

Committee of the Parties  
to the Council of Europe Convention  
on Action against Trafficking in Human Beings

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

CP(2014)2

**Report submitted by the Bulgarian authorities  
on measures taken to comply with  
Committee of the Parties Recommendation CP(2012)2  
on the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings**

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REPUBLIC OF BULGARIA  
COUNCIL OF MINISTERS

NATIONAL COMMISSION FOR COMBATING TRAFFICKING IN HUMAN  
BEINGS

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TO

MRS. PETYA NESTOROVA  
EXECUTIVE SECRETARY  
SECRETARIAT OF THE COUNCIL OF EUROPE  
CONVENTION ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS (GRETA AND  
COMMITTEE OF THE PARTIES)

REF №: DG-I/PN/DD/mc

**Subject:** *Follow up to the recommendations of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria.*

**DEAR MRS. NESTOROVA,**

With Recommendation CP(2012)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria adopted at the 7th meeting of the Committee of the Parties on 30 January 2012, the Committee requests the Government of Bulgaria to inform of the measures taken to comply with this recommendation by 30 January 2014.

Hereby, I am sending the report comprising reports by relevant institutions and non-governmental organizations in the country. The information is structured per measures taken to implement specific proposals. However, some of the information in the report relates to more than one recommendation and for the purpose of consistency of the report is not copied more than once.

I would like to take the opportunity to express the excellent communication and cooperation with the Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (GRETA and Committee of the Parties).

Yours sincerely,



**GERGANA ALEKSOVA**  
SECRETARY OF NCCTHB



## INTRODUCTION ABOUT THE PROCESS OF DRAWING UP THE PRESENT REPORT

At the 7<sup>th</sup> meeting of the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings held on 30 January 2012, acting under the terms of Article 38(7) of the Convention, the Committee:

1. Recommends that the Government of Bulgaria implement the proposals of GRETA concerning the implementation of the Convention by Bulgaria prepared in September 2011 during the first evaluation round; and
2. Requests the Government of Bulgaria to inform the Committee of the Parties of the measures taken to comply with this recommendation **by 30 January 2014**.

The co-ordination and interaction not only among the institutions but with the civil sector as well in combating and preventing trafficking in human beings and protecting the victims are key to the multi-disciplinary and comprehensive country response.

In this regard, in its capacity of a co-ordinating body, the National Commission for Combating Trafficking in Human Beings (NCCTHB) sent letters to: all Local Commissions for Combating Trafficking in Human Beings (LCCTHBs); NCCTHB member institutions whose work is related to the problem; non-governmental organisations (NGOs) working to prevent and combat trafficking in human beings and to the Criminal Assets Forfeiture Commission (CAFC) whereby it requested information to be provided about the measures undertaken in performance of these recommendations.

As of the end of December 2013, the NCCTHB received responses from:

- Institutions: CAFC, MES, MFA, SAR, SAA, SCC, NCCEII, CCCJD, SCPO, NIS, MoI, SANS, MoJ, MoH, SACP, MLSP;
- LCCTHB: All nine LCCTHB in Blagoevgrad, Burgas, Varna, Veliko Tarnovo, Montana, Pazardzhik, Plovdiv, Ruse and Sliven;
- NGO: Association Animus Foundation, BRC, Naya Foundation, IGA Fund for the Prevention of Crime, Gender Alternatives, Caritas Bulgaria, A21 Foundation.

Letters were also sent to:

- International Organisation for Migration, SOS – Families at Risk Foundation, Ravnovesie [Equilibrium] Foundation, New Alternative Association, Association Demetra, Centre Vela Association, Centre Maria Association, PULS Foundation, Open Door Centre Association, Ekaterina Karavelova Association, Bulgarian Fund for Women, Bulgarian Centre for Gender Studies Foundation, Women's Alliance for Development Foundation, Centre Nadia Foundation, Caritas Ruse Foundation, Partners Bulgaria Foundation, Samaritans Association, Alternative 55 Association, Opportunity and Protection Association, Diva Foundation, Centre Dynamica Association, Samokov Social Consultative Centre

Foundation, Bulgarian Family Planning and Sexual Health Association, Health and Social Development Foundation, Ikar Association.

