

ALLIANCE AGAINST TRAFFICKING IN PERSONS
“An Agenda for Prevention: Non-Discrimination and Empowerment” (11-12 October 2012)

Panel 1: Discrimination on any Grounds – a Vulnerability Factor

Speaker: **Andrzej Mirga, Senior Adviser on Roma and Sinti Issues, ODIHR**

Mrs. Chair
Distinguished Participants,

On behalf of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and its Contact Point for Roma and Sinti Issues let me first thank organizers for inviting me to this conference. My presentation will be less general and more focused as I will be speaking about Roma and Sinti. Though I hope that some of conclusions and recommendations will have a more general character and application.

This conference takes place after two other conferences at which Roma, Sinti and Traveller women’s issues were debated; first on women as agents of change here in Vienna at the beginning of September, and later at HDIM in Warsaw, where a special day was devoted to Roma and Sinti women empowerment.

In the first, it was concluded that Roma women can become agents of change in their communities and in majority society but they need to be empowered. Empowerment, as the examples of successful Roma women proved at the HDIM special day, comes with education. There are however too few examples that can be role models for others to follow in the community.

Both conferences and recommendations formulated there should be reference points for addressing trafficking. At previous conferences we were talking about empowering Roma, Sinti and Traveller women to enable them to change their situation and their communities. At this one we are talking about empowering trafficked persons, including women. In fact, lack of education works as one of main vulnerability factors for women in general, and for Roma, Sinti and Traveller women, in particular.

Ladies and Gentlemen,

Let me follow with some data from an article by Karen Liegh on *The Fight Against Human Trafficking in Bulgaria* from September 7, 2012¹. It recalls the statement of Antoaneta Vasileva, the head of Bulgaria’s National Committee for the Fight Against Human Trafficking in August, that the 541 trafficking victims recorded in Bulgaria last year made it one of the most-trafficked countries in the European Union. The article asserts that the main difficulty in prosecution of traffickers has been the fear of victims of human trafficking to testify in legal proceedings.

It points out that the most vulnerable people are the ones who do not know their rights and who are not aware that victims of trafficking are not subject to punishment for illegal acts as a direct result of being trafficked, a particular concern for Roma. The financial crisis, as well as misunderstanding individual rights—especially among Roma women—accounts for such *“high levels of vulnerability to sexual and labor exploitation within the country.”*

¹ <http://www.theinterdependent.com/human-rights/article/the-fight-against-human-trafficking-in-bulgaria>

The article asserts that the majority of Bulgarian victims originated from the economically disadvantaged rural areas of the country, with very poor economic status and with no elementary education, and that trafficking of children and infants is among disturbing trends.

An officer in charge of IOM's Sofia bureau, Radoslav Stamenkov, quoted in the article, explained another aspect of Bulgarian trafficking with strong international resonance is that of pregnant women for the purpose of selling their babies abroad, which involves members of Roma community exclusively.

I should underline that I am aware of the efforts of National Commission for Combating Trafficking in Human Beings of Bulgaria and Programme for Combating Trafficking of Human Beings for 2011. I use this article because it provides a wide range of examples of trafficking in which Roma are victims and perpetrators; from begging to pregnant women being trafficked for the purpose of selling their babies. The text quoted highlights key issues and challenges with regard to trafficking such as data, identification of victims, awareness raising, punishment of perpetrators, protection of victims and prevention. These issues were discussed earlier during the conference.

Let me also quote here the 2011 Europol study on *Trafficking in Human Beings in the European Union*, in which it is stated:

*"The most frequently reported criminal groups involved in THB in the EU are, in descending order, ethnic Roma, Nigerian, Romanian, Albanian speaking, Russian, Chinese, Hungarian, Bulgarian and Turkish organised crime groups. (...) „Bulgarian and Romanian (mostly of Roma ethnicity), Nigerian and Chinese groups are probably the most threatening to society as a whole. (...) Roma organised crime groups are extremely mobile, making the most of their historically itinerant nature. An attitude of detachment towards Roma communities by public authorities in some Member States has, in turn, left the most vulnerable members of these communities - children and young women - unprotected from exploitation by criminal groups."*²

This kind of assertion can be found in many reports and studies, though, as the above quoted study by EUROPOL acknowledges:

"In the absence of any standardised guidelines for data collection at EU level, it is no surprise that the current ad hoc and fragmented approach taken by EU Member States allows for significant intelligence gaps. The result is that assessments of the level of trafficking throughout the EU are based on incomplete data and are, at best, partially informed estimates".³ I will return to the issue of data later on.

