



## Human Rights and Trafficking in Women and Young People in Europe

# OVERVIEW ON AUSTRIA, ITALY, POLAND



University of Padua, Interdepartmental Centre on  
Human Rights and the Rights of Peoples



La Strada Foundation against  
Trafficking in Persons and Slavery, Poland



Ludwig Boltzmann Institute  
of Human Rights



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Project funded by



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These materials are proposed in the framework of the Daphne Programme II, Project *Human Rights and Trafficking in Women and Young People. An educational toolkit for teachers and students*

The Project is founded by European Commission, Directorate General, Justice, Freedom and Security, Directorate C: Civil justice, rights and citizenship, Unit C4: Financial support for justice, rights and citizenship, and by the Veneto Region.

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Human Rights and Trafficking in Women and Young People.  
An Educational Toolkit for Teachers and Students

## **Overview on Austria, Italy, Poland**

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May 2007



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# NATIONAL REPORT - AUSTRIA

International reports refer to Austria as a destination or transit country for the trafficking in women and young people. Estimates of unreported cases corroborate these assumptions. After all, pertinent figures can often only be derived from the statistics of the individual victim protection organizations, the police investigating crimes and the justice department. This summary is based on the country report for Austria, which was compiled in conjunction with project “Human Rights and Trafficking in Women and Young People in Europe. An Educational Toolkit for Teachers and Students.” For this report, twelve interviews were conducted with stakeholders representing the police, social services, administration and science. Moreover, existing literature pertaining to the subject matter was integrated into the report. The focus is on the trafficking in women and young people for the purpose of sexual exploitation. However, humans are also trafficked in Austria for other purposes, for instance to exploit them in jobs such as domestic servants, geriatric care, agricultural day jobs or as panhandlers working the streets.

## The Situation in Austria

Based on the experiences of the police, women from the former Eastern Block countries top the list of humans trafficked to Austria. Most of them hail from Romania or Bulgaria; some are also brought in from the Asian or South American regions. Most of those who become victims of human trafficking in Austria are women forced to become prostitutes by way of physical and psychic violence.<sup>1</sup> It is extremely difficult to estimate the actual number of those affected by the trafficking of women in Austria. According to the official crime statistics for 2005<sup>2</sup> the Austrian Federal Ministry of the Interior (Bundesministerium für Inneres, Bml) cites 73 individuals affected by human trafficking or border crossing prostitution trade; one of those affected was a male.

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<sup>1</sup> *Bundesministerium für Inneres*, Sicherheitsbericht 2005, S. 226 ff. (Federal Ministry of the Interior, Safety Report 2005, page 226 subs.)

<sup>2</sup> *Bundesministerium für Inneres*, Kriminalitätsbericht. Statistik und Analyse, Wien 2005. (Federal Ministry of the Interior, Criminal Activity Report. Statistics and Analysis, Vienna, 2005)

Contradicting these figures, the sole victims' protection organization, the "Interventionsstelle für Betroffene des Frauenhandels" (Intervention Agency for Victims of Trafficking in Women), operated by a non-profit association called LEFÖ (IBF/LEFÖ), handled 151 cases of trafficking in women in the course of the same year.<sup>3</sup> The discrepancy between these figures can be explained with another definition of the term "Trafficking in Women", on which the IBF/LEFÖ bases its engagement:

"Trafficking in women happens...  
...whenever women are migrating on the basis of deception and false promises to subsequently be put in a situation of duress in the destination country  
... whenever, due to their lack of rights, they are forced to render services  
...whenever they are robbed of their dignity, personal and sexual integrity by husbands or employers."<sup>4</sup>

By contrast, the definition of the criminal prosecutors, which is based on the following statutes, is strictly formalistic:

#### § 104 a StGB (Criminal Code) Human Trafficking

(1) Whosoever solicits, houses or provides accommodations, transports or offers or hands over

1. a minor person or
2. an adult using illegal measures (Article. 2) against such a person with the intention to exploit such a person sexually, by way of removing organs or by way of taking advantage of that person's ability to work shall be subject to a penalty of up to three years of incarceration.

(2) Illegal measures are deceitful statements on facts, the abuse of a position of authority, of a situation of duress, a mental illness or a condition that renders such person defenseless, intimidation, and the granting or acceptance of an advantage in exchange for having control over said person..

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<sup>3</sup> IBF/LEFÖ, Tätigkeitsbericht 2005, Wien 2006, S. 14. (Action Report 2005, Vienna 2006, p. 14)

<sup>4</sup> IBF/LEFÖ, Verein Lefö. Beratung, Bildung und Begleitung für Migrantinnen, Homepage online, Internet <<http://www.lefoe.at/design/content.php?page=a&lang=de&content=181>> (10.1.2007) (Association Lefoe. Consulting, Education and Support for Women Migrants)

(3) Those performing such illegal acts using violence or dangerous threats shall be subject to incarceration for a period of six months to five years.

(4) Those performing such illegal acts against a minor, within the scope of a criminal association, using severe violence or in such a manner that the act puts the life of the person intentionally or grossly negligent at risk, or in a way that puts the person at a particularly severe disadvantage, shall be subject to incarceration for one to ten years.

BGBI. Nr. 60 / 1974 last modified by BGBI. I No. 15/2004.

#### § 217 Border-Crossing Trade in Prostitution

(1) Whosoever brings a person, who may already be engaged in prostitution, to a different country than the one of which said person is a citizen and where said person usually resides, or solicits a person to come to such a country for the purpose of prostitution shall be subject to incarceration for six months to five years; however, if the perpetrator performs such acts in a commercial capacity, said offender shall be subject to incarceration for a period of one to ten years.

(2) Whosoever entices a person through deception, disguising the actual intent (Article 1) with the intent to have such a person engage in prostitution in a country other than the one of which said person is a citizen and where said person usually resides or coerces a person through violence or dangerous threats to migrate to another country, or transports such a person, using violence or taking advantage of said person's erroneous understanding of the intent, shall be subject to incarceration for a period of one to ten years.

BGBI. No. 60 / 1974 last modified by BGBI. I No. 15/2004.

However, it must be assumed that the number of unreported cases of those affected by trafficking in women in Austria is significantly higher. Probably only few stakeholders find their way to a victims' protection agency and only a fraction of those affected are identified as such by the police.

One must presume that many of the so-called illegal immigrants who were taken hostage and brought to Austria, and who are staying in the Federal Republic "illegally" are victims of trafficking in women. In 2005, the police picked up 6,034 women who had been "smuggled". Most of them came from Serbia-Montenegro, the Russian Federation or Moldova. The majority of them had crossed the border to Austria from Slovakia, the Czech Republic or Hungary.

During the same period of time, the police classified the residency or immigration of 7013 women into Austria as “illegal”. Most of these women hailed from Romania or Bulgaria and had crossed the Austrian border in Italy, Germany or Hungary.<sup>5</sup>

The victims of human trafficking frequently find themselves confronted with hopeless and desperate situations in their home countries: especially women, who usually have limited access to education and training, are volatile when it comes to unemployment and are affected by the reduction of government welfare systems in these formerly socialist states. The increasing feminization of poverty does not alter the feeling of accountability the affected women have. They want to take care of their families, which frequently leads to their wanting to take advantage of opportunities to attempt a new start in Western Europe with their willingness to work hard and to secure a future for themselves and their families.

