

**PARALLEL SUBMISSION TO THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN FOR THE CZECH REPUBLIC**

**UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

FOR ITS CONSIDERATION AT THE 47th SESSION 4 TO 22 OCTOBER 2010

ARTICLE 6: TRAFFICKING IN HUMAN BEINGS AND ROMANI WOMEN

1. The European Roma Rights Centre (ERRC)¹ submits this parallel report to the United Nations Committee on the Elimination of Discrimination Against Women (Committee or CEDAW) commenting on the Combined Fourth and Fifth Periodic Report of the Czech Republic, submitted under Article 18 of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (Convention).
2. According to Article 6 of the Convention on the Elimination of Discrimination Against Women, “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.”²
3. In its list of issues and questions with regard to the consideration of periodic reports, the Committee requested that the Czech Government “provide statistical data on the status of Roma women and girls [...] on measures taken to enhance the protection of Roma women and girls against all forms of violence, including trafficking to other countries for the purpose of sexual and economic exploitation.”³
4. The present shadow report describes the current situation of Roma women as regards one of the most serious human rights abuses of women – trafficking in human beings – and the legal, policy and other obstacles in reaching an effective remedy for the victims.

FACTUAL SITUATION

Geographical scope

5. Interviews carried with victims and experts indicate that the Czech Republic is a source, transit and destination country for trafficking of Roma. Trafficking for sexual and labour exploitation occurs internally and externally, especially near the German border. Roma from Slovakia, Romania and Bulgaria are trafficked for sexual and labour exploitation into the Czech Republic, which is a target as well as a transit country. Romani women from settlements in eastern Slovakia are trafficked further to other western European countries, such as Germany and Switzerland. Czech Romani women are trafficked abroad for sexual exploitation. An NGO reported that in 2008/2009 a group of five Romanian Roma was trafficked into the Czech Republic for labour exploitation.⁴ A 2009 report of the European Union Agency for Fundamental Rights states, “several cases of trafficking in Roma children for the purpose of coercing them into committing petty criminal activities have been reported.” The cases identified in this study involved Romani children of Slovak and Bulgarian nationality.⁵

Vulnerability Factors

6. Social exclusion is a key factor contributing to the increased vulnerability of Romani women and girls to trafficking in human beings. According to CEDAW General Recommendation No. 19, “Poverty and unemployment increase opportunities for trafficking in women.”⁶ In 2006, a minimum of 60,000 Roma

¹ The European Roma Rights Centre (ERRC) is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists. Information about the ERRC is available at <http://www.errc.org>.

² Available at: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article6>

³ Available at: http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.CZE.Q.5_en.pdf

⁴ Interview with Magdala Project Officer, Caritas Czech Republic (Arcidiocese Charity Prague), 27 April 2010.

⁵ Available at: <http://194.30.12.221/fraWebsite/attachments/Child-trafficking-09-country-cz.pdf>.

⁶ Available at:

were estimated to be socially excluded, likely a result of the discrimination Roma face in every aspect of life, most notably in education.⁷

7. In recent years, the Government of the Czech Republic initiated expert studies in cooperation with the World Bank to analyse employment and exclusion of Roma. In the area of employment, in 2008 the World Bank reported that more than half of working-age Roma in the country are unemployed, compared to a general unemployment rate of less than 5%.⁸ “The majority of working age Roma residing in marginalized localities are not unemployed but are out of the labor force. The main reason for this is discouragement: Many jobless Roma have largely given up looking for jobs. There is also a strong gender dimension, with Roma women participating substantially less than men.”⁹ In terms of vocational skills the report goes on to explain that “while six in 10 men obtained some vocational skills, only four in 10 women did so. Expectedly, the acquisition of vocational skills critically depends on employment.”¹⁰
8. A key factor contributing to the situation of unemployment of Romani women is segregated education of poor quality. According to a letter sent by the Czech Minister of Education, Youth and Sports Miroslava Kopicová to elementary school directors on 19 January 2010, 26% of Romani children are currently attending schools established for pupils with mild mental disabilities; a number that is vastly disproportionate to their population size. The Minister noted that it is highly unlikely that the number of children of Romani origin with mental disabilities is actually this high.¹¹ Furthermore, according to the results of research conducted by the Czech Government in April 2009, Romani girls are 20 times more likely to be transferred to a school for children with disabilities than non-Roma girls; Roma boys are 8 times more likely to be transferred to a school for children with disabilities than non-Roma boys.¹²
9. ERRC research found that certain categories of Roma are particularly vulnerable to trafficking in the Czech Republic:

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom19>

⁷ GAC/ Nová Škola, “Analysis of socially excluded Roma locations in the Czech Republic and the absorption capacity of entities involved in this field”, August 2006, available in Czech at: http://www.gac.cz/documents/nase_prace_vystupy/GAC_MAPA_analyza_SVL_aAK_CJ.pdf.

