



Organization for Security and Co-operation in Europe

Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings

OSCE written submission the United Nations Special Rapporteur on contemporary forms of slavery, including its causes and consequences

“Contemporary forms of slavery as affecting minorities in the OSCE Region”

I. Introduction

The Organisation for Security and Co-operation in Europe (OSCE) submits this document in response to the call for input to report on contemporary forms of slavery¹ as affecting persons belonging to ethnic, religious and linguistic minority communities issued by the United Nations (UN) Special Rapporteur on contemporary forms of slavery, including its causes and consequences (Special Rapporteur).

This document is primarily based on the preliminary results of multi-method research project on national minorities and human trafficking (the Research project) that has been jointly implemented by the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (OSR/CTHB)² and the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The Research project includes surveys, questionnaires and expert group consultation carried out with participants from in and outside OSCE region. The Research project collected qualitative and quantitative information from 153 representatives of civil society organisations and 29 OSCE participating States.

The Research project has faced some limitations, of which two can be described as key limitations. These are: a) the absence of an internationally agreed definition of national minorities;³ and b) the general lack of statistical data regarding human trafficking in general

¹ For the purpose of this paper the term “contemporary forms of slavery” is understood as a non-legal umbrella term referring to multiple forms of exploitation (e.g. forced labor, forced marriages, slavery, servitude), which sometimes may overlap with legal definition of human trafficking adopted in Article 3 of the United Nations (2000), Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo protocol).

² The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings (SR/CTHB) represents the OSCE at the political level on anti-trafficking issues and the Office assists OSCE participating States in the implementation of commitments and full usage of recommendations set forth in the OSCE Action Plan to Combat Trafficking in Human Beings. It also ensures co-ordination of the OSCE’s efforts in combating trafficking in human beings across all three dimensions of the OSCE and act as a focal point for the OSCE’s efforts in this area. See: <https://www.osce.org/cthb>.

³ In response to the OSCE/ODIHR survey, a number of participating States indicated that “national minorities” as described by OSCE participating States’ and relevant international standards do not exist within their territories.

combined with the lack of disaggregated data on ethnic and racial minorities, across OSCE participating States, in particular. Despite the identified limitations, some general conclusions can be drawn based on information collected through the Research project in combination with desk research on the topic and findings of the country visits conducted by the OSCE SR/CTHB. However, this document should not be seen as an exhaustive account of the OSCE's research on these matters.

Guided by the key questions listed in the UN Special Rapporteur's call⁴ this submission is structured as follows. First, it provides a basic information on contemporary forms of slavery affecting minorities in the OSCE region. It then focuses on the intersectionality of risks factors that push minorities into contemporary forms of slavery. Third, the document summarises the main actions and challenges of that OSCE participating States in relation to prevention of contemporary forms of slavery, protection of victims and prosecution of those involved in exploitation of persons belonging to minorities. It closes with several recommendations that ultimately aim to improve societal response to occurrences of contemporary forms of slavery in minority communities.

II. Nature extent and extent of minorities' exploitation and abuse

Within the OSCE region, persons belonging to minorities are subjected to various contemporary forms of slavery including forced/child marriages, forced labour and forced begging.⁵ A phenomenon of forced/child marriages particularly affects Roma communities. Governments and civil society surveyed in the Research project most frequently named Roma communities as being at risk for forced marriage.⁶ Country visits conducted by OSCE SR/CTHB confirmed that in some Roma communities, arranged and forced marriages, as well marriages among minors are presented as "traditional practices".⁷ These "traditional practices" have been used by organised crime to circumvent border controls and to ensure the successful trafficking of Roma girls from South-Eastern Europe into France and other EU countries, for the purpose of their exploitation in forced criminality.⁸

Minorities - and especially Roma - have been identified as particularly vulnerable to exploitation through forced begging. It has been reported that whole Roma family units may be trafficked together and exploited by criminal gangs. Parents of Roma children often

⁴ Available at: <https://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/minority-communities.aspx>.