Upon arrival in Austria, these victims are confronted with situations that based on international human rights standards would have to be classified as slavery-like circumstances, slavery and forced labor.<sup>6</sup> In addition to imposing duress through naked violence and threats against the victims and their loved ones, the fact that they are considered illegal residents or performing illegal work makes it impossible for the victims to free themselves from these fetters. This situation is especially precarious for those who are forced to perform sexual services: of the money earned they usually have to surrender 50 – 90 %, and from the balance they still have to pay the traffickers for travel expenses owed, food and

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<sup>5</sup> *Bundesministerium für Inneres*, Organisierte Schlepperkriminalität. Jahresbericht 2005. Lagebereich. Statistik. Operative Analyse (911/53 – II/BK/3.6/06), Wien 2006. (Federal Ministry of the Interior, Organized Crime – Trafficking. Annual Report 2005. Status Report. Statistics. Operational Analysis, Vienna 2006.

<sup>6</sup> *Bundesministerin für Frauenangelegenheiten (Hrsg.<sup>in</sup>)*, Frauenhandel. Schriftenreihe Band 4, (Federal Ministry for Women's Issues) (Publisher), Trafficking in Women. A Series, Volume 4) Vienna 1996, page 16. subs.; *Radhika Coomaraswamy*, UN Special Reporter on Violence against Women, it's Causes and Consequences, Report on Trafficking in women, women's migration and violence against women, 29.2.2000, E/CN.4/ 2000/68, S. 14ff; *Marjan Wijers / Lin Lap-Chewe*, Trafficking in Women in Forced Labour and Slavery-Like Practises in Marriage, Domestic Labour and Slavery-Like Practises in Marriage, Labour and Prostitution, Utrecht 1997, 89 ff.

accommodations.<sup>7</sup> Moreover, women who are coerced into prostitution rarely have a chance to insist upon safe sexual practices and are exposed to extreme health risks.

If whenever the victims come in contact with the police and the authorities fail to identify the stakeholder as a victim of human trafficking, most are faced with sanctions due to their illegal immigration or employment and frequently find themselves in custody awaiting deportation. Those stakeholders who were forced to work as prostitutes also have to expect to be penalized for engaging in illegal prostitution. The framework for legal professional sex services is strictly limited and is largely defined by the respective federal states.<sup>8</sup>

The provisions in the individual federal states do differ in detail. However, to get a rough idea of the situation, there are principally two differences:

The Bordello Approval System in the west<sup>9</sup> prohibits prostitution in general and permits it only in exceptional, government agency approved bordellos.

The Regulatory System of the east<sup>10</sup> permits prostitution in general and prohibits it only in certain locations (e.g. schools and churches).

All state statutes stipulate that prostitution is a profession that requires registration and reporting. Moreover, sex professionals are required by federal law to submit to medical examinations on a regular<sup>11</sup> basis and to pay taxes on their earnings.<sup>12</sup> Despite these obligations, sex professionals are barred from government protection in many areas: for instance, they have no legal remedies to file law suits with the courts if anyone owes them money under a sexual service contract. At this time Austria is increasingly debating whether better safeguards for the commercial activity of prostitution and legal access to the market even for migrants would also lead to the protection against human

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<sup>7</sup> Vgl. *Kartusch, Angelika / Knaus, Katharina / Reiter, Gabriele*, *Bekämpfung des Frauenhandels nach internationalem und österreichischem Recht (The Battle Against Trafficking in Women Pursuant to International and Austrian Law)*, Vienna 2000, page 107.

<sup>8</sup> According to the distribution of competencies pursuant to the Austrian constitution, the commerce of prostitution falls under the statutory competency of the states.

<sup>9</sup> Vorarlberg, Tyrol, Steiermark, Salzburg, Upper Austria and Kärnten

<sup>10</sup> Vienna, Lower Austria and Burgenland

<sup>11</sup> Weekly government agency physician exams to ensure no sexually transmitted diseases are present and exams in intervals of three months to determine the woman has not been infected with the HIV virus.

<sup>12</sup> Income or withholding tax



trafficking for the purpose of sexual exploitation, given that the victims would no longer be driven into illegality and invisibility.

## Measures

### Prosecution

As earlier explained, Austria has in effect pertinent criminal code scenarios that stipulate the sanctioning of human trafficking. Since human trafficking was classified as a felony in 2004, the police investigated 238 in the first year, in 2005 92 cases. Not a single judgment was handed down by the courts in either year.<sup>13</sup> However, it must be taken into account that in the event of several counts against an offender, only the most serious is recorded.

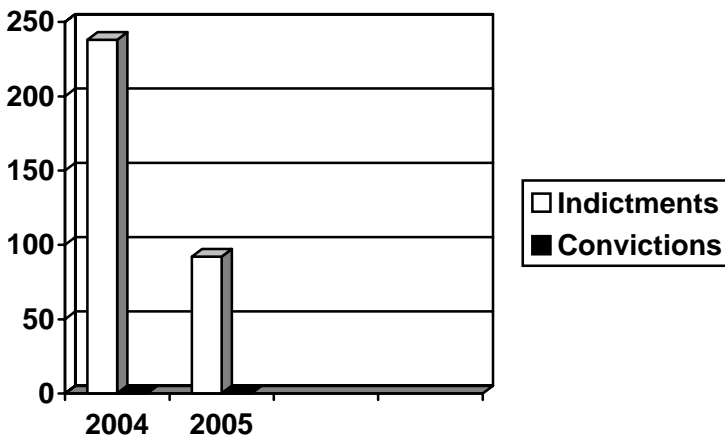


Figure 1: Indictments and convictions pursuant to § 104 a StGB

<sup>13</sup> Gerichtliche Kriminalstatistik, (Criminal Statistics of the Courts) information provided by Mag. Alexander Hanika, Statistik Austria via e-mail on 11/29/2006

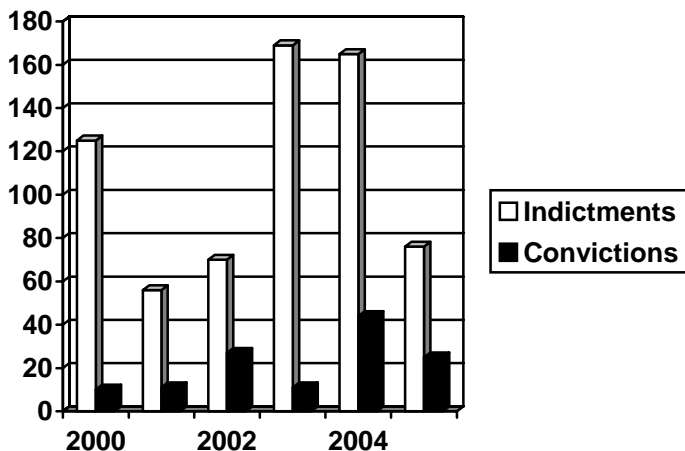


Figure 2: Indictments and convictions pursuant to § 217 StGB

The police investigated 76 cases of alleged border-crossing prostitution trade (§ 217 StGB) in 2005.<sup>14</sup> In the same year, 25 convictions for this felony were handed down.<sup>15</sup>

If criminal proceedings are actually launched against human traffickers, the courts strive to minimize the risks of re-traumatizing the victim by giving them for instance the opportunity to testify while the defendants are not present. They also have the option to obtain support from female employees of victim protection agency IBF / LEFÖ and to receive free legal aid and support.

## Prevention

Austria has launched numerous attempts to prevent trafficking in women for the purpose of sexual exploitation even before it happens. The Federal Ministry for European and International Issues (Bundesministerium für europäische und

<sup>14</sup> 2000: 125 cases; 2001: 56; 2002: 70; 2003: 169; 2004: 165; 2005: 76.