The following report is a compilation of the information submitted by the above institutions and NGOs as well as by the NCCTHB. It is ordered thematically around each item of Recommendation CP(2012)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings. Some of the activities reported may be related to more than one recommendation. In this regard, in order not to expand technically the volume of the present document, the texts are not copied more than once.

COUNCIL OF EUROPE

## **Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings**

### **Recommendation CP(2012)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria**

*Adopted at the 7th meeting of the Committee of the Parties on 30 January 2012*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as ‘the Convention’), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Bulgaria on 17 April 2007;

Having examined the Report concerning the implementation of the Convention by Bulgaria, adopted by GRETA at its 11th meeting (20-23 September 2011) in the framework of the first evaluation round;

Having examined the comments of the Bulgarian Government on GRETA’s report, submitted on 14 November 2011;

Welcoming the measures to combat trafficking in human beings taken by the Bulgarian authorities, and in particular:

- the adoption of a specific law to combat human trafficking, the criminalisation of the use of services of victims of trafficking, and increasing the penalties for trafficking offences;
- the setting up of the National Commission for Combating Trafficking in Human Beings, which co-ordinates the efforts of relevant actors in the implementation of the annual national programmes, and the establishment of seven local commissions for combating human trafficking;
- the adoption of a national mechanism for referral and support of trafficked persons;
- the considerable efforts to develop the aspect of prevention of human trafficking, through awareness raising campaigns, education in schools, and training of relevant professionals;
- the progress made in investigating and prosecuting cases of trafficking in human beings, including through international co-operation, as well as in securing convictions;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Bulgaria, in particular:

- strengthening the aspect of prevention through social and economic empowerment measures for groups vulnerable to human trafficking;
- further improving the identification of victims of trafficking;
- ensuring that trafficked persons are systematically informed of the possibility to use a recovery and reflection period and are effectively granted such a period;
- ensuring that all assistance measures provided for in law are guaranteed in practice, in particular by setting up a sufficient number of shelters for adult victims of trafficking, securing adequate financing to ensure the quality of services provided by the State and non-governmental organisations, and facilitating the reintegration of victims into society;
- facilitating access to compensation for victims of trafficking, including by providing them systematically with information on the right to compensation and ensuring their effective access to legal aid;

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- taking measures allowing for the possibility of not imposing penalties on victims of trafficking for their involvement in unlawful activities to the extent that they were compelled to do so;
  - stepping up proactive investigations of potential cases of trafficking and ensuring that victims are adequately protected and assisted during pre-trial and court proceedings.
3. Recommends that the Government of Bulgaria implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Bulgaria (see addendum);
  4. Requests the Government of Bulgaria to inform the Committee of the Parties of the measures taken to comply with this recommendation by 30 January 2014;
  5. Invites the Government of Bulgaria to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.



## Addendum

### **List of GRETA's proposals concerning the implementation of the Convention by Bulgaria and Bulgarian report in relation to them**

#### **Core concepts and definitions**

1. GRETA notes the difference between the two definitions of trafficking in human beings under Bulgarian law as regards the use of means and invites the Bulgarian authorities to ensure that the national anti-trafficking provisions are interpreted in a manner fully conforming to the Convention.

In relation to the transposition in the Bulgarian legislation of the provisions of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, an interinstitutional Working Group was set up with the Minister of Justice in December 2012 which is tasked with considering its correspondence to the Bulgarian law and preparing specific proposals for legislative amendments in this regard. The Working Group included representatives of the court, the Prosecutor's Office of the Republic of Bulgaria, the Ministry of the Interior, the State Agency for Child Protection, the National Commission for Combating Trafficking in Human Beings; an academic representative was also invited to participate. In performance of the task set, the Working Group developed a table showing the correspondence of the said Directive to the Bulgarian law and a draft Criminal Code Amendment Act (CCAA) whose transitional and final provisions laid down respective amendments to the Combating Trafficking in Human Beings Act and the Child Protection Act. The CCAA prepared by the Ministry of Justice and the Working Group was co-ordinated with and supported by all institutions, the Supreme Court of Cassation and the Prosecutor's Office, and was also the subject of public discussions with all stakeholders.

