

Petra Kutálková

Einige Aspekte des Frauenhandels in der Romagemeinschaft

Some Aspects of Trafficking in Women in Romany Community

Zusammenfassung:

Menschenhandel, wie von der UNO definiert, ist ein schwerwiegender Verstoß gegen die Menschenrechte. In der Tschechischen Republik arbeitet die gemeinnützige Organisation La Strada schon seit dem Jahre 1995 systematisch an diesem Problem. In den letzten zwei Jahren ist die Anzahl von Roma unter den Kunden von La Strada gestiegen. Etwa 250.000 Roma leben in der Tschechischen Republik. Die meisten dieser Menschen werden gezwungen in Orten zu leben, die ethnischen Ghettos ähneln. In diesen Gebieten potenzieren sich Risikofaktoren, und unter dem Aspekt des Menschenhandels betrachtet, erhöht dies die Gefahr der Romafrauen deutlich. Im Kontext ihrer sozialen und wirtschaftlichen Lage sind diese Faktoren vor allem: Arbeitslosigkeit, Probleme der Einstellbarkeit, Armut, schlechte Bildung, die Akzeptanz der Rolle des „schwarzen“ Arbeitsmarkts sowie Alkohol- und Medikamentenabhängigkeit. Zusätzlich zu diesen Risikofaktoren kommen noch einige, die mit dem ethno-kulturellen Hintergrund der Romagemeinschaft verbunden sind - unterschiedliche Einstellungen gegenüber Frauenrechten, Orientierung am Hier und Jetzt, die zunehmende Zahl von Roma, die auswandern, und nicht zuletzt das exotische Aussehen von Romafrauen als Anreiz für potentielle Käufer. Das Leben in diesen Gebieten bringt unter anderem soziale Exklusion mit sich. Dies ist nicht nur einer der Hauptgründe für die Existenz von Menschenhandel unter Roma, sondern auch ein deutliches Hindernis bei Versuchen, Romafrauen über ihre Rechte und über Hilfemöglichkeiten zu informieren.

In recent years, discussions about human rights problems have increasingly addressed the topic of trafficking in persons. In 2000 the United Nations accepted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention Against Transnational Organised Crime. Under trafficking in persons we understand the following:

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or the forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having the 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 service, slavery or practices similar to slavery, servitude or the removal of organs."¹

In the Czech Republic, the organisation La Strada has been working consistently on the topic of trafficking in persons since 1995. The organisation aims at the prevention of trafficking in women, support for trafficking victims, exerting influence on legislation and informing the public about this topic. La Strada CR, a public benefit company, is part of the international programme La Strada – prevention of trafficking in women, which is active in the Netherlands, Poland, Byelorussia, Macedonia, Moldavia, Bosnia and Herzegovina and the Ukraine. La Strada regards the problem of trafficking in women as being a serious violation of human rights and also women's rights. As may be expected from the title of this paper, I would like to focus on the problem of trafficking in persons in Romany communities.

Before I turn to the situation in Romany communities, I would like to mention how the Czech legal system reacts to this problem. Czech legislation does not exactly address the problem of trafficking in people. The basic document concerning this problem is the Constitution, especially the Act of basic rights and freedoms. Regulations in the second chapter apply to trafficking in persons: „Basic rights and freedoms“. This chapter mentions „personal freedom“, „freedom of movement“, „prohibition of torture and cruel treatment“, „right to human dignity“. The only direct legal norm is the Penal Code, which explicitly mentions trafficking in persons in the following parts: § 264, trafficking in persons; and § 216, trafficking in children.

The Penal Code contains also other paragraphs that may apply to trafficking in persons:

§ 204 - procurement,

§ 231 -personal freedom restriction,

§ 332 - withdrawal of personal freedom and

§ 233 - importation abroad.