<sup>15</sup> Information provided by Mag. Alexander Hanika, Statistik Austria, Direktion Bevölkerung, Analysen und Prognosen, via e-mail on 11/29/2006. Convictions in previous years: 2000: 10; 2001: 11; 2002: 27; 2003: 11; 2004: 44; 2005: 25

internationale Angelegenheiten), for instance, has been working hard to enlighten and warn potential victims of trafficking in women since 2002 by launching a prevention campaign. Within the scope of this prevention campaign, potential risk groups receive personal consultations and risk information when they apply for a visa. They are also given an overview over the legal framework pertaining to their stay and employment options in Austria, information sheets and emergency phone numbers, which are translated into the respective local language to the fullest extent possible.

Austria is also engaged in transnational projects aiming at the prevention of human trafficking: in 2002, the Federal Ministry for Social Security, Generations and Consumer Protection ( Bundesministerium für soziale Sicherheit, Generationen und Konsumentenschutz) supported an informational campaign against human trafficking in Slovakia headed by IOM:<sup>16</sup> The campaign targeted primarily specific risk groups, such as young women and girls, but also the general public as well as ministries, the courts and the domestic department of labor services office.

The service work rendered by victims' protection agencies is yet another critical preventative measure that makes an important contribution to the preventing women from becoming victims of trafficking in women repeatedly.

## Protection

By commission of the Federal Ministry of the Interior and the Department of Women's Affairs at the Chancellor's Office, the LEFÖ<sup>17</sup> association operates the only victims' protection agency in respect to trafficking in women in Austria, the Intervention Agency for Victims of Human Trafficking IBF (Interventionsstelle für Betroffene von Frauenhandel IBF). The IBF/LEFÖ has been the central building block in the protection of victims for those affected by human trafficking in Austria since 1998 and is a key cooperative partner of the executive. IBF/LEFÖ is at the police's disposal 24 hours a day on every day of the year. As soon as any suspicion arises that a woman could be a victim of trafficking in women, the

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<sup>16</sup> 7961 – 00 //2002 Information campaign against human trafficking in Slovakia.

<sup>17</sup> The information provided in this chapter has been derived from the annual reports of the LEFÖ association for the years of 2004 and 2005 and from an interview with Ms. Mag.a Aneta Hristova, a staff member of the Intervention Agency for Victims of Trafficking in Women, IBF/LEFÖ.

executive is required to contact the IBF and to consequently initiate the provision of fast and competent consultations and support to the stakeholder.

Depending on the needs and life situation of the client, IBF offers comprehensive aid in the victim's native language, which may comprise – among other things - Accommodations in a safe emergency residence

Support in obtaining essential documents (e.g. foreigner's documentation or reporting sheets) or in the clarification of social security issues (welfare, health insurance)

Comprehensive process accompaniment from the moment the victim is taken into custody by the police or immigration police to the legally final termination of criminal proceedings, funded by the Federal Ministry of Justice (Bundesministerium für Justiz)

The arrangement of representation by an attorney to protect the client's interests

To provide optimum services to the stakeholders, the IBF works closely with other NGOs in Austria and other countries. Moreover, it maintains contacts with the executive and the courts to make it possible for the proceedings to progress smoothly.

Victims of human trafficking have the opportunity to be granted a visa for humanitarian reasons to warrant the criminal prosecution of acts punishable by the courts or to file and enforce civil suits in connection with such acts (§ 72 Article 2 Domicile and Residency Act [Niederlassungs- und Aufenthaltsgesetz]). The wording of the statute makes it possible to grant such a visa regardless of whether the victim is willing to testify as a witness or not. In practical application it is however a fact that the provision is interpreted very narrowly and the willingness to serve as a witness frequently drives the willingness to grant such a residency visa.<sup>18</sup> This is not in compliance with international recommendations, which clearly support the severance of visa grants from the willingness to testify.<sup>19</sup> The wording of the statute is indeed a problem also as it gives the agency a lot of discretion and on the other hand does not award the victims any legal entitlements.

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<sup>18</sup> *IBF/LEFÖ*, Activity Report 2005, Vienna 2006, page 93.

<sup>19</sup> In lieu of many: *Angelika Kartusch*, Reference Guide for Anti-Trafficking Legislative Review, 2001, online via the Internet [http://www1.osce.org/odihr/item\\_11\\_13596.html](http://www1.osce.org/odihr/item_11_13596.html) (1/15/2007), page 70.

## Trafficking of Children and Adolescents

Austria is taking the problem of trafficking in children increasingly seriously, which is evident in the fact that Austria has signed the Stockholm Action Plan to Combat Commercial Sexual Exploitation of Children, and has also ratified virtually all other relevant international conventions. For the first time, the National Action Plan for the Rights of Children and Adolescents, which dates back to 2004, now contains a chapter on Trafficking in Children and Sexual Exploitation.

Nonetheless, official statistics and reliable information that could adequately describe the scope of trafficking of children to or through Austria, are still not available. The statistic compiled by the institution "Drehscheibe" in Vienna, which is engaged in rendering services to and returning unaccompanied minor foreign nationals back home, shows only the tip of the iceberg.

In 2005, "Drehscheibe" registered 701 minors.<sup>20</sup> In some cases the same minors were repeatedly registered during the same time period.

The primary countries of origin of minors are said to be Romania, Bulgaria, Hungary, Slovakia, Moldavia and Georgia.

For many of them, Austria is only another transit stop on the long route to another European country, in most cases Italy. The UN Special Reporter on the sale of children, child prostitution and child pornography, Mr. Juan Miguel Petit (Uruguay) reports that the number of minors, and in particular boys, traded from the East to Western Europe has increased. Also due to the geographical location, it has to be assumed that many of these young people also transit through Austria.

If young people are sold to Austria, this usually happens for the purpose of exploiting them sexually or to force them to work as panhandlers or thieves. Differentiated data is not available. According to the criminal statistics of the police, 13 of the 63 victims of border-crossing prostitution trade were minor

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<sup>20</sup> 2003: 99 registrations; 2004: 315 registrations; information provided by Norbert Ceipek, director of Drehscheibe

women in 2005. The number of unreported cases in both segments can only be guessed.

## Coordination

The prevention of trafficking in women, children and humans as well as the rendering of support to stakeholders are complex processes that cannot be achieved through individual measures. In fact, innumerable institutions are involved in these activities, and not all of them can be named. The coordination of these diverse activities in Austria is handled inter-departmentally by an inter-ministerial \*Task Force Menschenhandel\*, which has been set up as a permanent committee. Among others, the permanent members of this committee are the Federal Ministries of the Interior, Foreign Affairs and Justice as well as the IBF/LEFÖ and the Ludwig Boltzmann Institute for Human Rights. Their responsibilities include the following:

Exchange of information on issues related to human trafficking in Austria

Joint and partnership approaches to individual cases

As well as the compilation of position and background documentation on Austria's role in the fight against human trafficking.

In 2006, the \*Task Force Menschenhandel\* developed a national action plan against human trafficking, which will be presented in 2007 and will include a comprehensive program for the prevention and elimination of human trafficking.<sup>21</sup>

All institutions involved are facing more challenges, which can be addressed through joint and coordinated efforts only, given that the suction effect of the West continues full force. Moreover, each and everyone is called upon to take a stand against these borderless violations of human rights.

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<sup>21</sup> *Bml*, Safety Report 2005, page 226.



