'Vulnerability of Roma' and Anti-Human Trafficking Policies in Serbia: Recommendations _to the National Policy Network_

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Setting the Scene

This policy brief is an outcome of research on the anti-trafficking policy discourse on the 'vulnerability of Roma'[1] in Serbia.[2] Anti-trafficking policy discourse is a generalized term and it includes both discourses of the interviewed national anti-trafficking policy actors and discourses of the analyzed national strategic policy documents. In the framework of the research, interviews were conducted with fifteen policy actors in Serbia in December 2014. Selected interviewees were ones who have (or have had until recently) a direct impact on the anti-trafficking policy making and implementation: representatives from non-governmental organizations, state bodies and intergovernmental organizations. The fieldwork also included interviews with a social policy researcher and Romani activists whose inputs were of great importance because of the specificity of the topic.

Many anti-trafficking policy documents define 'Roma' as one of the "groups at risk" or "vulnerable groups". For example, The European Union Strategy towards the Eradication of Trafficking in Human Beings 2012-2016

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1   By using single quotation marks, I emphasize vulnerability of Roma as a concept that embeds different meanings in different contexts. Throughout the text, the same is being applied to other categories and concepts, such as Roma, Romani culture, ethnicity.

2   Jovanovic J. (2015), 'Vulnerability of Roma' in Policy Discourse on Combatting Trafficking in Human Beings in Serbia: Perspectives of the National Policy Actors, In CPS Working Papers, Budapest: CEU Center for Policy Studies, available from https://cps.ceu.edu/sites/default/files/publications/cps-working-paper-osi-ttf-vulnerability-of-roma-2015.pdf

defines "vulnerable groups" as groups "at greater risk of human trafficking": "Such groups include children, especially early school leavers, children left behind, unaccompanied children, and children with disabilities, as well as people in the Roma community" (EU Strategy, 2012, p. 14). Moreover, two reports which evaluate Serbian counter-trafficking efforts, the U.S. Department of State Trafficking in Persons Report (U.S. DOS, 2014) and the Council of Europe Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Serbia (GRETA, 2013), do not only define 'Roma' as vulnerable to trafficking in Serbia, but also point out 'Roma' as one of the "topics of special interest" (U.S. DOS, 2014, p. 19).

However, not every publication on the topic singles out 'Roma' as one of the "vulnerable groups" and explicitly reflects a concern for Romani victims of trafficking. For example, Serbian *National Strategy to Prevent and Suppress Trafficking in Persons, Especially Women and Children* (the Anti-trafficking Strategy) lists "illegal migrants" and "asylum seekers", while "returnees on the Readmission Agreement" are implicitly considered as vulnerable. Yet, the *Strategy for Improvement of the Status of Roma in the Republic of Serbia* (the Roma Strategy) is mentioned in part of the Anti-trafficking Strategy under the title *Strategic Framework* where the policy makers listed other national strategic documents relevant to the anti-trafficking field (Anti-trafficking Strategy, 2012). Therefore, a connection is made between 'Roma' and the phenomenon of trafficking, but a question emerges – *Are 'Roma' understood as "a topic of special interest" within the Serbian anti-trafficking policy network?*

Key findings and recommendations to the anti-trafficking policy network

The main aim of the research was to identify the implications of the discourses on the 'vulnerability of Roma' to the decision making processes and implementation of the anti-trafficking policies in Serbia. Policy recommendations are framed as an informative content which could primarily help the national anti-trafficking policy actors in reconsidering the issues they are already grappling with and in initiating discussions on the issues which have not yet been discussed. Additionally, the following recommendations could also be insightful for a broader policy audience: national and local actors who are not directly involved in the anti-trafficking policy mechanisms, those concerned with the ways the concept of 'Roma' has been employed in policies, those interested in the national anti-trafficking discourse in general, researchers and activists interested in discourses on 'vulnerable groups'.

Question 1:

- Are there any specific factors that increase vulnerability of Roma to trafficking in Serbia?

Findings:

- Many of the interviewees argued that there are no specific factors[3], but the research showed that *institutional discrimination based on 'ethnicity', racism* and *'Romani culture'* were implied by my interviewees as specific factors. Relying on the analysis of their discourses, I argue that institutional discrimination based on 'ethnicity' and racism can be defined as the specific factors. Moreover, the analysis revealed that these two seem not only to increase vulnerability of Roma, but they also seem to prevent local anti-trafficking policy actors (social care centers and schools) from providing assistance and protection to Romani victims of trafficking. This means that local policy actors do not identify Romani victims because of the victims' 'ethnic belonging'. This represents the situation where anti-trafficking policy actors' conduct hinders the anti-trafficking policy implementation. Importantly, since non-governmental organizations aiming at combatting trafficking have to cooperate with social care centers and schools, where most of the cases of institutional discrimination towards Roma in general and Romani victims of trafficking in particular occur, there is a concern related to the capacities of the NGOs to deal with such cases.