⁵ Out of 29 states that provided responses to the OSCE, 14 identified specific national minorities facing greater vulnerability to THB. Roma were mentioned by 13 respondents (Albania, Bosnia and Herzegovina, Croatia, Greece, Hungary, Moldova, Montenegro, North-Macedonia, Slovakia, Serbia, Poland, Slovenia, Spain), Egyptian by 2 (Albania, Montenegro) and the United States identified African American, American Indian, Asian, Hispanic, Native Hawaiian and Other Pacific Islander groups vulnerable to THB. Danko, A., 2021, *Summary of Survey Findings Based on State Responses* - not published, (hereinafter: Danko, A, 2021), p. 12.

⁶ Danko, A, 2021, p. 14, Reid J.A. 2021, *Summary of Survey Findings Trafficking in Human Beings and Minorities* (Summary of the CSO survey - not published – hereinafter: Reid J.A. 2021.), p. 10.

⁷ OSR/CTHB, 2020, *Report by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings following the official visit to Croatia 3-5 September 2019*. SEC.GAL/175/20, (13 November 2020).

⁸ 1 Global Initiative Against Transnational Organized Crime., 2021, *Exploited in plain sight, An assessment of commercial sexual exploitation of children and child protection responses in the Western Balkan* <https://globalinitiative.net/wp-content/uploads/2021/05/Exploited-in-plain-sight-An-assessment-of-commercial-sexual-exploitation-of-children-and-child-protection-responses-in-the-Western-Balkans-GITOC-.pdf>, [accessed 11 Feb. 2022].

participate in the trafficking of their children as a result of being extorted by Roma clan bosses or being caught in the trap of debt bondage and then forced to *lend* their children as a way of paying off debts.⁹ In addition to Roma communities, the contemporary forms of slavery also affect other minorities. For example, Bosnian Turks and Egyptians were also listed as being at risk for forced marriage and forced begging.¹⁰

However, as noted above, the exact number of persons belonging to ethnic, religious and linguistic minority communities and who are subjected to the contemporary forms of slavery is difficult to establish due to the lack of an internationally-agreed definition of contemporary forms of slavery as well as due to the lack disaggregated data on ethnic and racial minorities.¹¹ Participants in the Research project underlined the lack of data on victims of trafficking belonging to minorities and informed that in most participating States, while the citizenship of such victims belonging to minorities may be recorded, their ethnicity is rarely documented.

III. Intersectionality of risk factors that push minorities into contemporary forms of slavery

Persons belonging to minorities face greater vulnerability to trafficking in human beings due to intersectionality of minority-based discrimination in combination with other forms of discrimination such as that based on age or gender.

As highlighted, in the report titled *Applying gender-sensitive approaches in combating trafficking in human beings*¹² that the OSR/CTHB published in May 2021, the intersectionality between gender-related and other risk factors is especially relevant with regard to minorities. Marginalization and discrimination against these minorities are clear vulnerability factors that can lead to trafficking for the purpose of forced labour. The combination of structural and intersecting forms of ethnic and gender discrimination, poverty and social exclusion must be taken into account to understand the push factors behind the decision to sell a family member into exploitation.¹³

Surveyed OSCE participating States identified women and girls from Roma communities and persons of African descent as particularly vulnerable to domestic servitude. Roma women and girls were also cited as vulnerable to forced marriages. Men of Roma origin are identified as vulnerable to labour exploitation in Southeast Europe while men of Asian descent are recognised as vulnerable in the United States and Iceland.¹⁴

Several structural and situational factors contribute to vulnerability of minorities to abuse amounting to contemporary forms of slavery. These include poverty, economic distress, housing issues, lack of social and economic safety net, corruption, social exclusion and

⁹ Danka, A. 2021, p. 48. The cited example was provided by Greek authorities in a response to the questionnaires sent to OSCE participating States in the framework of the Research project.

¹⁰ Danka, A, 2021, p.14.