Recommendations 1, 2 (as regards the part referred to above) and 30 extended to Bulgaria by GRETA were implemented through the said CCAA which was later approved and adopted by the National Assembly. The said CCAA was published in issue 84 of the State Gazette on 27 September 2013. First, the amendments adopted (*in force three days after the publication of the amendments in the State Gazette*) addressed the differences in the two definitions of "trafficking in human beings" in the Bulgarian law, namely the ones in the Criminal Code and the Combating Trafficking in Human Beings Act. To this end, the following amendments were proposed and passed as regards the Additional Provision of the Combating Trafficking in Human Beings Act which currently stipulates the following:

#### *Combating Trafficking in Human Beings Act* **ADDITIONAL PROVISION**

##### *§ 1. Within the meaning of this Act:*

1. **(amended, SG, issue 84 of 2013)** "trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, regardless of their consent, when effected for the purpose of exploitation;
2. **(amended, SG, issue 84 of 2013)** "exploitation" shall mean the illegal use of persons for lechery, for the removal of organs, tissues, cells or body fluids from victims, for forced labour, begging or servitude, for placement in slavery or in a position similar to slavery;
3. **(repealed SG, issue 84 of 2013).**

As can be seen from the said provisions, the approach to defining the concept of "trafficking in human beings" in the Combating Trafficking in Human Beings Act has been harmonised with the wording and scope of the trafficking crimes under the Criminal Code, including with a view to unhampered offering of protection to the victims of this type of crimes while the scope of persons who may be granted protection under the Combating Trafficking in Human Beings Act is expanded. At present, this circle overlaps with the

circle of persons who are deemed victims of human trafficking crimes within the meaning of the Criminal Code.<sup>1</sup>

## Comprehensive approach to THB

2. GRETA considers that the Bulgarian authorities should take further steps to ensure that the national action to combat THB is comprehensive, and in particular:
  - pay increased attention to preventive measures among vulnerable groups, such as the Roma community, children and disabled persons;
  - include in the national policy measures to identify the scale of trafficking of foreign nationals and to provide such victims of THB with assistance in accordance with the Convention;
  - ensure that gender mainstreaming is reflected in the national anti-trafficking policy;
  - include in the national action measures to address THB for the purpose of removal of organs;
  - provide in the national policy for increased measures to assist the reintegration of victims of THB and prevent re-trafficking;
  - allocate the necessary resources to the NCCTHB to enable it to fulfil its mandate;
  - include action against THB as a priority issue in the programmes and projects proposed for financing through EU Structural Funds.

The amendments to the Criminal Code referred to above in relation to Recommendation 1 expand the definition of exploitation which now explicitly includes the following new forms “*removal of organs, tissues, cells or body fluids from victims,*” as well as the form of exploitation “*begging.*” The inclusion of these forms of exploitation has also been made in relation to the provisions in the Combating Trafficking in Human Beings Act (*please see above the wording of § 1, item 2 of the Additional Provision of the Combating Trafficking in Human Beings Act*) as well as those in the Criminal Code – in the respective definitions of the crimes of “trafficking in human beings.” With regard to the CC, please see below the current version of the provisions of Section IX Trafficking in Human Beings, Chapter Two Crimes against the Person of the CC:

### *Section IX Trafficking in Human Beings*

**Article 159a. (1)** (*Amended SG, issue 27 of 2009, issue 84 of 2013*) *Any person who recruits, transports, harbours or receives individuals or groups of people for the purpose of using them for lecherous activities, for forced labour or for begging, for the removal of a body organ, tissue, cell or bodily fluid or for keeping them in forced servitude regardless of their consent shall be punished by deprivation of liberty from two to eight years and a fine from BGN three thousand to twelve thousand.*

**(2)** *Where the act under para 1 has been committed:*

1. *with regard to an individual who has not attained eighteen years of age;*

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<sup>1</sup> Ministry of Justice

2. *through the use of coercion or by misleading the individual;*
3. *through kidnapping or illegal deprivation of liberty;*
4. *through the abuse of a position of dependency;*
5. *through the abuse of power;*
6. *through promising, giving or receiving benefits;*
7. **(new – SG, issue 84 of 2013) by an official during or in relation to the performance of the person's duties,**

