



European Master's Degree in Human Rights and Democratisation

Children for sale Infant Trafficking for Illegal Adoption

The Case of Roma in Bulgaria

by Milena Paluchowska

Supervised by Prof. Anna Csongor
EÖTVÖS LORÁND University
Budapest, Hungary

Academic year 2009-2010

Acknowledgements

Above all I would like to thank Prof Gabor Halmai, the coordinator of the E.MA program in Budapest, who has supported this research with all kinds of sources. Thanks to his cooperation and unceasing energy the research became fully developed and mirrors the contemporary situation in Bulgaria. His contribution concerns specifically the field research as well as the good choice of a supervisor and lecturers during the second semester of the program.

I am also glad about the opportunity to work with a specialist as Prof Anna Csongor from the Eotvos Lorand University having her as my supervisor. I have been given indispensable advices, directions and helpful corrections during the process of my work.

Rumiana Emanuilidu, a journalist and an independent researcher from Burgas, Bulgaria supported actively the field research of this study giving me feedback about the contemporary situation of baby trafficking in Bulgaria and putting me through to specialists on that topic. Cveti Randeveva contributed to this work with giving me the chance to meet representatives of the Department for Organized Crime in Burgas. Thanks to my very close friends Vania Velichkova and Dean Nakev I could get in touch with representatives of the Prosecution office and the State Agency for Child Protection. I would like to thank also all participants in the interviews who agreed to meet me.

Last but not least, I wish to thank the European Roma Rights Center which gave me the opportunity to work on different projects connected to Roma in Bulgaria addressing the legal issues and trafficking in human beings. The past six months spent there ensured deeper research and provided a specialist point of view on the topic.

And finally I would like to thank Michał, the most important person in my life, for his amazing proofreading skills and for his constant unconditional support during the last one year.

Abstract

This thesis examines the scope of infant trafficking for illegal adoption in Bulgaria. It provides a definition of the phenomenon and explains the workings of the trafficking system. It searches for the roots of the problem by taking into consideration the profile of the victims, effectiveness of state institutions, legal enforcement and rule of law. It is developed on two levels. The first level observes the demand for baby sale among the most vulnerable groups in Bulgaria, and the demand for adoptions in the countries of destination. The main finding is that the majority of trafficked babies are of Roma ethnicity, which is an outcome of their socio-economic situation. It provides a deeper look into the marginalization of the Roma community, by addressing several vulnerability areas and the multiple discrimination they face. The second level examines the state's limitations, creating obstacles for effectively fighting trafficking, such as an inadequate national legal framework and ineffective authorities. It further elaborates on the international legislative framework and lack of international cooperation. The research concludes with several recommendations directed towards all actors and provides an opinion on future prospects and benefits related to inclusion of Roma.

Abbreviations

CEDAW	Convention for the Elimination of All Forms of Discrimination against Women
CEE	Central Eastern Europe
CoE	Council of Europe
CRC	Convention on the Rights of the Child
DEVAW	UN Declaration on the Elimination of Violence against Women
ECHR	European Convention for Human Rights
ECRI	European Commission against Racism and Intolerance
ERRC	European Roma Rights Center
ECtHR	European Court for Human Rights
EU	European Union
FRA	Fundamental Rights Agency
ILO	International Labor Organization
IOM	International Organization for Migration
NRM	National Referral Mechanism
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation in Europe
OSI	Open Society Institute
Palermo Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime signed in Palermo, New York, 2004.
SPTF	Stability Pact Task Force on Trafficking in Human Beings
THB	Trafficking in Human Beings
TIP Report	Trafficking in Persons Report
UN	United Nations
UNDP	United Nations Development Program
UNICEF	United Nations Children’s Fund
UNODC	United Nations Office on Drugs and Crime

Table of Contents

Acknowledgements	2
Abstract.....	3
Abbreviations	4
1. Introduction.....	8
1.1. Research objectives and scope of study.....	9
1.2. Definition obstacles	11
1.3. Methodological approach	12
2. Infant trafficking for illegal adoption.....	14
2.1. Phenomenon characteristics.....	15
2.2. Definitions	16
2.3. Purposes and methods of trafficking	18
2.4. Networks and routes of trafficking.....	21
2.5. Statistics	22
2.6. Cases of baby trafficking	23
2.7. Concluding remarks	26
3. Roma – the most vulnerable.....	27
3.1. Who are the Roma?.....	28
3.2. Roma on the international agenda.....	33
3.3. Areas of exclusion	35
3.4. Statistics and data disaggregation.....	45
3.5. Concluding remarks	46
4. International Legal Framework.....	48
4.1. UN mechanisms	49

4.2.	CoE mechanisms.....	53
4.3.	OSCE mechanisms	54
4.4.	EU mechanisms	55
4.5.	Other mechanisms.....	58
4.6.	Concluding remarks	60
5.	National anti-trafficking institutions and legislative framework	61
5.1.	General Remarks.....	62
5.2.	Penal Code	62
5.3.	Child Protection Act	65
5.4.	Family Code.....	66
5.5.	Anti-Trafficking Law	67
5.6.	State Institutions	73
5.7.	Challenges and reality.....	77
5.8.	Concluding remarks	80
6.	Conclusion.....	83
6.1.	Recommendations.....	84
6.2.	Benefits from Roma inclusion	85
	Bibliography	87
	Annex	99
A.	Coordination mechanism for referral, care and protection of repatriated Bulgarian UAM 100	
B.	National Referral Mechanism.....	111
C.	Questionnaires	113
D.	International legal instruments related to trafficking in human beings.....	121