

Institutional Strengthening and Support for HIV Prevention Activities

TAMPEP

European Network for HIV/STI Prevention and Health Promotion among Migrant Sex Workers

NATIONAL REPORT ON HIV AND SEX WORK

P O L A N D

This report was drawn from information provided by the organisations

TADA, Szczecin

La Strada, Warsaw

This report is part of a series of reports produced by TAMPEP as part of the above project.

The series of reports include the following:

European Overview of HIV and Sex Work mapping

Bulgaria National Report on HIV and Sex Work

Czech Republic National Report on HIV and Sex Work

Germany National Report on HIV and Sex Work

Lithuania National Report on HIV and Sex Work

Poland National Report on HIV and Sex Work

Romania National Report on HIV and Sex Work

Ukraine National Report on HIV and Sex Work

Gap Analysis of Service Provision to Sex Workers in Europe

Skills/Training Audit and Good practice Tools

February 2007

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DC - Public Health and Risk Assessment, C4 - Health Determinants

	2005 ¹
Population, total (millions)	38.2
Population growth (annual %)	0.0
Life expectancy at birth, female (years)	79.2
Life expectancy at birth, male (years)	70.0
GNI/Gross National Income per capita, 2005	US\$ 7,110.00 ²
Inflation, consumer prices (annual %)	2.1
Unemployment, total (% of total labour force)	19.0
Internet users (per 1,000 people)	236

Demography and Economy³

Poland is an Upper Middle Income Country and falls under the Europe and Central Asian region, according to the classification made by the World Bank on the basis of income and region for the year 2006.

Some social indicators of Poland: the fertility rate (births per woman) is 1.2 and the infant mortality rate (per 1,000 live births) is 7.1.

Economic growth - After weak results in the first half of 2005, the Polish economy accelerated in the second half of the year, especially in the final quarter, supported by the strong recovery in domestic demand. As a result, in 2005 as a whole GDP was 3.2% higher than a year earlier. The start of 2006 brought further intensification of the previous quarter's trends. The expectation was that the high rate of economic growth would be sustained and GDP would grow by 4.5% in 2006 and in the following two years.

Foreign trade - Foreign trade was high in 2005 and the previous year. During the period in question, the value of exports increased by 19.6%, with imports up by 13%. Due to strong demand for Polish products abroad the trade deficit in 2005 fell by one fifth. According to forecasts, in 2006 exports should have risen by 11.6% and imports by 13.5%.

Inflation - Since the beginning of 2005 there has been a systematic extinguishing of inflationary pressures. In December the CPI fell to 0.7%, the lowest level in the EU. This was mainly down to a fall in food prices, lower fuel prices and the strengthening of the zloty. Low increases in prices were also observed in the initial months of 2006. The forecast is that in the coming few months inflation will remain at a very low level, under 1%. In the final quarter of 2006 the expectation was to see a rise in the CPI to the lower band (1.5%) of the RPP's inflation target.

Unemployment - In 2005 the labour market situation improved systematically. Employment rose throughout the year and the unemployment rate by LFS fell to 16.7% in the final quarter of the year, its lowest level for five years. At the end of the year a strong acceleration in the rate of growth in wages was noted, which continued in the first months of 2006. In the immediate future a further rise in employment is expected along with a gradual fall in the

¹ World Development Indicators (2006), www.worldbank.org

² www.siteresources.worldbank.org (Atlas method)

³ Infobase online, www.economywatch.com and www.polishmarket.com

unemployment rate to 16.5% at the end of the year. An effect of low inflation is that growth rate in real wages will remain relatively high; however, wage pressures will be restricted by continued high unemployment.

Situation of Women

Poland ratified the international *Convention on the Elimination of All Forms of Discrimination against Women* adopted by the United Nations General Assembly in December 1979.

Women in Poland are also protected by various provisions of specific laws (such as the Labour Code) which protect them from discrimination. In practice however, some still face discrimination in their social, political and professional life.

There are less women than men in politics and in business. Women still earn less than men for comparable work.

Women's weaker role in social life is especially visible in smaller towns and villages. Considerable effort is ongoing to promote vocational training. Such programmes are sponsored mainly through EU sources like the European Social Fund.

- According to the Polish National Statistic Office, in 2003 47.9% of women were employed, while among men the rate was 62.4%⁴.
- Women's salaries are still lower than those of men. This difference is most significant in relation to professions which do not require special knowledge. Women's and men's salaries are the same in offices and very similar in professions which require high, specialised education such as lawyers, engineers, and physicians⁵.
- Highly educated women experience the same levels of employment as men. The less education women have, the less integrated they are⁶.
- Contraceptives are accessible to all women through Health Care Services. Abortion is illegal.

Other social problems

Serious social and economic problems such as unemployment, poverty, general frustration, especially related to rural and regional areas, resulted in the electoral success of conservative parties and increasing influence of the Catholic church.

Both the success of conservative parties and the constant presence of the Catholic church in social and political life have a strong influence on issues such as the role of women in society, social attitude towards sex-related issues, awareness of risk of AIDS and STI, use of condoms, and attitudes towards contraception, abortion, etc.

For many years there has been a battle for sex education at schools. As a result, such a course is taught but is called "preparation for family life" and promotes a conservative approach – natural contraception, intolerant attitude towards gays and lesbians (in one course manual, homosexuality was described as an illness).

