

External contribution: Breaking the silence: Trafficking in Romani communities

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Introduction¹⁶⁴

Roma constitute the single largest ethnic minority group in Europe.¹⁶⁵ There is a dearth of official statistical data disaggregated by ethnicity in Europe, and wide disparities exist between official and unofficial data on the numbers of Roma. The European Commission contends that there are around 12,000,000 Roma living in the European Union.¹⁶⁶ Although the Roma are often described as leading a nomadic way of life, 95% of European Roma is sedentary.¹⁶⁷ Their level of poverty and social exclusion remains high across Europe that renders Roma being more vulnerable to different forms of racism and discrimination.

Trafficking in human beings, a serious crime and a gross violation of human rights, affects especially socially and economically excluded people globally, such as Roma in Europe.

Although it is difficult to gather reliable statistics on the occurrence of trafficking in human beings in general due to its latency, and this is especially true with regard to ethnic minorities such as Roma due to the absence of data disaggregated by ethnicity, according to the European Commission the estimated number of people trafficked to or within the European Union amounts to several hundred thousand a year.

Despite the lack of concrete official data about trafficking and exploitation akin to trafficking of Roma, the European Roma Rights Centre's (ERRC) research documented widespread perceptions that Roma are affected by trafficking in human beings and that Roma are significantly overrepresented among trafficked persons in some countries.¹⁶⁸ The findings also indicate a lack of targeted action by State authorities to tackle this issue.

Roma as victims of trafficking

Roma are often stereotyped and portrayed as criminals in today's societies and they are often reported as traffickers in the media. The issue has become politicised. For example, former French President Nicolas Sarkozy in his statement in July 2010 linked Roma to

¹⁶⁴ This article is legally based on the research conducted by the European Roma Rights Centre: *Breaking the silence: trafficking in Romani Communities* (2011); available at: <http://www.errc.org/cms/upload/file/breaking-the-silence-19-march-2011.pdf>.

¹⁶⁵ The term "Roma" refers to a variety of groups of people who describe themselves as Roma, Gypsies, Travellers, Manouches, Ashkali, Sinti, as well as other titles. See: *The European Union and Roma*, available at: <http://ec.europa.eu/social/main.jsp?catId=518&langId=en>.

¹⁶⁶ See: <http://ec.europa.eu/social/main.jsp?catId=518&langId=en>.

¹⁶⁷ <http://www.womenlobby.org/spip.php?article1174>.

¹⁶⁸ In the study and in this article, over-representation refers to the fact that the number of Roma affected by trafficking is larger than their share of the general population, either officially or unofficially.

trafficking.¹⁶⁹ The image of Roma as victims of trafficking for forced begging has also been recorded, for example, in the European Commission's 2016 report on human trafficking in the EU,¹⁷⁰ based on reports from Member States. This can create difficulties for the vast majority of Roma who have exercised their free movement rights within the EU and who of course not been trafficked.

At the same time, in relation to that minority of Roma who are victims of trafficking, little or no attention has been paid to their vulnerability to trafficking due to their social and economic exclusion. This is the case despite the introduction in 2011 of an EU Directive on Combating Trafficking (Directive 2011/36). In particular, the Directive introduced the notion into international anti-trafficking law a definition of the notion of a "position of vulnerability", the abuse of which can be a constitutive element of human trafficking. Little has been done, however, to understand how discrimination against Roma may leave them in such a position.

In order to raise awareness on the issue of trafficking in Romani communities but to avoid politicisation and stereotyping, the ERRC conducted a multi-country research in five European countries (Bulgaria, the Czech Republic, Hungary, Romania and Slovakia) to explore the phenomenon and the impact of trafficking on Romani communities.

¹⁶⁹ "Communiqué faisant suite à la réunion ministérielle de ce jour sur la situation des gens du voyage et des Roms," 28 July 2010, available at: <http://www.elysee.fr/president/les-actualites/communiqués-de-presse/2010/juillet/communiqué-faisant-suite-a-la-reunion.9381.html>.

¹⁷⁰ Report on the progress made in the fight against trafficking in human beings (2016), COM(2016) 267 final, 19 May 2016, page 7, available at: https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/report_on_the_progress_made_in_the_fight_against_trafficking_in_human_beings_2016.pdf.

The ERRC research had its own limitations since due to its illegal nature, trafficking in human beings is an extremely difficult phenomenon to quantify in general. Most of the cases go to latency, therefore the real number of cases and victims can go much higher than the actual estimates. Data disaggregated by ethnicity is not gathered with respect to trafficked persons in most of the European countries, including those where the ERRC conducted its research. Therefore throughout the countries of the study, anti-trafficking service providers, police and Government officials were asked to estimate the proportion of Roma among trafficked persons based on their experiences and perceptions. The source of the interviewees' perceptions was self-identification or informal assessments based on living conditions or location, colour of skin, etc. Although it was not explicitly stated by any interviewee, widespread public prejudice concerning the involvement of Roma in criminal activities may have influenced the answers of some interviewees. A number of interviewees refrained from providing estimates.