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**The overview herein presented takes into account also information collected during interviews with some privileged witnesses. We thank all the interviewees for their kind and thoughtful collaboration:**

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In the last decade, Italy has been the focus of an analysis on trafficking in human beings for the purpose of sexual exploitation. A number of different disciplines have studied this issue, that represents a fundamental field of intervention of social workers, the police, and the judiciary committed to help victims and to repress such criminal conduct.

Despite the greater research and the more numerous moments of public confrontation on the theme, the phenomenon, in Italy, remains one that is difficult to monitor since its evolution is constant, and any in-depth knowledge of its actual dimension and operability are still remote.

When talking about transnational crime, one of the biggest businesses in recent history, identifying the following aspects proves fundamental: the ways victims enter a state; the procedures they follow; the routes they adopt; the migration flow; the states of departure and of transit of a consistent number of subjects, in Italy the number involves mostly women and young people from Eastern European countries and Africa though a lesser numbers comes from other geographic areas but the trafficked landed in Italy a few years ago and was subsequently forced into the different prostitution markets: the one that operates from the streets and the one that is invisible as it is run from specific locations like apartments, hotels, massage parlours, and different kinds of entertainment clubs called in a variety of ways. Yet today, exploitation also comes in different forms which comprise other work contexts and whose prey, with the exception of the domestic service sector, is most often the category of young people, especially boys.

Italy's particular exposure to the problem of trafficking can undoubtedly also be traced to the phenomenon of illegal migration and to the country's geographic position. From its onset, trafficking in women and young people especially destined for the market of sexual exploitation has been closely linked to Italy's appeal which started at the end of the 70s and at the beginning of the 80s. From this period onwards, entries into the country surged, occurring both through legal and illegal channels.

Recent data on migration flow to Italy helps illustrate the scenario presented herein. It documents the presence of foreigners<sup>22</sup> at the end of 2005 which was calculated to be 3,035,000 units, the figure was obtained from surveys provided by the Internal Affairs Ministry, and from the number of minors and the quota of residence permits that are being renewed. In fact, Italy's position on immigration

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<sup>22</sup> Caritas Dossier /Migrantes 2006

is comparable to that of other big European states: Germany (7,287,980), Spain (3,371,394), France (3,263,186) and Great Britain (2,857,000). The incidence of foreign population today stands at 5.2% compared to the Italian population; thus 1 migrant per 19 residents, though this estimate is expected to double over the next 10 years. The market sectors with the highest percentage of migrants are agriculture and industries and the remaining quota relate to services. Such market sectors lure migrants by pretending to give them the chance to work, independently of their juridical status, though immigration law is rather restricting when it comes to entering a state by legal channels. When considering the industry of trafficking in migrants, a phenomenon that has significantly expanded in the last few years, two very important factors to be considered in relation to the phenomenon of irregular entries are that Italy is viewed as a port to Europe and that there is an imbalance between work offer and demand for foreign workers that has pervaded the country for decades now. Other determinants include: Italy's proximity to Albania; the migration from territories of former Yugoslavia linked to the armed conflicts of the 90s; the chance to use the land borders of Slovenia to enter into Italy by crossing over to Trieste, while for those coming from Africa, easy access is gained from the coast of Calabria and Sicily, though often at a very high cost in terms of hardships and human drama.

In the case of trafficking in women and young people for the purpose of sexual exploitation, from the 80s to the 90s, in Italy, the debt bond mechanism has trapped many victims and led to their exploitation and to the severe violation of their human rights. Such reality is surely grounded on the illusion that one could migrate by simply paying for the transport. Currently this situation continues to exist though the victims of trafficking, to reach Italy, often resort to using temporary regular permits.

For over 15 years Italy has actually been one of the main countries of destination of trafficking in human beings in Europe, and at the same time, a territory of transit towards other Western states. The victims that reach Italy, generally come from Nigeria, Albania, Romania, Moldavia and Ukraine though recently there has also been a flux from Estonia, Belarus, Hungary, Bulgaria, China, Maghreb and Asian countries. Aside from sexual exploitation the other existing forms of exploitation encountered in Italy relate to different work sectors and to begging.

Even in Italy, like many other Western and non-Western countries, in the last few years, the means of exploitation and subjection have proven to be so severe

to evoke and be likened to situations of enslavement and servitude. The presence of foreign women on the sex market became more consistent starting the mid 80s. Such change led to the disappearance of Italian prostitutes from the streets to work indoor, from apartments, also as a response to the increasing pressure applied by the police. But, in the years spanning from the 80s to the 90s the situation changed with the arrival of young women, though not in consistent numbers, from Latin America and South-Eastern Asia, and with the fall of the Berlin wall which was followed by the conflicts of former Yugoslavia. The first great flow of women victims of trafficking that fell prey to grave conditions of enslavement and subjection were Albanian women, from 1993-1994. In just two years their presence dominated the streets of Italy<sup>23</sup>. Currently knowledge on the phenomenon of trafficking in Italy has identified 2 principal cycles of turnover cycles which directly involve women, the protagonists of such reality. The first cycle was described as a slower and longer cycle that lasted about 4 to 5 years- from 1996 to 2000-2001; the other, more recent and faster, lasted roughly 2-3 years and ended between 2002-2004<sup>24</sup>. Since the last decade an in-depth study was undertaken to better understand certain aspects like: where do the women depart from, what routes do they follow, what means of transportation brings them to Italy, what Italian cities do they arrive in, was Italy a destination of choice or did they get there by chance without even being aware of where they are, how were they recruited, how many were abducted, and how many were deceived and lured with false promises of lawful work to be subsequently violently forced into prostitution, on

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<sup>23</sup> The kidnapped had represented the way in which the 63,46% of girls who came in Italy from Albania was involved in trafficking between 1996-2000. This practised increased between 2000-2003 arriving to 71,88%. Estimates proposed in: West Project, Ciconte E.( a cura di), *I flussi e le rotte della tratta dall'est Europa*, in collaboration with P. Romani, V. Scafetta, B. La Rocca, N. Ciconte, G. Boggia, available on line at [http://www.regione.emilia-romagna.it/WEST/italiano/ricerche/flusse\\_rotte/pdf/report\\_finale.pdf](http://www.regione.emilia-romagna.it/WEST/italiano/ricerche/flusse_rotte/pdf/report_finale.pdf)

<sup>24</sup> Parsec Consortium, Synthesis of the Final Report of the Project for a Research-Action on: *Foreign Prostitution and Trafficking in Women for sexual exploitation. It is an analysis of the current transformations of the main national groups involved and it offers new intervention strategies of social protection. The case related to the metropolitan area of Rome*, original title: *Prostituzione straniera e traffico di donne a scopo di sfruttamento sessuale. Analisi delle trasformazioni correnti nei principali gruppi nazionali coinvolti e nuove strategie di intervento di protezione sociale. Il caso dell'area metropolitana di Roma* in partnership with: Casa dei Diritti Sociali-Focus, Cooperativa Parsec, Eritros, Fondazione Internazionale Lelio Basso, Impegno per la Promozione, Lila Lazio, Magliana 80, Rome, December 2005

streets, or in apartments, and finally, how many were free to choose to go to a Western country to become a prostitute, and yet another factor of great relevance, who is it that operates and runs their activity. A general consideration pinpoints to process of continuous evolution that this phenomenon continues to undergo in the course of recent years.

Worth highlighting is the fact that though there may be some common features, nationality and the period in which the phenomenon of trafficking are considered are perhaps the determinants of other differences as well. Another indicator can be the many routes traffickers adopt. Other indicators have to do with the forms of distribution of trafficked women on national territory, and the different role that single countries have taken on with respect to trafficking.

