



Global Monitoring



Report on the
status of action against commercial
sexual exploitation of children

POLAND



This publication has been produced with the financial assistance of the Swedish International Development Cooperation Agency (SIDA) and the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg, the Ministry of Foreign Affairs of France, Groupe Développement and ECPAT Luxembourg. The views expressed herein are solely those of ECPAT International. The support received from SIDA, the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg and the Ministry of Foreign Affairs of France does not constitute endorsement of the opinions expressed.



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires étrangères



Extracts from this publication may be freely reproduced provided that due acknowledgement is given to the source and to ECPAT International.

Copyright © 2006, ECPAT International

Design by: Manida Naebklang

Printed by: Saladaeng Printing Co.Ltd.

(End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)
328 Phayathai Road, Bangkok 10400, Thailand
www.ecpat.net
info@ecpat.net

Contents

Glossary	4
Foreword	6
Methodology	8
Poland: Introduction	11
National Plan of Action	12
Coordination and Cooperation	13
Prevention	14
Protection	16
Priority Actions Required	22
Endnotes	24

Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CBO: Community-based organisation

CIS: Commonwealth of Independent States

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

EU: European Union

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ICT: Information and communication technologies

ICTSD: International Centre for Trade and Sustainable Development

ILO: International Labour Organization

ILO/IPEC: International Labour Organization/International Programme on the Elimination of Child Labour

INGO: International non-governmental organization

INHOPE: International Association of Internet Hotlines

IOM: International Organization for Migration

IRC: Internet Relay Chat

ISP: Internet service provider

IT: Information technology

MoU: Memorandum of Understanding

NASK: Research Academic Computer Network (Naukowa i Akademicka Sieć Komputerowa)

NGO: Non-governmental organization

NPA: National Plan of Action

OSCE: Organization on Security and Cooperation in Europe

ODHIR: Office for Democratic Institutions and Human Rights

QCS: Quality of care standards

STIs: Sexually transmitted infections

UN: United Nations

UNDP: United Nations Development Programme

UNESCO: United Nations Educational, Scientific and Cultural Organisation

UNHCR: United Nations High Commissioner for Refugees

UNICEF: United Nations Children's Fund

UNIFEM: United Nations Development Fund for Women

UNOHCHR: United Nations Office of the High Commissioner for Human Rights

WHO: World Health Organization

WTO: World Tourism Organization

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

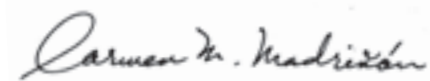
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.





POLAND

Poland is a source, transit and destination country for the trafficking in women and children, which takes place for various purposes. Polish children trafficked into Poland come primarily from eastern European countries such as Ukraine, Bulgaria, Romania, Belarus, Moldova and Russia. Common destinations are Germany, the Netherlands, Belgium, Switzerland and other western European countries, an increasing number being trafficked to Italy according to Polish authorities. Some internal trafficking also occurs, affecting girls from southeast Poland mainly.¹

Young people of Roma and Turkish or Bulgarian ethnic groups are often sexually exploited on highways. As in other countries in eastern Europe, victims are trafficked through false promises of employment, arranged marriage, fraud and coercive measures. Their identity papers are usually taken away from them and they are obliged to see a minimum number of clients per day, or face being raped and beaten. Some minors are trafficked with false documents identifying them as adults.² Nevertheless, hampered by a lack of resources, the police and border officials only investigate a limited number of trafficking cases.³

Young women victims of trafficking are also exploited in sex tourism, which occurs mainly along the border between Germany and Poland. The Zielona Province, in particular, is known for receiving girls from Bulgaria and Ukraine for sexual exploitation. Many German tourists cross the border for this purpose,⁴ and the situation is very similar to that found in sex tourism spots between Germany and the Czech Republic. Tourists from Italy, Sweden and some non-European countries are also known to have been involved in the sexual exploitation of young people,⁵ which reinforces indications showing the increasingly regional nature of the phenomenon.

