	Prospective provisions of the Penal Code binding from 8 September 2010	Present provisions of Penal Code binding until 7 September 2010
1.	115 § 22 of Penal Code	Definition of “Trafficking in persons”	<p>Art. 115 § 22. “Trafficking in persons” shall mean recruitment, transportation, transfer, harbouring, keeping or receiving a person by means of the:</p> <ol style="list-style-type: none"> 1) force or unlawful threat, 2) abduction, 3) deception, 4) misleading, or by taking advantage of a mistake or inability to adequately understand the action undertaken, 5) abusing a relationship of dependence, by taking advantage of a critical situation or vulnerability, 6) giving or accepting personal or material benefit or demands such benefit to a person who shall take care or supervise of other person <p>- with the purpose of taking advantage even with his or her consent, particularly in prostitution, pornography or other forms of sexual exploitation, as a forced labour or services, beggary, slavery or other forms of usage resulting humiliation of human dignity or with the purpose to seize human cells, tissues or organs despite provisions of law. If the behavior of the perpetrator regards minor, it shall be treated as a trafficking in persons as well, even if the methods or devices stipulated in points 1-6 have not been used.</p>	NO PROVISION
2.	189a of Penal Code	Legal classification	<p>Article 189a. § 1. Whoever conducts a trafficking in persons even with their consent shall be subject to the penalty of deprivation of liberty for a minimum term of 3 years. § 2 Whoever makes preparations to commit the offence specified under § 1, shall be subject to the penalty of deprivation of liberty from 3 months up to 5 years.</p>	NO PROVISION
3.	240 § 1 of Penal Code	Lack of information about the crime	<p>Article 240. § 1. Whoever, having reliable information concerning a punishable preparation or attempt, or commission of a prohibited act specified in Article 189a § 1 of Penal Code (...) does not promptly inform an agency responsible for prosecuting such offences shall be subject to the penalty of deprivation of liberty for up to 3 years.</p>	NO PROVISION
4.	253 of Penal Code	Legal classification	REPEALED	<p>Article 253. § 1. Whoever conducts trafficking in persons even with their consent shall be subject to the penalty of deprivation of liberty for a minimum term of 3 years.</p> <p>§ 2. Whoever, in order to gain material benefits, organises the adoption of children in violation of the law, shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.</p>

Poland

Penal Code

Act of 06.06.1997

Dz.U. Nr.88 poz. 553

Chapter XXV Offences against Sexual Liberty and Decency

Article 203.

Whoever, by force, illegal threat or deceit, or by abusing a relationship of dependence or by taking advantage of a critical situation, subjects another person to practice prostitution shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

Article 204.

§ 1. Whoever, in order to derive a material benefit, induces another person to practice prostitution or facilitates it, shall be subject to the penalty of deprivation of liberty for up to 3 years.

§ 2. Whoever derives material benefits from prostitution practiced by another person shall be subject to the penalty specified in § 1.

§ 3. If the person specified in § 1 or 2 is a minor, the perpetrator shall be subject to the penalty of the deprivation of liberty for a term of between 1 and 10 years.

§ 4. The punishment specified in § 3 should be imposed on anyone who entices or abducts another person with the aim of having him/her engage in prostitution abroad.

Article 253.

§ 1. Whoever conducts trafficking in persons even with their consent shall be subject to the penalty of deprivation of liberty for a minimum term of 3 years.

§ 2. Whoever, in order to gain material benefits, organizes the adoption of children in violation of the law, shall be subject to the penalty of deprivation of liberty for a term of between 3 months and 5 years.