The problems faced by Roma and Sinti are old and enduring. There is a high level of illiteracy and long-term unemployment, discrimination, social exclusion and poverty, segregation and ghettoisation, under-representation in public and political life, often low self-esteem, passivity and low aspirations.

Numerous recent studies or reports, including the most recent one by FRA on discrimination of Roma, provide enough data and evidence that Roma continue to face discrimination and their social and economic situations hardly get better.

² <https://www.europol.europa.eu/sites/default/files/publications/trafficking-in-human-beings-in-the-european-union-2011.pdf>

³ <https://www.europol.europa.eu/sites/default/files/publications/trafficking-in-human-beings-in-the-european-union-2011.pdf>

There is a clear correlation between their social and economic standing and the level of discrimination. The slow pace of change, lack of improvements or even deterioration of social and economic circumstances that the Roma and Sinti live in contribute to the maintenance of societal prejudice and discrimination against that community. Breaking out requires not only legal challenges of discriminatory practices or behaviour but also a profound change in the actual situation of Roma.

Improving the situation of the Roma and Sinti communities seems to be more difficult to attain as it requires large financial and human resources, profound political will on the part of central and local authorities and responsibility and engagement of Roma and Sinti themselves. In most cases all of these aspects are problematic: neither political will nor finances are easy to obtain, nor is streamlining positive change inside communities, which are segregated and facing social exclusion and poverty.

The international organizations have been increasingly vocal on human rights violations of Roma and Sinti; reports of the OSCE HCNM, of ECRI in the CoE or later from the Commissioner for Human Rights did contribute to raising the issues and pushing for action from state authorities.

Currently, major international organizations and EU institutions are calling upon governments to step up their efforts at realizing the objectives of social inclusion of Roma and Sinti. This is done momentarily as a response to a serious and dangerous rise in violence against members of this minority in a number of countries.

Roma are more vulnerable to trafficking – this is the most repeated assertion to be met with in reports or statements - this seems to be obvious taking into consideration the level of extreme deprivation and poverty many Roma communities are facing. Vulnerability factors that can be listed for Roma may not differ from those affecting other vulnerable sections of society in general.

The United States Department of State, *2011 Trafficking in Persons Report - Slovak Republic*, states that Roma individuals from socially segregated rural settlements were disproportionately vulnerable to human trafficking from the Slovak Republic, as they “*were under-employed, under-educated through segregated specialized schools, and subject to discrimination from law enforcement*”.⁴ Traffickers found victims through family and village networks, preying on individuals with large debts or individuals with disabilities.

The European Roma Rights Centre (ERRC) in their recent study from 2011 on *Breaking the Silence: Trafficking in Romani Communities*, lists the following vulnerability factors: living in a situation of poverty and social exclusion; limited or lack of education and illiteracy; growing up in State care; being indebted and family environments in which violence and/or drug abuse were present.⁵ Gender and ethnic discrimination were also found to be important vulnerability factors, along the age, that is children.⁶

Vulnerability factors do not have an ethnic face or they should not be seen in this way. Roma being inflicted in trafficking of their own people is also nothing specific or ‘culture’ related; from studies and research on trafficking we know that often traffickers are relatives and close friends who because of that relations easily deceive their future victims.

4 <http://www.unhcr.org/refworld/publisher,USDOS,,SVK,4e12ee4b37,0.html>

5 <http://www.errc.org/cms/upload/file/breaking-the-silence-19-march-2011.pdf>

6 http://combattrafficking.eu/sites/default/files/Child%20Trafficking%20-%20The%20People%20Involved_0.pdf

The issue with data on this phenomenon is that it is difficult to collect, difficult to research and sometimes difficult to trust. As a result we have rather accidental data that makes getting a realistic assessment of the scope and extent of the issue in Roma community hard. Notions like disproportionate, high or similar are used to describe the seriousness of the issue that impacts these communities. Roma might be more vulnerable to trafficking but we need more data and innovative methods to obtain these statistics.

No doubt, Roma are more vulnerable to trafficking, but also they are more visible as trafficked persons, especially, when images of illegal shanty towns and young mothers with children begging in cities of France or Italy are shown, as media often do. Roma migrants are often presented as trafficked people and begging as their cultural characteristic.

Coverage and images of Roma migrants in mass media, including recent documentary films on Roma children stealing in Italy and Spain⁷ and on begging in London by the BBC, reinforce old stereotypes and prejudices and rationalize increasingly intolerant views of majority. Such images prompt intolerance and stigmatization. Authorities on the other hand, often equate migrant Roma with trafficked and traffickers, both of Roma origin, and thus in this way criminalize migrant Roma. Rarely, if at all, do authorities distinguish between the perpetrator and the victim; this issue was discussed yesterday.

