

## Social aspects of human trafficking

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Discussion about social aspects of human trafficking should start with the recognition that poor social conditions and marginalization of trafficked persons are both root causes and consequences of the crime of trafficking in human beings.

In a concept of social inclusion of trafficked persons we can move a step further from the concept of a social assistance that is often understood as social welfare assistance. A social inclusion that contains also a labour inclusion of trafficked persons means a qualitative step further with a focus to empowerment of trafficked persons and respecting their **agency** in every step of the process of development of the assistance program.

We have seen a number of anti trafficking assistance initiatives designed very carefully and financed generously with a significant low number of beneficiaries. The first Danish action plan's evaluation stated that: "it is problematic that such few women accept the offer of being received by an NGO in their respective country of origin".

This is not a special Danish problem. Majority of social assistance programs/projects in Europe are facing very similar difficulties. During the 12 years of our anti trafficking work in Central and Eastern Europe we have observed several programs and activities – both national and international (bi-lateral and multilateral programs) that failed because of the small number of persons who benefited from it. It is important to analyze main reasons of it. What is among the main reasons is the fact that many anti trafficking initiatives are designed on the policy making level and are not confronted enough with the first hand, grass roots level's feedback. Therefore, final beneficiaries are not involved in the process of program creation. An attitude "we know better what is good for you" may result in a lack of interest in projects that do not reflect real needs of trafficked persons. Otherwise – the frustration is double – of service providers who were convinced that are doing their best and the trafficked persons who cannot benefit from a program that not meets their real needs.

## 1. The main elements of the policy

### Relevance to the peer country situation and its legislative system

A general description of trafficking situation in Poland is analogical to the other European countries.

Factors conducive to trafficking:

- Poverty and unemployment
- Feminization of poverty
- Feminization of migration
- Demand on cheap, unprotected labour and services provided by migrants in countries of destination

Poland has developed a triple function in trafficking: as a country of origin, transit, as well as a country of destination.

### Countries of origin

For Poland the main countries of origin are: Ukraine, Bulgaria, Moldova, Romania and Belarus. During the year 2007 there is a number of trafficked persons from African countries (Nigeria, Cameroon, Senegal, Mali) notified.

### Countries of destination

The most Polish people are trafficked into Germany, Italy, the Netherlands, Belgium, Greece, Spain, Sweden.

Both categories of trafficked persons in Poland - those who returned back to Poland as a country of origin and those who were trafficked to Poland as a country of destination faced the same problems: social exclusion, isolation, marginalization, often stigmatization. Majority of them has no or limited access to information; or due to the lack of information are not able to access assistance and services available. They are not able to exercise their human rights, for instance an access to justice. The self-identification of trafficked persons remains as a one of biggest problems. Trafficked persons are not aware of the fact that they are victims of a serious crime of trafficking. Therefore policy of a social inclusion needs to be preceded by the proper identification of trafficked persons and by information that will facilitate a process of self-identification.

Furthermore, a process of social inclusion needs to be complemented by instruments of labour inclusion that will make a process of regaining control over trafficked person's own life more complete.

Assistance and protection to trafficked persons in the most of EU countries have been offered conditionally. Services to trafficked persons have been offered under the condition that a trafficked person will cooperate with the law enforcement representatives. The legal aspects of protection to trafficked persons were well developed, trafficked persons were put to the role of witness/victims and their importance was conditioned by their importance in the prosecution and

court proceedings. However, there is a lack of policies in practice that will treat the trafficked persons unconditionally. Our experience shows what are the main factors preventing trafficked persons to cooperate with the police and other law enforcement and how small number of victims is that have decided to become a witness.

Therefore NGOs in Poland are lobbying for ratification of the Council of Europe Convention on Action against Trafficking in Human Beings that makes a proposal of victims protections unconditionally, despite of the victims' cooperation.

Poland also supports the new framework of the Open Method of Coordination (OMC) that will bring effective tools to realize social inclusion of trafficked persons in practice.