¹¹ Some participating States who provided answers to the surveys cited the prohibition of collecting data based on race or ethnicity for historical reasons as an explanation.

¹² Available at: <https://www.osce.org/cthb/486700> [accessed 11 Feb. 2022].

¹³ OSR/CTHB, 2021, *Applying gender-sensitive approaches in combating trafficking in human beings*, p.11.

¹⁴ Danka, A., 2021, p. 13.

institutional discrimination (e.g. racism, racial and ethnic inequality, and school segregation), disability and low access to education. For example, an OSR/CTHB visit to Croatia revealed that only 30 percent of Roma children were enrolled in schooling, which in turn contributes to exposure of persons belonging to Roma communities to contemporary forms of slavery.¹⁵

In some countries in the OSCE region, poverty in general and poverty among minority communities in particular is a significant factor that contributes to vulnerability of persons belonging to national minorities to trafficking. In Georgia, for example, estimates suggest that 1,000 to 2,000 children earn a living by begging. Contributing factors are poverty and domestic violence. Thirty percent of these children are of Roma ethnicity and Azerbaijani Kurds.¹⁶

The COVID-19 pandemic has also affected vulnerabilities of minorities to contemporary forms of slavery. Several OSCE participating States that contributed to the OSCE Research project indicated that the COVID-19 pandemic has raised extraordinary challenges to economic and social cohesion and had disproportionate consequences for the most vulnerable groups who face an increased risk of exploitation, including members of national minorities. In addition, it has been reported that the administrative capacity of competent authorities has been decreased. Children belonging to national minorities have faced disruptions of education services and targeted programs, making them an easy target for traffickers. It has been reported that those employed in agriculture and domestic work who belong to minorities are somewhat more vulnerable to abuses and exploitation.

IV. Actions and challenges in addressing the vulnerabilities of minorities to contemporary forms of slavery

A majority of the OSCE participating States have or are in process of the development of the national action plans for combating trafficking in human beings or equivalent documents. However, an analysis of governmental responses to the OSCE Research survey revealed that most anti-trafficking strategies and action plans do not deal with national minorities specifically.¹⁷ While it is commendable that action plans and relevant anti-trafficking frameworks in OSCE participating States are typically based on the principle of non-discrimination, it worth noting that this principle could be violated not only when States treat persons differently but also when States - without objective and reasonable justification - fail to treat differently persons whose situations are different.¹⁸

The OSR/CTHB recently observed some positive developments that aim to tackle biases and stereotypes that foster occurrences of contemporary forms of slavery in minority communities.

¹⁵ OSR/CTHB, 2020, *Report by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings following the official visit to Croatia 3-5 September 2019*. SEC.GAL/175/20, (13 November 2020), para. 30.

¹⁶ OSR/CTHB, 2020, *Report by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings following the official visit to Georgia 17-19 June r 2019*. SEC.GAL/54/20, (5 May 2020), para. 24.

¹⁷ Danko, A., 2021, p. 16.

¹⁸ ECtHR, Case of *Thlimmenos v. Greece* (Application no. 34369/97), para. 44.; UN CERD, General Recommendation No. 32, *The meaning and scope of special measures in the International Convention on the Elimination of Racial Discrimination*, para. 8; *South West Africa Case* (Second Phase) {1966} ICJ Rep 6, (Dissenting opinion of Judge Tanaka), p. 305.

These include the recently updated United States' National Action Plan to Combat Human Trafficking, which recognizes that an effective anti-trafficking response must encompass racial justice and equity into its policies and programs.¹⁹

Failure to take into account specific vulnerabilities of persons belonging to ethnic national minorities combined with biases and stereotypes undoubtedly leads to failures to adequately *prevent* abuses that amount to contemporary forms of slavery, *protect* victims of those abuses and *prosecute* those who committed those abuses.