Sexual exploitation of boys

September 2002 saw a major police operation against the sexual exploitation of boys that was taking place in Warsaw's Central Train Station. Young boys - mainly escapees from institutions which also receive child victims of sexual exploitation, as they are sometimes

regarded as offenders – were being abused in return for money, alcohol, food and computer games. The abusers were between 34 and 70 years old, and included a businessman, a doctor, a manager in a large company, a psychologist in a reformatory, a researcher in a scientific institute and a priest. Most of the accused were married, some also had children.

In 2003, another paedophile ring was uncovered involving the abuse of boys who were members of a choir. Wojciech K., the director and conductor of the choir, was arrested on charges of sexual abuse involving boys under 15. Numerous pornographic videos found in his apartment included child pornography.⁶

There is very little information or data available on the prostitution of children in Poland, but local child rights activists report that the opening of borders with western Europe and the ensuing changes, contributed to economic and social instability for many families, which in turn contribute to an increase in child prostitution.

Despite some high-profile cases involving child pornography, not much information is available on the nature and scope of the problem in Poland. In 2001, a rising number of reports drew attention to the fact that children were being illegally trafficked from Germany to Poland to be sexually exploited for the production of child pornography.⁷ With the increasing use of the Internet by young people, specific focus is required to prevent sexual violence against children online.

Poland adopted the *Stockholm Declaration and Agenda for Action* and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

Although Poland committed to implementing the *Stockholm Agenda for Action*, it is yet to develop a national plan of action against commercial sexual exploitation of children (CSEC).

In 2004, the Council of Ministers adopted the *National Action Plan for Children 2004–2012 – Poland for Children*, which was implemented by the Ministry of National Education and Sports in cooperation with social sectors and the Ombudsman for Children. While some provisions address protection against abuse and exploitation,⁸ the plan does not have a specific focus on commercial sexual exploitation of children.

COORDINATION AND COOPERATION

Local and National Level

There has been very little cooperation to combat the commercial sexual exploitation of children and no committee or working group specifically addressing this problem (or sexual abuse of children in general) has been identified to be active. The Parliament has no special commission dealing exclusively with children's issues either, although it recently amended the *Penal Code* and the *Punishment Execution Code* in relation to sexual violence against children.⁹ An exception is the Task Force on Human Trafficking within the Ministry of Interior and Administration, which also tackles child trafficking and includes other ministries and non-governmental organizations (NGOs). The Ombudsman for Children, in place since 2000 to monitor the protection of children's rights and to support the implementation of the *National Action Plan for Children*, could be instrumental in addressing the marked gap in fostering and coordinating action specifically against commercial sexual exploitation of children.

In 2004, the Task Force on Human Trafficking launched the 'National Programme for Combating and Preventing Human Trafficking', which provides for, among other things, improvements in the legislation to better protect child victims of trafficking¹⁰ and training for law enforcement and prosecutors.

In 2001, United Nations Children's Fund (UNICEF), ECPAT International and the Nobody's Children Foundation organised a conference on 'Protecting Children against Commercial and Other Forms of Sexual Abuse' to promote needed actions to address these crimes against children.¹¹

Regional and International Level

In 2002, a German-Czech-Polish working group focusing on combating trafficking and sexual exploitation of women and children was established in Prague. Common training was provided for police and border guards.¹² The Government also cooperated with a number of countries on trafficking cases and the repatriation of victims, in particular with German, Italian and Ukrainian authorities.

Since 2004, the Nobody's Children Foundation is the national contact point for unaccompanied and trafficked children - as part of a cooperation programme in the Baltic Sea Region.¹³

Law enforcement cooperation has also been strengthened in relation to sexual exploitation of children online: once a website containing child pornography is identified as hosted on a foreign server, the Polish police cooperates with police from the relevant country to identify the criminals.¹⁴

PREVENTION

Only a few organisations work on CSEC prevention, which is unfortunate considering the problems and economic stresses that affect vulnerable groups. Thus, more prevention initiatives are needed, which should give special attention to at risk groups such as street children, children neglected by their families, socially disadvantaged children and immigrant minorities, to address the root causes that act to push them into the hands of exploiters. The significant efforts made to raise awareness and educate children, parents and teachers on preventing sexual exploitation via the Internet attest to the capacity that exists for mobilisation on children's issues when the social and political will exists.

