



ROMA AND TRAFFICKING IN HUMAN BEINGS IN BULGARIA

INTRODUCTION

Human trafficking violates numerous human rights, including the right to life, the right to physical integrity, the right to be free from torture or other cruel, inhuman and degrading treatment, illegal deprivation of liberty and the prohibition against forced labour and slavery-like practices.

As to the legislative framework, it should be stated that the international definitions of trafficking in human being has not been properly transposed into the national legal criminal system in Bulgaria. The Bulgarian Penal Code defines human trafficking only by the acts and the purpose: the means appears only as an aggravating circumstance. According to the Palermo protocol, however, the elements of the crime of trafficking in human beings are three, namely acts, means and purpose. The international legal definition of trafficking thus requires that each of these elements should be present to establish the crime of human trafficking. The only exception relates to child victims for whom the means are irrelevant although trafficking for the purpose of begging is not explicitly mentioned in the Palermo protocol, it is increasingly recognized that exploitation for begging may constitute trafficking. In this regard, the EU trafficking directive should also be taken into account. In addition, the CoE Convention explicitly covers all forms of trafficking.

In addition, the term “sexual exploitation” does not appear at all in the Bulgarian legislation. Instead, the vague terms “vicious practice” and “debauchery” are used. None of them encompassed the meaning of exploitation. This may pose serious obstacles to the legal protection to the Roma and other persons who are predominantly trafficked for sexual exploitation.

On the other hand, Bulgarian National Programmes for Prevention and Counter-Acting the Illegal Trafficking of People and Protection of its Victims usually list as high-risk groups for its prevention activities women, children, ethnic minorities, unemployed and socially disadvantaged people and includes certain concrete activities aimed at preventing the trafficking of Roma.

LIMITS OF THE USE OF THE CONCEPT ROMA

According to a Factsheet on Roma¹, Roma usually identify themselves based on external features of language, appearance and occupation. Not all Roma representatives, however, use the word Roma to designate their ethnic origin. It should also be pointed out that Roma

¹ <http://romafacts.uni-graz.at/index.php/culture/introduction/roma-culture-an-introduction>

communities are dispersed and it is essential to consider internal diversity as well as similarities.

The Roma language is the most obvious of the origin of the Roma population.

The extended family is the unit within which resources are shared, work is organized, food is prepared and shared.

Men and women have separate roles within the household.

Life in Roma communities is regulated by a code of practice, which, in turn is governed by tradition.

Roma prefer not to work for others as employees and organize their work within the family unit.

Discussion of Roma culture and tradition seldom takes place in a neutral and unbiased space as their way of life, which is mostly segregated, is difficult to be understood by outsiders. Not a big number of people have first-hand experience with Roma and the way they live, thus their lives become subject of speculation, fantasy and pre-conception.

The absence of literacy and public institutions within the Roma communities confine Roma culture and tradition to the private domain of the home and thus continuing the situation of segregation.

When discussing Roma, as when discussing any other nation, it is understandable that their values, attitudes and cultural practices could be best understood when examined in context. Roma culture is not different than other cultures in its aspect of keeping the family in the centre of their universe. At the same time, we should be aware of the fact that the Roma culture and tradition is not static and opened to a lot of variations. The practices, the values and beliefs of the Roma could not be associated with every Roma community and every Roma person – they differ significantly.

In addition, process of modernization is underway together with a request to be recognized and supported as a separate group which has a gradual effect of removing traditional obstacles that stood in the Roma way toward full participation in the societies.

