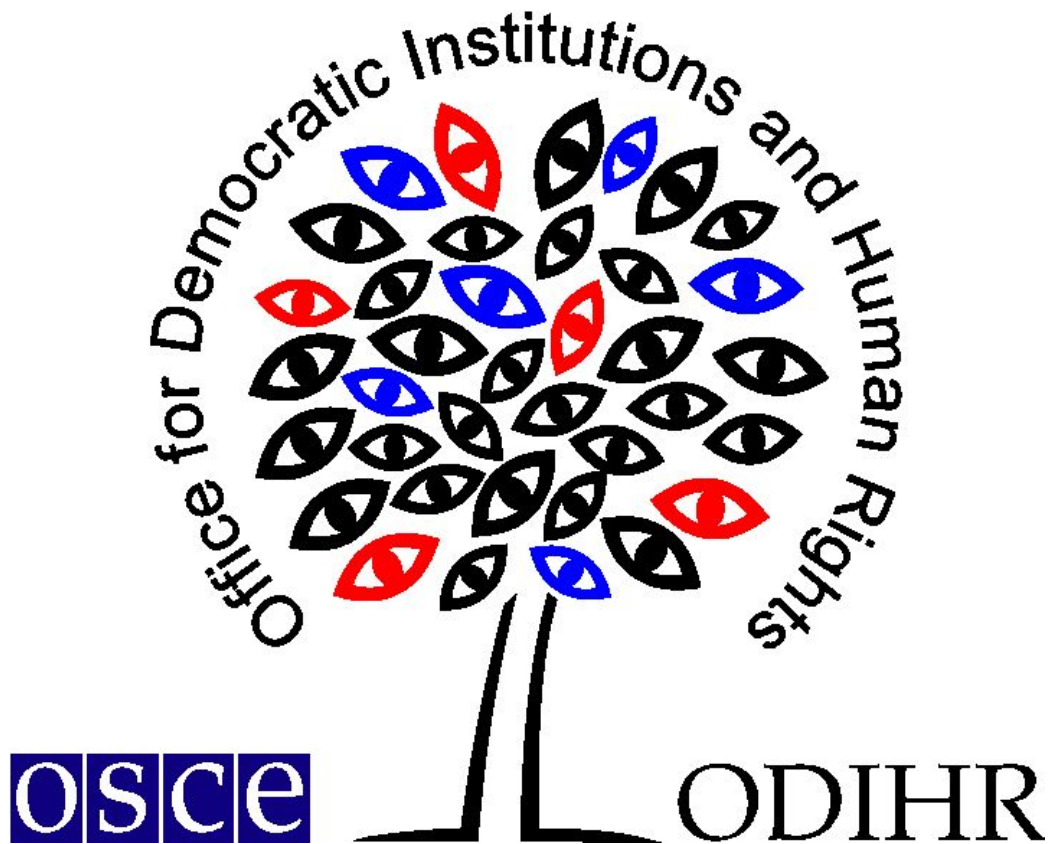


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*Contact Point for Roma and Sinti Issues
Human Rights Department, Anti-Trafficking Programme*

Position Paper

**Awareness Raising for Roma Activists on the Issue of
Trafficking in Human Beings in South-Eastern Europe**

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Executive Summary

Over the last couple of years, the Contact Point for Roma and Sinti Issues (CPRSI) and the Anti-Trafficking Programme (ATP) of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) sponsored research related to issues of trafficking in human beings (THB) in Roma communities in the following countries: Albania, the former Yugoslav Republic of Macedonia, Romania, and Serbia and Montenegro.¹ A regional roundtable was then held in Belgrade on 22–24 October 2004 to discuss the issue. The findings of the research underline the urgent need to address this issue. Specifically, all the reports call for an improvement of the active participation 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.

Based on the general overview offered by the participants and consultants of the regional roundtable, Roma are especially vulnerable to becoming victims of trafficking. This is particularly the case for children, as they fall through the state social protective mechanisms because of, among other issues, a lack of civil registration documents. This is compounded by a shortage of information within the responsible state authorities regarding the nature and occurrences of trafficking among Roma, in particular of children.

The negative social framework that contributes to trafficking in human beings among Roma communities is indicative of a broader socio-economic and political need for including this segment of the population of South-Eastern Europe (SEE) in national, regional and local reforms. The 'push' factors for trafficking in human beings are associated with countries of origin that are still in transition to democracy with unstable economic and political systems. This is combined with low levels of law enforcement and human-rights protection, and further worsened by low employment opportunities.

For many Roma communities, there exists a double element to their vulnerability to becoming victims of trafficking in human beings: first there is the social exclusion and negative stereotyping that keeps Roma isolated from the majority population; and second a general lack of integrating anti-trafficking initiatives into broader social support services- such as health and education services where prevention measures may be most effective.

There is also an urgent need to develop local, regional and national networks of Roma NGOs and representatives capable of addressing trafficking in human beings within their communities. To empower Roma activists to address THB issues, capacity-building training programmes and workshops that highlight the nature of THB are needed. This should be done in an inclusive manner through co-ordinating activities with anti-trafficking organizations as well as with organizations working more generally towards the implementation of human rights. Roma representatives and NGOs should be included in research efforts on trafficking in human beings and in related data collection.

Awareness raising among Roma representatives must take place within a broader social-economic and human-rights based framework. Efforts to build trust among Roma and non-Roma organizations should begin from the recognition that solutions require input from both Roma and non-Roma if they are to have a long-term impact.

¹ CPRSI assessment reports can be accessed at www.osce.org/odihr/documents

As Roma representatives at the Belgrade roundtable noted, a key challenge for many Roma communities is how to respect the principles of universal human rights while maintaining ethnic and cultural group identity. This is a challenge that must ultimately be met by Roma communities themselves. For this to happen, institutional support from the more established anti-trafficking networks, state structures and local authorities must be forthcoming. To this end, a set of recommendations for OSCE participating States, OSCE institutions, Roma non-governmental organizations and non-Roma anti-trafficking organizations are given.