In 2004, the Nobody's Children Foundation launched the 'Child in the Web' campaign, to promote safe Internet use. It utilised a variety of materials and media, including the launch of the website www.dzieckowsieci.pl. Within two months campaign messages appeared on 2,000 advertising carriers on Intercity trains, and posters were displayed in more than 800 schools across the country.¹⁵ In addition, volunteers made presentations at primary and secondary schools, where teachers were provided with various educational materials - such sessions were attended by nearly 15,000 children and about 70,000 educational sets were distributed.¹⁶ The second stage of the campaign was carried out in 2005, in cooperation with the Research Academic Computer Network (NASK). It also involved awareness raising at national level - all provincial cities hosted conferences about online safety - and fostering cooperation among institutions responsible for safety on the Internet.¹⁷

A hotline for reporting illegal content¹⁸ on the Internet - the National Initiative for Children Hotline (Hotline Polska Dyżurnet.pl Dyżurnet) - was established by NASK in 2005 as part of the European Union's (EU) *Safer Internet Action Plan*, and is operated by the Scientific and Academic Computer Network. The initiative is supported by the major Polish portal operators and ISPs. Reports requiring further investigation are forwarded to the police, and cooperation with the relevant ISP takes place to remove illegal content from the Internet and secure any traces that could lead to those who published it. If the case involves servers

outside Poland, the police and the hotline team¹⁹ of the relevant country are contacted.²⁰ To support all such work, in June 2005 an international conference on safety of minors on the Internet was held in Warsaw, attended by over 350 delegates from the Mazowiecki region: teachers, tutors, psychologists, local authorities, NGOs, the police, deliverers of Internet services, cyber café owners, as well as media representatives. The event was followed by a series of 16 local conferences.²¹

The Kid Protect Foundation is another organisation that seeks to prevent child pornography and the promotion of sexual activities with children within the media (the Internet in particular), and to protect children against sexual abuse. The Foundation operates in cooperation with the Police headquarters.²²

Children tend to ignore Internet safety tips

Research conducted by the Nobody's Children Foundation between 2002 and 2003²³ revealed that even though children are aware of the precautionary measures that should be taken while on the Internet, they usually ignore them. A quarter of the children interviewed had actually met with a person whom they first encountered over the Internet, and about 56 per cent had been induced to unwanted sexual conversation - often accompanied by the sending of images, requests for a photograph and a meeting proposal. The research recommended that related prevention activities emphasise the role of educators and, most importantly, parents. Increased efforts to restrict the availability of pornographic materials to young Internet users are also necessary, particularly through filtering software and other resources.²⁴

In relation to child sex tourism, the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* has not been adopted by any tourism or travel company in Poland.²⁵ This is an area of concern given the growing incidence of the phenomenon in the country.

La Strada Ukraine, which focuses on adult and teenage prostitution, runs some programmes in Poland targeting street children, which also help to prevent child prostitution and trafficking.

The need to develop identification systems for trafficked children

Although the Polish-Ukrainian border is a transit area for children trafficked to western Europe for prostitution and illegal adoption, Poland has yet to develop systems to identify trafficked children. The Nobody's Children Foundation thus launched the 'Children Are Not for Sale' project in 2005, aiming to: 1) raise awareness of child trafficking among professionals dealing with unaccompanied foreign children, such as border guards, police and social workers; 2) establish a framework for interdisciplinary cooperation between the various stakeholders on cases of unaccompanied foreign children, with a special focus on the development of identification procedures and assistance for trafficked children; and 3) diminish the risk of child trafficking in Polish territory. The project has involved training of professionals dealing with unaccompanied foreign children, distribution of posters and leaflets, and research on the attitudes and perceptions of such professionals with regard to child trafficking (research findings soon to be published).²⁶

PROTECTION

Poland ratified the *Convention on the Rights of the Child* in 1991 and the *Optional Protocol on the sale of children, child prostitution and child pornography* in 2005. *ILO Convention No. 182* was ratified in 2002 and the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* in 2003. At European level, Poland signed the *Convention on Cybercrime* in 2001, and the Council of Europe's *Convention on Action against Trafficking in Human Beings* in 2005, but has not yet ratified either of these conventions.

