**Input to the report of the Special Rapporteur on violence against women and girls to the Human Rights Council on prostitution and violence against women and girls**

**ABOUT US**

Stowarzyszenie Bez (Bez Association) is a Polish grassroots-level NGO facilitating the recovery of women and girls who have been prostituted. We provide direct support to women and girls wishing to exit prostitution through case-management focusing on issues such as housing, psychological support, health and employment. We advocate for the rights of women and girls who have been prostituted through panel discussions, editorials, media appearances. Our membership is composed of survivors and non-survivors alike, with survivors directly advocating for themselves.

The Bez Association was founded in December 2021. Since March 2022 (the start of our support services) till the end of the year we have provided support to 9 people. In 2023 we received 25 requests for help and provided support to 17 people. Our beneficiaries are mainly young women, though we offer support to anyone who reaches out.

Currently we are the only association in Poland focusing exclusively on supporting victims of prostitution and commercial sexual exploitation. We are not involved in policy making at the national level as our advocacy capacities are limited; all of our work is done on a voluntary basis. In Poland, both selling and buying sex remains legal, while pimping is a crime.

**SURVIVORS’ PROFILE**

Based on our work with survivors and existing research (Blonska, 2011; Farley, 2013) we conclude that the girls and women who are involved in the sex industry are very often victims of domestic violence and grow up in an unsafe home environment. Girls and women who decide to engage themselves in the sextrade are usually economically and socially unprivileged and use prostitution as a way to escape their situation. Such women enter prostitution often when they are still underage, making them especially vulnerable to all kinds of violence and abuse.

Other women who tend to be affected by prostitution are migrants who find themselves in an unstable economic situation after arriving in a foreign country and lack a robust social network. In recent years, Poland has been affected by a migration crisis caused by the Russian invasion on Ukraine; at the end of April 2022, the estimated number of newly arrived Ukrainian refugees was 1,5 mln, with 48% of those being children and 42% adult women under the age of 65 (Duszczyk, Kaczmarczyk, 2022).

 **RISKS AND DANGERS ASSOCIATED WITH PROSTITUTION**

Performing sex services is an extremely risky occupation for women and they are subjected to all of possible forms of violence. Online, they receive unwanted messages, where men describe very disturbing descriptions of their violent fantasies; many of them are connected with pedophilic tendencies.

When escorting, women are also exposed to physical violence like beating and choking and sexual violence like condom removals and rapes. One of our beneficiaries described her encounter with a much older buyer: “This time he held my head down at some point. I wanted to step back, but he held me tightly from behind. I felt sick, choking and couldn't breathe” (Stowarzyszenie Bez, 2023).

According to a study conducted in Poland in 2011 almost ¼ of prostitutes are forced to perform unwanted activities during their contact with the clients (Blonska, 2011). Economic violence is also mainly performed by clients who refuse to pay the agreed fee for sex.

On the basis of the activity of our organization, we can also confirm that survivors of prostitution experience administrative violence from the organs and state institutions. When reporting criminal activity (to which prostitution is often connected) to the police, women experience disregard and secondary victimization. Mental health professionals and medical caregivers are not trained in providing support to victims of sexual exploitation.

In the work we provide we often find that the main trauma women are subjected to is at the hands of men and boys who purchase sex. Often they are aware that women are in dire financial circumstances, are victims of sexual exploitation or are underage yet it does not deter them from following with the sexual acts.

There is also a high likelihood of third party involvement, when women have to give part of the money they earn to the pimp for the "protection".

We recognise structural barriers which push women to seek relief through prostitution. Poverty, domestic and sexual violence, as well as lack of sustainable welfare systems and exit services contribute to extreme violation that women face in the sex industry.

**PROSTITUTION AS A HUMAN RIGHTS VIOLATION**

Prostitution is a human rights violation of the women involved, and men have no right to pay for sex. There are especially three articles in the European convention on human rights that are being threatened by prostitution: the right to life; prohibition of inhuman and degrading treatment; right to a private life.

Women’s lives are in danger in the sex industry as they face physical and sexual violence from sex buyers and pimps who benefit from their exploitation; women in the sex industry are subjected to inhumane treatment with specific acts commonly perpetrated against them in prostitution and pornography being the same as the acts defining what torture is: verbal sexual harassment, unwanted sex acts, forced nudity, rape, sexual mocking, physical sexual harassment such as groping, and not permitting basic hygiene (Fritz et al. 2020); prostituted women face doxxing and privacy breaches, blackmail, or being subject to revenge porn if they upload videos to porn sites.

Moreover, prostitution violates the most basic health and safety standards. Women in prostitution are deliberately exposed to semen, sweat and saliva multiple times daily, with blood and urine frequently. With this level of persistent exposure to bodily fluids, a person is extremely vulnerable to infection and disease. Women’s only protection is with condoms, assuming the man agrees to use them, which is often impossible to impose.

Access to health care services, including sexual and reproductive health, is essential for people in prostitution to stay healthy; whereas in countries like Poland, access to safe abortion procedures has been severely restricted, causing excessive stress and anxiety as well as adverse health effects for those who need them.