Even the degree of consciousness of victims is an element that has altered in time. In fact victims are now more aware that their migration project can reserve a destiny of exploitation. This element does not mean that the risk of falling prey to networks such as the sex industry can be avoided since general conditions of poverty and difficulties in finding other employment are so severe that prostitution may sometimes be the only possible path to improve the life of these women and their family.

Other forms of controlling victims and the different ways to operate and run exploitation have also changed. At present, subjection is increasingly dependent on mechanism of psychological dependency while in the past what prevailed was a relation that was unquestionably dependent on physical violence which had been introduced by Albanians and was later in part adapted by the other groups that have gained space and a slice of the sex market and was thus obliged to adapt since running the girls implied dealing with their higher level of education and having to face more severe laws that restrict their activity. Currently, traffickers seek to develop forms of consent and complicity with their victims. Hence violence is used predominantly to solve possible situations of conflicts that ensue. Counter to this trend instead are the conditions experienced by a significantly large group of trafficked women in Italy: Nigerian girls.

Another important transformation deals with the increasingly greater number of women who play an active role in criminal activities.

Yet a prime aspect that ought to be focused on is the development of indoor prostitution. The gradual and partial transition and shift of foreign prostitution from the streets to other less visible environments has coincided in part with the enlargement of nationalities of the young girls involved on the one hand, and with the affirmation of an orientation, political too, towards prostitution which

tends not to be very tolerant towards such activity in public places. Such development implies that sex profits must also be realigned, depending on the nationality of the girls and on the location where the sex service is offered.

In Italy official data on the phenomenon of trafficking was compiled by the Ministry of Equal Opportunities and by the Anti-Mafia Department. The figures yielded however do not depict a realistic picture since they mostly refer to the victims that have contacted social service and organisations specialising in social protection (as previewed art. 18, T.U. 286/98)<sup>25</sup>, and to the victims that have denounced their “grave exploitation” to the anti-mafia district Prosecutors (Law n. 228/03).

Hence only a part of the victims of trafficking for prostitution purposes are represented. The rest, the one that remain unknown, can only be inferred by estimates<sup>27</sup> formulated from the data and information acquired during interviews and from key witnesses on the territories where the presence of women in prostitution is greater.

The research institutions which, over the years, have worked most on the issue, and have yielding significant figures are: Transcrime, from Trento and Parsec from Rome<sup>27</sup>. Parsec’s<sup>28</sup> latest analysis also integrates into its study the interviews obtained from social service operator of the sector, and from the police. According to data, the number of foreign women involved in street prostitution in the decade starting June 1996 to 2005 have remained more or less constant, varying in 1996 from 18,800/25,000 in 1996, to 14,770/19,300 in 1998, 10,450/12,750 in the spring of 2001 and 2002, and ranged from 17,500/22,700 from June 2004/2005. At the end of the 90s estimates on the people who were coerced into prostitution in conditions of enslavement totalled 7.5 percent of then overall number. It can be inferred that today such proportion still reflects reality.

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<sup>25</sup> A measure of social protection established by Immigration Law n. 228/98.

<sup>26</sup>Of the many estimates, the reference herein pertains to Parsec and to Transcrime (ed), *Trafficking and Smuggling of Migrants into Italy* research report, Trieste, 2003, available on-line from the web site: [www.transcrime.it](http://www.transcrime.it)

<sup>27</sup> The first estimates by Parsec date to 1996 and 1998 and were published in, Carchedi F. *et al.*, *I colori della notte*, Franco Angeli, Milano, 2000b, and after 2002/2003 in, Carchedi F., *Piccoli schiavi senza frontiere*, Ediesse, Rome, 2004.

<sup>28</sup> Synthesis of the final Report of the Project for a Research-action by Parsec Consortium on: *Prostituzione straniera e traffico di donne a scopo di sfruttamento sessuale*, . . .cit.

Aside from street prostitution, currently the prostitution of foreigners that takes place from homes and private apartments or in places open to the public – as nightclubs and bars or in private clubs or saunas – is a collateral reality. These two spheres of prostitution are primarily the result of a strategy of diversification of the supply of sexual services that can represent, for the women involved, an advantage compared to forms of exploitation that are enslaving. Indoor prostitution is unquestionably an evolution of the phenomenon of foreign prostitution that does not however imply that its street counterpart disappears since street prostitution proves to be fundamental in the process of running the exploitation of young foreign victims of trafficking as it enables the contact with new clients and at the same time provides traditional or habitual clients the chance to meet new girls.

| Regions            | Outdoor Foreign prostitution |               | Indoor Foreign Prostitution* |              | Total         |               |
|--------------------|------------------------------|---------------|------------------------------|--------------|---------------|---------------|
|                    | Min                          | Max           | Min                          | Max          | Min           | Max           |
| Piedmont           | 1,500                        | 1,800         | 1,020                        | 1,225        | 2,520         | 3,025         |
| Lombardy           | 3,000                        | 3,500         | 2,045                        | 2,380        | 5,045         | 5,880         |
| E. Romagna         | 800                          | 1,200         | 545                          | 820          | 1,620         | 2,020         |
| Veneto             | 1,000                        | 2,000         | 1,080                        | 1,360        | 2,680         | 3,360         |
| Friuli V.G.        | 1,000                        | 1,400         | 680                          | 955          | 1,680         | 2,355         |
| Liguria            | 800                          | 1,200         | 545                          | 820          | 1,345         | 2,020         |
| Other in the North | 600                          | 900           | 410                          | 615          | 1,010         | 1,515         |
| <b>Sub-Total</b>   | <b>9,300</b>                 | <b>12,000</b> | <b>6,335</b>                 | <b>8,175</b> | <b>15,635</b> | <b>20,170</b> |

|                     |              |              |              |              |              |               |
|---------------------|--------------|--------------|--------------|--------------|--------------|---------------|
| Marche              | 700          | 900          | 475          | 615          | 1,175        | 1,515         |
| Latium              | 3,500        | 4,000        | 2,380        | 2,725        | 5,880        | 6,725         |
| Umbria              | 800          | 1,100        | 545          | 750          | 1,345        | 1,850         |
| Tuscany             | 900          | 1,300        | 615          | 885          | 1,515        | 2,185         |
| Other in the Centre | -            | -            | -            | -            | -            | -             |
| <b>Sub-Total</b>    | <b>5,900</b> | <b>7,300</b> | <b>4,020</b> | <b>4,970</b> | <b>9,920</b> | <b>12,270</b> |

|                    |              |              |              |              |              |              |
|--------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Abruzzo            | 500          | 700          | 340          | 475          | 840          | 1,175        |
| Campania           | 800          | 1,100        | 545          | 750          | 1,345        | 1,850        |
| Puglia             | 500          | 750          | 340          | 510          | 840          | 1,260        |
| Basilicata         | 200          | 300          | 135          | 205          | 335          | 505          |
| Calabria           | 200          | 300          | 135          | 205          | 335          | 505          |
| Sicily             | 150          | 250          | 105          | 170          | 255          | 420          |
| Sardinia           | 150          | 250          | 105          | 170          | 255          | 420          |
| Other in the South | -            | -            | -            | -            | -            | -            |
| <b>Sub-Total</b>   | <b>2,300</b> | <b>3,350</b> | <b>1,565</b> | <b>2,280</b> | <b>3,865</b> | <b>5,630</b> |

|              |               |               |               |               |               |               |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|
| <b>Total</b> | <b>17,500</b> | <b>22,700</b> | <b>11,920</b> | <b>15,425</b> | <b>29,420</b> | <b>38,070</b> |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|

Source: Municipality of Rome – Parsec, *Ricerca e intervento sociale*, (2005). For calculation purposes, estimates represent 68.1% of the ones attributed to each region.

