

PART X

Transparent Borders

Unmonitored or undermonitored borders are a chronic challenge to the deterrence of human trafficking. They provide ideal opportunities to smugglers and traffickers. In most cases this lack of coverage is a result of a nation's inability to manage its borders effectively; but in some cases nations create transparent borders that result in similar problems.

This is the case in Poland, which was once primarily a source nation but is now also a transit and destination country for trafficking. Poland joined the European Union (EU) in May 2004 and became a signatory to the Schengen Agreement in 2007. Experts believe that the scale of trafficking in Poland has increased as a result. The 25 member nations of the Schengen Area enjoy enhanced police and judicial cooperation, which increases the efficiency of extraditions and transfers of jurisdiction in criminal judgments. Members also benefit from the Schengen Information System, a database that allows national border-control and judicial authorities to obtain information on persons or objects. Member nations function as a single country for purposes of travel: all internal borders are eliminated, and one single external border creates a vast visa-free area allowing the free movement of people, goods, and capital. It is the lack of border checks that contributes to the increase of human trafficking within the Schengen Area, including Poland, which sits on this region's easternmost border. Poland's location on the border not only makes it vulnerable to trafficking within the region, but also makes it vulnerable to trafficking into the Schengen Area because it is an entry point into the region.

Some experts argue that anti-trafficking cooperation among nations in the Schengen Area is not as strong as that among other EU nations. The EU provides a framework of cooperation between member nations and legal obligations on preventing and combatting trafficking in human beings. In 2010 Poland took steps to bring its domestic laws into conformance with EU and other international law by adopting its own comprehensive definition of trafficking. But despite the amendment of its Penal Code, in practice some forms of trafficking remain mostly ignored.

CHAPTER 21

Poland

There is a stereotype that trafficked persons are victims [of] their own wish.

—STANA BUCHOWSKA, LA STRADA INTERNATIONAL

The magnitude of human trafficking in Poland has grown since the nation joined the European Union in May 2004 and became a signatory member of the Schengen Agreement in 2007 (OHCHR, 2009a, 2009b). Poland is part of the easternmost border of the Schengen Area and, consequently, is an entry point into the area for illicit activities, including human trafficking. The 25 member nations of the Schengen Area enjoy enhanced police and judicial cooperation, which promotes more efficient extradition and transfer of jurisdiction in criminal prosecutions. Signatories also benefit from the Schengen Information System, a governmental database—intended to improve law enforcement and national security—that allows national border-control and judicial authorities to obtain information on persons or objects (European Union, 2009).

Another feature of the Schengen Agreement has brought both benefits and disadvantages, at least in relation to human trafficking. The member nations of the Schengen Area function as a single country for purposes of travel. In essence, all internal borders are eliminated, and instead the nations use one single external border (European Union, 2009). Citizens of member nations are not checked at the borders of other signatories. The predictable result is an increase in human trafficking among member nations. According to Joy Ngozi Ezeilo, the United Nations special rapporteur on trafficking in persons, the lack of border checks has contributed to Poland's becoming a transit and destination nation for human trafficking in addition to its preexisting status