I. Background

Encouraged by the transfer of experience from Roma to Roma witnessed under the joint project “Roma and the Stability Pact in South Eastern Europe” of the ODIHR, the Council of Europe and the European Commission,, which took place in 2001-2002, the ODIHR Contact Point for Roma and Sinti Issues has built on the network of Romani women, Roma representatives and NGOs established under this programme. The mentor/mentee approach used in the programme assisted the participants in building their capacity towards and recognition of a number of problematic issues in Roma communities. These included the internal constraints posed by Roma cultural practices such as early marriage and child labour. As these issues are very sensitive and have received little attention within Roma communities, the need to open a dialogue and raise awareness became evident if solutions were to emerge. In addition, the ODIHR recognized the gap between Roma representatives and NGOs and wider anti-trafficking networks.

The CPRSI, working in close co-operation with the, Anti-Trafficking Programme of the ODIHR’s Human Rights Department, has been developing a framework to address the issue of trafficking among Roma and Sinti communities, especially with regard to children, throughout Central and South-Eastern Europe. Specifically, the CPRSI has undertaken research on the incidences of THB in Roma communities, with a focus on the growing phenomena of trafficking of children. More importantly, special emphasis is being placed on identifying Roma stakeholders for future project activities. Towards this end, ODIHR activities have addressed such areas as capacity building and awareness raising for civil society, law enforcement and the media. Prevention activities have centered on strengthening the ability of state mechanisms and non-governmental actors to identify victims of trafficking, and through raising awareness among trafficked persons of their rights to protection and access to justice.

Following the appeal of a number of Romani activists from South-Eastern Europe for access to anti-trafficking networks, the ODIHR has begun a number of initiatives to facilitate awareness raising and capacity building among Roma and non-Roma NGOs working on this challenging issue.

At the end of 2003, and within the framework of the OSCE Action Plan to Combat Trafficking in Human Beings and the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, the ODIHR Contact Point for Roma and Sinti Issues was specifically tasked to address the issue of trafficking among Roma and Sinti communities.²

In 2003 the CPRSI and ATP initiated the project “Awareness Raising among Roma Activists on the Issue of Trafficking in Human Beings” with a research report on trafficking in children from Roma and Egyptian communities in Albania. Subsequently, they commissioned series of similar reports that focused specifically on how the issue of THB affects Roma communities in the former Yugoslav Republic of Macedonia, Romania, and Serbia and Montenegro. In order to achieve an in-depth focus on how THB affects Roma

² These two OSCE Ministerial Decisions, from Maastricht 2003, -can be accessed at www.osce.org/odihr/document.

communities in these countries, the innovative research approach undertaken during the Roma and the Stability Pact programme was expanded upon. This approach involved twinning Roma NGOs interested and capable of working on THB issues with anti-trafficking non-Roma NGOs already established in the THB field. The findings were presented at an ODIHR regional roundtable, held on 22-24 October 2004 in Belgrade, and attended by Roma activists and experts from various NGOs and international organizations working to stop trafficking in the SEE region.

Since trafficking in human beings is an issue relatively new to Roma representatives and Roma NGOs, the overall objective of the roundtable was to provide awareness-raising and capacity-building skills for Roma activists seeking to gain more experience on this topic. In addition, the roundtable provided an opportunity for Roma and non-Roma NGOs active in South-Eastern Europe to exchange recommendations for any follow-up project activity that the ODIHR may facilitate. To achieve these goals, the roundtable focused on introducing basic and fundamental definitions pertaining to trafficking in human beings, especially trafficking in children. The following issues were covered: clarification of the basic terms and legal definitions, such as trafficking in human beings and the difference between THB and smuggling; prostitution and THB; international commitments to combat trafficking in human beings; and best practices.

II. What is Trafficking in Human Beings?

The universally accepted legal definition of trafficking in persons is found in Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (“Trafficking Protocol”) supplementing the United Nations Convention against Transnational Organized Crime (“TOC Convention”). It is reiterated in the OSCE Action Plan to Combat Trafficking in Human Beings, endorsed by the OSCE Ministerial Council in 2003, and the Council of Europe Convention on Action against Trafficking in Human Beings (“Warsaw Convention on Combating Trafficking”).

Consequently, trafficking in human beings means:

“[...] the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Trafficking in human beings leads to the violation of fundamental human rights of the victims. Most of the OSCE countries have committed themselves to making trafficking in human beings punishable as a serious crime. Many have already introduced a relevant provision into their national criminal law.³

It is worth noting that the Warsaw Convention explicitly states that THB can also occur internally, and that most countries in South-Eastern Europe have also criminalized internal trafficking in human beings.⁴ Most governments in South-Eastern Europe have also adopted, or are in the process of drafting, a national action plan outlining anti-trafficking measures in their respective countries. In addition, the majority of SEE states

³ For an updated overview of the signatories to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime see http://www.unodc.org/unodc/en/crime_cicp_signatures_trafficking.html.

⁴ For the text of the Convention and its Explanatory Report see http://www.coe.int/T/E/human_rights/trafficking/PDF_Conv_197_Trafficking_E.pdf

have adopted the main existing legal and political international treaties and documents obliging them to prevent trafficking, protect victims of trafficking and punish the traffickers.

The elements of the crime of trafficking in human beings are:

- 1) **Acts** the recruitment, transportation, transfer, harbouring or receipt of persons;
- 2) **Means:** “the threat or use of force or other forms of coercion, of abduction, of fraud, of deception or the abuse of power or of a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person”; and
- 3) **Purpose:** exploitation. Exploitation includes “at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”⁵

Does the consent of a victim matter?

The consent of a victim is irrelevant where coercive or deceptive means have been used.⁶ In this context, it is important to understand that a victim’s knowledge that s/he would be engaged in, for example, prostitution does not exclude her/him from becoming a victim of trafficking. Whilst being aware of the *nature* of the work, s/he may well have been misled as to the *conditions* of the work, or is coerced to and exploited at work.