It should be mentioned, however, that in Bulgaria, the Roma community is often stereotyped and the Roma persons are associated as criminals, lazy, not hygienic, liars, uneducated, irresponsible, not trustworthy, having a lot of children.²

The list of reasons behind the stereotypes is long and includes the Bulgarian history and its lack of understanding of race, ethnicity, religion, gender, sex, etc.; the lack of comprehensive understanding of the concept of those different than the majority of the population; the communist attempts to assimilate those different than the majority; the lack of clarity in the concept of a multi-national and multi-cultural state; the economic crisis and the marginalization of Roma communities; the demographic changes and the rise of the Roma population; the rising numbers of criminal acts in the country, especially in the small villages and the big cities; the high level of corruption among the majority of the population which is neglected at the expense of the Roma crimes; the lack of freedom of speech and the common messages shared by certain groups of Media disseminating racist remarks and hate speech towards the minorities.³

² Amalipe, Beyond anti-Roma stereotypes: the world is not black and white (2013), available at: <http://amalipe.com/files/publications/Stereotipi-bg.pdf>.

³ <http://www.bghelsinki.org/bg/publikacii/obektiv/ilona-tomova/2011-10/stereotipi-i-predrazsdci-za-romite-v-periodichniya-pechat/>

THE VICIOUS CIRCLE OF THE EXCLUSION OF A SOCIO ETHNIC GROUP

According to the 2011 census in Bulgaria, 325 343 persons declare themselves Roma from a total population of 7 364 570 persons, namely around 4.4.% of the population.⁴ However, according to widely accepted estimates, Roma constitute approximately 10 % of the Bulgarian population.⁵

Roma experience the highest risk of poverty in Bulgaria. According to a 2010 study of the World Bank⁶, nearly 9 out of 10 Bulgarian Roma had a per capita income equal to the income of the poorest 4/10 of the population, with 67% of Roma being among the poorest 20% of all people in Bulgaria.

According to a recent survey of the Fundamental Rights Agency, Roma women in Bulgaria have lower rates of employment in comparison not only with non-Roma but also to Roma men.⁷

Although the Bulgarian government has adopted many documents in the past 15 years which introduce policies and programs for development and improvement of economic, social and health situation of Roma people, it must be noted that they still are at the very bottom of all spheres of social organization. The progress in educational reforms is no exception despite the presence of these political frameworks. Some of the major documents adopted by the Bulgarian Government aiming at the integration of Roma children through education are: Framework Programs for Integration of Roma in Bulgarian society (1999-2009) and (2010-2020), Strategy and Action Plan for the Educational Integration of Children and Students from Ethnic Minorities (2004), Action Plan on “A Decade of Roma Inclusion 2005-2015”, National Program for Development of School Education and Pre-school Upbringing and Preparation 2006 – 2013, National Program for Literacy and Qualification of Roma (2009), Program for Development of Education, Sciences and Youth Policies in the Republic of Bulgaria (2009-2013), National Youth Program (2011 – 2015).

However, these political documents are often criticized by the non-governmental sector and foreign independent observers for their inefficiency, lack of adequate approaches to the Roma children and slow implementation of programs enlisted in the abovementioned documents. In addition, though they recognize gender equality and refer to international and European legal frameworks and recommendations, there is no mention of concrete measures towards Roma girls as being a more vulnerable group. An example for the criticism could be found on the special website of the “Decade of Roma Inclusion 2005-2015” created by the Ministry of Labor and Social Policy (MLSP), where it becomes obvious that efforts for drafting a methodology, methodic and indicators for the implementation of the National Action Plan on the “Decade of Roma Inclusion” start five years after the initiative has been inaugurated. Though in 2009 the MLSP claims that a system for monitoring and evaluation exists for a long time it has never been announced publicly. This is not the only evidence for such a discrepancy between data and actions. The NGO sector criticizes also the 2008 Monitoring Report prepared by the National Coordinator on the “Decade of Roma Inclusion” for not being an actual report on activities by different institutions since there are

⁴ National Statistical Institute, *Census 2011*, available at: <http://censusresults.nsi.bg/Census/Reports/2/2/R9.aspx>.

⁵ Claude Cahn and Professor Elspeth Guild, *Recent Migration of Roma in Europe* (OSCE/CoE, December 2008), available at: <http://www.osce.org/hcnm/78034>.

⁶ Roma Inclusion: An Economic Opportunity for Bulgaria, Czech Republic, Romania and Serbia,” Policy Note (World Bank, September 2010).

