The EU Mutual Learning Programme in Gender Equality

Combatting trafficking in women and girls for the purpose of sexual exploitation
Spain, 30-31 October 2018

Comments Paper - Poland

The information contained in this publication does not necessarily reflect the position or opinion of the European Commission or the Member States. The Commission cannot guarantee the accuracy of the information contained therein.
This publication is supported by the European Union Rights, Equality and Citizenship Programme (2014-2020).

This programme is implemented by the European Commission and shall contribute to the further development of an area where equality and the rights of persons, as enshrined in the Treaty, the Charter and international human rights conventions, are promoted and protected.

For more information see: http://ec.europa.eu/justice/grants1/programmes-2014-2020/rec/index_en.htm
Combatting trafficking in women and girls in Poland
Joanna Garnier
La Strada Foundation against Trafficking in Persons and Slavery

1. The current situation in Poland

Poland has three functions on the map of Europe; is a country of origin, a transit country and a destination country for victims of human trafficking. We have been dealing with the problem of human trafficking since the beginning of the nineties and if at first the victims were mainly women and girls who were Polish citizens, and then also women from the former USSR forced to prostitution in Western Europe and in Poland. Nowadays the majority of victims of human trafficking identified in Poland are victims of forced labour, usually not related to the sex industry.

Of course, this does not mean that there are no victims of sexual exploitation in Poland at all; every year, as the "La Strada" Foundation, we support about 200 people identified as victims of human trafficking. Hereafter, there is a table depicting the number of victims of human trafficking identified in Poland (Polish citizens and foreigners), including the number of women, and among women: the victims of forced prostitution and sexual exploitation.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of victims identified in total</th>
<th>Number of female victims identified</th>
<th>Number of female victims of sexual exploitation and forced prostitution identified</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>207</td>
<td>143</td>
<td>76</td>
</tr>
<tr>
<td>2015</td>
<td>229</td>
<td>140</td>
<td>59</td>
</tr>
<tr>
<td>2016</td>
<td>200</td>
<td>130</td>
<td>55</td>
</tr>
<tr>
<td>2017</td>
<td>187</td>
<td>110</td>
<td>50</td>
</tr>
<tr>
<td>2018 (first half of the year)</td>
<td>104</td>
<td>67</td>
<td>28</td>
</tr>
</tbody>
</table>

1.1. Legal status

Polish criminal law does not provide for criminal liability for prostitutes. However, procuring (i.e. deriving financial gain from the prostitution of another person, inclining another person to practice prostitution and facilitating it) is punishable. In Poland, procuring is a crime described in art. 204 § 2 of the Criminal Code, punishable by a penalty from 3 months to 5 years imprisonment or a penalty from one to 10 years imprisonment, if the prostitute is a minor.

The Penal Code states also that leading another person to prostitution through violence, unlawful threat, deception or using a dependency relationship or critical situation of this person is a crime punishable by imprisonment from one to ten years (Article 203 of the Criminal Code). The expression "leads another person to practice prostitution" means here that the person who did not deal with this procedure began practicing it, or the one who worked as a prostitute but wanted to resign from such a work, was forced to continue the practice using methods mentioned above.
When it comes to punishing the crime of trafficking in human beings, then art. 189a of the Penal Code says:

(1): Whoever conducts a trafficking in human beings shall be subject to the penalty of deprivation of liberty for a minimum term of 3 years.

(2): Whoever makes preparations to commit the crime specified under § 1, shall be subject to the penalty of deprivation of liberty from 3 months up to 5 years.

In addition, since 2010 there is a definition of trafficking in human beings included in the penal code, which has facilitated significantly the prosecution of this crime; sexual exploitation is mentioned in it as one of the forms of human trafficking.

1.2 Multi Agency coordination

Since 2003, the National Programme for Combating and Preventing Trafficking in Human Beings has been implemented in Poland (since 2009 as the "National Plan for Combating and Preventing Trafficking in Human Beings"), in which special attention is paid to the protection of women and children. They are two- or three-year-plans and define the tasks of individual institutions involved in their implementation (these are tasks in the field of prevention of human trafficking, improving the qualifications of services or improving the prosecution of the crime of human trafficking). State institutions and non-governmental organizations cooperate in implementing the plans.