- Further, some of the interviewed national policy actors implicitly blamed 'Romani culture' defining it as oppressive to children and as a factor that increases vulnerability of Roma to trafficking. I argue that it is not 'Romani culture' that makes people vulnerable to trafficking. As Peter Vermeersch asserts, framing 'Romani culture' as "an integral part of the 'Romani problem'" has been shown to characterize diverse discourses on 'Roma' (Vermeersch, 2003, p. 896). I argue that the *construction* of the concept 'Romani culture' in a specific discourse, such as the discourse on combatting trafficking in human beings, should be understood as *reconstruction* (or reinvention) of the concept. Therefore, the reconstruction of the concept 'Romani culture' characterizes the anti-trafficking policy discourse in Serbia.

- More importantly, the specific understandings of the concept 'Romani culture' appear as yet additional factors

CRITICAL INCIDENT 1
One NGO describes the time they heard about a "boy collecting money for someone from [a district in Belgrade]" and it turned out that the school had heard the same. In addition, the child did not attend classes. However, the school did not do anything about it, and the social care center that should have handled the case claimed it did not have the authority because "the child was not registered in their jurisdiction". The representatives of the NGO said, "they do not deal with the problem because it is 'normal' with Roma (her colleague pipes in: because then, 'it is not trafficking, this is just the way Roma live'). She [the state social worker] thinks it is the custom. Then the other problem is that she does not act according to the law." [Construction of the 'Romani culture' –> Institutional discrimination towards Romani victims]

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3   The vulnerability factors most frequently identified by the policy actors are the following: poverty, lack of education, experience of violence, social inequalities, social exclusion, lack of employment opportunities, experience as a social protection system beneficiary, and inaccessibility to health care and other state institutionalized protection services.

which influence local policy actors to deprive Romani victims of assistance and protection measures. This means that employees of social care centers and schools understand forced marriages and forced begging as 'Romani culture' and do not identify Roma as victims of these forms of trafficking. The interviewed national policy actors defined the mentioned conduct of local actors differently: as *institutional discrimination*, *a consequence of the lack of knowledge*, *wrong beliefs* and *a fear from Romani organizations who advocate that forced marriages are customary law.*

- Of note, among the interviewed policy actors' discourses, there are discourses characterized by "selective listening". This means that some of the current policy actors based their narratives on what they thought were the convictions of Roma, which did not match either the convictions of the Romani interviewees or the convictions of many Romani advocates. For example, many Romani, especially Romani women's and other human rights organizations actually advocate against forced marriages.

Recommendations:

- Acknowledge and openly discuss the risk/vulnerability effects of institutional discrimination based on 'ethnicity' and racism as, especially paying attention to the ways these affect those at risk, presumed victims and victims of trafficking. There has been a lack of discussion on the topic among the national policy actors. One way of doing this, for example, is to introduce concrete cases to each other and to study these cases together.

- Discuss measures aiming to combat institutional discrimination towards Roma at risk of trafficking, Romani presumed victims and Romani victims of trafficking;

- Initiate an exchange of ideas on the capacities of the national anti-trafficking mechanism to deal with the cases of institutional discrimination towards people at risk and victims of trafficking;

- Acquire knowledge on the forms of trafficking which are said to affect Roma most frequently;

- Ensure that local policy actors gather input from a variety of sources such as more policy oriented organizations, those critical of general discourse on 'Roma', as well as from Roma advocacy organizations.

Question 2:

- Is there a need for collecting data on identified victims disaggregated by 'ethnicity'?[4]

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4   It is important to clarify that having disaggregated data does not imply making the data publicly available, but using it for the purposes of combatting trafficking in Roma.

Findings:

- Even though the question regarding the usefulness of disaggregated data remains unanswered, the analysis of the discourses surrounding the question helped me draw several conclusions. Firstly, most of the interviewees believe that data disaggregated by 'ethnicity' would be useful for both policy making and implementation. Secondly, by confronting the policy actors' narratives to each other, I once again detected selective listening. While the Romani interviewees argued for having disaggregated data, some of the current policy actors argued that Roma are bothered by disaggregated data. Importantly, one of the interviewees explained that a decision not to disaggregate the data was based on the convictions of "Romani representatives" who said, some ten years ago, they are against the disaggregation of data. Contrarily to this belief, in a Statement for the 49th Session of the UN Commission on the Status of Women, Romani women activists called on states and NGOs "to implement policies addressing […] trafficking and prostitution in a manner both sensitive to socio-economic factors and careful not to reinforce stereotypes" while "collecting data disaggregated by 'race and gender'" (Cited in Perić, 2005, p. 145).