Such approach to sexual issues does not favour providing young people with neutral information on safer sex practices, ways of minimising risk of infection, the need for reproductive healthcare, etc. Sex is perceived as a shameful and forbidden practice except when it takes place within marriage.

⁴ http://www.stat.gov.pl/dane_spol-gosp/praca_ludnosc/kob_mez_praca/index.htm

⁵ http://www.stat.gov.pl/dane_spol-gosp/praca_ludnosc/kob_mez_praca/index.htm

⁶ http://www.stat.gov.pl/dane_spol-gosp/praca_ludnosc/kob_mez_praca/index.htm

Condoms are widely available in markets, shops, petrol stations, vending machines in bars and many other places; however, their use by the general public is still low. When a young woman insists on using a condom with her boyfriend, she often encounters misunderstanding and may be seen as a “slut”. Moreover, possessing a condom or insisting on its use is perceived as proof of being infected with an STI. Therefore many young women opt for unprotected sex so as not to lose their boyfriends.

Legal provisions regarding abortion were changed in 1993. Since then, abortion is prohibited on the basis of bad social conditions, which means that it is allowed only in cases where the woman’s health is in danger, the foetus is seriously damaged, or the pregnancy is the result of a rape.

This legislation resulted in a decrease in the official number of abortions but a high rise in “abortion tourism” or abortion carried out in private health centres (performed illegally).

Recently a legal project began which aims to outlaw abortion when pregnancy is the result of a rape. It has not become law yet but is quite likely to happen soon.

Such an environment also results in a perception of sex work as an extremely negative phenomenon: sex workers are either victims of a crime or degenerates who love sex. The only solution adopted by the government is to retrain sex workers and to exit them from the sex industry. Such programmes are usually funded by programmes aimed at counteracting social pathology.

It is extremely difficult to advocate for sex workers and their rights in such a social climate, especially given that most sex workers also claim they want to leave the industry. Deeper examination usually reveals that this is not the case and such declarations are made because of social expectations.

The EU Enlargement

The Republic of Poland is a country in Central Europe. It is bordered by Germany to the west, the Czech Republic and Slovakia to the south, Ukraine and Belarus to the east, and the Baltic Sea, Russia and Lithuania to the north. It also shares a maritime border with Denmark and Sweden. Today, as the sixth most populated member state of the European Union, Poland is a liberal democracy made up of sixteen states. Poland is also a member of NATO, the United Nations, and the World Trade Organisation.

Poland acceded to the European Union on 1 May 2004.

Although the Polish economy is currently experiencing economic progress, there are many challenges ahead. The most significant task on the horizon is the preparation of the economy (through continuing deep structural reforms) to enable Poland to meet the strict economic criteria for entry into the European Single Currency. There is much speculation as to just when Poland might be allowed to join the Euro-zone, although best guess estimates put the entry date somewhere between 2009 and 2013.

Migration

1. Poland is traditionally a country of origin in terms of immigration. It has received immigrants since the 18th century, albeit few.
2. Emigration from Poland has been increasing continuously since the end of 1990. This trend has accelerated with the accession of Poland to the EU, which increased Poles’ opportunities for legal employment abroad. It is mainly young people who emigrate.

3. The main destination countries for Polish migrants were the UK, United States, Germany, Italy, Ireland, the Netherlands, and Spain. In 2006 the list of countries accessible to migrants from new EU member states was extended. [Again I hope I understood correctly.] It is difficult to estimate how attractive the new countries were for Polish migrants.

Poland has become a transit and destination country for migrants. In the above period an increase in migration and sex work along the border was reported. The Polish border is also the external border of the EU. So the majority of migrants came from CIS countries. Poland's social security and healthcare infrastructure is insufficient for effective measures to tackle the issue.

Female Labour Migration

The main country of destination for Polish migrants is the UK: nearly 2 million Polish citizens, both male and female, have migrated to the UK so far. Other destination countries are Sweden, Denmark, Germany and France.

Some women migrate with their family, but only when the husband is able to find a job as well. Many women migrate by themselves, leaving their family, including the children, in Poland. This applies especially to those women who are physicians, engineers, and nurses.

The opening of European labour markets to Polish citizens resulted in many Polish women of different ages choosing to work abroad in the following professions:

- Care of children and the elderly
- Healthcare and engineering
- Catering
- Sex work (especially in countries where sex work is legal)

2 PROSTITUTION MAPPING

Overview of sex industry⁷

Country	Major Group	Nationalities	Work Places
Bulgaria	90% Bulgarians	Migrants from Russia, Romania, Ukraine, Moldova and Turkish Roma.	55% indoor
Czech Republic	65% Czechs	Migrants mainly from Slovakia and Bulgaria.	70% indoor, 10% highways and border area
Germany	60% migrants	55% CEE, 20% Asia, 15% Latin America, 10% Africa. A total of 38 different nationalities.	80% indoor
Lithuania	85% Lithuanians	Migrants from Russia and Ukraine.	70% indoor
Poland	70% Polish	Migrants from Ukraine, Russia, Belarus, Bulgaria, Moldova, Romania.	70% indoor, 30% outdoor.,
Romania	95% Romanians	Migrants from Moldova and Turkish Roma	55% street, 15% highways and border area
Ukraine	90% Ukrainians	Migrants from Moldova and Russia.	80% street