What is specific to trafficking of children?

In the case of child trafficking, the element of “means” (coercion or deceit) is not required to establish the crime of trafficking.⁷ In other words, committing any of the acts outlined in the above definition of THB, with the *intent to exploit* constitutes trafficking where children are concerned. Child trafficking therefore is defined as the “act of recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation either within or outside a country.”⁸

Important in the context of child trafficking, the Trafficking Protocol, the Convention on the Rights of the Child (“CRC”) and the Warsaw Convention on Combating Trafficking, define children as those under 18 years of age.⁹ If the age of a young victim is uncertain, “he or she shall be presumed to be a child and shall be accorded special protection measures pending verification of his/her age.”¹⁰

Important legal and political tools in the combat against child trafficking include:

⁵ Article 3 (a), of the United Nations, Trafficking Protocol to Prevent, Suppress and Punish Trafficking in Persons (Trafficking Protocol) can be found at www.unodc.org/unodc/trafficking_protocol.html; also see, Article 4 (c), the Council of Europe Convention on Action against Trafficking in Human Beings.

⁶ Article 3 (b), Trafficking Protocol.

⁷ Article 3(c), Trafficking Protocol; see also, Article 4 (c), Warsaw Convention on Combating Trafficking.

⁸ UNICEF Guidelines on Protection of the Rights of Child Victims of Trafficking in South Eastern Europe (May 2003) can be found at www.seerights.org

⁹ Article 3 (d), Trafficking Protocol; Article 1, CRC; Article 4 (d), Warsaw Convention on Combating Trafficking.

¹⁰ Article 10 (3), Warsaw Convention on Combating Trafficking.

- Convention on the Rights of the Child and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
- Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor
- The Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption.

Importantly, the United Nations Children’s Fund (UNICEF) has provided special Guidelines for the Protection of the Rights of Children Victims of Trafficking that develop minimum standards for states when identifying and assisting child victims: the child’s rights are the basis for all interventions; the best interest of the child is the primary consideration at all times; the right to non-discrimination needs to be respected; the views of the child need to be respected at all times; and the child has the right to information and to confidentiality, and is entitled to special protection measures. Equally important is the emphasis the guidelines place on training all agencies involved in dealing with child victims of trafficking.

Specific assistance measures are required, which correspond to the different stages of childhood and adolescent development, especially with regard to the interview, identification and referral processes. In addition, any measures towards assisting child victims of trafficking must be inclusive. The need for an integrated approach was clearly stated in the 2003 report by UNICEF and Save the Children (Norway) which details findings from research conducted on child trafficking in Bosnia and Herzegovina: “There is an urgent need to strengthen the overall protective environment for children, through interplay of parents, families and communities assuming their responsibility, governmental services providing mainstream support-through education, healthcare, etc. – and governmental and non-governmental services intervening where family protection fails.”¹¹

What trafficking in human beings is not

Trafficking is often confused with, but should be distinguished from, other crimes such as:

Smuggling in human beings: Smuggling is the illegal transport of persons across state borders for financial gain, while trafficking in human beings does not necessarily involve an illegal border crossing (it can occur via legal border crossing or within borders). More importantly, exploitation is not an element of the crime of smuggling, whereas it is one of the main features of THB. The purpose of THB is exploitation, and in practice trafficking often means the reduction into severe exploitation or slavery of its victims (with the movement of the person used to increase isolation and vulnerability). In certain – exploitative – circumstances smuggling can, however, develop into THB. Smuggling has generally a more limited time duration – generally, it ceases with the arrival of the illegal migrants to the target destination. In THB, the coercion and exploitation often starts once the movement of the person is accomplished.

Characteristics and different forms of trafficking in human beings

Trafficking in human beings occurs in many societies and is not determined by ethnicity. A large amount of trafficking cases involve individuals with low socio-economic status, and in particular women and children. Victims of trafficking are largely impoverished and discriminated against in such public spheres as employment and education. Under these circumstances, economic survival often involves seeking

¹¹ The 2003 UNICEF/Save the Children (Norway) report can be found at <http://sobek.colorado.edu/SOC/People/Faculty/rosga/FINAL%20CHILD%20TRAF%20REPT.htm>.

opportunities abroad or in large urban centres. While trafficking often occurs between countries, internal trafficking also exists. Human traffickers exploit these conditions, appearing to offer legitimate employment and financial reward, with the intention to hire/sell persons for the purpose of forced labour, prostitution or begging.

Forms of trafficking vary from sexual exploitation, organized prostitution, forced labour and street begging, to sales of organs and petty theft. Children are at particular risk as they may be lured into a false sense of security by traffickers. For many Roma communities, similar to other poverty-stricken sectors of society, individuals become potential victims of trafficking by trusting the trafficker’s promise of a better life. Often false advertisements are posted in the newspaper promising jobs in foreign countries such as housekeepers, waitresses, dancers or models. Other examples include mail-order brides or false assurances by traffickers who force victims into debt bondage.

Just as trafficking in human beings may take multiple forms, the means used by traffickers to place and keep persons in exploitation differ too; below are some common examples:

Methods of Achieving Exploitation¹²:
<ul style="list-style-type: none"> ◆ Restriction on the person’s freedom of movement and deprivation of liberty ◆ Withholding person’s ID/passport in order to prevent her/him from leaving ◆ No appropriate minimum remuneration to the person for his/her work ◆ Debt bondage ◆ Purchase and sale of the person ◆ Forced addiction to drugs or alcohol of the person ◆ Threats of harm to the person and/or her/his family members ◆ Physical, sexual and psychological abuse

A single trafficked victim may be exploited for a number of purposes. She/he initially might have been recruited for sexual exploitation and then forced to engage in begging or other types of labour.¹³

The effects of trafficking on the victims

The conditions trafficked persons find themselves placed under are often hazardous, if not life-threatening, and can include abusive and coercive treatment by the traffickers throughout or at specific stages of the trafficking process. Often trafficked victims suffer from direct physical abuse, such as beating, torture, rape, starvation, and humiliation, and are kept in conditions that are organized in such a way as to exploit and coerce them. These conditions frequently expose trafficked victims to serious health and mental risks, including severe trauma and diseases. A regional International Organization for Migration (IOM) seminar on the health implications of trafficked victims notes recent medical findings that link harm experience during the various stages in the trafficking process with health consequences.¹⁴ Some of these are health consequences are illustrated below:

Harm during stages in trafficking process	Health consequences of harm
Physical violence	Physical disability

¹² Nikolic-Ristanovic et al, “Trafficking in People in Serbia”, (OSCE, 2004), p. 83.