However, in all five countries where the research was performed, respondents perceived that trafficking was an issue that affected Roma. Furthermore, several respondents considered Roma to be significantly over-represented among trafficked persons: the estimates provided for the perceived representation of Roma among trafficked persons are several times higher than the proportion of Roma in the general population. While Roma constitute between 3% and 10% of the population of the target countries, research in 2010 for the study indicated that Roma represent 50-80% of victims in Bulgaria, up to 70% in parts of the Czech Republic, at least 40% in Hungary¹⁷¹,

¹⁷¹ Estimates ranged up to 80% in Hungary.

around 50% in Romania¹⁷² and at least 70% in Slovakia.

Sexual exploitation, domestic servitude and labour exploitation, begging and trafficking for illegal adoption were the most common purposes for trafficking that were identified during the research. In Bulgaria for example according to various police officials interviewed in Bulgaria, Roma constitute over 80% of persons trafficked for sexual exploitation.¹⁷³ In contrast, according to some NGOs the proportion of Roma among persons trafficked for the same purpose is 50%¹⁷⁴. At the same time Roma constitute only approximately 10% of the total Bulgarian population.¹⁷⁵

Since 2005 Roma have received an increasing amount of attention from international anti-trafficking actors. For example in the US Department of State Trafficking in Persons (TIP) reports in Bulgaria, the Czech Republic, Hungary, Romania and Slovakia in the last 10 years (up to the latest 2015 reports), Roma are referenced as victims of trafficking, and the reports highlighted the vulnerability of especially Romani women and children to different forms of trafficking, including sexual exploitation, begging, petty crimes, and

forced labour.¹⁷⁶

Vulnerability Factors leading Roma to become victims of trafficking

Trafficking can affect anybody regardless of ethnicity, social status or country of origin. However, there are a number of push factors that make individuals more vulnerable to trafficking.

The ERRC research on trafficking did not establish any significant differences between generally known vulnerability factors and the vulnerability factors present in Romani communities. Interviews conducted with a broad range of respondents and consultation with Romani and anti-trafficking organisations also refute the widely-held perception that trafficking is a cultural practice of Roma.

Poverty and social exclusion, limited or lack of education, illiteracy, growing up in state care; being indebted to usurers and family environments in which violence and/or drug abuse were present are all vulnerability factors that were identified during the research and are not “Roma specific” factors. Gender and ethnic discrimination were also found to be important vulnerability factors. Additionally, another important factor contributing to vulnerability to trafficking was previous involvement in prostitution/sex work.

Field research found that, in most cases, desperation in the household and/or the country of origin compels people to migrate and take great risks: for example, trusting unknown people and agreeing to travel with them for work without a contract. In these situations, people may fall into trafficking.

¹⁷² As concerns forced labour. Roma were perceived to be less represented among persons trafficked for sexual exploitation.

¹⁷³ Interview with a police officer from the Combating Organised Crime Directorate, Regional Department of the Ministry of Interior. Northeast Bulgaria: 23 March 2010. Interview with a police officer of the Border Police Department. Central Bulgaria: 19 March 2010.

¹⁷⁴ Interviews with a representative of the Animus Association Foundation. Sofia, Bulgaria: 9 March 2010. Interview with a psychologist at the Crime Prevention Fund. Pazardžik, Bulgaria: 16 March 2010.

¹⁷⁵ Claude Cahn and Professor Elspeth Guild, *Recent Migration of Roma in Europe*, (OSCE/CoE, December 2008), available at: http://www.osce.org/documents/hcnm/2008/12/37164_en.pdf

¹⁷⁶ See for example the report for Hungary: <http://www.state.gov/documents/organization/243559.pdf>

Push factors are often particularly acute in the case of Roma. Indeed, there is a striking overlap of the most significant factors that contribute to human trafficking and those that contribute to the marginalisation of Roma in general. These are social and economic exclusion and furthermore, throughout Central and Eastern Europe, Roma are often the target of discrimination. Vulnerability factors are significantly worsened in the case of Roma due to the failure of national social systems to reduce and eliminate the vulnerable situation in Romani communities and barriers preventing Roma from accessing public services such as schools, health services, employment services and other social services. The essence of successful anti-trafficking initiatives is to provide a safety net for people vulnerable to trafficking, to reduce their chances of falling into risky situations that may lead to trafficking (such as usury) and re-trafficking. The provision of effective social work to combat trafficking in Romani communities is essential given the high levels of poverty and unemployment in these communities. However, various studies on the effectiveness of social work in Romani communities are worrisome.