⁷ TAMPEP VII, 2006

Structure

- Distribution of sex workers across sectors: 60% in brothels, 20% on highways and roads, 10% on streets and 10% in apartments.
- Nowadays there are more night-clubs - also called “flats” - than brothels. The police do not visit this type of workplace or make trouble for owners of such agencies. According to the police, there are around 1,000 such agencies in Poland.
- Gender: 90% female, 10% male, no transsexuals, few transvestites.
- Number of sex workers: about 8,000 female sex workers and 50 male sex workers.
- Level of migrant sex workers: 30% migrants, 70% Polish.
- Origin of migrant sex workers: 100% from Eastern Europe.
- Main countries of origin: Ukraine, Belarus, Russia and Bulgaria.
- The number of females under 18 sexually exploited through prostitution has been rising constantly. Of these, around 20% are migrants, who mostly work in night-clubs, next to highways, and (rarely) in big cities.
- There are fewer and fewer sex workers from Belarus, and more and more from Ukraine.
- Sex work is advertised in the daily press, on the internet, and through flyers.
- During summer, the number of female sex workers working along the Baltic Sea increases significantly.
- Sex work is generally becoming more visible.

Many sex workers work next to roads and highways. During the last year however this form of work has changed. Women do not stand directly by the road but hide in the forests or stand in the parking areas, next to motels or petrol stations. This change was the result of last year's police project of “clearing” the roads and highways of sex workers in order to combat trafficking in women.

Poland as a country of origin

Polish citizens can legally travel and work (with some limitations) in EU countries since May 2004. This includes sex work in the countries where it is legalised, such as Germany and the Netherlands. However, they may or may not want to be registered as sex workers.

Despite these regulations, Poles still become victims of trafficking. Some are forced into the sex industry, or into other sectors such as domestic or bar work. Polish sex workers mostly work in brothels or night-clubs, on the streets, in private apartments, agencies or flats, and on roads and highways close to the Polish-German border. Not all of them have pimps and they work for themselves.

Poland as a country of destination

There was a great change regarding the situation of migrants after Poland entered the EU, especially for those from Eastern European countries. The eastern Polish border became the eastern EU border as well. Women coming to work in the Polish sex industry are mainly from Ukraine, Russia, and Belarus - persons who need visas to enter the EU via Poland.

Most of them have a tourist visa for 3 months, which does not permit them to work in Poland. This legal status as a tourist is invalidated after the person starts to work, which can lead to deportation.

Usually migrant sex workers work in brothels or night-clubs, on highways and roads, especially on the German border, and on the streets. Their working conditions are similar to

those of Polish sex workers, but there is a certain hierarchy in the sex industry: the best-paid jobs and better pay go to Polish sex workers. Migrants usually have to give a percentage of their income to pimps. There is also more violence against migrants.

Poland as a transit country

Regarding migration and mobility, not all migrant sex workers work in Poland during the time there are in the country. Poland is also a transit country between Eastern and Western Europe. Most women who travel through Poland are Ukrainian, Russian, Moldovan, Romanian, Belarusian, Latvian and Lithuanian citizens. Some of them stay in Poland for a while and then go to Germany, the Netherlands, Belgium, Italy and Austria. There are also situations in which migrants stay for a while in Poland to work in the sex industry and after some time move on to the west. Poland is also a transit country for groups dealing with trafficking in women.

Female sex workers

The living and working conditions of female sex workers who work on the streets and highways are very bad: they earn very little, and usually work inside the clients' cars.

Sex workers who work for agencies earn more and also experience better working conditions.

Some sex workers have children, but are usually single mothers. They are entitled to a social allowance for single mothers. Some have partners, but official marriages are not commonplace.

Some sex workers work for as long as they can. A few change their profession and start working in shops or fast food restaurants; some migrate to Western European countries, where they can work legally.

According to data gathered by TADA, there is an increasing number of sex workers claiming to use condoms in their work.

The "upper class" of sex workers are practically invisible to the public.

Sex workers and their clients have begun to establish contact with one another via the internet, a practice which is growing in popularity. This method is utilised by organised sectors of the industry such as clubs and escort agencies, and also by independent sex workers. Both on the internet and in newspapers there are many advertisements offering employment for sex workers; however, the text does not make explicit the nature of the work.

Transgender and male sex workers

Male sex workers in Poland are much more hidden than female sex workers. Some male sex workers migrated to the EU-15 countries, such as Germany, where they can work legally, and the Netherlands. (In the Netherlands only brothels are legal to work in, but men work only in gay bars.)

Ethnic minorities

There are no ethnic minorities among migrant sex workers in Poland.

Vulnerability and Self-Determination

The main vulnerability factors for national sex workers are:

- Poverty
- Risk of HIV infection
- Unemployment

The main vulnerability factors for migrant sex workers are:

- Illegal status which leads to deportation
- Dependency on pimps
- Language problems

Around 60% of national sex workers work for themselves, and only around 40% work for pimps. Those who have pimps keep around 50-60% of their earnings for themselves.

90% of migrant sex workers, however, work for pimps. There are no data regarding the percentage of earnings they keep for themselves.