The legalization model, introduced in countries like Germany, the Netherlands or New Zealand, has failed miserably. Under this regime, demand for sexual services, trafficking of women and girls, and illegal brothels has increased. There is no evidence of a decrease in violence, HIV rates or murders of women in legal sex trades, but there is evidence that the rights and freedoms promised by lobbyists for legalization and decriminalization were transferred to the brothel owners and sex buyers.

**THE ISSUE OF CONSENT**

Prostitution constitutes the act of buying another person’s consent to performing or taking part in a specific sexual activity. This stands in direct conflict and contradiction with the definition of consent based on an “enthusiastic yes ” that is being widely advocated for by feminist activists and organizations around the world, many of which lobby for such a definition to be written into law.

In the absence of money being exchanged, the prostituted woman would not be engaging in sexual activity with the client. Therefore, her consent is, at the absolute best, a partial consent, and most likely just endurance - her rational mind may ‘consent’, but her physical boundaries emerging from her true embodied desires need to be overridden. This forces her to dissociate from her own body sensations and emotions, often resulting in long-lasting detrimental psychological consequences, such as a substance abuse disorder or PTSD (Farley et. al., 2003).

**PORNOGRAPHY AS PROSTITUTION**

We believe there is no pornography without prostitution as it constitutes a form of filmed prostitution. From the sex trade survivor’s perspective, in real life, the only difference between prostitution and pornography is the camera in the room.

According to survivor testimony and various research studies, the harms of pornography, prostitution and trafficking are similar in widely varying cultures whether it’s upper class or poverty class, legal or illegal, in a brothel, strip club, webcam, massage parlor, or the street (Farley et. al., 2003).

The extreme harm of pornography can increase the harm of prostitution - studio pornography productions may last many hours with risks of harm increasing over time (Jensen, 2007). This can be contrasted with for example, a 15 or 30-minute session with a sex buyer in a stripclub or escort agency.

Webcam prostitution has its unique dangers. Women who prostitute online via webcams encounter “privacy breaches, potentially dangerous interactions with clients, and laws that are not designed to protect them” (Drolet, 2020). Many express fear about the lack of privacy in online pornography, with some resigned to inevitable privacy violations (Deliatto & Fenton, 2020). Women fear harassment, blackmail, or being subject to revenge porn if they upload videos to porn sites. Videos are often stolen from porn sites.

**SERVICES FOR WOMEN WISHING TO EXIT PROSTITUTION**

The Polish state does not provide direct services for women who wish to exit prostitution (so-called ‘exit services’). As a third sector organization wishing to provide such services, we are faced with having to come up with individual solutions on a case-by-case basis.

Both the immediate and long-term needs of prostitution survivors are complex and cover a wide variety of issues, including housing, groceries, medical and psychological care, vocational activation, legal consultations or childcare. We help provide survivors with all of those, either by helping them connect with a proper state institution or covering the costs of private-sector services.

Based on our experience, we conclude that the biggest obstacle to fulfillment of our mission so far has been the difficulty with obtaining funding, both from private and public sources. Ongoing funding is especially difficult to obtain. Large international funding organizations which fund initiatives broadly recognized as progressive or left-leaning often require their grantees to support the legalization / decriminalization model of prostitution; therefore, abolitionist organizations which advocate for the recognition of prostitution as a human rights violation and for their countries' respective legal systems to adopt the Nordic Model, often have to rely primarily on individual donations and membership fees. These funds are not sufficient to meet all the survivors’ needs and render long-term budget planning impossible, which in turn makes it hard to deliver substantial long-term aid to the people with work with.

The hostile political climate around our agenda prevents us from reaching wider audiences which could support our cause, both financially or in any other meaningful way. We are subject to online hate campaigns and are often unable to form political alliances with various progressive and conservative initiatives due to the respective differences in our agendas. We have already suffered a few instances of being deplatformed, both by private and public institutions; one instance of that happened in June 2023, when after having been officially invited to take part in the biggest Polish Pride event in Warsaw, we were removed from the guest list following an online open letter.

Regarding practical obstacles, given the housing crisis in Poland and the lack of social or municipal housing provided by the state, it is often impossible to provide women escaping the sex trade with housing outside of the pricey private market.

**RECOMMENDATIONS**

We believe prostitution constitutes the most basic violation of a person’s dignity. We consider the abolitionist model to be the most effective legal solution to combat prostitution and sex trafficking. It assumes the decriminalization of people involved in prostitution and the punishment of clients and the so-called third parties. We advocate for the exit-services as the focal point of the Nordic Model.

At the same time, based on our work we believe that the most important preventative measures should be carried out by the state in the form of a robust social policy. Targeting girls’ and young womens’ domestic environments and addressing their socioeconomic struggles would help eliminate the cycles of poverty and domestic violence, which are the main factors that incentivise underage girls and young women to enter prostitution.

It is especially important for the state to create policies which ensure affordable housing, accessible education and vocational training, efficient public healthcare (with the emphasis on psychiatric and psychotherapeutic care) and other public services that enable women from underprivileged backgrounds to become financially and socially independent.

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