The proportion of indoor prostitution in the different geographic areas are similar to the estimates of outdoor prostitution. Experts in the field however agree that

today, indoor prostitution counts for roughly 75-80% of the overall prostitution in the Central-Northern regions and it is lower in the south (at about 40-50%)<sup>29</sup>.

A number of factors have been pivotal for the changes that trafficked prostitution underwent in the last few years. These include the nationalities involved. In the course of the years, their number has surged, especially owing to the enlargement of the European Union that has embodied countries that today are decisive countries since they are countries of departure and of transit. Hence, the ethnic background and origin of the victims is currently an extremely significant factor as it sets the women's commercial value, the manner in which they will be moved within the European borders, and it is also an important factor to establish the level of vulnerability towards those who control their prostitution activity.

In prostitution, the relations between national background and certain conditions that pertain to the recruitment or engagement of the victims, their transfer from country to country, their subjugation and exploitation, as well as the abandonment of prostitution circuits has been amply documented by bodies that work in close contact with these victims.

Variables like national group, time, area of settlement and activation of work as a prostitute are extremely relevant when monitoring sexual exploitation to the detriment of foreign women. In Italy the national groups that were a part of the phenomenon from its onset, thus considered traditional, and the new and emerging groups were determined.

The first groups to establish themselves, in the early 90s, were mostly Nigerian and Albanian components along with some transsexuals groups from Brazil; the others, instead, can be traced to the years spanning from the 90s to 2000 that prevalently come from countries of the Eastern European bloc, in particular Moldavians, Romanians and Ukrainians, and subsequently from other emerging groups that followed mainly from the South-East of Asia, (the Philippines and Sri Lanka) and from Central-Northern China.

As regards the connection between national background and the manner in which the young victims were managed over the years, the conduct applied by the different groups has led to a progressive hybridization of the historic Nigerian and Albanian systems which have now acquired a transnational character since the cycle of evolution dictated new action strategies and re-adaptation.

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<sup>29</sup> Parsec Research,. op. cit.



At present, each national group has constituents in prostitution that undergo systems of exploitation that are more radical and violent, a form of “negotiated” exploitation and forms of imposed self-exploitation (for instance Chinese and Nigerians to repay their debt).

The extension of Albanian hegemony over the prostitution market, which involves groups of women of other nationalities currently predominantly Moldavian and Romanian has led to the development of new systems of prostitution leading to the changes and adaptation of many Albanian organizations which have had to readjust themselves to the socio-demographic and cultural characteristics of these women who tend to have a more advanced level of education compared to the young Albanian women at the end of the 90s, making them more apt to negotiate the conditions of work in prostitution.

Currently, several Italian cities as Turin, Milan, Rome, Naples and Palermo have experienced a significant, though perhaps not always evident from the outside, rise in prostitution coming from the Maghreb territories, in particular from Morocco and Tunisia. For cultural reasons, the activity is oriented mostly towards members from those communities, with only a minor proportion oriented towards the total clientele. A conspicuous part of the constituents from the Maghreb countries that work in prostitution have no exploiters but are protected by family members. However, here too, there are cases of coercion into prostitution.

The rise of Chinese prostitution in Italy is still a relatively recent phenomenon which can be linked to the new phases of migration flow. In considering the systems of prostitution, the Chinese one is surely an emerging model that today comprises two sub-systems: the more traditional one -associated to illegal brothels found in some of its biggest cities of Italy starting as early as the 70s and oriented towards an all-Chinese clientele; and the one which started with street prostitution and then rapidly passed onto running the activity from homes and apartments. Clients, in this case, are exclusively non-Chinese, and found especially from economic ads or are passed from word of mouth.

Over the past three-four years, a third type of Chinese prostitution to be affirm itself. It gravitates around beauty or massage centres and is advertised in Chinese language only, placed in apartments, streets and in the areas where the community teems.

As far as minors are concerned, it must be underscored that the phenomenon of sex tourism and the aberrant practices that accompany it constitute a grave violation of their human rights. Each year, a large number of Italians travel

especially to Brazil, the Dominican Republic, Columbia, Cuba, Thailand, Sri Lanka, and Kenya, and currently also go to Easter European countries especially Romania. Though the market's exact dimension is still unknown it seems however, that recently, the age of clients and people who abuse minors ranges from 20 to 30 years of age. Concerning prostitution of foreign minor girls many common features are shared with the prostitution of adults, both in the way it operates and also in the motivations and mechanisms that determine it. The girls' young age is a significant indication of a possible exploitation or of trafficking. The contexts from which it operates are mostly from streets for Nigerians, and apartments, especially for Romanians. Within the phenomenon of prostitution, the prostitution of minor girls constitutes a meaningful portion that probably stands at around 7%<sup>30</sup>.

Foreign prostitution of minor boys is mostly operated outdoor (in particular at train stations, public parks and other areas of transit or from parking lots) and prevalently in large or medium sized towns. The lower age bracket (13 to 17 years of age), affects mostly boys from Romania especially Roma, and in a lesser scale boys from Northern Africa, the Balkans and Albania.

Though ignored and often simplified or likened to "paedophilia", this phenomenon is very diffused though its distinctive features remain little known.

Italy's legislation, thus its penal code, have recently been revised (Law n. 228, Measures against the trafficking in human beings, 11 August 2003) with new measures introduced created to tackle the offence of enslavement and servitude generated by the trafficking in human beings (articles 600, 601 and 602 c. p.). The Laws on prostitution are inspired to the principles contained in the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. For some time now Italy too has been considering to revise the neo abolitionist system. Its predominant orientation is to adopt a regulation system of indoor prostitution which would exclude the activity from being practiced in public places. This decision however is obviously the object of great debates between the operators of the sector and politicians. In relation to immigration law, the government in power is considering a revision since the strict measures of administrative control that were enforced in the past years have not curbed the phenomenon of smuggling

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30 Parsec Consortium, Synthesis of the Final Report of the Project for a Research-Action on: *Prostituzione straniera e traffico di donne a scopo di sfruttamento sessuale...* cit -

and trafficking in human beings. It must be highlighted that Italy's legislative framework gives victims the chance to obtain a residence permit for reasons of social protection (art. 18) which does not automatically imply that exploiters be denounced to the police though it truly assists victims, giving them the chance to reintegrate and stay on Italian territory for study or work reasons. This very measure is a model for the protection of the victim's human rights and it is currently combined with the recent changes in Law 228/2003, art.13 that set out the institution of a special programme of assistance for the victims of offence, established by articles 600 and 601 of the penal code that guarantee, in a transitory way, adequate lodging conditions, subsistence expenses and healthcare in art. 14 and a series of measures for prevention which also involve cooperation with the countries entangled in trafficking.



# Human Rights and Trafficking in Women and Young People in Europe

## OVERVIEW ON POLAND



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This publication has been produced with the assistance of the European Union. The contents of this publication is the sole responsibility of the Authors and can in no way be taken to reflect the views of the European Union

Project funded by



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# TRAFFICKING IN PEOPLE AS WELL AS FORCED LABOUR AND PROSTITUTION IN POLAND. REPORT

## Introduction

This report (summary of report) , which is a part of the edition “Trafficking in women and youths in Europe - educational handbook”, describes trafficking in people and ancillary phenomena in our country, Poland.

The Report is written from a practical point of view, by the workers of the La Strada Foundation against Trafficking in People and Slavery, which has been counteracting trafficking in people for over ten years and aiding victims of this crime in Poland. To prepare it, we also made use of interviews with experts working against trafficking in people. This includes representatives of the police, border guards, crown attorneys and non-government organisations.

