

# CASE: May Nguyen

Identified in Poland  
during a detention procedure  
as an alleged victim of human trafficking

OSCE 17<sup>th</sup> Alliance Conference  
Vienna 3–4 April 2017

# Illegal crossing EU border in Terespol

## dated on 31rd October, 2012

- 3 citizens of Vietnam(2 men and one woman) stopped by the officers of the Border Guard
- Transported in spare weels of a truck-trailors across Polish - Bielarussian border, without any travel or ID documents (passports, visas)
- Not registered in identification system of the Border Guard

The Border Guard generally use fingerprints to identify persons

- Brought to court for the detention proceeding
  - Illegal border crossing is one of the presumptions of putting foreigner in Guarded Centre for Foreigners



# May's short history



Sexually abused by her step father

Sent by her mother and cousin to Berlin to work  
(never completed her way)

Forced to work in Moscow, sexually abused

Transported to Poland via Belarus, in a spare wheel of a truck-trailer,  
arrested by the Border Guard

# Court Proceedings in Biała Podlaska dated on 2nd and 3rd November, 2012

- May's first hearing in court during detention proceeding:
  - She said that her name was not true, and she was 16 years old
  - She started telling her story about her working in Moscow in a sewing company (without payment and documents), about her journey to Berlin (escape from Moscow) and also said that she had been raped by her employer and two policemen.....
- Judge phoned „La Strada - Foundation against Trafficking in Persons and Slavery” (NGO) and informed about the girl in the Guarded Centre for Foreigners in Biała Podlaska

# Practical Difficulties

## Age

- May has one document issued by the Embassy of the Socialist Republic of Vietnam in Moscow with false identity data: name, family name and the date of birth (Kim Oanh Nguen Thi, born on the 03 of November 1990 in Nghe An).
- Generally it is possible to detain only a person aged 17 years old

## Time

- 24 hours for all activities for the court to cognize the application for detention
- Expert's statement determining the age of a person can be prepared in about one month (expertise on the basis of a teeth and a bone criterion)

## Testimony

- I was not sure of credibility of the girl testimony but I decided to place her in the Guarded Centre for Foreigners in Biała Podlaska
- The credibility of Vietnamese translator (I was not sure if he had proper qualification). A certified translator was unavailable.

# CASE: MAY NGUYEN

TIME PERIOD 31.10.2012 – 26.10.2016



# May's first assessment by La Strada dated on Nov, Dec 2012

- Born 16.05.1997; Citizenship: Vietnamese
- Height: 150cm; Weight: 39 kg
- Very emotional with suicidal thoughts followed by suicidal attempt
- Relatives:
  - orphan,
  - aunt in Vietnam,
  - having stepfather who abused her sexually,
  - a 10-years-old stepsister,
  - cousin in Berlin,
- Included within *Support and Protection Program for Victims and Witnesses of Human Trafficking*



# LA STRADA ACTIONS

**May N. in Guader  
Center for  
Foreigners**

- Monitoring May N. (from 3.11.2012 until 18.12.2012) and remaining in constant contact via translator and cultural mediator.

**May N. as  
a client of La Strada**

- Supervising and taking care of (from 18.12.2012 until 01.03.2015)
- Providing housing
- Providing psychological support
- Providing access to education
- Preparing and coordinating legal aspects – testimonies, granting ID documents and residence permits

**May N. under the  
custody of a  
guardian**

- Establishing a foster family and a legal guardian – representative of La Strada

# Criminal Proceedings

- Art. 13 §1, Art. 264 §2 of Polish Criminal Code – illegal crossing of a border
  - discontinued due to insignificant social noxiousness of the act
- Art. 189a §1 of Polish Criminal Code – human trafficking for forced labor
  - discontinued due to non-Polish citizenship of offender (art. 17 §1 p. 8 CPC)
- Art. 197 §1 of Polish Criminal Code – sexual abuse with use of force (raping)
  - discontinued due to non-Polish citizenship of offender (art. 17 §1 p. 8 CPC)

# Organs involved on the territory of Poland

## District Court Biała Podlaska

identification illegal migrant as  
an alleged victim of human  
trafficking

## District Prosecutor Biała Podlaska

conducting preliminary  
proceedings in case of illegal  
border crossing, human  
trafficking, raping

## Guarded Centre for Foreigners Polish Border Guard Biała Podlaska

psychological and psychiatric  
assistance during the stay

## Polish Border Guard Terespol

arresting on the border line,

## La Strada

coordinating legal issues,  
providing accommodation,  
psychological assistance,  
representing the minor

## Embassy of the Republic of Vietnam in Warsaw

passport application

## Mazovia Provincial Office

residence permit

## Center of the Study DNA- WLGM, Criminal Bureau

experts statement

## District Court for the City of Warsaw

authorizing La Strada to  
represent the minor

## District Court for the Warsaw Śródmieście

establishing foster  
family/guardian, permission  
for move in with the minor

# May's latest assessment by La Strada dated on Nov 2016

Emotional stability and efforts to re-integrate within Polish society resulted in May:

- Continuing her education and speaking fluent Polish now,
- Being successful in business – she owns a bar,
- Creating her own family.

Thank you for your attention

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# For additional information



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