¹ The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,

What is the situation concerning human trafficking in Romany communities? First, let me mention the situation of Czech Romany people. According to the latest population census made in 2001 there are round 11 000 Romany living in the Czech Republic. However, in the course of planning our support work and working with this community we use empirical estimates of this ethnic group. Most often we talk about numbers of 200 000 – 300 000 Romany². Historical developments, especially since World War II, have led to the Romany population's specific residential structure, i.e. local concentrations of Romany in enclaves surrounded by the majority population. Especially in most recent years some communities have appeared to make active efforts to push Romany communities out of city centres to the suburbs or even completely out of the cities. Today, we do not only see the ethnic aspect of residential segregation, but we also consider it a dangerous fact that Romany enclaves, characterised by social homogeneity, are becoming ghettos. In general, ghettos face the risk of pathological social phenomena and deterioration, social isolation and resignation.³

Let us get back to Romany women with respect to the risk factors important for becoming affected by trafficking. First I would like to mention general factors which occur very often in Romany communities.

Unemployment – Romany communities in the Czech Republic show high levels of unemployment. This is the consequence of many factors, which become clearer in the following passages. In addition, employability as a necessary condition for participating in the job market is much lower than in the case of members of the majority population.⁴

supplementing the UN Convention Against Transnational Organized Crime (Palermo 2000).

² Kalibová, K.: Romové z pohledu statistiky a demografie. In Romové v České republice. Socioklub Praha 1999, p. 98.

³ Baršová, A.: Problémy bydlení etnických menšin a trendy k rezidenční segregaci v České republice, in: Romové ve městě, Socioklub Praha 2002, p. 9.

⁴ Kaplan, P.: Romové a zaměstnanost neboli zaměstnatelnost Romů v České republice. In Romové v České republice. Socioklub, Praha 1999. p.366.

Education – Most members of Romany communities have only basic education. According to data from 1999 about 80 % to 85 % of people of all age groups have only basic education.

Poverty – In general, Romany people face worse social conditions than the members of the majority population. Especially in Romany ghettos, however, in some cases citizens live in incomparably worse conditions than other citizens.⁵

Unprotected work - Due to high unemployment occasional jobs without written contracts are very widespread amongst Romany. These are „black jobs“ or jobs based on contract for services. If we consider the fact that many women become victims of trafficking because of work without a contract, it is obvious that Romany women are an endangered group in this respect. Also, due to the fact that women who are working in the sexual trade are not protected by any labour law, the risk that they will become a victim of trafficking is increasing.

Lack of information – We talk about lack of information with respect to several levels: Often women who became victims of trafficking did not have a basic knowledge of Czech legislation and human rights. These women lacked information about possible risks and how to avoid them. With regard to the situation in Romany communities it is important to stress that restrictions on access to information are prevalent. For many Romany it is typical not to believe in information provided to them by members of the majority population.

Family background – The social background where the potential victim of trafficking grows up is a further important factor. According to data from STV and La Strada many women victims of trafficking come from problem families. Life in a ghetto is often a reason for the failure of traditional family values. Romany ghettos are no exception in this respect.

Age – According to our experience younger women are also among the trafficking victims. A young girl without life experience more easily falls victim than a mature woman. However Romany girls mature earlier than girls from majority society and their appearance makes them seem to be older.

⁵ Kepková, M., Víšek, P.: Romové v systémech sociální ochrany. In Romové v České republice. Socioklub, Praha 1999, p. 383.

Drug addiction, alcoholism - Any dependence is naturally financially very demanding for the person who suffers from it. Drug addiction is often a reason that girls (and also boys) become prostitutes. In some cases it may be the dependence of the parents that forces the girl to prostitution. Workers of institutions focused on drug addiction report that there has been a higher amount of drug abuse in Romany communities lately. Also, life in despair in the ghettos often contributes to drug addiction. Romany women also face other risk factors coming from the socio-cultural conditions in which they grow up and live.