⁷ European Union Agency for Fundamental Rights (FRA), UNDP, *The situation of Roma in 11 EU Member States - Survey results at a glance*, 2012, available at: http://fra.europa.eu/fraWebsite/attachments/FRA-2012-Roma-at-a-glance_EN.pdf.

no officially approved mechanisms, no coordinated actions and no clear methodology for data collection.

Data collection itself is a whole discourse in figuring out the number of Roma population in Bulgaria. From here – the exact number of Roma students both in school and university is also uncertain. There is a difference between official data and experts' data. According to information guide on Roma in Bulgaria this discrepancy arises from a variety of reasons: data based on self-determination, especially for Roma people who under the pressure of social stigma declare other ethnicity – either Bulgarian or Turkish; political fears arising from the idea that statistics on ethnicity would lead to social tension; speculations in the public space on the “gipsyfication of the Bulgarian society”. Nevertheless, the data from the National Statistical Institute (NSI) remains central in defining the number of Roma people in Bulgaria, and in particular the enrolment and dropout rates of Roma girls and boys. In addition, all available statistics which refer to the NSI quote data from census in 2001. They are also gender neutral. In the data from census 2011 there is no statistics on education, minorities and gender. Furthermore, even though the governmental programs refer to the data from census 2001 by the NSI, difference in numbers could be found despite that they cite one and the same source. According to official statistics as quoted in the Framework Program for Integration of Roma into Bulgarian society (2010-2020), Roma population is characterized by less favorable educational structure in comparison to the other population.

The highest attainable education degree among Bulgarians is secondary education (48,4%), while the highest degree among Roma is primary education (44,8%). In the highest degree of education there is a tendency for decreasing the percentage of Roma to 0,3% in comparison to the Bulgarians (20,4%). The percentage of Roma who are illiterate is 20,5%. In comparison, the Bulgarians have almost 0%, while the Turkish minority 5.6%. The number of Roma youth and adults who have secondary special (i.e graduated vocational schools) degrees is small. There is a tendency for increasing the level of illiteracy among Roma. At the same time, the National Program for Literacy and Qualification of Roma (2009) points out that according to census 2001 the percentage of Bulgarians who have higher education is 23.5%, secondary education is 53.0%, primary education is 20.7% and 0.4% are illiterate. In comparison, the percentage of Roma who have higher and secondary education is 7.2% (they are presented as a whole sum), primary education 44.9% and the share of illiterate Roma is 12.7%. When comparing the provided statistics of the two documents it could be noted that the discrepancy in data reaches more than 4% in some of the fields of inquiry. In the case of the level of Roma illiteracy the difference is 7.8%. A media article also outlines the discrepancies between statistics of NSI and the Ministry of Education, Youth and Science (MEYS), reporting that in the school year 2009/2010 thousands of Roma children have dropped out of school. Their exact number could not be pointed out as there was huge difference in the numbers – the MEYS has announced approximately 15 000 students, while the NSI – 19 583.

In 2002-2003 the Ministry of Education and Science had conveyed a large research on the ethnicity of students in the Bulgarian schools. The results showed that Roma students comprised 10,5% of all students in primary, elementary and secondary educational systems as their division was not balanced in different grades and classes: from more than 20% in first grade to 1% in twelve grade. The authors reach the conclusion that this difference is a result of the big percentage of students who drop out of school. The sociological data reveals that 42,8% of Roma students stop attending school after they pass the age of 10-12 years, i.e. reach elementary education level.

According to data by the NSI in 2003 the enrolment rates among Roma girls and boys drastically increase from 89.11% in 2002 to 91,78% in 2003. The enrolment rate in the

primary and elementary levels has been increasing gradually since 2000. However, during 2003 it has increased with more than 2,6% in comparison with the 1% rate during the previous few years. The percentage of children in both primary and elementary levels is with 15% lower in the rural parts of the country than in the cities. More than 20% of the Roma students who study in villages do not graduate primary level. In comparison to the percentage of those studying in the cities is 0,3%.