The system for implementation and monitoring of tasks provided for in the “National Action Plan Against Trafficking in Human Beings” consists of the following elements:

- Inter ministerial Committee for Combating and Preventing Trafficking in Human Beings, functioning since 2004 as a consultative and advisory body of the Prime Minister. At present, the Committee is comprised of representatives of government entities, as well as of invited institutions and nongovernmental organisations dealing with the issues of trafficking in human beings;

- Working Group of the above-mentioned Committee responsible for day-to-day monitoring of implementation of the Plan, consisting of experts representing institutions participating in the Committee’s work.

In addition, in each of the 16 voivodships (administrative units in Poland) there is a voivodship team for counteracting trafficking in human beings, operating locally.

1.3 Prevention

Prevention of trafficking in human beings for the purpose of sexual exploitation is realised primarily by non-governmental organisations, in particular the Foundation against Trafficking in Persons and Slavery "La Strada". In the years 1995-2014, "La Strada" realised several projects and activities directed exclusively to young girls; they paid attention primarily to the trafficking of women for sexual exploitation and the traps of the sex industry: "You have the right to dream, you have the right to know" (1998, first spot in Poland about trafficking in women), "The other side of the sun" (2001, first game in Poland about trafficking in women), "Nothing will surprise me part 1 and part 2: (2008, 2013-14).

Preventive activities are directed primarily to people interested in labor migration; they were conducted in the years 2009-2017 as part of the National Consulting and Intervention Centre for the victims of Trafficking. Currently we are promoting SAFE the mobile application for people planning work abroad (www.safe.strada.org.pl).
2. Policy debate

We have to honestly recognise that in Poland prostitution and sex industry are not the subject of debate; sexuality is rather a taboo, and prostitution is described more in the context of sensationalism than an important social issue. There is also a lack of reliable research on the sex industry and its clients. Polish female citizens are involved in prostitution in Poland, but there are also female citizens of the countries of the former USSR (especially Ukraine) and Bulgaria; occasionally, there are women from Africa and Asia. A certain percentage of them certainly do not prostitute themselves voluntarily.

It is also difficult to estimate how many women actually offer paid sex and what is the demand for the service of commercial sex, because there are basically no clients’ surveys. In the last 10 years, the offer of sexual services has largely moved to the Internet, making it much harder to localise potential victims of human trafficking and persons forced to work as prostitutes. There is also a large market of a so called (in Polish ) "sponsorship", which is in fact a prostitution, but is not treated as such. Regarding efforts to reduce demand, in 2012, during the UEFA European Championship, a campaign aimed at protecting children against sexual exploitation was launched and directed to football fans.

The topic of trafficking in human beings is also associated with exploitation and forced labor and such type of human trafficking is more present in the public debate. This applies first of all to the citizens of Ukraine living in Poland, whose number is estimated at around one million people, but also Polish citizens who have been invariably supplying Western European labour markets for almost 30 years.

The theme of the sex industry is not present either in the Polish feminist discourse, although since the formation of the group "Sex work Poland" texts describing the issue of prostitution in a scientific manner and paying attention to the problems of prostitutes have appeared. Although it is an important feminine issue, it does not seem to interest Polish feminists.

However, there is a lack of debate and discussion about commercial sexual exploitation of children (i.e. prostitution of minors). First of all, prostituted children (teenagers under 18) are not perceived as victims of sexual exploitation but as “underage prostitutes” and despite the fact that Polish law provides a punishment for people paying for sex with minors, such persons usually avoid this punishment; those who are blamed and perceived as not deserving help are the victims. Prostituted girls are directed to the juvenile detention centres (which are closed), where they rarely receive proper help. As an organisation that provides assistance to victims of human trafficking and sexual exploitation, we have been paying attention to the lack of comprehensive assistance for commercially exploited children, but as for now nothing has changed.