Social exclusion problems are similar in both countries and therefore it is important to analyze their root causes and tackle different aspects. Labour market open to all marginalized and excluded groups and consequently a development of a comprehensive system of assistance that will facilitate an access to labour market for marginalized groups seems to be utmost important.

## 2. Legal situation in Poland

Palermo Protocol – definition from the Protocol is relevant for Poland, especially because of the fact that it brought a broad understanding of the phenomenon of trafficking and created a platform for development of a wider anti-trafficking framework. It is important to understand and identify different kinds of exploitation of trafficked persons. Poland has ratified the Protocol in February 2003. Currently there is a legislative initiative running in order to incorporate a Palermo definition into the vocabulary of the Polish Penal Code.

## 3. Scope of problem

Similarly to the other European countries, an estimation of the scale of the problem and data collection on trafficking remains in Poland one of the weakest element of anti trafficking scope of work. In the last year 2006, a first attempt to collect data from different stakeholders in Poland has been made and statistic data were gathered for the first Annual Polish Report on trafficking in human beings. Statistics form NGOs, National Prosecutor Office, Police and the Border Guards were completed in this report that will be published at the end of a year 2007.

Estimations of trafficked persons are various, for example, La Strada Foundation provides an information about trafficked persons assisted by this NGO in 2006 and a first half of 2007. There were 230 and 132 clients respectively under the care of La Strada.

## 4. Scope of Work

National Action Program to Prevent and Combat Trafficking in Persons in Poland was launched in September 2003. Under this framework a main anti trafficking initiatives are taking place. This is a multidisciplinary, GO/NGO initiative that focuses on four main areas:

1. Data gathering, research, information;
2. Prevention activities
3. Legislation framework
4. Victim/witness protection. National Action Program is lead by a coordinator and a working group that coordinates and monitors implementation of particular activities by the member institutions and organizations.

NAP reflects standards and procedures of EU "Plan on best practices" adopted in December 2005.

In Poland there was a program of social and labour inclusion developed.

Project IRIS – (Identification - Reintegration – Independence – Sustainability) - social and labour inclusions of trafficked persons is a pilot project implemented within the Equal program of the EU structural funds. A new model of social and labour inclusion has been developed within this project. A formal partnership of NGOs (La Strada Foundation, Center for Empowerment of Women), local government (Labour office of the city of Warsaw, Warsaw social welfare centre), and governmental institution (Ministry of Social Policy and Labour) was established to develop and implement a model of social and labour inclusion.

The model includes three pillars.

1. identification of trafficked persons and crises intervention;
2. motivation, empowerment, coaching, vocational training,
3. internship and employment.

A number of innovative methods have been used in IRIS model. Agency of the trafficked persons is a central in the entire process of development and implementation of the project. Human rights approach, empowerment, coaching as a core element of the process of social and labour inclusion have been incorporated into the entire process of implementation.

Since a process of a social and labour inclusion of trafficked persons is in its stage of a pilot project it is still too early to say about the relevance to the Danish strategy. After the completion and evaluation of the project some comparison could be made.

## 5. Social efforts for victims of trafficking

In Poland victims of trafficking are assisted by specialized NGOs – the most experienced NGO is La Strada<sup>1</sup>. Other NGOs like Nobody's Children, some church and charity organizations as well as social welfare institutions provide a social assistance to trafficked persons.

A prerequisite of appropriate and efficient social assistance is an effective identification of trafficked persons. Trafficked persons are identified by NGOs, social service providers, law enforcement. More accessible information, especially legal and about services provided for migrants should be provided in order to facilitate self-identification of trafficked persons and their access to services and justice.

### 5.1 Contact with trafficked persons

The major contact with trafficked persons is established via hot lines, or trafficked persons are referred to NGOs by the police or a border guards, by other NGOs from countries of destinations, or they directly contact service providers via hot lines, rarely clients of sex services refer trafficked persons anonymously via hot lines, as well. La Strada provides hot lines for three major groups of beneficiaries: a Polish language hot line for Polish trafficked persons, a Russian language hot line for migrant trafficked persons, a Vietnamese language hot line for trafficked persons from the Vietnamese minority in Poland.