Legislation

The Polish *Penal Code* does not specifically define or prohibit child prostitution, child trafficking or child pornography; general provisions related to prostitution, trafficking, pornography and sexual crimes in general are applied in relation to crimes against children.

Prostitution of Children

Polish legislation does not define prostitution, so it is uncertain whether the acts constituting prostitution under Polish law include all of the acts addressed by the *Optional Protocol*, i.e. any sexual touching with a child under 18 years of age. And, while Polish law prohibits forcibly prostituting a minor, the *Optional Protocol* considers any sexual touching, regardless of the use of force, prohibited. Furthermore, although Polish law prohibits inducing and facilitating prostitution, it does not prohibit obtaining, procuring or providing a child for prostitution. As a whole, Polish law requires significant reform to better protect children against prostitution.

Polish law does not specifically define or prohibit prostitution of children, but contains provisions related to prostitution generally. The *Penal Code* prohibits subjecting another person to practice prostitution through the use of force, illegal threats, deceit, abuse of a dependent relationship, or taking advantage of a critical situation; punishment may be between one and ten years' imprisonment.²⁷ It is also illegal to induce or facilitate another person to practice prostitution in order to derive a material benefit,²⁸ or to derive a material benefit from the practice of prostitution by another person.²⁹ These offences may be punished with up to three years' imprisonment.³⁰ If either of these offences is committed with a minor, punishment may be between one and ten years' imprisonment.³¹ Enticing or abducting another person abroad for purposes of prostitution is punishable with one to ten years' imprisonment.³²

In addition to these offences related to prostitution, Polish law criminalises sexual intercourse with children under 15 years of age or making a child under 15 years of age submit to sexual intercourse. This crime is punishable with one to ten years' imprisonment.³³ Polish law also contains other provisions prohibiting sexual intercourse with a child, including rape and sexual coercion of a dependent person.³⁴

Trafficking in Children for Sexual Purposes

Polish law fails to meet international standards to protect children from being trafficked, as it is limited to prohibiting human trade, and fails to address most of the activities related to trafficking covered by the *Trafficking Protocol*, such as recruiting, harbouring, transferring, transporting or receiving a child for purposes of exploitation. The Polish *Penal Code* should be revised to specifically define and prohibit trafficking in children for sexual purposes.

As with its provisions on prostitution, Polish law does not specifically define or prohibit child trafficking, and its prohibition related to trafficking is limited to “white slavery,” or trading in humans, with or without the consent of the traded person. Violators may receive at least three years’ imprisonment.³⁵ Polish law also makes it illegal to organise the adoption of a child for the purpose of obtaining a material benefit; offenders may be punished with three months to five years’ imprisonment.³⁶ Polish law makes it illegal to entice or abduct another person abroad for purposes of prostitution.³⁷

Child Pornography

Polish law offers some protection against child pornography, but requires strengthening to fully conform to international standards. Polish legislation does not specifically define or prohibit child pornography, nor does it define child pornographic images; as such, it is unclear whether it considers the representations of simulated explicit sexual activities or of the sexual parts of a child as pornographic images. Similarly, nowhere does the Polish law address whether computerised, digital or electronic sexual images of children may be considered pornographic material. While the production of pornographic material involving the participation of a child under 18 years of age is prohibited, many other activities are not – such as distributing, disseminating, exporting, offering, or selling pornographic material. Even where activities are prohibited, such as recording and possessing, or importing, keeping or possessing pornographic material, these prohibitions apply only to materials involving the participation of children under 15 years of age. Polish law should be further strengthened to better protect all children under 18 years of age.³⁸