Attitudes to women's rights in Romany communities are traditionally patriarchal; women, except „phuri daj“ (old women) do not enjoy much respect in the community. This attitude has prevailed until now, and most women naturally accept it. The dominant position of the man may develop into domestic violence towards his wife. A study on the situation of Romany women in Europe even claims that domestic violence may be a result of bad social or economic situation or cultural habits.⁶

Orientation towards the present – Perception of time may also become a risk factor for trafficking in women. Often, Romany live for today and make decisions based on momentary moods, momentary needs. E.g. getting an offer for a profitable job abroad, they accept without trying to assess the risks.

Romany emigration – The probability that a girl or a woman travels abroad is increasing – a fact of the current Romany emigration. The reasons for Romany emigration may be economic or the fear of racist discrimination; Romany girls and women often find themselves in a foreign environment beyond the state border. It is a sad fact that there are cases in which families who have emigrated become a contact point for trafficking in persons from the Czech Republic to the foreign countries.

Exoticism – A professional study about the situation of Romany women shows that Romany women are often seen as a particularly exotic subject of trafficking.⁷

In connection with the special risk factors let me mention four last ones that from our point of view influence the whole Czech society without exception.

⁶ Bitu, N.: Report The Situation of Roma/Gypsy Women in Europe. Roma Center for social Intervention and Studies. <http://www.romawomen.org/network/reports.php>, 8.11.2002.

Geographical position – The profitable geographical location is a cause why the Czech Republic is a country of origin, target country and transit country for trafficking in women.

The economic situation of the state is another factor that has influence on trafficking in persons.

Differences in salaries of men and women – Differences prevail mainly in less qualified professions (the salary of women is 75 % of the salary that a man would get for comparable work) and is one of the causes for growing unemployment and poverty amongst women.

High profits from trafficking in women with few risks – The trafficking is a form of organised crime that brings high profits. According to estimates the profits are up to four times higher than profits coming from drug trafficking.

It is obvious from the above stated factors that the Romany community is an endangered group. We identified specifically Romany risk factors coming from ethno-cultural background. If we look at the traditional Romany family and community we can ask if some of these traditional values influence the mechanisms at work in human trafficking in Romany community. Here, it is necessary to stress that we do not consider values and traditional behaviour norms as being causes for trafficking in persons in Romany communities.

What data are available about the actual situation? It is hard to develop official statistics about trafficking in persons, the main reason being that trafficking is illegal. Information that creates a picture about the situation in the field of trafficking in persons comes from many sources. Mainly, there is information from street workers' organisations or the police. One important source of information about the current situation in the field of trafficking in persons is with La Strada's clients. Based on the above stated risk factors La Strada identified Romany women as being one of the most important risk groups. Although La Strada does not record clients' ethnic origin, social workers made a qualified estimate of the number of Romany clients. From this

⁷ Bitu, N.: Report The Situation of Roma/Gypsy Women in Europe. Roma Center for social Intervention and

estimate we find out that in 2000 and 2001 1/3 of the clients of Czech and Slovak origin were Romany. It is important to stress that none of the Romany clients contacted our organisation directly, they got in touch with La Strada via police or other organisations.

In the time before they contacted the police, these clients were trafficked for prostitution. Many decided to make an appeal because of the unbearable behaviour of their pimps who partially or completely withheld the money the women had earned from prostitution and who used violence towards them. Clients had no information about the fact that their basic human rights have been broken in the whole process.

A common characteristics of all Romany clients was their low age, unemployment and low education. Further characteristics were servility and dependence on the persons who trafficked them. An additional common aspect was passivity which also became obvious during co-operation with workers of La Strada. After the interventions of La Strada, the majority of Romany girls voluntarily returned to their original Romany communities.

There is no doubt that through the existence of trafficking in women, human rights are being broken. One can ask why it is necessary to study trafficking in persons in Romany communities as a specific problem. Many Romany in the Czech Republic are living in a situation of social exclusion.