Prevention - Awareness of the factors that increase a persons' vulnerability to abuses that amount to contemporary forms of slavery is crucial in developing and implementing preventive measures. As noted earlier, according to the Research project data, risk factors for occurrences of contemporary forms slavery among national minorities vary across regions. Roma were reported as being more vulnerable to contemporary forms of slavery in Europe, particularly in Southeast Europe, while persons of Asian origin were reported as being at risk to exploitation in North America. Intersectionality with other factors such as gender contributes to vulnerabilities of persons belonging to minorities. Discrimination based on race and ethnicity that persist throughout the OSCE region is a significant contributing factor to the susceptibility of persons belonging to minorities. For example, full access to employment opportunities is hampered by unequal access to education, vocational training, and other contributing factors such as poverty or early marriages.

To address some factors that underlie the vulnerabilities of persons belonging to minorities, the OSCE supported a number of activities. For example, the OSCE Mission to Montenegro has implemented the French-funded project "Prevention of early (forced) marriages among vulnerable groups." The project aimed at strengthening the capacities of relevant local authorities and civil society dealing with this issue and was designed to foster a comprehensive approach in the prevention of early (forced) marriages.²⁰

During several visits to OSCE participating States, the OSR/CTHB provided recommendations to improve prevention of trafficking of persons belonging to minorities. These included recommendations to identify and tackle contributing factors increasing vulnerability to trafficking, such as, race-based and ethnic discrimination which disproportionately affects minority women and girls and subjects them to sexual and physical violence by men, as well as root causes of trafficking in human beings including the demand that fosters exploitation which leads to trafficking.²¹ Recommendations also addressed economic and gender inequality, poverty and unemployment, including factors that push the members of Roma community into exploitative situations. Furthermore, recommendations addressed less visible forms of exploitation such as domestic servitude. The OSR/CTHB recommended enhancing focus on

¹⁹ Available at: <https://www.whitehouse.gov/wp-content/uploads/2021/12/National-Action-Plan-to-Combat-Human-Trafficking.pdf>, [accessed 11 Feb. 2022].

²⁰ OSR/CTHB, 2017, *Highlights of the 17th Alliance against Trafficking in Persons Conference*, (<https://www.osce.org/files/f/documents/6/4/313421.pdf>.) [accessed 11 Feb. 2022].p.6.

²¹ OSR/CTHB, 2021, Occasional paper, *Discouraging the Demand that fosters trafficking for the purpose of sexual exploitation*, (https://www.osce.org/files/f/documents/7/f/489388_2.pdf), [accessed 15 Feb. 2022], p.20.

regulating and monitoring recruitment of domestic workers.²² Also, the OSR/CTHB issued a *Handbook on how to prevent trafficking in human beings for domestic servitude in diplomatic households*, with a view to raise awareness and inform the relevant authorities about steps they can take to address this specific issue.²³

Protection - Victims of abuses that amount to contemporary forms of slavery can be offered protection only if they are properly identified as such victims. Therefore, the identification of victims is a crucial step that can make the difference between being offered assistance and access to remedies, or being prosecuted. Indeed, the expert group discussions carried out in the context of the Research project revealed that victims of abuses amounting to contemporary forms of slavery belonging to minority groups face hurdles in terms of identification and access to services due to lack of language and cultural understanding by law enforcement officials and service providers.

Participants in the OSCE Research project highlighted the need to collect data on victims and perpetrators to inform the response and better understand root causes on racial disparities and layered marginalization of minority groups to enhance prevention.

Prosecution - The OSCE Research project confirmed earlier statements that minority women and girls are disproportionately subjected to sexual and physical violence - including through commercial sexual exploitation and forced marriages - due to strong racial and ethnic biases.²⁴ At the same time, rates of prosecutions and convictions are extremely low, indicating that traffickers are able to avoid justice and detection due to a number of factors, including by evolving and adapting.²⁵ As one country indicated in response to the Research project, due to the introduction of a large number of restrictions in public life because of COVID-19 criminal activity became “less visible”.²⁶ At the same time, traffickers have increased their recruitment as more and more people found themselves in dire economic straits.²⁷

The Research project found that lack of cultural and linguistic competencies combined with associated prejudice, stigma and stereotyping (e.g. notion of ethnic criminality) hampers the

²² See Country Visit Reports by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, (<https://www.osce.org/secretariat/107636>) [accessed 11 Feb. 2022].