*(amended SG, issue 27 of 2009) the punishment shall be deprivation of liberty from three to ten years and a fine from BGN ten thousand to twenty thousand.*

*(3) (New – SG, issue 75 of 2006, amended issue 27 of 2009.) Where the act under para 1 has been committed with regard to a pregnant woman for the purpose of selling her child, the punishment shall be deprivation of liberty from three to fifteen years and a fine from BGN twenty thousand to fifty thousand.*

*Article 159b. (1) (Amended SG, issue 27 of 2009) Any person who recruits, transports, harbours or receives individuals or groups of people and guides them across the border of the country for the purpose under Article 159a, para 1 shall be punished by deprivation of liberty from three to twelve years and a fine from BGN ten thousand to twenty thousand.*

*(2) (Amended SG, issue 75 of 2006, amended issue 27 of 2009) Where the act under para 1 has been committed under the conditions of Article 159a, para 2 and 3, the punishment shall be imprisonment from five to twelve years and a fine from BGN twelve thousand to fifty thousand.*

**Article 159c.** *(New – SG, issue 27 of 2009, amended **issue 84 of 2013**) Any person who uses a victim of trafficking in human beings for lecherous activities, for forced labour or **for begging, for the removal of a body organ, tissue, cell or bodily fluid** or to be kept in forced servitude regardless of their consent shall be punished by deprivation of liberty from three to ten years and a fine of BGN ten thousand to twelve thousand.*

*Article 159d. (Former text of Article 159c, amended SG, issue 27 of 2009) Where the act under Articles 159a – 159c constitutes a form of dangerous recidivism or has been committed upon commission or in performance of a decision of an organised criminal group, the punishment shall be deprivation of liberty from five to fifteen years and a fine from BGN twenty thousand to one hundred thousand and the court may also rule that the a part or the whole of the perpetrator's property be confiscated.*

The above amendments (as shown in bold) implement both Recommendation 1 and Recommendation 2 – with respect to the latter, in its part concerning the need for the Bulgarian authorities to take measures to “include in the national action measures to address THB for the purpose of removal of organs”; the measures taken are focused not only on body organs (*which were laid down in the law even before the CC amendments*) but go even further to cover also trafficking for the purpose of removal of tissues, cells or bodily fluids.<sup>2</sup>

Prevention is a complex and systematic process which necessitates a complex approach and includes activities and aspects on the part of all stakeholder institutions. In the process of active collection of information about people from vulnerable social groups, the SAA territorial units – the SADs identify victims of trafficking. Having identified a victim, the territorial structures make a social examination which includes a needs assessment and planning of follow-up activities to work with the victims of trafficking. SAD staff advise victims of trafficking about the possibilities to receive social support, including social benefits, referral to social services, etc. The preventive work with the persons and groups at risk identified includes familiarizing them with models of safe behaviour and avoiding criminogenic situations, including misleading and fraud, involvement in trafficking and other crimes against the person.<sup>3</sup>

With a view to improving the joint work of the social workers from the Child Protection Departments and the police officers from the MoI regional departments, the State Agency for Child Protection has conducted a number of meetings with these specialists and it constantly provides methodological guidance about their joint work in view of the early identification of potential victims of trafficking and exploitation among the

<sup>2</sup> Ministry of Justice

<sup>3</sup> SAA

children from vulnerable families. The need to improve the exchange of information between the social services, police units and municipal and school authorities has been identified in view of the early identification of the risks and the taking of timely measures to prevent the involvement of children in trafficking and exploitation.

In July 2012, in accordance with order No. P/D 09-116 of the Minister of Health, a working group was set up, led by the chairperson of the State Agency for Child Protection, to assess the epidemic situation with HIV-positive people in the quarter of Orlandovtsi, Sofia and to prepare an emergency action plan. The examination of the epidemic situation in the quarter of Orlandovtsi has served as the basis for the development of a follow-up action plan with the aim to study the health and social situation of the population from all Roma communities at risk living on the territory of Sofia and taking follow-up preventive health and social action. By the end of November 2012, the action plan was co-ordinated with the mayors of the **10 target regions of Sofia Municipality**, namely: **Poduyane, Vazrazhdane, Slatina, Ilinden, Studentski, Lyulin, Ovcha Kupel, Krasna Polyana, Mladost and Vitosha**. A comprehensive social and health examination of the population from identified areas of communities at risk was carried out in all regions. The State Agency for Child Protection had a co-ordinating function in the process of the health and social examination.