The level of condom use is high. There has been an increase in awareness of safer sex practices among sex workers. In night-clubs reached by TADA's outreach work, all sex workers, irrespective of nationality, say they use condoms. Outdoor-based sex workers make similar claims. However there is still a strong need to conduct activities increasing awareness of HIV and STIs among both sex workers and society in general.

The level of violence against sex workers is also medium, with no recent changes. Outdoor-based sex workers are however at greater risk of violence.

Levels of drug use among sex workers are medium as well. There has been an increase in the use of amphetamines and ecstasy, both privately and during work. The number of injecting drug-using sex workers is constantly falling because of the change in drug use patterns in general. Illegal drug use is high but opiate use is decreasing while psychostimulant use is increasing. Levels of injecting are becoming lower.

Impact of recent legislation

There have been some changes in the welfare system which relates only to Polish sex workers. A person has the right to receive free social insurance if she/he is registered at the Local Employment Office as an unemployed person who is able to work. The social system covers a monthly grant and health insurance for those who are handicapped or unable to work. Usually sex workers declare themselves as housewives.

Those sex workers who are entitled to many kinds of social allowances (single mother, unemployment) are usually opposed to legalisation. They calculate that they will not gain benefits by paying taxes. Older sex workers however strongly support legalising sex work because otherwise they are not entitled to a pension.

Routes into and out of sex work

Into sex work – The majority enter sex work for financial reasons, some because they have no alternative means to earn money. Many of them consider their work in the sex industry as only a temporary occupation, and are therefore not interested in whether sex work is legalised or not. Another group enter the sex industry because of drug use.

Out of sex work – Sex workers leave the industry due to illness which impedes work, because of marriage, or because of a decision to go abroad to work as an au-pair, cook, etc. Some, however, continue working in the sex industry in those countries where it is legal. Some

others try running their own business, for instance by opening a clothes shop or a fast food enterprise, or try other jobs in restaurants or supermarkets.

There are no organisations or programmes for those wishing to leave sex work. There are only Labour Office programmes which address social marginalisation and unemployment.

Mobility

The border regions and the mobility taking place there continue to be an area of focus. There are different areas of work at the borders: brothels in the Eastern European countries that are visited by Western European clients; women who live in the Eastern European border regions and go to work in “the West”; and women who work on the highways and streets around the border. This situation is present in Poland/Germany, Czech Republic/Austria/Germany, Slovakia/Austria and likely also around Hungary. In some border areas it is not only migrant sex workers who are present but also national sex workers.

Since Poland entered the EU in May 2004, there have been a great number of national sex workers leaving Poland in order to work in Germany, the Netherlands, Italy and Austria. Some migrant sex workers do not stop to work in the Polish sex industry when travelling to Western Europe. Others however, like those coming from Ukraine, Belarus and Russia, see Poland as a destination country and stay in the country to work.

About 50% of national sex workers have worked abroad, mainly in Germany, the Netherlands, Italy, Austria, Spain, and Greece.

Only around 10% of migrant sex workers have worked elsewhere before coming to Poland, mainly in Ukraine, Russia, Belarus, Germany and the Netherlands.

Internal migration is very common in Poland, mainly from villages to bigger towns, in search of better jobs and living conditions.

The main reasons for migration are:

- Seeking greater earning potential
- Proximity to Western Europe, namely Germany, and the opportunities to travel since Poland entered the EU
- Legal problems

3 SERVICES

Access to Health Care Services

For those with health insurance there is quite a good healthcare system in Poland, but none of it is specifically directed at sex workers. There are only a few services directed at sex workers and all of them are NGOs.

In Poland there are no public social services directed at national or migrant sex workers.

Access to health and social services is quite good in bigger towns and cities. In rural and regional areas however, there are still serious difficulties in accessing help.

Services provided

Services for nationals and for migrant sex workers are voluntary, anonymous and free of charge. They offer condoms, lubricants, health information materials, and social and legal counselling for both groups.

Undocumented sex workers must pay for treatment.

No service works with translators or cultural mediators.

All services above are provided by NGOs. However, NGOs who do this work are often funded or co-funded by governmental agencies.

Strategies for reaching sex workers

Outreach work on streets and highways is the main method for contacting sex workers.

There are however other ways to reach them: by conducting outreach in flats, clubs and agencies. In Szczecin, the TADA team is the only one composed of three staff members: a social worker, a physician and a police officer. They offer social counselling, general medical care, and immediate intervention in cases of forced sex work.

Services such as legal and social counselling are also provided in TADA's premises.

Barriers to access of services

The main barriers to migrant sex workers' access to services are:

- Language problems for both staff and sex workers.
- Lack of information about the services available.
- Dependency on pimps.
- Illegal status and lack of health insurance.

Migrants cannot access free medical and social care (prevention, diagnostic, treatment) if they are not health-insured.

For national sex workers: there is no service provision outside of large cities, such as rural areas.

Services for victims of trafficking

The only such service is the organisation *La Strada* in Warsaw.

The *La Strada Poland* program functions as part of an on-going tripartite campaign structured in order to most effectively cover all aspects of trafficking.