¹³ As the Second Annual Report on Victims of Trafficking in South-Eastern Europe (IOM, 2005) points out: “...21.3 per cent of SEE victims assisted in 2003 and 10.9 per cent in 2004 were exploited for two or more purposes.”

¹⁴ More information can be found at www.iom.int/documents/officialtxt/en/iomtrafficking_9_11 June.PDF

Sexual abuse	Sexual and reproductive health
Psychological abuse	Poor mental health
Forced, coerced use of drugs and alcohol	Substance abuse
Social restrictions and manipulation	Poor social well-being

Children are especially at risk to the negative consequences of trafficking in human beings. A recent report by the anti-trafficking organization, Terre des Hommes, entitled: “Kids as Commodities? Child Trafficking and What to do about it?” details the effects that trafficking has on children as they become inclined to: “...fear, depression, low self esteem and self worth, poor social skills, anger and hostility, inability to trust and build meaningful relationships in later life, blurred roles and boundaries, appearing ‘older’ (“pseudo-maturity”), sexualized behavior, guilt, shame, feeling different from others, isolation, substance use and misuse, self harm (including suicide), post traumatic stress disorder (and many others).”

Rights of trafficked victims

The Recommended Principles and Guidelines on Human Rights and Human Trafficking adopted by the United Nations Office of the High Commissioner for Human Rights (UNOHCHR)¹⁵ outline basic principles and standards of protection and assistance to victims of trafficking.¹⁶

The main rights of trafficked victims as outlined in the Recommended Principles and Guidelines are:

- To be informed about their rights and assistance available from the point where there is a presumption that they could be trafficked;
- Not to be detained, charged or prosecuted for the illegality of their entry into a country or for their involvement in unlawful activities to the extent that such involvement is a direct consequence of their situation as trafficked persons;
- To be protected from further exploitation and harm and have access to adequate physical and psychological care. Such protection and care shall not be made conditional upon the capacity or willingness of the trafficked person to co-operate in legal proceedings against the trafficker;
- Access to legal and other assistance for the duration of any criminal, civil and other action against the trafficker;
- Access to effective and appropriate legal remedies, including compensation; and
- Safe return to the country of origin or legal alternatives to repatriation.

III. Assessment of Trafficking in Human Beings in Roma Communities of South-Eastern Europe

The last decade and a half has witnessed the proliferation of trafficking in human beings in SEE. This corresponds to dramatic shifts in the socio-economic and political structures throughout the region. As a result of the latter, as noted by the European Roma Rights Center (ERRC), Roma populations, in particular, have been impacted by four distinct but interrelated factors: endemic poverty, social marginalization, the

¹⁵ For the text of the Recommended Principles and Guidelines, see <http://www.ohchr.org/english/issues/trafficking/standards.htm>.

¹⁶ For a good overview of international standards applicable to victims of trafficking, see Angelika Kartusch and Katy Thompson , , *Trafficking in Persons, Witness Protection and the Legislative Framework of the Republic of Moldova: An Assessment* (OSCE, 2003). The report can be found at <http://www.osce.org/moldova/13429.html>. For background information, see also the Report of the EU Expert Group on Trafficking in Human Beings (Brussels, 22 December 2004), in particular its chapter 5 on Assistance, protection and social inclusion of trafficked persons, available at:

http://europa.eu.int/comm/justice_home/doc_centre/crime/trafficking/doc/report_expert_group_1204_en.pdf.

collapse of institutional support structures, and ultimately, discrimination from the majority populations in the respective societies.

Throughout South-Eastern Europe, many anti-trafficking organizations such as UNICEF, Save the Children, the IOM, and the UNOHCHR have reported a significant visible presence of Roma, especially women and children, among persons vulnerable to becoming victims of trafficking in human beings.

The stress factors placed on Roma communities as a result of post-socialist adjustments to a market-based economy, coupled with the outbreak of ethnic civil wars in the region, have served to compound the already complex range of issues that have traditionally challenged Roma communities. In particular, the impact of the removal of any type of 'safety net' provided by the state towards Roma communities cannot be underestimated. The result has largely been an increase and deepening of systemic racism, combined with further social dislocation, as Roma populations recede into a segregated existence on the fringe of majority society. Roma communities are increasingly easy targets for organized crime syndicates, who prey on their marginalized position in European society.

Vulnerability factors for trafficking in human beings in Roma communities

Vulnerability factors for victims of trafficking in Roma communities can often be the result of the following socio-economic aspects: poverty (particularly the feminization of poverty), violence in families, social discrimination, unemployment, an increase of Roma refugees and internally displaced persons, lack of access to education, and the recent strict policy of migration in Western European countries. In addition, the 'pull,' or demand, aspect from destination countries, such as cheap labour and sex services, creates a 'push,' or supply, factor for traffickers in countries of origin – often as a result of poverty and marginalization.

At the same time, awareness among Roma about trafficking in human beings is limited. Preventive anti-trafficking initiatives in Roma communities are lacking. In addition, the ODIHR country assessment reports found the following common elements within and across the target countries: marginalization, poverty, low levels of education, high levels of migration from rural to urban areas, high numbers of neglected children and dysfunctional families, and, most importantly, a lack of information about how trafficking affects Roma communities in these countries.