A common critic towards the Bulgarian government needs to be emphasized, namely that it presents the Roma community as a homogenous group while in reality there are four major groups - Millet, Rudari, Kaldarashi, Yerlii who have different lifestyle, religion and attitude towards education. According to sociological data from 2003 most risky indicators for dropping out of school have Muslim Roma (18,1%). The share of Christian Roma and Turkish is relatively low, respectively 12,8% and 8,3%. The highest risk of dropping out bear the Muslim Roma who live in the rural parts of the country (25,6%). The report provides comparison with Bulgarians whose rate is 2%.

When taking into account the gender dimension, the most thorough data is provided by the NGO sector. Muslim Roma girls and boys have the biggest gender difference when it comes to dropping out of school. The girls from this ethnic group who answered that they had "stopped attending school" are 21,2% in contrast with 14,9% of the boys. Otherwise, the report points out that both Bulgarian and ethnic minority girls have had higher grades than the boys. An example is provided with Turkish girls who have 4,63 average grade, while the boys 4,17.

According to data on gender division in education among Roma, it becomes clear that in 2004 the percentage of Roma girls who: are illiterate is 20.1%; have primary education 38.7%; have elementary education 37.1%; have secondary 4.1%. In comparison, Roma boys who: are illiterate is 10.7%; have primary education 30.7%; have elementary education 42.9%; have secondary education 15.7%. The numbers speak of the fact that Roma girls drop out of school earlier than the boys and so their level of education is worse.

Numerous reports explain the dropping out of Roma students and in particular girls with reasons which could be found both in the Roma community, the Bulgarian educational system and social prejudices towards the minorities. Different Roma communities have more or less similar problems that are valid to various degrees. Some of the major problems they face are poverty and patriarchal traditions which urge girls to stay at home and help the household, early marriages, parents' low level of education and lack of understanding the assets of education, no knowledge on the national language, children being raised by grandparents because of parents working abroad, bad infrastructure. Speaking of early marriages, this tradition is still popular even in 2015. Recent media reports depict the jolly atmosphere of the annual and quite "famous" bride fair near the city of Stara Zagora where "good mood reigns" and "thousands of swarthy girls" compete with each other in order potential husbands to pay the best price for them which ranges from 500BGN to 50,000BGN. The whiter the bride, the higher the price. The same applies to the age of the bride which varies from 12-21 - the younger the girl, the better. The reports also outline the impact of the economic crisis which has affected the 2012 bridal fair and one could have found a girl cheaper. Among the "colorful setting", media also bring to light another concern, namely fears of loss of virginity as a reason for girls to drop out of school. Virginity is also considered the highest virtue of a future bride and a prerequisite for receiving a good price for her. Several articles focus on the practice of "stealing" the girl while on her way to or back from school. In an interview from 2010, the principal of a school in a Roma quarter in the city of Sliven admits that many Roma girls in the sixth grade (around 12 years of age) often skip classes because of their parents' fears.

Bulgarian educational system has also a contribution to the dropping out of school of Roma children. According to experts despite the presence of many political frameworks, there is no complete governmental policy on the processes of integration and desegregation of Roma. The bigger part of the strategies and other related documents have been formally adopted without any plans for their realization. The desegregation policy of Roma in schools is done mechanically and has no effect. Another report expresses the same concerns saying that two years after the adoption of the Strategy for integration of children and students from ethnic minorities (2004), there are no real actions and no allocated funds from the State budget but rather the MEYS relies on Roma Educational Fund and Operational Program "Human Resources Development". The special measures for prevention of dropping out have uneven coverage on different age groups. The efforts are mostly focused on children at primary level (6 to 11 years of age) who are considered to be less vulnerable than their older mates because they are provided with free of charge food, notebooks, transport, etc.