Polish law does not define child pornography, but in 2004 the *Penal Code* was revised to prohibit the production of child pornography involving children under 18 years of age. Specifically, it is illegal to produce, for purposes of dissemination, recording, importing, distributing or propagating, pornographic material involving the participation of children under 18 years of age. Violators may be imprisoned for six months’ to eight years.³⁹

The *Penal Code* also contains additional provisions related to children under 15 years of age. Recording or keeping pornographic material involving the participation of a child under 15 years of age is punishable with between three months’ and five years’ imprisonment.⁴⁰

Finally, the *Penal Code* prohibits publicly displaying pornographic material to those who do not want to view it,⁴¹ and presenting or making available pornographic material to a child under 15 years of age.⁴² These crimes may be punished with a fine, restriction of liberty, or up to one⁴³ or two⁴⁴ years’ imprisonment, respectively. For all of these offences,

Polish law allows a Court to forfeit the means or other items intended for use or used to commit the offence.⁴⁵

Extraterritorial Legislation

Under the Polish *Criminal Justice Act*, a Polish citizen may be prosecuted for a criminal act committed abroad, provided that the act is a criminal offence in the country where the act takes place;⁴⁶ thus, a Polish citizen cannot be prosecuted for an act considered criminal under Polish law, that is not considered a criminal offence in the country where the act occurred. However, according to the Government of Poland's submission to the *UN Study on Violence against Children*, it appears that Polish law makes it an offence to commit crimes against a child's welfare abroad (which includes child prostitution, child pornography and child trafficking for sexual purposes), even if the country in which the acts took place does not criminalise those acts.⁴⁷ It is unclear if such an amendment is reflected in the *Criminal Justice Act*. Polish law should allow prosecution of a Polish citizen for a crime committed abroad that is an offence under Polish law, regardless of whether it is considered a criminal act in the country where the offence takes place.

Child Protection Units

Poland has no specific child protection units, but specialists on crimes against children are based in the national police headquarters, including specialists on IT-related crimes. The placement of such specialist law enforcement personnel in a larger number of police units is planned. Poland enacted a law in July 2003 that prohibits repeated hearings of a child victim of a sexual crime if, when the act was committed, the child was under 15 years of age.⁴⁸ A number of special interview rooms for child victims of sexual crimes have also been set up throughout the country - approximately a hundred so far. However, existing provisions on child-friendly procedures are not always followed, and those working with children in criminal proceedings urgently need training to properly understand and follow them.

2004 was the Year of Child Victims of Crime in Poland, and several programmes were then developed to protect children from crime and provide them with support during legal proceedings. Important achievements ensued in terms of establishing child-friendly procedures, in particular through the 'Child: Witness with Special Needs' campaign organised by the Nobody's Children Foundation in cooperation with the Ministry of Justice.⁴⁹

The Child Advocacy Center “Mazowiecka”

The Child Advocacy Centre “Mazowiecka” fills a serious gap within law enforcement institutions, as it offers child-friendly facilities where interviews by prosecutors and other Court procedures can be held, thus preventing further traumatising of child victims of crime (mainly sexual abuse and violence) through repetitive and intimidating questioning. It also offers children and their families free legal and psychological assistance.⁵⁰ Established in 2003 by the Nobody’s Children Foundation, it operates in cooperation with the Ministry of Justice, the Ministry of Internal Affairs and Administration, and institutions reporting to them in Warsaw.

Support Services for Children

The Nobody’s Children Foundation and the Committee for Child Protection are among the few organisations in Poland that run centres for sexually abused children.⁵¹ There are no centres or programmes specifically caring for child victims of commercial sexual exploitation, and very few training initiatives for caregivers of CSEC victims have taken place so far. Support services for children escaping commercial sexual exploitation are mostly provided by NGOs, and more efforts are needed on the part of the Government to support child victims.