As a report by Catholic Relief Services (CRS) on the risk and resiliency factors of trafficked Roma women and children in Serbia and Montenegro makes clear, government institutions, international and non-governmental organizations lack a full understanding of the nature of trafficking among Roma communities as no data exists specifically describing the issue among Roma populations. As the report notes, "The invisibility of trafficking among Roma women and children among social institutions is not a mere shortcoming, but an indicator of wider social attitudes towards Roma and the problems they face. Roma are excluded from social trends and live in the margins of society, even when it comes to important issues such as trafficking in people."

While many anti-trafficking organizations discuss the significant presence of Roma among trafficked victims, there exists little qualitative or quantitative data to back this claim. This lessens the effectiveness of projects and programmes to target anti-trafficking initiatives. The reason for this is that most statistical data gathered on trafficked victims is not de-segregated by ethnicity. This makes identification, monitoring and preventive activities difficult, if not impossible.

While factors of vulnerability are not guaranteed causes of trafficking – meaning not all poor individuals or marginalized social groups will become victims of trafficking – the risks are raised by these factors and

increase the possibility of vulnerable individuals falling into trafficking networks more easily. It is the root causes of poverty that create an easier target area for traffickers. As a consequence, many anti-trafficking initiatives call for a focus on decreasing the factors of vulnerability for social groups at risk as a way of preventing trafficking.

Incidence and patterns of THB within Roma communities

Methods of recruitment in Roma communities vary. Those involved as perpetrators may be from outside the social circle of the trafficked victim, or inside – even a family member. As the ERRRC describes in its review of a recent World Bank qualitative assessment of the socio-economic, cultural, institutional, and historical situation of Roma and Egyptian communities in Albania, “Surprisingly, in relative prosperous Romani localities, girls or women may be lured into prostitution by Albanian acquaintances who gain the trust of their families by making false marriage proposals, or business arrangements with family members who approve the selling or renting of girls and women. In this way, Albanian traffickers succeed in bringing Roma girls and women into prostitution.”

Albania

The ODIHR report on trafficking of Roma and Egyptian children in Albania¹⁷, points to two common patterns: begging and prostitution. The first pattern involves trafficking for begging and “other informal/unprotected labor activities like selling roses, washing car windows, playing an instrument.” Within this form of trafficking, according to the findings of the report, incidents of sexual exploitation occur “as many children, especially girls, are sexually abused in prostitution or child pornography.” The report found that often this type of trafficking of children is accepted by the parents who are usually “unaware of the harsh conditions that the child will experience in the foreign country. Many of the parents give their child away with promises of education and a better living condition for the child.”

A second pattern of trafficking of children from Albania’s Roma and Egyptian communities raised in the ODIHR report concerns trafficking for prostitution, usually to Italy and Greece. The report findings describe the main methods of this type of trafficking as kidnapping, selling by family members, fake marriages, or the child leaving on its own. The report cites cases reported by Roma community NGOs that involve parents selling their daughters into prostitution. According to the report, the three main reasons for trafficking for prostitution are: poverty, early marriage, and lack of employment opportunities due to exclusion and social marginalization.

Another important contributing factor to THB among Roma populations is their lack of official documentation (i.e. civil registration data) with local and state authorities. This makes it easier for traffickers to recruit victims, especially for sexual exploitation and forced labour, and to transport and accommodate them in countries of destination. They are then effectively sold as income-earning commodities, essentially a form of slavery. This often takes place in a dependent situation, where the trafficked victim is forced to rely on the trafficker for survival. Work is often performed through coercion, with little hope of escape.

A report by a Roma community development NGO, Amaro Drom, detailing the phenomena of trafficking among Roma throughout Albania, notes the problems this lack of official documentation pose for anti-

¹⁷ The CPRSI Assessment Trip to Albania on Trafficking in Children from Roma and Egyptian Communities (2003) can be accessed at www.osce.org/odihr/documents

trafficking initiatives: “There are numerous barriers in helping children who work and are exploited in the street of Greece. The lack of documentation of the immigrants is an important element. The police or the social workers of Arsis¹⁸ have often found it hard to distinguish if the person accompanying the child was his parent or the tutor, when they had no identification means. The worst thing is that even in Albania, Roma children and families often prove not to be registered in the registry office.”

Former Yugoslav Republic of Macedonia

Many international reports have highlighted poverty as a major root cause that creates the risk of becoming trafficked. This was illustrated by the ODIHR-funded research report carried out by the Roma NGO PHURT in the former Yugoslav Republic of Macedonia.¹⁹ The report found that the unemployment rate in the former Yugoslav Republic of Macedonia is among the highest in Europe, with Roma communities heavily affected. While many Roma do receive some form of social benefit, it is usually necessary to supplement this through begging or illegal income-generating activities.

The PHURT report highlights the common pattern of trafficking of children as begging. Findings from interviews with Roma NGOs show that both boys and girls, aged 3-18, are sent by their parents to beg from one town to the next. In addition, occurrences of Roma refugees from Kosovo begging in the western part of the former Yugoslav Republic of Macedonia were also found, as were cases of juvenile Roma girls trafficked to the western part of the former Yugoslav Republic of Macedonia to work in bars and restaurants or for prostitution.

Often Roma children become involved in trafficking, according to the assessment report, through their involvement “by older kids, their neighbors, friends, or maybe relatives or elders who live in their communities (but also from persons from other ethnic communities).” In addition, the PHURT report finds that taxi drivers may often act as mediators between traffickers and victims of trafficking for prostitution.

Romania

The ODIHR-funded research report for Romania²⁰ highlights the fact that many children trafficked for forced labour and prostitution come from rural, impoverished areas of the country. UNICEF has reported that a disproportionate number of trafficked children are from institutional facilities, such as orphanages. The border areas of Romania are also affected areas for trafficking to countries to the north, such as Moldova.

