



Soteria International Contribution to Working Session 10

Humanitarian issues and other commitments I

The international society rightfully makes great efforts to stop human trafficking. Unfortunately this fight against human trafficking can and is sometimes be used to cover oppression of certain spiritual groups, as the definition of „human trafficking” is ambiguous and leave large obscure areas.

In most religious practice the voluntary work is an essential part of the individual spiritual practice as well as the work for or in the religious community. In Europe a well known example is the work that christian monks do in monasteries.

The same practice in less known spiritual practice can and is in some cases labelled „human trafficking”. This makes these already stigmatized groups vulnerable to institutionalised discrimination and even judicial persecutions violating the freedom of conscience and belief.

Because of the lack of a well determined terminology on an international level regarding the human trafficking, there are several issues that emerge in establishing the thin line between human trafficking and volunteer working done by people who choose to live and to practice spirituality in a still unconventional form for Europe.

Why are we talking about a thin line? When there should not be a problem in determine the criminal nature of the actions and of the means used in order to get a benefit from it. We are talking about a thin line because, due to the lack of terminology, we face an abusive interpretation and categorization of a person’s actions.

Here is the point where the arbitrary actually intervenes – one can even reach the situation of considering any work performed for the benefit of individuals or communities as being a material element of the offense of human trafficking.

The question is if at this level we are able to analyze the cases by reference to a spiritual system little known and not understood in Europe or at least in some of the European countries. Do we disregard someone’s choice of living and sharing spiritual or cultural beliefs just because they do not fit the society as we know it?

Soteria International works to protect the human rights members of minority religions and will expose now a case that we are considering it symptomatic in the direction presented above.

I talk to you in this working session today as today 21 yogis stand accused of human trafficking due to their spiritual practice and voluntary work within their spiritual practice.

In the situation we refer to here, these yoga practitioners from MISA (The Movement for Spiritual Integration in Absolute) a yoga school in Romania, are accused by 7 ex-ashram colleagues of human trafficking them during the period when they lived together in the ashram.

First of all, there is a problem in accepting and understanding the meaning of ashram. Widely known in many countries, the idea of ashram – hermitage, place of collective retreat where disciples gather around the mentor – is very little known in Romania and rejected as pertinent evidence during the investigations.

This explanation was rejected from the start even though in Romania, in the Orthodox Church (in fact Christian systems) the notion of ashram does exist – we are using other terminology – the monasteries- but the idea remains the same for both notions - place of collective retreat in order to grow or to dedicate your life for a spiritual purpose. By doing that, one agrees to respect the rules those locations have and to help the others to maintain a certain order and way of living.

Allow us to refer to the report on MISA made by the Swedish priest Karl-Erik Nylund, which is significant through the comments referring to the way the MISA members understand to organize themselves.

We quote from this rapport: *“An ashram is a place for living a simple life and being able to practice meditation more. Even the yoga practice is a form of meditation. An ashram aims at facilitating a better health condition and a spiritual life for the practitioner. As a matter of fact, any home may be called an ashram. Within MISA, ashrams are a form of living in common, similar to student dormitories.*

These activities: karma yoga, meditations and the practice of physical exercises help all individuals become fulfilled and complete human beings.”

Can one consider as elements of the offence of human trafficking activities such as cleaning, repair work in one’s dwelling space, payment of utilities that one benefits from in the respective spaces? Where are the benefits of such activities? Who is actually benefiting from these activities? In the end, those who profit from the respective activities are those considered by the judicial system the victims of human trafficking, who benefit from

corresponding conditions of accommodation and life and who agreed, by their free conscience, to do so.

In fact, in this case one should consider and analyze elements that are related to the individual's will, to the psychological process that eventually leads to the formation of juridical will, to the way in which each individual sets their possibilities of action in order to satisfy their spiritual needs. No other individual can be substituted to another person and nor can they substitute the spiritual credo of a person with their own spiritual credo (including the modality of satisfying the respective credo). We are not talking here about threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability in order to get control over those persons. We are talking about the respect of some rules imposed in order to live in a community, rules that we respect every day in our society.

Which is the border between voluntary action born out of the person's will to satisfy their needs, spiritual in this case, and the action fulfilled under the urge of constraint, abuse, of any type, for the purpose of bringing profit to another person?

Why disregard the right to freedom of thought, consciousness and religion, man's freedom to express or act according to his spiritual credo? What is the reason why in certain Christian monasteries it is legal to perform activities for the good of the respective community and in the case of ashrams – also locations with a spiritual charge / of a spiritual nature, the same activities become an element pertaining to the offense of human trafficking and incur the penal accountability of the people involved? Just because we are talking about tradition and a behavior that has been accepted by the society? Just because we refuse to analyze and take in consideration a spiritual system different from our own? This should not be a sufficient explanation and reason to condemn someone and to attract his criminal liability for human trafficking when the elements of that crime are not met.

Recommendations:

Soteria International recommends OSCE/ODIHR and the OSCE participating states to develop the judiciary formulations regarding human trafficking so that voluntary work can not be included under it. This refers especially to religious forms of voluntary work as these groups are more likely to be targeted by false accusations.

Soteria International recommends Romania to thoroughly investigate the consequences of their present formulations of human trafficking and the trial against yogis practicing „karma yoga”.