The Nobody’s Children Foundation has developed a methodology and conducted some trainings on how to work with such victims and their families.⁵² Similar trainings have been organised within the ‘Give Them Their Childhood Back’ programme carried out by the Przyjaciółka Foundation, targeting three groups working with children under

institutional care: psychologists, educators and volunteers. The sessions focused on diagnosis, intervention and therapy of sexually abused children, and were attended by 234 participants.⁵³ Overall, Poland lacks expertise on how to provide adequate support and rehabilitation to child victims of commercial sexual exploitation.

Training Law Enforcement Personnel

The 'Child: Witness with Special Needs' 2004 campaign included a training programme for professionals who participate in the legal process or help children throughout legal procedures - judges, prosecutors, police officers and psychologists acting as Court experts.⁵⁴ Furthermore, since 2001 the Nobody's Children Foundation has been running the 'Child under the Umbrella of Law' programme. Conferences and training sessions for Court employees, the police and other professionals have thus been organised throughout the country; and the issues of child trafficking and child pornography have been included in the curriculum of the Police Academy. A number of publications have also been distributed, among them *Idę do sądu (I'm Going to Court)*, a book preparing children to testify in Court, and *Przesłuchanie i diagnoza małego dziecka (Interviewing and Diagnosing a Young Child)*, a practical handbook for professionals in charge of interviewing children.⁵⁵



PRIORITY ACTIONS REQUIRED

- The absence of a policy framework to guide action against commercial sexual exploitation of children in Poland is a major concern: Poland urgently needs to develop a National Plan of Action to combat the commercial sexual exploitation of children, thus fulfilling the commitments made in Stockholm and Yokohama.
- Research on CSEC, especially on child prostitution and child trafficking for sexual and other purposes, is needed to foster understanding and action on the issue.
- It is essential that more attention is given to the problem of commercial sexual exploitation of children in Poland, given the lack of policies, programmes and coordination among relevant actors. The Ombudsman for Children could play a key role in this regard; the establishment of a national focal point to coordinate information and actions to counter CSEC is also highly recommended.
- Vulnerable groups such as street children, children neglected by their families, socially disadvantaged children and immigrant minorities must receive more attention when it comes to CSEC prevention efforts. Additionally, initiatives to prevent sexual exploitation of children through Information Technologies must focus on parents and the industry's responsibility, underscoring their crucial role in this regard.
- The growing incidence of child sex tourism in the country demands the engagement of the private sector before the problem escalates further: it is essential that the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* is adopted and implemented by Polish tourism and travel companies.

- Poland must ratify the *Convention on Cybercrime* and the Council of Europe's *Convention on Action against Trafficking in Human Beings*.
- Polish legislation needs to be amended in order to clearly define child prostitution, and to criminalise the acts of obtaining, procuring and providing a child for prostitution, regardless of the use of force.
- The Polish *Penal Code* should be amended to specifically define and prohibit child trafficking for sexual purposes, encompassing all the acts described in the *Trafficking Protocol*.
- Polish law on child pornography should be amended to specifically define and prohibit child pornography. Images featuring simulated explicit sexual activities involving children and the sexual parts of a child, including computerised, digital and electronic sexual images of children, should be considered child pornographic material. Distributing, disseminating, exporting, offering, and selling such materials should also be criminalised. The law must also be amended to afford full protection for children up to the age of 18.
- Professionals working with children in criminal proceedings need to receive training to enable them to properly understand and apply child-friendly procedures.
- The establishment of recovery and rehabilitation shelters and services, with specialist staff trained to respond to the very particular needs of CSEC victims (including those trafficked for sexual purposes), must be prioritised. The state must engage in the provision of such services, as currently the little support available is largely provided by NGOs.
- It is also necessary to develop a system for identification and referral of trafficked children, so that they receive appropriate care and repatriation assistance.
- Training of border police and stricter immigration controls are needed to prevent the trafficking in children and to enforce the law against nationals of neighbouring countries who cross the border to sexually exploit children.