The report for Romania discusses the typical patterns of trafficking of children, supporting the UNICEF findings that Roma victims of trafficking are usually come from rural areas or ghetto-type neighbourhoods on the outskirts of urban centres: “In Roma communities in rural environments, especially in the Moldova region, a known person, usually rich in comparison to the rest of the community recruits the children. The child’s parents know the recruiter who offers the family an amount of money between 100-200 Euro per year so the parents entrust him with the child, allegedly for chores. The parents accept the idea of using the child for work, not knowing that actually the child is being trafficked. Then the child will enter the trafficking network and be taken out of the country.”

¹⁸ ARSIS is a Greek organization that engages in anti-trafficking initiatives.

¹⁹ CPRSI Research Trip to Macedonia on Trafficking in Children and Roma Communities (2004), available through the CPRSI.

²⁰ OSCE ODIHR CPRSI Research Trip to Romania, “Research on trafficking in children among Roma population in Romania” (2004), is available through the OSCE ODIHR CPRSI.

Serbia and Montenegro

A 2004 OSCE-sponsored study conducted by the Victimology Society of Serbia, “Trafficking in People in Serbia”, finds that the most common form of trafficking of Roma children is carried out in co-ordination with organized groups that engage in a number of illegal activities within the Roma community. The best source of information regarding recruitment often comes from Roma NGOs working directly to provide assistance and protection on behalf of Roma: “The recruitment (which is not recruitment in the classic meaning of the word) unfolds as follows: every Roma community has an organized group which has control over all that is going on inside the community, including smuggling of commodities; they bribe the police not to go inside the community; if any member of the community wants to undertake any action whatsoever, he must first ask approval from this group...”

The report goes on to note that Roma NGO representatives report that the sale of children mainly takes place to countries in the SEE region: “Our Roma are mainly sold to Italy. Both girls and boys are being sold: the boys for the purpose of forced labor, the girls for begging and prostitution. The children are transported in cardboard boxes. In Italy, children of 5 years are valued the most since they can work for 10 years more.”

Roma are described in the report as the most vulnerable group to succumb to begging as they suffer disproportionately alongside refugees, the disabled and homeless people, when it comes to generating an income or accessing public services in Serbia. Compounding this, according to the report, is the internal tradition of begging due to poverty, as well as to supplement the family income.

An ODIHR-funded country research report in Serbia and Montenegro, conducted by the Roma NGO Bibija, finds the most frequent form of trafficking in this country is for sexual exploitation, and that the sex of the victim is not relevant. Boys are trafficked for sexual exploitation along with girls. The underlying factors leading to vulnerability to trafficking can be found, according to the report, in the lack of education and young age of Roma. They are usually under 18, are often unregistered, and are seen as replaceable commodities by traffickers. Because Roma parents often may not register their children with officials, this lack of documentation renders the Roma children ‘invisible’ to local and State authorities and thus easier prey for traffickers to transport both internally and across borders.].

IV. Challenges to Overcome in Addressing Trafficking in Human Beings in Roma Communities

One of the greatest challenges in addressing trafficking in human beings in Roma communities is the mutual distrust that characterizes relations between Roma and non-Roma organizations working on anti-trafficking issues. This distrust is also found between Roma and law-enforcement authorities, making it difficult to identify and assist those who become victims of trafficking. To better understand why these tensions exist, the following section will explore some internal constraints within Roma communities and external constraints found in majority societies and non-Roma institutional structures across Central and South-Eastern Europe.

Internal Constraints

In general, the topic of trafficking in human beings is problematic for Roma communities to address. It was noted by participants during the Belgrade roundtable discussions that a “culture of tolerance” prevails

among many Roma communities. This is due to internal lack of awareness of the nature of trafficking – i.e. coercion and exploitation – and existing mechanisms to combat trafficking. Compounding this is the awareness by many Roma of the misperceptions by the majority population towards their traditions and customs, sometimes even interpreted as an invitation to trafficking. Among these is the custom of arranged marriages, involving a dowry system, which often takes place at a very early age for the bride, usually between 12-15 years of age. Another “acceptable” custom allows for children to supplement the family income through street work such as begging or selling small items.

As a result of the many cultural biases of non-Roma, Roma activists and representatives may have been reluctant to, or even hindered in their efforts to, address trafficking in human beings in Roma communities with the urgency that the issue deserves. There is a prevalent assumption in many of the countries concerned that Roma are often engaged as traffickers. Some activists believe that tackling this issue directly, including facing the fact that some Roma individuals may in fact be responsible for cases of trafficking in human beings, would fuel existing prejudices and detract from the attempts of Roma activists to positively redefine themselves and become equal actors in wider society.

The question of how to reconcile traditional customs that define Roma group identity, while respecting tenets of universal human rights, was raised at the ODIHR regional roundtable. It was acknowledged that awareness of cases of trafficking in Roma communities is present among Roma activists. What is lacking, according to the Roma participants, are informed and open debates concerning cultural practices embedded in the traditions of particular Roma groups. These include such issues as parentally condoned *child begging* and arranged *early marriages*.

Child begging

Roma children often begin working at a very early age, often as important contributors to family income. This work usually takes the form of underpaid jobs or activities, including begging, washing cars, selling flowers, or gathering scrap metal. The ODIHR report on Serbia and Montenegro reports that in such cases “children rarely keep the money for themselves. On our question whether they can buy daily needs of food from the collected money, children say that it depends on the ‘boss,’ but mostly they can buy water or baked rolls. Children receive punishments if they do not bring enough money.”

The question of whether this type of child labour can be considered a case of forced child labour and trafficking was raised by the Belgrade roundtable participants. It is particularly difficult to identify cases of forced labour, since, as some of the participants said, the custom of children supporting their immediate family does not stem only from poverty, but from a traditional way of life for Roma. This tradition is a reaction to centuries of social exclusion and marginalization and is considered a way for Roma children to learn early the difficulties they will face in life. It is seen, according to some participants, as a chance to harden and become strong, and to share and to develop a responsible attitude towards their relatives. Otherwise, they will not be able to survive their hostile social surroundings and be useful for their community when they grow up.