- There were attempts to collect data on the number of Romani victims, but they were based on the policy actors' assumptions regarding the meanings of 'Roma'. Since there is predominance of a victim-centered approach in Serbian anti-trafficking policy discourse, attempts to disaggregate data by 'ethnicity' based on data collectors' assumptions could be understood as distancing from this approach because of the right of victims to self-identification.

- Most arguably, these assumptions result from the lack of ongoing communication between current policy actors and Roma and/or of the lack of communication with those Roma who are well-versed in policy discourses and are critical of common discourses on 'Roma' as such, and/or of the lack of critical stances towards common discourses on 'Roma'. The lack of knowledge, especially concerning 'Romani culture' and convictions of Roma, points to a need to acquire information. As argued by Jeremy Richardson, this could be addressed through enlarging the policy network by including "interest groups" and by assuming that they are "rational actors". Nevertheless, the consequences of this act "may not necessarily reduce uncertainty". They may even create a more complex policy environment and lead to other unpredictable outcomes (Richardson, 2000).

CRITICAL INCIDENT 2
On one occasion, an anti-trafficking policy actor made a questionnaire to determine how many responders "belong to Romani culture" and whether "he or she practices some of the traditions and customs of the Romani culture":
"[I]t [wa]s a couple of questions - what is your mother tongue, which culture do you like, what music do you listen to." [Assumptions regarding the meanings of 'Roma']

Recommendations:

Create a platform for national anti-trafficking policy actors to discuss the question whether and why there is a need for data disaggregated by 'ethnicity' and how the data would be used;

- To avoid attempts to disaggregate data by 'ethnicity' based on data collectors' assumptions regarding the meanings of 'Roma': collecting disaggregated data should be solely based on the victims' self-identification;

- Rethink the specific aims, continuity and intensity of communication with "Romani representatives";

- Discuss the question which Roma would be the best interlocutors and consider having a Romani organization (representative) in the *Implementation Team* envisaged by the National Anti-trafficking Strategy draft proposal or in some other structure of the anti-trafficking mechanism;

- Acquire knowledge on Roma as a group vulnerable to trafficking, as envisaged by *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016* (EU Strategy, 2012, p. 14).

CRITICAL INCIDENT 3
According to the policy makers, the Strategic Framework was created as part of the National Anti-trafficking Strategy in order to "avoid double planning of the budget and repetition of the activities". They argued that the Roma Strategy includes "prevention activities" [] and that this is one of the reasons for not specifically targeting Roma. The National Strategy for the Prevention and Protection of Children from violence calls for "development of services at the local level for the temporary and occasional urgent reception of the children victims of family violence and victims of human trafficking" and data collection on the "number of the children, victims of sexual exploitation, prostitution, pornography and human trafficking" (Strategy for Children, 2008, p. 27, 29). The National Anti-trafficking Strategy, however, specifically targets children as a vulnerable group. Why, for instance, is this not considered a budgetary double expenditure and repetition of the activities? [Double standard in the decision-making]

Question 3:

- Is there a need for singling out 'Roma' as a 'vulnerable group' in the national anti-trafficking strategic documents?

Findings:

- Even though the interviewed policy actors did not find singling out 'vulnerable groups' in the policy documents relevant, asserting that it is more important to look "if the anti-trafficking mechanism serves Roma as it serves other people", some groups are singled out, while others are not. Thus, a double standard is applied in the decision making process regarding specifying 'vulnerable groups'. For example, the part of the Anti-trafficking Strategy concerning 'children' is actually taken directly from a document created previously by two organizations, the Child Rights Center and Save the Children, for other purposes and was

included because the Child Rights Center was involved in the policymaking process. It is obvious that power relations among the national policy actors --evident from the strength of lobbying processes --influenced the discussion on singling out 'vulnerable groups' and therefore affected the decision-making. So even though analysis shows that singling out 'Roma' as a vulnerable group could be stigmatizing, homogenizing and could cause the reproduction of the stereotypes related to "gypsy criminality", if a Romani organization were to get involved in the policy making, would it provoke a discussion on if and how to address vulnerability of Roma to human trafficking?

- According to my interviewees, every attempt to list vulnerable groups is and will be limited and incomplete because "everyone could fall victim of trafficking". Therefore, the list of vulnerability factors is inexhaustible in itself. However, even though based on the categorizations of *identified* victims, we could argue that some groups of people fall victims of trafficking more frequently than others.