Endnotes

- ¹ Sajkowska, Monika. Nobody's Children Foundation, Institute of Applied Social Science, Warsaw University. Report on Poland in: Vermeulen G. *Missing and sexually exploited children in the enlarged EU. Epidemiological data in the new member states*. Childscope. 2005.
- ² Winslow, Robert. *Crime and Society - A Comparative Criminology Tour of the World*. Accessed on 4 October 2005 from: <http://www-rohan.sdsu.edu/faculty/rwinslow/europe/poland.html>
- ³ Sajkowska, Monika. Nobody's Children Foundation, Institute of Applied Social Science Warsaw University. Report on Poland in: Vermeulen G. *Missing and Sexually Exploited Children in the Enlarged EU. Epidemiological Data in the New Member States*. Childscope. 2005.
- ⁴ UNODC. *Zielona Gora: Mecca for Sex Trade*. Accessed on 24 April 2006 from: http://www.unodc.org/unodc/trafficking_projects_poland.html.
- ⁵ Terre des Hommes. *Country Information Poland*. Accessed on 24 April 2006 from: <http://www.child-hood.com/index.php?id=723>
- ⁶ 'The Paedophilia Hunting Kids'. Warsaw Voice News. 12 November 2003.
- ⁷ ECPAT Europe Law Enforcement Group. *Trafficking in Children for Sexual Purposes from Eastern Europe to Western Europe - An Exploratory Research in Eight Western European Receiving Countries*. Amsterdam. 2001. p. 89.
- ⁸ The Office of the United Nations High Commissioner for Human Rights (OHCHR). *United Nations Study on Violence against Children: Response to Questionnaire Received from the Government of Poland*. p.10. Accessed on 6 October from: <http://www.ohchr.org/english/bodies/CRC/docs/study/responses/poland.pdf>
- ⁹ Ibid.
- ¹⁰ Nobody's Children Foundation. *Activity Report 2004*. Accessed on 9 January 2006 from: <http://www.fdn.pl>
- ¹¹ Ibid.
- ¹² ECPAT Europe Law Enforcement Group. *Trafficking in Children for Sexual Purposes from Eastern Europe to Western Europe - An Exploratory Research in Eight Western European Receiving Countries*. Amsterdam. 2001. p.106.
- ¹³ Nobody's Children Foundation. Accessed on 9 January 2006 from: <http://www.fdn.pl/index/?id=ea5d2f1c4608232e07d3aa3d998e5135>; and Child Centre for Children at Risk in the Baltic Sea Region. *National Contact Points for Unaccompanied and Trafficked Children*. Accessed on 9 January 2006 from: <http://www.childcentre.info/contactpoints>
- ¹⁴ The Office of the United Nations High Commissioner for Human Rights (OHCHR). *United Nations Study on Violence against Children: Response to Questionnaire Received from the Government of Poland*. Accessed on 6 October from: <http://www.ohchr.org/english/bodies/CRC/docs/study/responses/poland.pdf>
- ¹⁵ Nobody's Children Foundation. *Activity Report 2004*. Accessed on 9 January 2006 from: <http://www.fdn.pl>
- ¹⁶ Ibid.