Yet, as the research report from Albania and Romania finds, the issues of child exploitation in Roma communities are often complicated by the fact that parents do not know the realities their children may face when they are transported to work abroad or internally. The report finds that once parents realize they have been deceived, they usually do not give their children to traffickers again. Once informed, they usually develop higher levels of caution.

Early marriages

Roma participants at the Belgrade roundtable raised the issue of the type of arranged marriages that take place among more traditional Roma communities. These early marriages usually involve a young teenage bride and groom, who exchange goods as a dowry ritual, presented as the “bride price.” This practice, roundtable participants maintained, contributes to the confusion over what constitute a case of THB and what does not. The internationally recognized definition of trafficking in human beings can often mean Roma cultural practices are misinterpreted as cases of trafficking. This would include labeling the dowry system as “selling the bride.” While participants acknowledged that cases of abuse of arranged marriages do exist, most Roma who engage in this traditional custom consider the practice a precious part of their cultural heritage, intertwined with core values of Roma group identity and dignity. Roma participants noted that a distinction must be made between genuine traditions and those that have become exploited, when attempting to identify concrete cases of trafficking in Roma communities.

A World Bank study, done in participation with the Center for Economic and Social Studies (CESS), has found a connection between trafficking for prostitution and early marriages.²¹ According to this study “it is not unusual for a girl to have two babies around the age of 15. The early marriages are not registered as they are illegal and the children of these young couples are very seldom registered, which makes them vulnerable to trafficking and illegal adoption.” The report supports these finding by the fact that 5 per cent of the 660 families (330 Roma and 330 Egyptian) interviewed for the study had a case in their immediate or extended family of a young divorced Roma mother trafficked for prostitution.

The gender dimension should also be taken into consideration when discussing early marriages. As one Roma activist put it, Romani women face a triple discrimination, “for being poor, for being Romani and for being a woman.”²² This often translates into lower levels of education for Romani women as they leave school early to marry, as well as an inability to participate in public activities as family and community traditions keep them isolated.

Lack of knowledge of how to access information and assistance

Another internal constraint that emerged from the ODIHR report on Albania is that community leaders, who often head community NGOs, lack knowledge or awareness about existing tools and initiatives to combat trafficking in human beings. These Roma representatives serve as a bridge between Roma and the outside community. In the Albania report, findings clearly demonstrate that there is no co-operation between Roma and Egyptian representatives and existing anti-trafficking initiatives in Albania. For instance, the report quotes an interview conducted with the head of the only Egyptian NGO in Korca who “communicated that many individuals approach him asking for help with finding their children. According to him, he can not do anything to help them.” The report then explains the Egyptian representative’s lack of awareness of anti-trafficking policies and approaches that he could access, including those that distinguish children and adult victims of trafficking.

Insufficient knowledge or awareness of the nature of trafficking is also demonstrated by the lack of distinction between trafficking of children and women. Because many Roma girls are married and begin having children around 13 years of age, there is, findings suggest, “a tendency for the Roma representatives to consider trafficking in older girl children as trafficking in adult women.”

²¹ For more information please refer to the OSCE ODIHR CPRSI Assessment Trip to Albania, “Trafficking in Children from Roma and Egyptian Communities” (2003), can be accessed at www.osce.org/odihr/documents

²² Ivan Ivanov as quoted in “Romani Women in Romani and majority societies,” European Roma Rights Centre can be accessed at www.errc.org

While Roma activists at the regional roundtable emphasized the internal “communal” sensitivities raised by issues of trafficking in human beings in Roma communities, they also highlighted the urgent need to address this issue through awareness raising, capacity building and ultimately prevention, which can only come about if access to mainstream THB networks is facilitated. It was maintained that for Roma communities to confront the issue of trafficking in human beings, including the possible exploitation of traditional practices, they must reach outside the Roma community and institute a broader public dialogue on this issue.

Lack of accurate data on the phenomenon of THB as affecting Roma communities

The lack of data and methods to gather data on incidents of trafficking among Roma populations raised several important questions among Roma participants. These concern what type of approach to data collecting and research would provide practical information on the impact of trafficking on Roma groups. The benefits of segregating data on Roma victims of trafficking was also questioned, and raised concern among Roma participants as to the best approach Roma representatives should adopt in order to raise awareness and prevent trafficking in their communities.

Adding to the lack of sufficient data is the fact that many Roma victims of trafficking often lack civil registration documents. This was mentioned in all of the ODIHR assessment reports as a problem not only for authorities working to combat trafficking, but also for those Roma victims of trafficking who may be deemed “invisible” to traffickers and considered even more valuable commodities.

External Constraints

Social stigmatization and marginalization of Roma fuels the root causes of trafficking in Roma communities. The result is that Roma are excluded from any type of institutional support structures that may create sustainable solutions to the problems underlying trafficking in their community. Anti-trafficking initiatives for Roma communities that do not include Roma in the design, implementation and long-term co-ordination of programme activities offer only short-term solutions.

Social Marginalization of Roma

The socially disconnected position of Roma populations from wider society has been highlighted by Catholic Relief Services as contributing to the root causes of THB in Roma communities, and reaffirmed by participants of the ODIHR regional roundtable. This, participants maintained, is intensified by local and international media reports, often sensationalized, that depict existing stereotypes of Roma as perpetrators of trafficking in human beings. While some Roma are engaged as traffickers, there have been no documented findings that show a disproportionate amount of persons engaged in trafficking to be of Roma ethnicity.

Lack of Institutional Support for Roma Communities

While national authorities and international organizations are aware of the issue of THB among vulnerable groups, there has been little funding of Roma-owned projects or programmes. As the Albania assessment report finds: “It appears that donors are reluctant to fund Roma and Egyptian NGOs directly because of a lack of trust, which means that funding earmarked for the Roma/Egyptian community always is channeled via a non-Roma NGO, which is supposed to involve and/or co-operate with the Roma/Egyptian community in their work.” The report then goes on to question whether this co-operation in fact ever takes place. In addition, donors are hesitant to fund Roma NGOs as they find the existing hostility among some Roma NGOs to be counter-productive.