Among the educational reasons the major issues are lack of appropriate studying materials for Roma students; lack of subjects in school focusing on ethnic culture are not in the curriculum; teachers who are not sensitive to Roma culture and traditions. Parallel to that, Bulgarian schools do not involve parents in school activities and do not lead a dialogue with them. The measures they apply to "motivate" them to send their children to school are mainly restrictive for example, by cutting welfare when their children miss out classes. Social prejudices to minority groups are also an obstacle to the integration of Roma.

Concerning the participation of Roma girls and women in higher education, there is no data provided by governmental officials on the topic. There are programs and projects implemented by the NGO sector which aim at popularization of higher education among Roma community and support through scholarships of Roma students who would like to continue their studies. However, even in those activities Roma women and girls are not seen as a separate target group.

ROMA AND TRAFFICKING IN HUMAN BEINGS (THB)

Since the Gender Alternatives Foundation has started working with trafficking in human beings we have been aware of the sensitivities surrounding the topic, particularly when the focus is on Roma. The big awareness of trafficking as a global issue is welcome but there is a danger of sensationalizing the issue, especially when it comes to Roma. The issue has become politicized as a lot of countries allege trafficking is one of the leading explanations for the migration of Roma across their borders. Certainly, trafficking affects Roma on a great scale but it is not the lead reason for their migration. On the contrary, their migration is largely due to factors such as poverty, marginalization and discrimination, which, combined with their mobility, make them more vulnerable - when traveling - to become victims of the traffickers.

Due to its illegal nature, trafficking in human beings is an extremely difficult phenomenon to quantify. Data disaggregated by ethnicity is not gathered in respect to trafficked persons in Bulgaria. In general, there is no reliable statistics on the occurrence of trafficking in human beings. Instead, combatting trafficking in human beings has been used as a pretext to promote racist policies against Roma such as the French efforts to end Roma migration and expel Bulgarian and Romanian EU citizens from its territory in 2010.⁸ The actions taken

⁸ In 2009 the French President Nicolas Sarkozy cast the eviction and expulsion of Bulgarian and Romanian Roma in the frame of a war on criminality: "This is a real war that we are waging on the traffickers and the delinquents," he said in July, claiming that the camps inhabited by Roma are a source of child exploitation and prostitution. Yasmine Ryan, "France to take Roma fingerprints" *Al Jazeera*, 2 October 2010, available at:

under these policies, such as mass eviction and forced repatriation, are contrary to the goal of preventing and combatting trafficking. In fact, as a result, they increase the Roma vulnerability to the crime of trafficking in human beings.

Roma women and girls are mainly trafficked for the purpose of sexual exploitation but also for the purposes of forced labour, domestic servitude, exploitation for begging, and illegal adoption as well as organ trafficking. Also, there is connection between child marriage and trafficking, begging and trafficking, prostitution and trafficking.

In particular, vicious factors make Roma women and girls highly vulnerable to trafficking in human beings and force family separation leading to placement in social care. Among them, poverty, discrimination, exclusion, stigmatization, racism, lack of employment, lack of education, early marriages, inequalities between the sexes, culture and tradition.

Due to the feminization of poverty, the lower status of women in patriarchal societies and various forms of gender discrimination, women constitute a large proportion of trafficked persons not only in Bulgaria but worldwide, particularly for the purpose of sexual exploitation.

In general, Roma are highly vulnerable to trafficking due to structural forms of ethnic and gender discrimination, poverty and social exclusion resulting in low educational participation and achievement, living under State care, domestic violence affecting predominantly women and children. Some of the vulnerability factors such as growing under State care, domestic violence, high school dropout rates or homelessness affect children and youth exclusively or disproportionately. In addition, children who live on the streets are the most vulnerable to trafficking.

Vulnerability factors are significantly worsened in the case of Roma due to the failure of the national social systems to reduce and eliminate the vulnerable situation in Roma communities and barriers preventing Roma from accessing public services such as school, health services, employment services and other social services available in the country.