Roma women and children are vulnerable because they are especially disadvantaged in all areas of life: often being poor, uneducated, without job and income, discriminated on multiply grounds, facing exclusion and deprivation, coming from dysfunctional families or communities characterized by anomie. These conditions, faced by any other ethnicity, could produce similar vulnerability for trafficking.

Any discussion on trafficking should also tackle the demand aspect or market for trafficked persons in countries of destination; these are usually richer and the most developed and affluent countries of the West, though, former sending countries are also becoming destination countries. There are few considerations about how to undercut or undermine these markets.

There is little consideration regarding undercutting opportunities for begging; maybe a campaign to teach people not give because in this way they may uphold trafficking and instead to direct givers to centers of organizations that provide aid to those in genuine need, would be more cost-effective.

Identification, protection and compensation to victims are the key in fighting traffickers. The estimates of the extent or numbers of people that fall victims of traffickers, including that of Roma origin, does not match however with cases of identified and supported victims or traffickers persecuted. This fact sends a rather bad message – traffickers can still save and secure.

There are sometimes complaints that Roma organizations are not fully on board with action against trafficking and Roma traffickers. In my view, Roma organizations would welcome any and more action by the respective agencies and enforcement bodies to identify, hold responsible and punish perpetrators of trafficking of Roma origin.⁸

The Comp Act argued government should adopt a victim-oriented approach. In the case of Roma migrants we observe a different trend, namely – criminalizing trafficked persons or people. Those

⁷ <http://www.youtube.com/watch?v=Lww2hQGFyhg>

⁸ <http://www.errc.org/cms/upload/file/breaking-the-silence-19-march-2011.pdf>; see also: <http://romediafoundation.wordpress.com/2012/03/12/roma-migration-and-human-trafficking/>

who migrated and live in illegal settlements, by definition are seen as 'criminals' and efforts are undertaken to send them back.

Potential victims should be informed and be aware of trafficking. Roma civil society is making efforts to raise awareness. Though, living and facing harsh conditions and hopelessness they still may be easy targets for traffickers. Along with raising awareness, programs and policies of improving the living conditions and providing opportunities for income are necessary.

But most of all, in order to get rid of vulnerability factors Roma, Sinti and Traveller women need to be empowered prior to the situation where they become victims to trafficking and traffickers. Education, if it is long-term and sustainable, could be the best way to do it. It would save human suffering and protect cohesion in society in general.

Let me close with yet another quotation, this time with the Statement by Ambassador Avis T. Bohlen on the Implementation of the OSCE Action Plan to Combat Trafficking of Human Beings at HDIM on October 1, 2012, who said:

"Finally, in an effort to address the situation of Roma in the OSCE region, the resolution called on participating States to establish in major cities special, Roma-oriented task forces composed of Romani NGOs, Romani mediators and Romani community representatives, along with participating State law enforcement, anti-trafficking authorities, and social services representatives". (...) "The task force approach has transformed the trafficking response in many communities in the United States. At present, the United States has 40 task forces established in communities where there is most need".⁹

Maybe, that is the direction we should follow?

Thank You

This part (background) was not presented:

The issue of trafficking of members of Roma and Sinti communities has been raised within the OSCE ODIHR as early as the Human Dimension Implementation Meeting in 2002.

Year later under the project "Roma and the Stability Pact for South Eastern Europe" ODIHR organized a meeting in Albania (Elbasan) in January 2003 to address the issue of trafficking in children. In the Porto Ministerial Declaration on trafficking the ODIHR has been tasked to collect data on trafficking in human beings, especially in children, through the OSCE Action Plan to Combat Trafficking in Human Beings.

Furthermore, the 2003 Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, strengthened the ODIHR Contact Point mandate to address the issue of trafficking among Roma and Sinti communities.

The ODIHR's Contact Point and the Anti-Trafficking Programme (ATP) sponsored research related to issues of trafficking in human beings (THB) in Roma communities in the following countries: Albania (The CPRSI Assessment Trip to Albania on Trafficking in Children from Roma and Egyptian

⁹ <http://www.osce.org/odihr/94686>

Communities (2003), the former Yugoslav Republic of Macedonia, Romania, and Serbia and Montenegro. A regional roundtable was then held in Belgrade on 22–24 October 2004 to discuss the issue. All reports provide some evidence of trafficking for child begging and girls and women prostitution.

All the reports called for involvement of Roma representatives and non-governmental organizations (NGOs) in anti-trafficking efforts and networks, especially in the areas of research, awareness raising, prevention, capacity building and exchange of good practices. ODIHR has supported a number of projects on these issues since then; most recently in Albania and in Italy. Roma activists and Roma women are talking openly about it: see the Warsaw Declaration from 2011 or last HDIM.