⁸ World Bank News Release No. 2008/ECA, available at:

<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/CZECHEXTN/0..contentMDK:21953611~menuPK:304639~pagePK:2865066~piPK:2865079~theSitePK:304634,00.html>.

⁹ World Bank: “Czech Republic: Improving Employment Chances of the Roma.” October 2008, available at:

http://siteresources.worldbank.org/ECAEXT/Resources/258598-1224622402506/CZ_Roma_Employment_Full_Report.pdf.

¹⁰ World Bank: “Czech Republic: Improving Employment Chances of the Roma.” October 2008, available at:

http://siteresources.worldbank.org/ECAEXT/Resources/258598-1224622402506/CZ_Roma_Employment_Full_Report.pdf.

¹¹ <http://www.errc.org/cikk.php?cikk=3061>

¹² GAC Results of the Representative Measurement of Educational Disparities of Roma Pupils in Elementary Schools in Roma Neighborhoods in the Czech Republic (Selected Findings of a Specialized Analysis of the Czech Elementary Schools in 2008) April 2009. Available at: http://www.gac.cz/documents/nase_prace_vystupy/GAC_Educational_Disparities_of_Roma_Pupils_Summary.pdf

10. Romani children and youth in state care: according to interviews carried out “young Romani girls who are trafficked in and into the Czech Republic for prostitution tend to be adolescents who have left children’s homes and have no family.”¹³ In one case, a Romani woman who was placed in state care because her mother was involved in sexual exploitation as a recruiter was sold to a client in Germany by her mother after she turned 18 and was taken out of state care. The exploiter kept her locked up and raped her for seven months. She escaped on her first day out. After she crossed the Czech border, she was caught by a group of pimps in Teplice who sexually exploited her for three months. From 6:00 PM until the morning she was sold in a “shopping window” from which customers picked the woman they wanted like any other item for sale. She was supposed to serve as many as six customers a night, sometimes more. If she failed to meet the required minimum, the traffickers would not give her food or drink. They also raped her. Eventually she managed to escape. She never reported it to the police because she feared that the pimps would find her and kill her.¹⁴
11. Persons addicted to substances: increasing levels of substance abuse (marijuana, heroin, crack, methamphetamine, toluene) were reported in all the four areas surveyed among all age groups of Roma, including children as young as six years of age. The vast majority of respondents saw this issue as very serious in connection with trafficking and sexual exploitation.¹⁵
12. People with disabilities: from February-April 2010 the ERRC carried out qualitative research¹⁶ three of the nine victims interviewed by the ERRC had some form of physical or mental disability.

Data

13. There is no official data disaggregated by ethnicity in connection with trafficking in human beings in the Czech Republic. However, according to the United States Department 2010 Trafficking in Persons Report, “Many Roma women from the Czech Republic are subjected to forced prostitution domestically and also in other destination countries.”¹⁷

¹³ It was specified that non-Roma are also affected by this. Interview with Magdala Project Officer, Caritas Czech Republic (Arcidiocese Charity Prague), 27 April 2010.

¹⁴ Interview with Ms I., 12 April 2010.

¹⁵ Interviews with Director, deputy director and Romani social worker at the Liščina community centre, Life Together, 22 March 2010; Director, two field assistants and a social worker at the Nest team, Life Together, 23 March, 2010; Director of social services, deputy director for social counselling, deputy director for field social work, three field social workers and three social workers at Helpale, Life Together, 24 March, 2010, and Director and two Romani community field social workers, People in Need, 31 March, 2010 .

¹⁶ It included 55 semi-structured interviews in four locations: the Ústí region, Prague, Ostrava and Brno. In total, nine Romani victims of trafficking in human beings and six individual informants from inside the Romani community who had information on trafficking practices were interviewed. Interviews were also conducted with 40 stakeholders, including municipal and regional representatives such as crime prevention officers and Romani advisers (5), relevant ministries (2), representatives of the Police of the Czech Republic (1), anti-trafficking NGOs and organisations involved in the provision of assistance to Romani victims of trafficking (2), representatives of local Romani and non-Romani NGOs (29), and services providers such as shelters and hotlines (1). State prosecution bodies in Brno, Ostrava and Ústí nad Labem, and the Police of the Czech Republic’s Unit for Combating Organised Crime provided information after filing an official request for information under the Freedom of Information Act.

¹⁷ Available at: <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>

14. ERRC research found four types of exploitation affecting Roma in the Czech Republic: sexual exploitation, forced labour, exploitation for begging and debt bondage. According to an NGO operating in the Ústí region near the German border, Roma are perceived to represent around 70% of persons trafficked for sexual exploitation.¹⁸ An NGO working nationally in collaboration with the Ministry of the Interior estimated the representation of Roma among victims of trafficking in human beings to be around 20%.¹⁹ Roma constitute approximately 3% of the total Czech population.²⁰ No estimates were provided on the representation of Roma among victims of trafficking for the purpose of forced labour or exploitation for begging. However, according to testimonies collected and expert interviews such forms of trafficking affect Romani individuals.
15. These figures do not represent official figures as such are not available. They are based on the perceptions of experts working in the field. They do, however, justify greater effort by Czech authorities to find out if Roma are particularly vulnerable to trafficking in human beings and, if so, to create specific measures to address the vulnerability factors contributing to the trafficking of Roma.