- The **Press & Lobby Campaign** seeks to raise public awareness and present to national authorities the issue of trafficking as a serious violation of human rights. To reach a broad audience, *La Strada* conducts press interviews and conferences, participates in seminars and international conventions, and develops practical training sessions for professionals who deal with trafficking in Poland.
- The **Prevention & Education Campaign** addresses potential victims of trafficking through leaflets, lectures, video presentations and school visits in order to educate about the dangers of trafficking. In addition, a telephone hotline offers advice and reliable information to women considering migration to Western Europe.
- The **Social Assistance Campaign** targets victims of trafficking, both Polish women caught in trafficking abroad who have returned and migrant women trafficked in Poland.

Through leaflets and the hotline, it offers direct assistance and counselling to victims, but can also refer them to a network of professionals who provide legal, psychological, medical and practical help. A hotline is provided in Polish, Russian, Ukrainian, English (+48 22 628 99 99) and Vietnamese (+48 22 621 56 18), and when the office is closed there is a 24-hour hotline for crisis intervention (+48 60 568 77 50). Within this campaign La Strada is developing a partnership called “IRIS – Social and Vocational Reintegration of Women Victims of Human Trafficking” (Action 2 is a care programme for victims) funded by The EQUAL Initiative/European Social Fund

- *La Strada* may also provide support to women who wish to file charges against their traffickers⁸.

The programme of social and vocational assistance for victims is composed of 3 modules:

1. victim identification and social, psychological and legal help (crisis intervention)
2. motivational and empowerment training and vocational and educational courses
3. placement in a selected workplace (internship); employment found by the person.

From 2006 La Strada provides a “Support and Protection Programme for Witnesses/Victims of Trafficking”, funded by the Ministry of Interior within the National Action Plan for Combating Trafficking in Human Beings.

La Strada Foundation against Trafficking in Persons and Slavery is responsible for victim identification, crisis intervention, case management, provision of shelter, 24-hour hotline for foreign trafficked persons and reporting cases to law enforcement.

This programme is only for migrants who decide to testify. Social workers assist the victims during their interrogations within law enforcement institutions, monitoring whether their rights are respected.

The programme offers:

- Specialised consultations – medical, psychological, psychiatric, legal
- Access to interpreters
- Assistance by contacts within the relevant consulates

4 GOOD PRACTICE

Reducing vulnerability

In response to new migratory movements in the sex industry following the EU enlargement in May 2004 and in January 2007, new and/or additional interventions are needed in order to reach the (new) target groups. Poland, as a former country of origin, was transformed into a transit and a destination country. Intensive research needs to be carried out to properly assess the changed situation (e.g. through mappings), followed by concrete work to improve the working and living conditions of (migrant) sex workers. This especially applies to those countries within the region that so far have not seen the presence of migrant sex workers.

Changes are needed to combat vulnerability regarding: the insecure legal status and restricted labour options of migrant sex workers; bad working conditions; language problems and different cultural background; discrimination as migrants; additional stigmatisation as migrant

⁸ http://www.strada.org.pl/index_en.html

sex workers (also from within their original community); discrimination and hierarchical structures within groups of sex workers; increased dependency due to weak legal status; low levels of self-esteem/empowerment.

Improving access to services

National sex workers in the border areas often find themselves in a difficult situation. They work and live in their country of origin but are at the same time effectively isolated. They work with clients from “the West” and need language abilities to negotiate with them, and often even the bar owners are from countries such as Austria or Germany and speak another language. With the rapid enlargement of the sex industry in the border regions of Central and Eastern Europe and the crucial role they play in terms of migration/mobility, it is important to develop specific cross-border cooperation work in order to reach the sex workers who work in those regions. This would mean intensifying work that has already been developed and implemented by projects on highways in other regions – e.g. Germany, Poland and Italy.

Social, legal and medical counselling and care are currently offered along with referrals to relevant service centres. There is a national TADA network of organisations

5 LEGAL FRAMEWORK

Sex Work

Sex work in Poland is neither penalised nor legalised, but many circumstances and activities associated with it are illegal. It has been like this for over twenty years. The present conservative government has not proposed any policy change to date.

Crimes related to sex work and other issues, within the Polish law:

- Forcing someone into prostitution (art. 203, Penal Code)
- Inducing someone to work in prostitution or facilitating it (art. 204 § 1)
- Benefiting from someone’s work in prostitution (art. 204 § 2)
- Abducting someone abroad for the purpose of prostitution (art. 204 § 4). The Polish penal code makes a very clear distinction between trafficking in general and trafficking for sexual exploitation through prostitution. This second case is regulated by art. 204 § 4 of the Penal Code, which penalises abducting somebody for purposes of commercial sex abroad. Below is the formal translation of this provision:

“Whoever entices or kidnaps another person to do commercial sex work abroad is liable to punishment of 10 years of the deprivation of liberty”.

- Knowingly exposing someone to HIV infection (art 161 § 1). Penalty: imprisonment of up to 3 years
- Knowingly exposing someone to a STI (art 161 § 2). Penalty: a fine or imprisonment of up to 1 year

Trafficking in Women

See above: . **Art. 204.**

§ 1. Who, with the purpose of obtaining a material benefit, incites a person to prostitution or facilitates prostitution of a person is subject to a sentence of imprisonment for a period of time of up to 3 years.

§ 2. The sentence specified in § 1 is applicable to the perpetrator who is profiting by another person's prostitution.