“Social exclusion as defined by the Council of Europe reflects inequality of individuals or groups of population within their participation in social life. Whereas this discrepancy is a result of lack of opportunities for all citizens who are interested in the participation in social life and result of the impossibility to share this life and their isolation and separation from the society. Social exclusion is further specified as a consequence of unequal approach to five basic sources of society: job, living, social protection, medical care and education.”⁸

Studies. <http://www.romawomen.org/network/reports.php> 8.11.2002.

⁸ Kotýnková, M.: Rozsah a průběh sociálního vyloučení v české společnosti. Sociální studia 5, 2000, s. 116

The EU Charter of Basic Rights respects the right to social help so that the dignity of all who do not have sufficient resources is assured. Romany communities are doubtless amongst those in which social exclusion leads to the violation of these rights. With regard to trafficking in persons it is necessary to perceive social exclusion from two points of view: as one of the causes for trafficking in persons and as an obstacle to preventive operations and the provision of help. In the first part of this contribution, devoted to risk factors for trafficking, the causes for trafficking were named. Now, let me mention social exclusion as obstacles to preventive operations, informing and providing help to trafficking victims. In my practice, I meet many Romany and non-Romany workers who work in Romany communities. Many of them know the problems deriving from social exclusion of the community. A Czech government analysis offers an explanation:

„If social exclusion significantly overlaps with perceptions of ethnicity, not only social but also political problems arise. Different ethnicity or colour of skin can be perceived by those excluded as well as by majority society as being the main cause of exclusion which can have a negative influence on the willingness of those excluded to achieve a change of their social position by their own means but it can also result in their having a lack of interest in communication with majority society.“⁹

This fact reflects the complicated operation in the field of social work or preventive care. Social workers are often confronted with resignation resulting from an individual's or a family's complex social problems. In its modern sense, social work respects this fact and works by means of field workers in the localities. But how to ensure respect and belief in our institutions and organisations providing specific services, in our case to trafficking victims? How to inform our clients about possibilities of usage of such services? In general, it is important that the social workers have knowledge and respect towards the traditional Romany values, habits and ways of Romany family life.

⁹ Analýza možností zintenzivnění a zefektivnění práce v zájmu předcházení sociálního vyloučení v romských komunitách a odstraňování jeho důsledku prostřednictvím k tomu určené agentury. Materiál předložený Vládě ČR, 13. 1. 2002. p.3.

Let us come back to Romany women living in socially excluded localities. Romany women, especially aged 13 - 30, are potential victims of trafficking. If we want to achieve human rights protection, by means of spreading information and educating people about the existence of human rights and through advocacy of human rights victims' interests, it is necessary to ask the following questions:

On the practical level of work we consider the following questions:

- How to inform Romany women that their human rights are being broken through trafficking?
- How to ensure information flow about risks and possibilities of help to victims into socially excluded localities?
- How to ensure that the information will be accepted by these women?

During discussion with state representatives the following questions should be asked:

- What measures are acceptable in fighting against social exclusion in Romany communities?
- What measures are acceptable when combating human trafficking?

This contribution described the situation of Romany-related trafficking in persons by addressing the risk factors which are significantly present in Romany communities. Several risk factors were identified that come from ethno-cultural characteristics of Romany communities. My contribution provided a concise insight into cases of Romany clients of La Strada who became victims of trafficking, and especially their common symptoms and the characteristic way they became victims of trafficking. We concluded with the problem that social exclusion of members of Romany communities is one of the causes for trafficking among Romany. The contribution also showed possible influences the social exclusion of Romany has on preventive operations and on offers of support available to trafficking victims. I would like to stress at the end that we can consider trafficking in persons as a problem which does exist throughout the Czech Republic and that it is impossible to associate it just with Romany communities. I would like to express my hope that purposeful work against

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human trafficking on all levels, from international to direct work in the field, will gradually improve this situation.