²³ Available at <https://www.osce.org/files/f/documents/2/c/126303.pdf>. [accessed 11 Feb. 2022].

²⁴ OSR/CTHB, 2021, *Discouraging the demand that fosters trafficking for the purpose of sexual exploitation*, <https://www.osce.org/cthb/489388>. For instance, in the United States between 2008 and 2010, 40% of identified victims of trafficking for the purpose of sexual exploitation were Black compared with 13% of the general population, while only 26% of identified victims were White compared with 78.4% of the population. See also UNOHCHR, 2010, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, Geneva, p. 101: As noted by the UNOHCHR, the “demand for prostitution (often supplied through trafficking) may reflect discriminatory attitudes and beliefs based on both race and gender”.

²⁵ OSR/CTHB, 2020, *Ending Impunity Delivering Justice through Prosecuting Trafficking in Human Beings*, <https://www.osce.org/cthb/470955>, [accessed 11 Feb. 2022].

²⁶ Croatia.

²⁷ OSR/CTHB, 2020, *Statement by OSCE Special Representative for Combating Trafficking in Human Beings on need to strengthen anti-trafficking efforts in a time of crisis*, available at <https://www.osce.org/secretariat/449554>, [accessed 11 Feb. 2022].

prosecution efforts and often results in the dismissal of trafficking cases as cultural practices and prosecution of victims for other offences.²⁸

V. Recommendations

To combat the above-identified challenges related to occurrences of modern forms of slavery in minority communities, several recommendations can be offered to participating States.

1. It is important to emphasize that lack of data on the role that minority identity and associated vulnerabilities play in different forms of abuses including those amounting to contemporary forms of slavery. Therefore, participating States should **promote proactive data collection mechanisms to gather minority disaggregated data** to inform their prevention, protection and prosecution challenges.
2. **Increase multi-agency co-operation** of all sectors and **involve community mediators**.
3. **Improve relationships between criminal justice officials and minority communities** through developing and **implementing comprehensive minority integration policies**, focusing on meaningful social, political and economic participation of minorities.²⁹
4. Ensure equity in minority recruitment and retention in criminal justice systems.
5. Effectively **implement the principle of non-punishment** of victims of trafficking.³⁰
6. **Ensure appropriate minority language and cultural competency skills** of those involved in prevention of abuses against persons belonging to national minorities, protection of victims of these abuses, and prosecution of those involved in committing such abuses.
7. Adopt a variety of measures that **address the demand that fosters all forms of exploitation**, particularly those that disproportionately exploit minority communities such as exploitation of the prostitution of others.³¹

²⁸ See, ECHR, case of *V.C.L. and A.N. v. the United Kingdom*, App. nos. 77587/12 and 74603/12, Judgment of 16 February 2021

²⁹ OSR/CTHB, 2020, Highlights of the 20th Conference of the Alliance against Trafficking in Person, p. 31, available at: https://www.osce.org/files/f/documents/0/6/470955_0.pdf, [accessed 11 Feb. 2022].

³⁰ For the status of the principle on non-punishment in international law, scope of its application and recommendations towards the effective implementation of this principle with regard to victims of trafficking, see OSR/CTHB, 2013, *Policy and Legislative Recommendations towards the effective implementation of the non-punishment provision with regard to victims of trafficking*, (<https://www.osce.org/secretariat/101002>), [accessed 11 Feb. 2022].

³¹ For a comprehensive overview of the international obligations and commitments of States to discourage the demand as well as the set of recommendations on how to better incorporate demand including the one based on race and ethnic discrimination, into national practice, see the above mentioned Occasional paper on *Discouraging the Demand that fosters trafficking for the purpose of sexual exploitation*.

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