§ 3. If the person referred to in § 1 or 2 is a minor, the perpetrator is subject to a sentence of imprisonment for a period of time from 1 to 10 years.

§ 4. The sentence specified in § 3 is applicable to the perpetrator who entices or abducts a person into prostitution abroad.

Art. 253.

§ 1. Who traffics in persons, even with their consent, is subject to a sentence of imprisonment for a period of time not shorter than 3 years.

§ 2. Who, with the purpose of obtaining a material benefit, organises adoption of children contrary to the provisions of the Act is subject to a sentence of imprisonment for a period of time from 3 months to 5 years.

Poland signed the Palermo Protocol in October 2001 and ratified it in September 2003⁹.

The National Action Plan for the Combat and Prevention of Trafficking in People came into existence in 2003.

Poland is a country of origin, transit and destination for victims of trafficking. Situated between wealthy Germany and other western European Union countries, and the poverty of Belarus and Ukraine, Poland has witnessed massive flows of migrants since the relaxation of borders in the late 1980s. Networks of migrant communities have established trafficking routes into, through and out of Poland, often in collaboration with local Polish organised crime. Although these routes are predominantly East to West, Polish women may be trafficked as far as Japan, Australia and North America¹⁰.

Trafficking of women through Poland operates on many different levels: from spontaneous contacts to highly complex organised crime networks. These can be divided into two different levels of categorisation:

- **Informal networks:** usually existing in the form of small gangs, small family networks and ethnic communities existing in neighbouring countries. For instance, Polish migrants in Germany often use contacts with their family and community members back home to recruit women for brothels or prostitution rings. Such networks are used frequently in the border regions between Poland and Germany, and within the Polish ethnic communities throughout Western Europe.
- **Large-scale organised criminal networks** or so-called "embedded communities" represent the other end of the trafficking spectrum. These organizations control every aspect of trafficking, from recruitment and transport to the management of localised brothels and street-based sex workers. They function like a business, with a "recruitment agency" office, "document procurement" office, "transport" office, and "management of sex workers" office. Traffickers take their job very seriously, do it professionally, and

⁹ www.unodc.org/ United Nations Office on Drugs and Crime/ Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

¹⁰ http://www.strada.org.pl/index_en.html

often make use of extreme violence to maintain order. The women procured are seen as merchandise, much as in traditional slavery-like practices¹¹.

Law Enforcement

The police make an effort to counter trafficking. In every regional police department there are special divisions which solely take care of trafficking cases.

Results of the preparatory proceedings in cases of trafficking in human beings (compiled by Krzysztof Karsznicki).

The author has identified cases of trafficking based on descriptions of the act from court records, regardless of penal code categorisation. Thus these statistics include acts defined in both Penal Code articles 253 and 204

YEAR	Number of completed proceedings	Number of completed proceedings resulting in presentation of the accused in court	Number of completed proceedings ending in case dismissal		Number of people accused	Number of victims
			Due to failure to identify the perpetrator	Due to failure to identify the crime		
1995	20	18	-	2	43	205
1996	33	26	1	6	59	232
1997	37	31	1	5	58	163
1998	41	25	2	14	64	109
1999	17	14	-	3	24	109
2000	43	38	1	4	119	172
2001	49	35	6	8	71	93
2002	19	11	4	4	40	167
2003	45	30	4	11	134	261
In total 1995-2003	304	228	19	57	612	1511

Drug use

Polish law relating to drugs is restrictive (1) but also treatment-oriented (2).

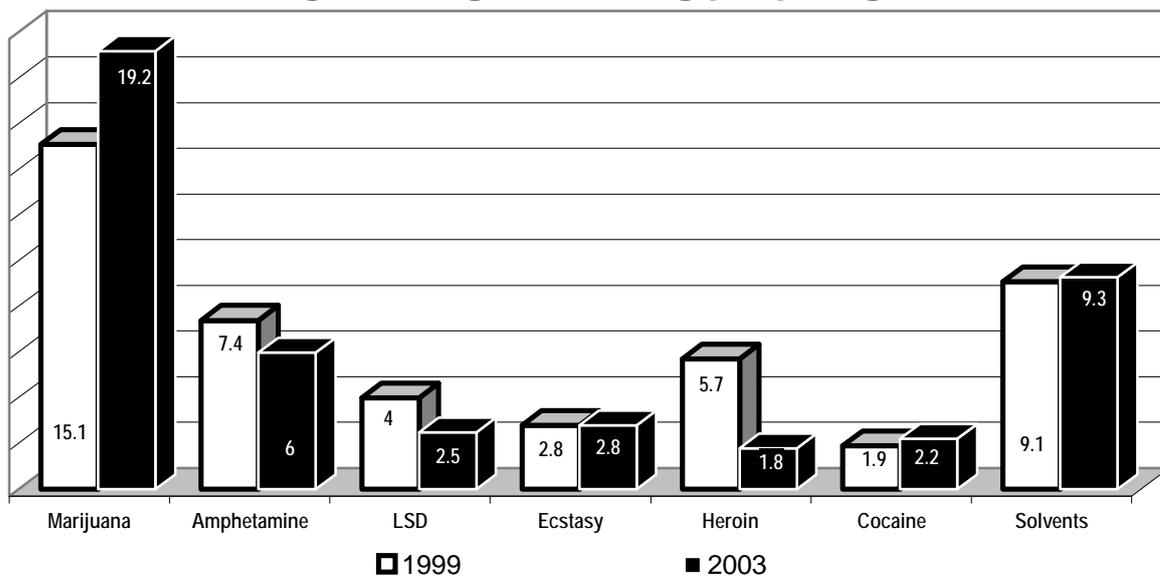
1. Both drug supply and drug demand (other than drug use itself) are penalised by law. Drug possession is penalised regardless of quantity. There is no legal distinction between soft and hard drugs.
2. There are many legal mechanisms aimed at motivating drug users to undergo treatment. These mechanisms may be applied instead of punishment.