Two main goals have been achieved with the examination conducted on the territory of Sofia Municipality:

**1. An assessment of the health status of the children and individuals.** This assessment aimed to establish initial data about the health status of the individuals and children which would serve to plan the provision of specific health services where such a need should be identified.

**2. An assessment of the social situation of the residing children and individuals.**

The assessment aimed to provide social support to families – through assistance, services, advice, help in the issuance of identity documents, finding a place to live, work, etc.

Mobile medical offices were provided for voluntary consultations and testing for HIV, hepatitis B, hepatitis C, syphilis and tuberculosis. The main problem identified during the field study is related to the possibility for access to health services which is tied to the lack of identity documents, health insurance and the lack of information and/or referral to free health services for people whose social insurance rights have been discontinued and people at a disadvantaged position. A number of recommendations have been prepared as well as an algorithm for interaction between the responsible institutions related to the improvement of the field work with children and people from the Roma communities on the territory of Sofia; they include the assignment of a lead social worker for every child or family at risk, improvement of the co-operation among the social workers, medical specialists and police officers with the health mediators with Sofia Municipality in order to set up a Public Support Centre.

An assessment was conducted of the social situation of the residing children and people from the regions in Sofia inhabited primarily by Roma communities which aimed to achieve social support for the families through assistance, services, advice, and help in the issuance of identity documents, in finding a place to live and work.

The State Agency for Child Protection, in its capacity of the only specialised authority which monitors the observance of the children's rights, monitors the implementation of the recommendations and co-ordinates the planning of follow-up measures.

Following the research, specific measures were taken by the stakeholder institutions. The work in the target territories in the regions in Sofia included in the survey continues after the completion of the health and social examination as well. The model of the field study conducted has been provided as a good example of establishing problem children and families on the territories of the Bulgarian municipalities.<sup>4</sup>

***Project Prevention of trafficking in human beings belonging to ethnic groups focusing on the Roma minority in Bulgaria***

<sup>4</sup> SACP

The project is implemented in Varna by the NCCTHB in partnership with Varna Municipality (through the Prevention Directorate and the LCCTHB), Complicity Association, the Bulgarian Family Planning Association and the National Network of the Health Mediators Association in the period 1 January 2012 – 30 June 2014. The project is funded by the Embassy of France to Bulgaria, the Permanent Representative of France to the United Nations Office and other international organisations in Vienna and the Embassy of France to Romania. The purpose of the project is to reduce the number of potential victims of trafficking of Roma origin. It has the ambition to serve as a model of an overall government policy in combating trafficking in human beings among the vulnerable ethnic groups in Bulgaria.<sup>5</sup>

I. In the period 2012 – 2013, the Regional Roma Union Foundation, Burgas, an NGO based on the territory of the Roma quarter Pobeda in Burgas, **in partnership with the LCCTHB in Burgas** implemented two projects aimed at **preventing THB among Roma women and girls**.

**Project *Florika – crafts for Roma women for a better life***

Duration: 1 January 2012 – 31 December 2012 totalling **USD 13180**.

The target group included 20 single mothers of Roma origin aged 18 – 25, unemployed and uneducated, with at least 2 or more children. The main goal of the project was to create possibilities for income for single mothers of Roma origin and prevent the involvement in THB of their children or themselves as a result of the lack of other possibilities for survival. Vocational training was held in hairdressing, cosmetics, sewing, cooking; training seminars on the risks of involvement in human trafficking; training about setting up and maintaining a small business in the local community; training on social skills and how to build the women's self-confidence and independence.

**Project *Social work with psychologically burdened girls from families at a social disadvantage living in the Roma quarters of Burgas (May 2010 – May 2013)***

The target groups were 70 girls aged 9 to 15, living in the Roma quarters of Burgas – Pobeda, Gorno Ezerovo and Meden Rudnik, with deficiencies in their emotional and intellectual development; parents and people close to the children in whose families there were instances of violence, neglect or lack of support for the successful educational process.