We are very grateful to them for their cooperation and donated time.

## 1. The situation in Poland following the reforms of the 1990s.

Throughout the post-war years, up until the regime change of 1989, trafficking in people was unknown in Poland. Although this crime was listed under the criminal code, it was a dormant law. The functioning of the socialist regime and thus the closed border policy and the consequent immobility of the population meant that this crime was not committed. Communist Poland witnessed barely a few instances of trafficking in women. Trafficking in women in Central and Eastern Europe intensified during the early '90s which coincided with the downfall of communism in many nations in the region, Poland inclusive. Economic and political liberalisation brought many positive changes and generally served to improve the well-being of citizens. On the other hand, some very negative changes also occurred. Disproportions in wealth appeared on a scale hereto unprecedented in society. The nation abandoned its protective function by limiting social spending. Impoverishment was magnified by the helplessness of those social groups, which heretofore based their life on state-

sponsored employment and social guarantees. National agricultural cooperatives and large industrial concerns went under which employed hundreds of thousands of people. Unemployment became a constant and omnipresent social phenomenon.

### **Trafficking in people as an economic problem**

In Poland, the main factors influencing trafficking in people are unemployment and poverty. Testimony of “La Strada” Foundation clients shows that this was the main reason why they went abroad, to improve their economic situation. Only a few years ago, due to the considerable difficulties in obtaining legal employment outside of Poland, persons wishing to improve their material status frequently fell victim to organized crime groups and all manner of common trafficking in people and making money on the misery of migrants, usually their own countrymen. Presently, following Poland’s accession to the European Union, when many Western European nations have opened their job markets the situation has improved significantly. At the same time, though, low awareness of their rights and a lack of honest information regarding employment abroad still cause many people to fall victim to exploitation by dishonest employers.

Another factor which is conducive to trafficking in people is a limited choice of work. Women seeking work abroad but without education or sufficient language proficiency (not only them, however) can take up only those types of low paid work traditionally assigned to women such as cleaning, housekeeping, child or elderly care and, most of all, prostitution. In wealthy countries, there is a large demand for cheap labour, but the large supply causes wages to drop, especially for under the table employment.

### **Trafficking in people as a problem of migration**

We live in a nation, where the unemployment level stays at a high level (ca. 17%, though the mass emigration of Poles has decreased this in the last two years), which causes many Poles to migrate after work. Poles have a positive outlook on emigration and it connotes rapid success and a career rather than failure. Additionally, reading and hearing about our countrymen who are making

careers in England or Ireland, we gain faith that elsewhere it is easier and there are more opportunities.

Almost half of all migrants in the world are women. Research shows that among Polish emigrants, they are an increasing proportion. In the past they migrated with their families or following a man. Now they migrate alone, infrequently with children, and the reason is to support family left at home. We know of many cases where a woman working abroad supports her children and an unemployed husband. This is a world trend and the „feminization of migration“ is often mentioned.

### **Trafficking in people as a legal problem**

Trafficking in people is abetted by a weak state, incoherent laws and their resultant inability to successfully execute the law. The helplessness of legal bodies increases the difficulty of collecting evidence of the crime, including difficulties in getting witnesses to testify. The law often does not give full protection to the victims, and legal organs are often incapable of effectively using those instruments they do possess. Meanwhile, safety guarantees are essential to disavow victims of their fear of recriminations from organized crime. Because many cases of trafficking in people are cases of forced prostitution, the way a nation regulates prostitution plays an important role. The criminalization of prostitution forces it underground, eludes control and develops while bringing great profits to its organizers.

Fighting this precedent is made difficult by the lack mechanisms to successfully protect the witness/victim of trafficking in people during the legal process and afterwards. Only in rare cases do the victims decide to testify to the police, prosecution or the court. They lack legal knowledge and in the case of foreigners there is also a language and culture barrier. Although an increasing number of Polish women agree to testify, their numbers are still low compared to the real number of victims.

This happens due to the lack of a possibility to keep a victim in the country where the process takes place. Until recently, a foreign national testifying in Poland had to leave as soon as the proceedings were over. Presently, thanks to a special Ministry of Interior Affairs program they may stay in Poland for a period of time.

## **Trafficking in people as a problem of organized crime**

The nature of trafficking in people means that organized crime groups, often international ones, participate in it. This additionally complicates the prosecution of such crimes. Trafficking in women and prostitution have become serious commercial enterprises, which bring considerable profits.

In contrast to legal bodies, international crime groups have unlimited budgets and good equipment. Their activities are better coordinated and they are more determined since trafficking in people is hugely profitable. The escalation of trafficking in people is exacerbated by the profits it makes for organized crime groups, similar to those to be made in drug trafficking or weapon smuggling. Moreover, the same groups often traffic in drugs, weapons and people. At the same time, the trade is relatively safe for the perpetrators. Its discoverability is low, and many caught criminals are released due to insufficient evidence, whereas the sentences are too gentle.

## **2. Poland on the trafficking map**

### **Poland as a country of origin of victims**

During the early 90's, Poland functioned only as a country of origin, one from which victims of trafficking go abroad. Polish women were forced into prostitution mainly in Germany and Holland, and soon afterwards in other European nations, Belgium, Greece, Spain and Italy. There have also been instances of Polish women taken to Asia, Japan, Hong Kong and Singapore. Traditionally, Poles willingly went to Canada and the United States, but we know very little about Polish women on those markets.

The most serious actions against the sale of Polish women for abroad were carried out in the years 1997/98 by the Regional Prosecutor in Szczecin (51 women victims) and the Regional Prosecutor of Opole (89 women victims). In both cases the recruited women were destined for Germany.



Source: National Program for Combating and Prevention of Trafficking in People for the years 2005-2006, available at: [www.mswia.gov.pl](http://www.mswia.gov.pl)

For example, in 2002 in Austria, no victims of trafficking in people of Polish nationality were identified, in 2003 there were 9 out of 169 cases (5,3 %). In Germany in 2002, there were 82 Polish victims (10,1% of the total), and in 2003 there were 91 (7,4% of the total).

### **Poland as a transit nation**

Poland lays on the intersection of two important trade routs for trafficking in people, the Balkan and the Russian routes. Due to its geographical location, in the centre of Europe, as early as the mid 1990's saw Poland become a transit nation for women from the former USSR, mainly from Lithuania, Latvia and Moldavia, as well as from other East European nations.

During the years 1995-2003, 304 preliminary cases of trafficking in people were examined, of which 228 resulted in a court subpoena (76 were tossed out of court). Overall, 612 persons were charged and 1511 women victims were examined. The courts handed down 101 sentences, and 181 persons were sentenced. 9 persons were acquitted. From among the 181 sentenced, 62 were jailed for terms of between 2 and 5 years.

Source: National Program for Combating and Prevention of Trafficking in People for the years 2005-2006, available at: [www.mswia.gov.pl](http://www.mswia.gov.pl)

### **Poland as a target nation (site of trafficking in foreign nationals)**

It has been known for many years that our country has also become a destination for women from other nations (mainly by gangs trafficking in women from Bulgaria and the former USSR). The fact that Poland is an EU member state has made Poland attractive to criminal groups. At the end of last year, most women arriving here were Bulgarian and Ukrainian nationals.