- 17 Ibid.
- 18 Illegal content refers to pornographic materials involving a minor under 15 years of age; content that publicly propagates a fascist or another totalitarian system or incites to hatred based on national, ethnic or racial differences, or creed; and content that publicly insults a group of people or a single person because of their nationality, ethnicity, race or creed.
- 19 Hotlines in other countries are contacted via Inhope. See <http://www.inhope.org>.
- 20 National Initiative for Children Hotline (NIFC) Hotline Polska. *FAQ*. Accessed on 3 October 2005 from: <http://www.hotline.org.pl/en/index2.html?id=3>
- 21 National Initiative for Children Hotline (NIFC) Hotline Polska. Accessed on 19 April 2006 from: <http://www.hotline.org.pl/en/news.html?nid=56>
- 22 'The Paedophilia Hunting Kids'. Warsaw Voice News. 12 November 2003.
- 23 Questionnaires were distributed among 1.180 boys and 7.763 girls aged 12 to 17. The research was also supported by BRAVO (<http://www.bravo.pl>), Centrum Edukacji Obywatelskiej (Centre for Citizenship Education <http://www.ceo.org.pl>), DZIECI BEST (<http://www.dzieci.best.pl>) and INTERIA (<http://www.interia.pl>).
- 24 Wojtasik, Lukasz. *Paedophilia and Pornography on the Internet: Threats to Children*. Nobody's Children Foundation. Poland. September 2003.
- 25 ECPAT International. *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*. Accessed on 4 October 2005 from: <http://www.thecode.org/dokument/images/downloads/Signatories-04-05.pdf>
- 26 Child Centre for Children at Risk in the Baltic Sea Region. *Children are not for Sale - Polish Raise Awareness Campaign*. Accessed on 4 October 2005 from: <http://www.childcentre.info/projects/traffickin/education/poland/dbaFile11755.doc>
- 27 Polish *Penal Code*, Article 203.
- 28 Ibid. Article 204, Section 1.
- 29 Ibid. Article 204, Section 2.
- 30 Ibid. Article 204, Sections 1 & 2.
- 31 Ibid. Article 204, Section 3.
- 32 Ibid. Article 204, Section 4.
- 33 Ibid. Article 200, Section 1.
- 34 Ibid. Articles 197, 199.
- 35 Ibid. Article 253, Section 1.
- 36 Ibid. Article 253, Section 2.
- 37 Ibid. Article 204, Section 4.
- 38 The recent report from the International Centre for Missing and Exploited Children considers Poland to have legislation specific to child pornography as well as legislation that criminalises the simple possession of child pornography. See: International Centre for Missing and Exploited Children. *Child Pornography: Model Legislation & Global Review 2006*. p.22. However, Polish law is significantly limited and does not truly contain legislation specific to child pornography, nor does it criminalise the simple possession of all child pornographic materials.
- 39 Polish *Penal Code*, Article 202, Section 3. This provision also makes it illegal to produce, for purposes of dissemination, recording, importing, distributing or propagating, pornographic material involving the use of violence or an animal.
- 40 Polish *Penal Code*, Article 202, Section 4.
- 41 Ibid. Article 202, Section 1.
- 42 Ibid. Article 202, Section 2.
- 43 Ibid. Article 202, Section 1.
- 44 Ibid. Article 202, Section 2.
- 45 Ibid. Article 202, Section 5.

- ⁴⁶ The Polish *Criminal Justice Act*, Articles 109, 111.
- ⁴⁷ The Office of the United Nations High Commissioner for Human Rights (OHCHR). *United Nations Study on Violence against Children: Response to questionnaire received from the Government of Poland*. p.2. Accessed from: <http://www.ohchr.org/english/bodies/CRC/docs/study/responses/poland.pdf>
- ⁴⁸ The Office of the United Nations High Commissioner for Human Rights (OHCHR). *United Nations Study on Violence against Children: Response to questionnaire received from the Government of Poland*. pp.4-5. Accessed from: <http://www.ohchr.org/english/bodies/CRC/docs/study/responses/poland.pdf>
- ⁴⁹ Nobody's Children Foundation. *Activity Report 2004*. Accessed on 9 January 2006 from: <http://www.fdn.pl>
- ⁵⁰ Ibid.
- ⁵¹ Monika Sajkowska. *Child sexual abuse in Poland: the process of uncovering a social problem*, extracted from *Child Sexual Abuse in Europe*, coordinated by Corinne May-Chahal and Maria Herczog. Council of Europe. July 2003. p.114.
- ⁵² Nobody's Children Foundation. *Activity Report 2004*. Accessed on 9 January 2006 from: <http://www.fdn.pl>
- ⁵³ Ibid.
- ⁵⁴ Ibid.
- ⁵⁵ Ibid.



ECPAT International

328 Phayathai Road
Ratchathewi, Bangkok
10400 THAILAND
Tel: +662 215 3388, 662 611 0972
Fax: +662 215 8272
Email: info@ecpat.net | media@ecpat.net
Website: www.ecpat.net