3. Good practice examples

The best practices for counteracting human trafficking in Poland include the establishment in 2009 of the National Intervention and Consultation Centre for victims of trafficking in human beings (Polish: Krajowe Centrum Interwencyjno-Konsultacyjne, KCIK). This is a public task financed by the Ministry of Interior and Administration and implemented by non-governmental organisations (currently: Foundation against Trafficking in Persons and Slavery "La Strada" and the Society PoMoc, Polish: "Help"). The KCIK operates a 24-hour helpline, there are two shelters for female victims of human trafficking (one in Warsaw and the other in Katowice) and a rotational flat for male victims in Warsaw. In addition, within KCIK the medical, social and psychological assistance, as well as social and professional reintegration are offered.
Good practices used in Poland for years include trainings for key services dealing with the problem of human trafficking (Police, Border Guard and social services). Since 2010, the Ministry of Family, Labour and Social Policy has been organizing specialist trainings for social workers from all over Poland. Such training takes place four times a year, with around 40 participants in each. Periodic training of the Border Guard are also lead on a regular basis; they are realized mainly by the Central Border Guard Training Centre in Koszalin.

4. Transferability aspects

Although Poland has a good law and several coordinated bodies in this country deal with the fight against human trafficking, some solutions applied or proposed for use in Spain would certainly improve the effectiveness of combating this crime.

4.1 National Rapporteur

It is worth considering to establish the office of the National Rapporteur for trafficking in human beings; this office would monitor the implementation of the National Plan on an regular basis and collect data on both specific actions as well as dynamics and trends in human trafficking in Poland. It would also commission research on the phenomenon (there is a lack of reliable and up-to-date research on human trafficking in Poland) and in this context, implement adequate preventive actions and also supervise—considering the fact that women much more often than men fall victims to human trafficking—the compliance of all actions with the equality policy.

4.2 Demand and punishment

Naturally, limitation of the demand for services provided by victims of human trafficking is very important; in this context, it is worth paying attention to the tourism and hospitality sector. Poland is partially a country of sex tourism, especially around the border with Germany and on the Coast. It would be worth introducing a systemic solution consisting, for example, in conducting comprehensive trainings for hotel employees sensitising them especially to cases of sexual exploitation of minors.

Certainly, an important factor limiting the exploitation of prostitution would be the introduction of fines for people who benefit from pimping (according to the EP Resolution of February 26, 2014) and charging them with the necessity to pay compensations to victims of human trafficking; experience shows that in the case of crime that brings large profits, financial penalties have the desired effect.

5. Conclusions and recommendations

As you can see in Poland, we have a properly constructed law and a state-funded unit appointed to support victims of human trafficking. However, there are still some aspects of a fight against human trafficking which need to be improved.

5.1 Identification

The problem is to identify victims of human trafficking. The "La Strada" Foundation has been striving for many years for the introduction of the so-called mandatory identification relative to
persons suspected of being victims of human trafficking: refugees, women working in sex industry, unaccompanied foreign children, etc.; owing to the introduction of mandatory identification at the stage of the first interrogation (by police, border guard or social services) more people would be considered being victims of human trafficking, which would allow them to get the proper help.

The second issue is the lack of an effective system of identifying and supporting children who are potential victims of human trafficking and sexual exploitation. Improving the identification and support system for child victims of human trafficking is one of GRETA’s recommendations. What is also necessary is a comprehensive system of care of children (mainly girls) involved in prostitution and exploited sexually. So far, there is no systemic solution in Poland that would have taken into account the needs of the victims; such girls are directed to the state institutions, where they are in fact punished instead of have assistance provided. This is not a malice on the part of the authorities, but a rather a lack of knowledge about commercial sexual exploitation, which is why specialised centres where such children could be directed, are necessary.

References

1. Małgorzata Makarska, "Komercyjne wykorzystywanie dzieci" (2016)


3. www.handelludzmi.eu