During the years 1995-2002, 53 cases were reviewed (including 20 investigations in 2001), in which Poland was a target destination. 249 victims

were identified here (73 Ukrainians, 27 Bulgarians, 85 Belorussian, 15 Rumanians, 16 Moldavians, 8 Latvians, 6 Vietnamese, 5 Lithuanians, 11 Russians, 3 Mongolians and 2 Costa Ricans).

Source: National Program for Combating and Prevention of Trafficking in People for the years 2005-2006, available at: [www.mswia.gov.pl](http://www.mswia.gov.pl)

There have been no studies made on the economic aspects of trafficking in people. Some idea may be had from the results of the investigation by the district prosecution in Rzeszów. It turned out that a Ukrainian woman who directed the crime syndicate, sold 60 women to persons running brothels, for about \$200US each. At the same time, as part of the deal, she collected \$100US monthly from the brothel owners, for sexual services performed by the victims. This lasted for over 2 years.

### **3. Trafficking in people and prostitution under Polish law**

Poland is a signatory of many international agreements and conventions for the protection of human rights. In practical terms the most important international agreement is the United Nations Convention against organized crime of 2000, along with the Supplementary Protocol on the prevention, combating and punishment for trafficking in people, in particular women and children

When considering prostitution, the lawmakers have left it beyond criminal law, but brought in penalties for the following behaviours:

incitement of another to perform prostitution (art. 204 § 1 zd. 1 of the criminal code),

facilitation of prostitution, (art. 204 § 1 zd. 2 of the criminal code),

drawin benefits from the prostitution of another, (art. 204 § 2 of the criminal code),

incitement into prostitution, facilitation of prostitution and drawing benefits from the prostitution of minors (art. 204 § 3 of the criminal code),

enticement or kidnapping of another for the purpose of prostitution abroad (art. 204 § 4 of the criminal code).

All of the above mentioned crimes are performed by the criminal for material benefits. Whereas art 203 of the criminal code in, art. 203 of the criminal code penalizes the forcing of another person into prostitution with the use of violence,

illegal custody or making use of the dependencies or critical situation of that person. This crime faces a penalty of 1 to 10 years incarceration..

Art. 204. § 1. He who incites another to prostitution or facilitates this is subject to 3 years imprisonment.

§ 2. The punishment listed in § 1 also pertains to those who draw material benefits from the prostitution of others.

§ 3. If the person mentioned in § 1 or 2 is a minor, the perpetrator faces imprisonment for a period of 1 to 10 years.

§ 4. The punishment outlined in § 3 pertains to anyone who entices or kidnaps another for the purpose of prostitution abroad.

Art. 253. § 1. He who traffics in people faces a penalty of no less than three years of imprisonment.

§ 2. He who organizes child adoption for material gain, in breach of the Act, faces a penalty of 3 months to 5 years imprisonment.

## 4. The sex business in Poland

The '90s were a great boom of the sex business, which includes not only escort agencies, strip clubs or peep-shows, but also sex shops where pornographic materials are common as are objects connected with sex. The most profitable branch of the sex business, however, remains the sex service industry, prostitution.

Before this occurred, however, Poland saw a real boom of sex services. Particularly vexing was the roadside prostitution, serviced mostly by foreigners (usually Bulgarians), who came to Poland enticed with promises of work such as sales, and forced to work the side of the road. Virtually 100% of these women were victims of trafficking, brought to Poland and exploited by their countrymen, often extremely brutally. Recently, however, this form of prostitution has been on the wane. They have practically disappeared from the roadside, and can only be found near border crossings.

A specifically Polish phenomenon, is the so-called "sponsoring". Young women, sometimes men, earn money for school and life in big cities by offering sex to one or two regular clients. "Sponsored" persons do not think of themselves as

prostitutes, though some have episodes in escort agencies behind them. In general, the “traditional” forms of prostitution are disappearing. Outdoor prostitution is ever less popular

## **5. Other forms of trafficking in people**

The experience of the “La Strada” Foundation shows that we most often see trafficking in people for prostitution. More and more often, however, we hear of persons, men and women, who become exploited in other market sectors. As mentioned, besides prostitution, women are most often exploited as household help, beggars, and in industry and agriculture. We all remembers the matter of the “work camps” in Italy, where Polish citizens were kept under inhumane and undignified conditions and forced into backbreaking labour. Cases of the exploitation of Poles on plantations are also known from Spain and Holland. For several years, word has reached us on the exploitation of Polish workers at construction sites in Great Britain and Italy.

Construction and agriculture are also areas of exploitation of foreign workers in Poland, mainly Ukrainians. Foreigners are also forced into begging in Poland, mainly women and children, sporadically men, from Moldavia.

## **6. Victims and perpetrators of trafficking in people**

Victim. As is seen from a study of the clients of “La Strada” in 2005 by the Polish Sociological Society, in Poland the most common victim of trafficking in people is usually a woman 21 – 25 years of age, with an elementary or middle education, childless and unmarried. In going abroad, she wanted to take up work and have decent earnings. She wanted to change her life, from a bad situation, family problems and misunderstandings, but did not achieve success and the problems remain. For several years we have noted an alarming drop in the ages of clients of “La Strada”. The youngest ward seeking the protection of the Foundation was 13 years old.

The victims who come to La Strada for help are Polish citizens, but there are also many foreigners, the most of whom are Ukrainians, Belorussians, Moldavians, Bulgarians, Rumanians, Chechens and Vietnamese

Perpetrators. In most cases of trafficking in people in Poland, shows that they were Polish, Russian, Bulgarians, Turks, and Germans. Albanians, Ukrainians and citizens of the former Yugoslavia also occur.

According to Police data, the Turkish minority in Germany is particularly involved in trafficking of women. Former Yugoslavian men are also prominent. In Poland in those years, the most active group were Bulgarians. Among 21 foreigners charged in 2001 in Poland, 16 were Bulgarian. In addition to the Bulgarians, charges were laid against 3 Turks, one Albanian and one Spaniard. These data, of course, pertain only to those perpetrators caught and charged. Unfortunately, most persons trafficking in women or exploiting prostitutes remain at large.

### **Methods by which traffickers in people operate**

The perpetrator of trafficking in people, the recruiter and later the usurer, is usually a man although more and more often they are women, often those who themselves were victims of trafficking in people. They seek persons in difficult situations, the unemployed, indebted or single mothers with low incomes.

For the criminal, the ideal candidate is a woman who doesn't ask where and why she is going and is desperate enough to accept the proposition to go abroad unquestioningly. Recruitment occurs in the victim's environment. We know of two recruitment methods, „for work“ and „for love“, when the victim enters an emotional relationship with the perpetrator and is capable of doing much for him in the belief that he loves her.

### **Actions taken to combat trafficking in people in Poland**

This type of activity has been undertaken in Poland since 1995, when the „La Strada“ Program for the Prevention of Trafficking in Women from Central and Eastern Europe was initiated. Three campaigns were initiated under its auspices, a medial/lobbying campaign, a prevention and education campaign and a victim help and support campaign. This was the first initiative treating the problem in so

many aspects in Poland and in this part of Europe. In 1996, the Foundation against Trafficking in Women was formed and took over the realization of a program operated by the YWCA. It is thanks to „La Strada” that attention turned to the problem of trafficking in women in Poland. As the „La Strada” Foundation against Trafficking in People and Slavery it functions to date.

As for the Polish Government, in 2003 the Ministerial Council adopted the National Program for the Combating and Prevention of Trafficking in People and the Team for the Combating and Prevention of Trafficking in People which coordinates the realization of the program. The team includes representatives of key ministries in dealing with this problem as well as from the Police and Border guards. The Ministry of Internal Affairs and Administration monitors the realization of the program.

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