- In addition, discourses surrounding the question were also characterized by a "color-blind" approach to vulnerability factors (as argued within the first question).

Recommendations:

- Avoid singling out 'Roma' in the anti-trafficking policies if this is not followed by a well-developed explanation of what 'vulnerability of Roma' means;

- Avoid singling out vulnerable groups in the anti-trafficking policies in a manner limited to pointing out certain vulnerable groups while leaving out others;

- Avoid double standards in the decision making processes;

- Develop knowledge on vulnerability/risk factors and reflect on this knowledge in the policies.

Question 4:

- One of the main aims of the research was to point out the problematic conceptualization of 'trafficking in Roma'. What does 'trafficking in Roma' mean?

Findings:

- 'Trafficking in Roma' is defined as a Romani problem, both discursively (by the interviewed policy actors) and by the political actions of the state (by creating the so-called Romani

CRITICAL INCIDENT 4
One national anti-trafficking policy actor I interviewed argued that "no one else could react better [] than those concerned with the problem", just as, for instance, "[n]one could solve a problem between [his] wife and [himself] better than [they] could do it [them]selves". The interviewee chose to also embed a 'family values' element into his narrative, reflecting his understanding of 'Roma' as an extended family. Interestingly, but not surprisingly, employment of 'family values' is featured in other interviewees' narratives, too. [Creating trafficking in Roma as a Romani problem –> Reinforcing the dichotomy Serbs/ Roma –> Nationalistic Ideology]

question and setting up its separate policy agenda). This definition comes as a result of the expectations of many of the national policy actors that Roma are the ones to deal with the problems affecting Roma. Sometimes, 'trafficking in Roma' is even understood as a problem which only Roma should deal with. These discourses minimalize or completely dismiss the relevance of the state's accountability towards Roma, therefore defining 'Roma' as less or non-citizens of the Serbian state.

- These discourses are also very much related to the question which policy document should address vulnerability of Roma to human trafficking. Some of the anti-trafficking policy makers understand that if 'vulnerability of Roma' is addressed in the Roma Strategy, they should not address it. Also, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) "urges the Serbian authorities to include in the Strategy for the Improvement of the Status of Roma in Serbia measures to prevent the trafficking of Roma and to provide victims with assistance and protection" (Council of Europe - GRETA, 2013, p. 56). It could be informative to point out here that what academics and activists argued about the EU Roma Strategy could be applied as well to the framework of the Decade of Roma Inclusion within which the Roma Strategy is created:[5]

> [T]here is a danger that the creation of a transnational policy by the EU would indirectly absolve national governments of their responsibility to protect their Roma communities, with Roma becoming a 'European problem'. [] National governments across the EU have proven themselves unable to address the needs of their respective Roma communities and EU intervention could mean they shirk their responsibility even further. [] Roma require a policy intervention which simultaneously treats Roma the same as other EU citizens whilst also recognizes their difference (McGarry, 2011, pp. 127-128).

> These worries become even more relevant in the context of Serbia as a holder of the EU candidate country status since the Europeanization process is also reflected through a shift from the Decade of Roma Inclusion to the EU policies on Roma.[6]

- Additionally, the Roma Strategy only envisages protection activities for Romani women, and these protection activities are as well limited. Since the Anti-trafficking Strategy also envisages assistance and protection measures, does this mean that Romani victims should be assisted and protected separately from non-Romani victims?

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5   Decade of Roma Inclusion, available from http://www.romadecade.org/about-the-decade-decade-in-brief, last accessed March 9, 2015.

6   Serbia was granted the EU candidate country status in 2012. A new strategy for the improvement of the situation of Roma is planned to be created within the frame of *Europe 2020*, available from http://ec.europa.eu/europe2020/index_en.htm, last accessed March 9, 2015

- Furthermore, the Roma Strategy defines human trafficking as a Romani women's problem and only as trafficking for sexual exploitation. Therefore, it is based on a very limited knowledge which overlooks Romani men and boys as victims of trafficking and all the other forms of trafficking affecting Roma.

Recommendations:

- Create policy interventions which simultaneously treat vulnerability of Roma within the national anti-trafficking policy mechanism;

- Have informed discussions on the question of mainstreaming, more specifically, on the question which policy field (anti-trafficking policies or/and policies on Roma) would address vulnerability of Roma to human trafficking;

- Discuss the problem with the policy makers involved in the creation of a new Roma Strategy (which is currently in the agenda setting phase);

- Discuss these issues with the GRETA experts;

- Disseminate knowledge on gender systems and vulnerabilities, as envisaged by the EU Strategy (EU Strategy, 2012, p. 14).

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