The lack of Roma activists in THB networks has increased the reluctance of Roma representatives and NGOs to participate with non-Roma NGOs who are involved in data collection and assessment on trafficking. The lack of institutional support from anti-trafficking organizations to involve Roma activists contributes to the unsustainability of programmes and projects designed to combat trafficking in areas with large Roma populations.

The misperception of the majority towards many minority cultural practices means that issues such as trafficking in human beings are interpreted in an ethno-cultural context. Local, state and international organizations dealing with THB are reluctant to conduct research and target anti-trafficking projects and programmes towards a social group, such as Roma, they see as culturally distinct. In addition, assumptions are often made by majority populations that the potential to facilitate criminal acts connected to THB are inherent in Roma communities.

There is also the tendency by non-Roma to treat Roma as a culturally homogenous group both within and across state borders. While practices of early marriages may exist in some Roma groups, they are not practiced in others. Roma are socially stratified and participate in social modernization both within their cultural group and in wider society.

V. Recommendations for Future Action

The ODIHR-sponsored regional roundtable in Belgrade brought together Roma and non-Roma activists to provide a general overview of trafficking in human beings as it affect Roma communities in several countries of South-Eastern Europe. From the country assessment reports done on Albania, the former Yugoslav Republic of Macedonia, Romania, and Serbia and Montenegro, several recommendations were put forward.

On the basis of the recommendations presented in the assessment reports and discussions at the Belgrade roundtable, this position paper recommends placing the issue of trafficking in human beings in Roma communities in a human rights context and giving urgent priority to prevention measures. At the same time a sense of ownership and empowerment must take place for Roma communities at all levels of society – national, regional and local.

Recommendations have been separated into actions that participating States, OSCE institutions and Roma and non-Roma anti-trafficking organizations may undertake. These actions overlap and are not mutually exclusive.

Participating States

- The **root causes** that contribute to trafficking in Roma communities must be better understood and addressed in an integrative way through Roma-related national action plans. Participating States should adopt measures to improve the human rights of Roma, including access to education, health, and employment opportunities as well as specific measures to combat trafficking in human beings.
- National and local authorities should ensure that **Roma populations are included on the civil registry**. This would better enable data collection and targeted anti-trafficking initiatives.

- Participating States should **de-segregate THB data to reflect the ethnic origin of victims in order to better identify at-risk groups and victims** and allow for targeted action. Roma should be involved in the research process of data collection, analysis and findings.
- **Capacity-building** measures should involve local authorities and organizations working in areas such as: anti-discrimination, employment and labour rights (both in the country of origin and abroad), as well as migration and migrants' rights.
- **Joint anti-trafficking initiatives that promote the exchange of information** should take place between countries of origin and countries of destination to better combat trafficking across borders.
- **Roma NGOs** should have access to state funding for anti-trafficking initiatives both in their own capacity and in partnership with non-Roma organizations

OSCE Institutions

- Conferences and anti-trafficking related initiatives pursued by OSCE institutions should include **Roma as contributors** and participants to further ensure Roma engagement with anti-trafficking initiatives.
- **Data collection** should include Roma-related research on trafficking and this should be implemented in the work of various anti-trafficking and Roma focal points already established in OSCE missions throughout the SEE region. This component would facilitate the participation of Roma NGOs in anti-trafficking networks and contribute to a better understanding of the extent of trafficking in human beings as it affects Roma communities.
- OSCE institutions and bodies should continue facilitating anti-trafficking awareness raising and prevention initiatives for Roma communities through the ODIHR Contact Point for Roma and Sinti Issues, in conjunction with the ODIHR Anti-Trafficking Programme, and the OSCE field missions.
- **OSCE field missions** should encourage co-operation between Roma and anti-trafficking focal points to ensure that Roma representatives and NGOs play an integral role in anti-trafficking organizations and initiatives.

Roma Non-Governmental Organizations

- Roma representatives and community activists should encourage **debate and openness** on the issue of trafficking in human beings in Roma communities and help formulate responses from a human-rights-based approach. This would include discussing issues which may prove sensitive within the community such as early marriage or child begging.
- **Awareness raising** and initiatives to prevent trafficking in Roma communities should be linked to the relevant socio-economic areas such as education and health.
- An **anti-trafficking network** of Roma organizations should be created across countries to facilitate discussion, exchange of information and experiences, and practical anti-trafficking initiatives with Roma communities.

- A **mentoring programme** should be created by those NGOs, both Roma and non-Roma, which have developed a capacity in anti-trafficking work in Roma communities. Acting as mentors, these NGOs can transfer knowledge and expertise to other NGOs that would like to become active on THB issues in Roma communities.
- Roma representatives should encourage Roma to **advocate and lobby** relevant civil authorities to address vulnerability factors such as lack of civil registration, lack of access to education, employment and health services that contribute to Roma becoming victims of trafficking in human beings.
- The mass media, including Romani media, should be used to reach a significant number of Roma and non-Roma people with regard to anti-trafficking awareness raising and prevention
- In co-operation with non-Roma anti-trafficking organizations and relevant state institutions (law enforcement and social services) awareness raising and prevention tools should be developed for anti-trafficking prevention within Roma communities.

Non-Roma Anti-Trafficking Organizations

- Non-Roma anti-trafficking organizations should **include Roma in capacity-building activities and dissemination of information** on trafficking prevention, especially since many Roma do not have formal education or access to state institutions (e.g. schools or health-care facilities) where anti-trafficking awareness-raising campaigns may be conducted.
- A **memorandum of understanding** between Roma and non-Roma non-governmental organizations should be developed to facilitate co-operation and build trust between them.
- Non-Roma NGOs should ensure that Roma representatives and NGOs play an integral part in the planning and implementation of their projects, in particular if they relate specifically to Roma communities.
- Roma partners should participate in project activities with non-Roma organizations on an **equal footing**.

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