However they are rarely applied by prosecutors and judges in practice. It is difficult to find breakdown data relating to drug use across the whole population, but the general trend is that drug use is increasing in all social groups. Drug availability is increasing also.

Drug and alcohol use is very common among sex workers. This information comes both from our own experience and from police reports.

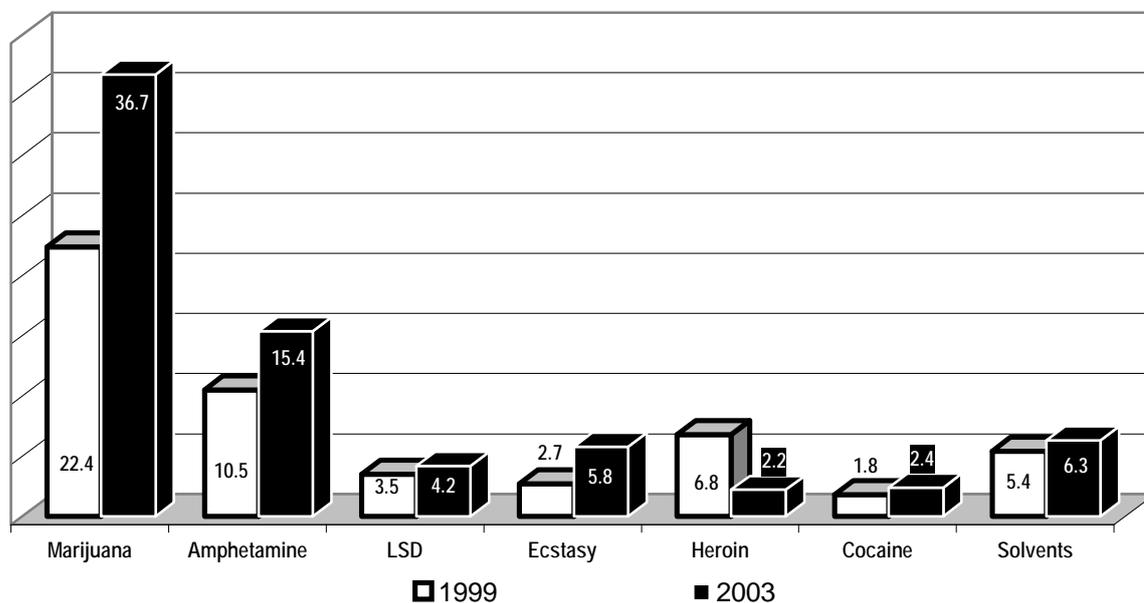
¹¹ http://www.strada.org.pl/index_en.html

Percentage of drug use among people aged 15-16



Experience of drug use, ESPAD survey, Psychiatry and Neurology Institute in Warsaw (Instytut Psychiatrii i Neurologii)

Percentage of drug use among people aged 17-18



Experience of drug use, ESPAD survey, Psychiatry and Neurology Institute in Warsaw (Instytut Psychiatrii i Neurologii)

TADA

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TADA was founded in 1997 to develop HIV prevention activities for female and male sex workers. The organisation has four branches in Poland: in Szczecin, Gdansk, Warsaw and Zielona Gora. TADA coordinates a network of organisations, institutions and healthcare centres which play a significant role in the field of local public health policy.

Aims

- To inform about HIV and STIs
- To inform about drug use
- To distribute information on safer sex
- To cooperate with groups at risk
- To empower both HIV-positive and –negative people
- To cooperate on the national and international level with organisations which share the same aims

Services provided

- Street outreach work
- Condoms and lubricants
- Referral for free and anonymous HIV testing
- Distribution of specific informational materials in different languages
- Support and shelter for HIV-positive persons and female victims of violence

The work accomplished by TADA in the field of sex work covers the following areas:

Sex Work and Public Health

- Risk reduction of HIV and STIs through dissemination of condoms, lubricants and instructions on their use, and education on HIV and safer sex.
- Health promotion by motivating service users to make use of detoxification, methadone treatment, routine medical check-ups, and/or psychotherapy as necessary.
- Supporting local community cooperation in the field of public health.

Human Rights Protection, Prevention of Stigmatisation and Social Marginalisation

- Informing sex workers of various forms of social help to which they are entitled (e.g. birth of a child, single parenthood, unemployment) and assistance in obtaining this help by referring sex workers to relevant help centres.
- Cooperation with social workers and other NGOs implementing social reintegration strategies.
- Informing sex workers of the potential to benefit from the crisis intervention centre (help offered to victims of violence, with the option of staying overnight in a hostel).
- Raising public awareness of the circumstances and needs of sex workers (education, TADA's website with useful information, leaflets, media cooperation).
- Offering social and legal counselling.
- Providing information on available local offers of support.