At the same time, NGO research indicates that anti-trafficking preventive and protection measures and services do not reach vulnerable Roma. In addition, victims support service providers report that they face great difficulties in keeping contacts with their Roma clients as the latter do not have access to phones and Internet. The lack of social support available to Roma trafficked persons negatively impact the ability of many among them to re-integrate, leaving them highly vulnerable to re-trafficking instead.

In that regard, it should be stated that, in general, family members, acquaintances or someone else close to the victims are often involved in their trafficking. The involvement of parents in the sale of their children into trafficking is a common practice in Bulgaria in the past few years.

Another significant trend in the last recent years is the increasing number of Roma who leave Bulgaria knowing that they will be involved in prostitution/sex work, but who agree to go for the sake of a better future and end up trafficked.

Upon being identified as victims of trafficking, however, Roma women and girls often suffer additional abuses by actors of the criminal judicial system as well as social protection system. Among those abuses are violation of their right to privacy, the right to equality and non-discrimination, the right to a fair trial and the right to an adequate remedy. In addition, Roma women and girls involved in prostitution may also face multiple discrimination based on ethnicity and their engagement in activities viewed very negatively by the society.

In that regard, in its Concluding observations to the Bulgarian State, dated 27.07.2012, the CEDAW Committee noted that while welcoming the legislative, institutional and policy measures to combat trafficking in persons, the Committee remains concerned about gaps in the implementation of legislation and strategies. The Committee noted the lack of preventive measures to address the root causes of trafficking, in particular with regard to Roma women. The Committee also noted the small number of shelters for the victims of trafficking, the inadequate assistance and protection provided to the victims and the lack of rehabilitation procedure, of compensation and of funding for the relevant NGOs working in the field.⁹

As a result, the CEDAW Committee recommended the Bulgarian State to:

- Tackle the root causes of trafficking and exploitation of women by increasing its efforts to improve the economic situation of women and girls, in particular Roma women and girls, thereby eliminating their vulnerability to exploitation and traffickers
- Provide adequate assistance and protection to all women victims of trafficking by increasing the number of shelters, establish compensation mechanism and strengthen the programmes for reintegration
- Broaden the cooperation with the non-governmental organizations working in the field through implementation and monitoring of the national referral mechanism for victims of trafficking and through adequate NGO funding;
- Adopt a comprehensive approach in addressing the exploitation of prostitution and provide rehabilitation for women who wish to leave prostitution, and focus on the investigation, prosecution and punishment of those who exploit prostitution.

WHAT TO KEEP IN MIND FOR BETTER HELPING ROMA VICTIMS OF HUMAN TRAFFICKING?

Ensure protection of all the rights of the victims, including the right to information, right to not cooperate with law enforcement authorities, right of protection of privacy and safety, right to witness protection and to be treated with respect and dignity, right to protection of physical integrity, non-prosecution and non-punishment of trafficked persons, non-detention of trafficked persons, reflection period, temporary and humanitarian residence permit, repatriation and guarantees of non-repetition, access to legal aid, right to compensation.

Take into account Roma vulnerability to become victims of trafficking due to poverty, discrimination, exclusion, stigmatization, racism, lack of employment, lack of education, early/forced marriages, inequalities between the sexes, culture and tradition.

Ensure system for social support for Roma as a preventive measure.

Provide effective protection, rehabilitation and re-integration services to the Roma persons according to their specific needs.

Adopt national and local policies to reflect the apparent overrepresentation of Roma among trafficked persons and develop programmes targeted at Roma communities.

Develop and implement specific campaigns and actions targeting Roma based on thorough research on their vulnerability and the most appropriate ways to reach Roma.

Invite Roma representatives to participate in the programmes planning and implementation as well as for prevention.

Ensure participation of the Roma communities in anti-trafficking bodies, including anti-trafficking law enforcement and victim identification groups.

⁹ Paragraph 27 - CEDAWC/BGR/CO/4-7.

Provide specialized training to Roma organizations in order to better identify the victims and refer them to the law enforcement authorities and to proper support providers.

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