INADEQUATE LEGAL AND POLICY RESPONSE

16. As stated in the combined fourth and fifth State party's periodic report of the Czech Republic,²¹ national legislation meets almost all the requirements of the Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Trafficking Convention).²² However, the Czech Republic has not yet ratified the Trafficking Convention and its Protocol due to the absence of legislation stipulating the responsibility of legal entities for selected criminal offences.
17. Despite the legal framework in place, very few Romani women benefit from the legal protections offered as they rarely come into contact with anti-trafficking services. Furthermore, law enforcement authorities and victim service providers sometime blame Roma themselves for their vulnerability. The head of the Crime Prevention Department of one city council told the ERRC that the occurrence of trafficking in Romani communities is precipitated by the inability of Roma "to educate themselves, not by social exclusion." A worker at a shelter for victims of domestic violence (which had previously operated as a shelter for victims of trafficking) told the ERRC that Roma are inclined to commit more crimes because it is in their nature. Such an attitude raises questions about the degree to which racial prejudice may play a role in the treatment that Romani beneficiaries would receive.²³
18. In the Czech Republic's National Strategy to Combat Trafficking in Human Beings (2008-2011), Roma are specifically mentioned with regard to the criminal

¹⁸ Interview with the director of an NGO assisting victims of trafficking and two Romani community field social workers, 31 March 2010.

¹⁹ Interview with an NGO Project Officer, 27 April 2010.

²⁰ Based on qualified estimates, Romani communities, whose size is believed to be between 250,000 and 300,000, constitute approximately 3% of the total Czech population. *EU inconsistencies regarding human rights treatment: Can the EU require Czech action as a criterion for accession?*, available at:

http://www.bc.edu/bc_org/avp/law/lwsch/journals/bciclcr/23_1/02_TXT.htm.

²¹ Available at: <http://daccess-ods.un.org/access.nsf/Get?Open&DS=CEDAW/C/CZE/5&Lang=E>

²² Available at: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

²³ Interview with Director of Magdalenium Shelter for victims of domestic violence and their children, 19 March 2010.

organisations involved in the exploitation of persons in prostitution and petty criminal activities.²⁴ For example, it states:

Citizens of the Czech Republic and of Slovakia of Roma ethnicity considerably participate in domestic trafficking in human beings, although in the vast majority of cases they organise voluntary prostitution. During the last year information was collected that such persons also organise prostitution 'to be exported' to other European states (for example the United Kingdom or Scandinavian countries). Such activities are, in the majority of cases, classified only as procuring since no element of involuntary offer of sexual services was recorded. (p. 9)

19. The Czech Government's strategy appears to be confused in equating trafficking in human beings with "voluntary" prostitution. Nor does it adequately reference the assertion that Roma organise or participate in "voluntary" prostitution. There is a danger that any preventative and protective measures in the Czech Republic may therefore ignore Roma completely or otherwise fail to reach this group. Indeed, despite the perceived over-representation of Romani women among victims of trafficking - prevention activities contained in the Strategy do not specifically mention Roma. Nor does the Czech Republic's Decade of Roma Inclusion (2005 - 2015) National Action Plan - the major policy in place for improving the overall situation of Roma in the country - include any measures specifically intended to prevent the phenomenon of trafficking among Roma.

CONCLUSIONS

20. ERRC research revealed that much remains to be done to prevent the trafficking of Romani women in the Czech Republic. No anti-trafficking programme with a focus on Roma has been designed or implemented so far in the Czech Republic.
21. ERRC research also revealed a need for awareness raising and outreach to combat trafficking in the Czech Republic. Although the initial answer to the question "Are you aware of cases of trafficking in human beings in your area?" tended to be negative, during the majority of interviews it became clear that social workers and community field social workers were often aware of these trafficking-related activities but they did not regard them as trafficking or sexual exploitation.

RECOMMENDATIONS

On the basis of the above, the ERRC recommends that the Czech Government:

22. Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime.
23. Design and implement prevention campaigns specially targeted at Roma living in situations of social exclusion as well as those in situations of increased vulnerability such as persons with disabilities or youth in the child protection system.
24. Raise awareness among professionals working in Romani communities about trafficking in human beings.

²⁴ See: <http://www.mvcr.cz/mvcren/article/czech-republic.aspx>

25. Combat prejudice against Roma among public officials, policemen, regional and local elected political representatives, NGO staff and law enforcement staff.