Despite the limited involvement of Romani civil society on anti-trafficking activities, Roma NGOs have been actively engaged in general measures to improve the living standards of Romani people, such as educational support, school desegregation activities, etc. However, although improving the overall living situation of Roma is likely to lead to a decrease in vulnerability to trafficking, there is a risk that the lack of focus on trafficking may leave the key vulnerability factors unaddressed.

Ethnic discrimination and gender discrimination

Apart from social and economic exclusion, discrimination against Roma creates a vulnerability factor in the field of human trafficking on several levels. Discrimination against Roma, Romani women, Romani children and poor or rural people limits their employment, educational and economic

opportunities, rendering them more vulnerable to traffickers as they seek better opportunities.

Due to the feminisation of poverty, the lower status of women in patriarchal societies and various forms of gender discrimination, women constitute a large proportion of trafficked persons worldwide, particularly for the purpose of sexual exploitation. According to the United Nations, 79% of trafficked persons worldwide are trafficked for sexual exploitation; 66% of trafficked persons are women, and an additional 13% are girls.¹⁷⁷ Field research for the ERRC study showed that this pattern is mirrored among Roma. Of the 37 trafficked persons interviewed during the ERRC research 23 were female and 14 male. 17 of the 23 female respondents had been trafficked for sexual exploitation. Romani women are often the target of multiple forms of discrimination in a wide range of fields which further deepens their vulnerability to trafficking.¹⁷⁸ Statistical data by the Fundamental Rights Agency reveals that in the five countries of the research, Romani women have less access to employment or self-employment compared to Romani men while they are over-represented among homemakers and in unpaid work as compared to Romani men.¹⁷⁹

¹⁷⁷ United Nations Office on Drugs and Crime (UNODC), *Global Report on Trafficking in Persons (2009)*, pp. 49-50, available at: http://www.unodc.org/documents/Global_Report_on_TIP.pdf.

¹⁷⁸ European Roma Rights Centre, Written Comments For Consideration by the United Nations Committee on the Elimination of Discrimination. Serbia: <http://www.errc.org/cms/upload/media/03/7C/m0000037C.pdf>. Hungary: <http://www.errc.org/cms/upload/media/03/7A/m0000037A.pdf>.

¹⁷⁹ European Union Agency of Fundamental Rights. *European Union Minorities and Discrimination Survey: Main Report (2009)*, available at: http://fra.europa.eu/fraWebsite/attachments/eumid_is_mainreport_conference-edition_en.pdf.

The vulnerability of Romani children

The ERRC study revealed that Romani children are especially vulnerable to trafficking. Several of the most important factors that increase the vulnerability of children to trafficking include being subjected to domestic violence, placement into State care or dropping out of school.

Although many of the Romani trafficked persons interviewed for the study provided vague information about the age at which they were trafficked or entered the exploitative situation that led to trafficking, seven out of the 37 were clearly minors at the time they were trafficked. Their ages ranged between 15 and 17 years old and all were subjected to commercial sexual exploitation with the exception of one that was subjected to non-commercial sexual exploitation and domestic servitude. The overwhelming majority of respondents were just over the age of 18 or in their early 20's.

Conclusion

Although official data does not exist as to the real number of Roma victims of trafficking, Roma are highly vulnerable to become victims of trafficking due to their social and economic exclusion and the widespread discrimination. Gender discrimination renders Romani women even more vulnerable: of the trafficked persons interviewed during the ERRC research, Romani women were the most represented regardless of the purpose of trafficking: the exception was trafficking for labour exploitation. Romani children were also reported to be particularly vulnerable to trafficking, and 20% of the trafficked persons interviewed for the study were minors at the time they were trafficked. Despite these estimates suggesting the overrepresentation of Roma as victims of trafficking, none of these countries collect data on the ethnicity of perpetrators or victims of trafficking. This has a clear negative impact on the effectiveness on anti-trafficking efforts and policy development.

There are a number of factors that make individuals more vulnerable to trafficking, many of which can be attributed to the general failure of national social welfare systems. The ERRC research did not establish any significant differences between generally known vulnerability factors and the vulnerability factors present in Romani communities; there is no unique "Roma vulnerability factor," and no indication that trafficking is a "cultural practice" of Roma. The impact of widespread negative prejudice and discrimination against Roma, poverty and social exclusion (including lack of employment and usury), ethnic and gender discrimination, lack of education, growing up in State care, domestic violence and substance abuse are the main factors that increase the vulnerability of Roma to fall victims of trafficking.