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La Strada Poland provides a wide range of assistance and support services. We may divide them into two main categories. Within the scope of **Emergency assistance** the NGO offers: hotline, recovery of documents, shelter/housing, psychosocial counselling, professionals, organisation of release from place of exploitation, medical aid, crisis intervention, basic needs (food, clothes, toiletries), security arrangements, travel arrangements, search for missing persons. In terms of **Long-term assistance La Strada** provides: legal counselling, security escorts, accompaniment during testifying/in court, organisation of guardians for minors, emotional support, psychological counselling/psychotherapy, psychosocial consultation, negotiations with family, visits in prisons and hospitals, job training, job search, education, long-term monitoring of cases and of trials.¹²

Special attention should be paid to what the NGO offers in addition to short-term assistance and safe return: that is, their focus on longterm support and social inclusion of victims, among other things the focus on professional reintegration. The NGO organises training programmes for young women concentrating on job skills and finding employment, in cooperation with other agencies. This includes an internship with different employers.¹³ For each individual client, a tailor-made programme is developed, including – if needed - vocational training and help in finding employment. **La Strada** Poland established a pilot project in 2005 called **IRIS**, focussing on employment for all clients in its social assistance programme. Within the “IRIS – Social and Vocational Reintegration of Women Victims of Trafficking in Persons” Programme, 5 clients took part in “Workshops on active job seeking” organised by the Centre for Empowerment of Women. Moreover, 8 persons received support from a personal job consultant coach. 30 persons were actively supported in their job search, while 4 persons received help in restarting educational programmes.¹⁴

Also worth mentioning among **La Strada’s** activities is a prevention project in Slovakia, specifically focusing on women from **Roma communities**, jointly developed by **La Strada Czech Republic, La Strada Poland** and the *Alliance of Women* in Slovakia. By working together, transferred their expertise in providing assistance to trafficked persons, prevention and lobbying to their Slovak counterparts. The project continued in 2005 [up to date info?] and is financially supported by the Daphne Programme of the European Commission.¹⁵

Furthermore, **La Strada Poland, Ukraine and Belarus** implemented a joint project ‘brama’ (‘The Gate’) on harmonisation of trans-border cooperation. Part of the project was the development of awareness-raising training for law enforcement agencies in four border areas (2003–2004). La Strada Poland worked with **La Strada Bosnia-Herzegovina** in implementing **training for law enforcement officers** in Bosnia-Herzegovina (2004).¹⁶

Among **La Strada’s** international activities their lobbying is also significant. Along with The Foundation Against Trafficking in Women in the Netherlands (stv) they were actively involved in the **lobby** around the **UN Trafficking Protocol** as members of the Human Rights Caucus, a broad alliance of NGOs in the area of trafficking, human rights and sex workers’ rights.¹⁷

¹² Appendix 1 *Services provided by La Strada members* in: “La Strada, European Network Against Trafficking in Women, Facts & Practices” at: http://www.lastradainternational.org/documents/Facts_Practices.pdf

¹³ “La Strada, European Network Against Trafficking in Women, Facts & Practices” at: http://www.lastradainternational.org/documents/Facts_Practices.pdf

¹⁴ Annual report 2005 (June 2006) La Strada Programme 2005 – 2007 at: http://www.lastradainternational.org/documents/Annual_Report_2005.pdf

¹⁵ “La Strada, European Network Against Trafficking in Women, Facts & Practices” at: http://www.lastradainternational.org/documents/Facts_Practices.pdf

¹⁶ “La Strada, European Network Against Trafficking in Women, Facts & Practices” at: http://www.lastradainternational.org/documents/Facts_Practices.pdf

¹⁷ “La Strada, European Network Against Trafficking in Women, Facts & Practices” at: http://www.lastradainternational.org/documents/Facts_Practices.pdf

The NGOs' internal cooperation is also example of good practice. All **La Strada** offices cooperate closely on the common **La Strada** campaigns, including the provision of individual victim support. For example, Bulgarian victims of trafficking who end up in Poland are assisted both by La Strada Poland and **La Strada Bulgaria**, in close consultation. In 2005, direct victim assistance cooperation took place between **La Strada Poland and Belarus, La Strada Czech Republic and La Strada Ukraine, La Strada Bosnia and La Strada Ukraine and Moldova, and between La Strada Belarus and La Strada Ukraine.**

Moreover, as described above, the **La Strada** representatives meet twice a year, at the annual assembly meeting and at the thematic meeting. At these meetings, the **La Strada** teams exchange experiences, receive further training and develop new methodology and strategies. For these meetings, a special management training programme has been developed, addressing the capacity building of the organisations as well. In between meetings, **La Strada** representatives maintain contact by e-mail and **telephone and meet at joint projects or international events organised by others.**

La Strada concentrates on further professionalising their activities and on transferral of their expertise to other organisations. For this purpose **La Strada** is involved in **training staff**, management training, team-building, supervision, external and internal evaluation, strategic planning and ongoing education for the team and/or study visits.¹⁸

¹⁸ Annual report 2005 (June 2006) La Strada Programme 2005 – 2007 at: http://www.lastradainternational.org/documents/Annual_Report_2005.pdf