Law enforcement representatives (police, border guards, prosecutors) have developed a special algorithm – a manual how to identify a trafficked persons. Unfortunately, there are a lot of problems in implementing this procedure in practice due to its unsatisfactory dissemination and a training of the law enforcement representatives in this regard.

Only few organization are providing an outreach work, mainly in major cities in Poland (Warsaw, Gdansk, Szczecin, Poznan) among sex workers, both women and men. Since the outreach work is focused on the work in sex sector it means that it is limited only to identify persons trafficked into the sex sector. In other areas such as forced labour, domestic servitude, slavery like practices and other kinds of trafficking there is no outreach work provided in Poland.

### 5.2 Crises intervention centres, safe shelters, assist a safe place to trafficked persons

There is a crises intervention unit run by La Strada Foundation and a shelter for trafficked women. There are not specialized centres/shelters for trafficked children or men. They are usually referred to the other types of specialized centres/institutions in order to secure for them a safe place to stay.

Crises intervention means services there are necessary for an emergency help and assistance in order to stabilize a psychological, medical and social situation of trafficked person. A shelter provides a safe place to stay and recover from the crises.

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<sup>1</sup> Since 1995, as a first anti trafficking, grass root NGO initiative in Central and Eastern Europe.

The state welfare centres are obliged to provide a social assistance to trafficked persons according to the new legal regulation on a welfare system in Poland. Category of “trafficked person” is specified among the beneficiaries eligible for a social assistance. It is needed to say that this new regulation is not widely implemented in practice yet, since the main implementing agencies are not accustomed neither educated on this, thus far.

Migrant victims of trafficking in Poland could benefit from different provisions of an Alien Law. Article 33 enables victim of trafficking to legalize their immigration status and apply for a temporarily stay permit (a visa). There is a reflection period provided for trafficked persons – 60 days.

There is a program of victim/witness support initiated by a Ministry of Internal Affairs and implemented by La Strada Foundation. Unfortunately, this project is limited only to persons who agreed to cooperate with a law enforcement.

La Strada provides a social assistance – aside of this program – to all migrant trafficked persons – unconditionally.

## 6. Compensation to victims

Victims of trafficking can claim for compensation within the civil action or within the criminal proceedings under the internal law of Poland. It is also possible to combine a civil claim with criminal proceedings in so called adhesive procedure. Despite of existing legal framework there is still a small number of cases where the trafficked persons received compensation. It is due to the lack of experience and knowledge how to proceed.

## 7. Categories of trafficked persons

During the last ten years majority of trafficked persons in Poland were women and young girls to sex industry, but since 2005 there is more identified trafficked persons for the other purposes – a forced labour, slavery like practices, begging, petty crimes, etc.

It is important to see all purposes or categories of trafficked persons equally important and understand this phenomenon in a light of a broad concept of Palermo definition. It is equally important to see a concept of demand in a broader dimension as a demand for cheap, unprotected labour and services provided by migrant workers.

## 8. Transferability of the Danish policy

There are several areas of where some elements of a Danish policy should be transferred into a Polish condition:

From the new Danish action plan 2007-2010:

- Preventing human trafficking by improving international cooperation, including improving preventive work in countries of origin.  
There is a proposal of Polish NGOs to provide simultaneous campaigns in countries of origin-focused on safe migration and in countries of destination focused on demand for cheap migrant's labour and services.

Additionally:

- To organize a similar initiative as "Stop Trafficking camp 07" in Poland that will be tailored up to current situation and condition in a country.

## 9. Key issues and main questions proposed for debate at the review meeting

- To discuss a situation of trafficked persons in the broad concept of all form of exploitation – not only in sex sector but also a labour exploitation and all other forms of trafficking.
- To discuss how existing legal framework of EU member states should be more effectively implemented on practical level.
- To discuss how to implement existing policies on practical level in a work of law enforcement, social service providers and other relevant stakeholders.
- Agency of trafficked persons centred in all stages of development and implementation of anti trafficking polices.