The activities included the setting up of a day centre to work with the girls and their parents with groups for social advice and field work with the families who do not visit the day centre to inform them about the risks of involvement in THB.

**II. Training conducted for young people accommodated** at a protected home for young women with mental disabilities, Nadezhda protected home for young people at risk, a family-type centre for young people deprived of parental care in October 2013 in partnership with Integra Association. The training aimed to inform young people with disabilities or social deficiencies accommodated in social services about the forms of THB, the mechanisms of involvement, the profiles of traffickers and victims, the institutions engaged in combating the crime and protecting its victims.

**III. 3 information campaigns held:**

1. An information campaign against labour exploitation *Zero tolerance to trafficking in human beings* within which there was a discussion forum with the students at Prof. Dr. A. Zlatarov University on the topic of *Trafficking in human beings for the purpose of labour exploitation*.
2. A summer campaign against THB *Play 4 Change Burgas* in the course of three days with a number of events in the open.
3. A campaign on the occasion of 18 October, the European Anti-Trafficking Day.

The shelter for temporary accommodation of victims of THB in Burgas has been functioning since December 2011. At present, the shelter works at its full capacity and, so far, it has received 19 women victims of domestic and international trafficking with the purpose of sexual exploitation. The period of the victims' stay at the shelter depends on the individual needs and may be from several weeks to one year. The

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<sup>5</sup> LCCTHB in Varna

shelter offers 24-hour care provided by 5 staff members – social workers and a psychologist; it offers medical care, crisis intervention, long-term psychological counselling, legal support, and reintegration measures – contact with the families, education, finding jobs. The funds for the running of the shelter are provided from the NCCTHB budget.

Currently, preparation is underway to open a transitional home with the shelter. A proposal to provide a municipal home will be made.<sup>6</sup>

The focus on prevention among vulnerable groups in Montana is incorporated in the direct preventive work in the Boychinovtsi Correctional Home, with the children at the Montana Social Services Complex and students to familiarise them with the main reasons for the development of THB; the mechanisms for involvement in trafficking; ways to avoid trafficking; specific cases.<sup>7</sup>

The focus on prevention among vulnerable groups in Veliko Tarnovo Municipality is:

- Roma community – together with the Amalipe Centre for Inter-Ethnic Dialogue and Tolerance, the LCCTHB organised three discussions with the Roma communities in the municipality of Veliko Tarnovo to clarify in detail the mechanisms for involvement in trafficking, the consequences and the places where help may be sought; film screenings; inclusion of the community in joint events;
- Children deprived of parental care – forty discussions at the Penyo and Maria Velkovi Home for Children Deprived of Parental Care, Hristo Smirnenski Home for Children in the village of Balvan, adolescents – one of the groups at the greatest risk because they still have not built their skills of living to cope with risk situations: through preventive training which would gradually cover all schools on the territory of the municipality of Veliko Tarnovo;
- People travelling and/or searching for jobs abroad – through information materials at the Labour Office and the Insurance Broker for people concluding insurance policies with green cards.

The LCCTHB in Pazardzhik has held activities in relation to the present recommendations:

- On the occasion of St Valentine's Day, the Day of Lovers, a joint initiative with the volunteers with the LCCTHB in Pazardzhik and the Local Public Committee under the municipal program *HIV/AIDS Prevention and control*;
- 29 April 2013 – 31 May 2013, exhibition STEPTOFREEDOM dedicated to combating THB: a joint initiative of Postbank and the NCCTHB;
- Screening of the documentary dedicated to the victims of THB which tells the stories of three Bulgarian women *Red – As Lipstick and Blood* in Pazardzhik.

Training in trafficking in human beings during the class session together with volunteers with the LCCTHB in Pazardzhik; for 15 students from the 8th grade at the Vocational Secondary School of Chemical and Food Technologies in Pazardzhik.

Under the project *An integrated approach to preventing trafficking in human beings for the purpose of labour exploitation in countries of origin and final destination* in which the NCCTHB partners with the Romanian National Agency for Combating Trafficking in Human Beings, a training was held during the class session applying the peers-train-peers method together with the volunteers with the LCCTHB in Pazardzhik.

On the occasion of 18 October, the European Anti-Trafficking Day, the public attention was directed to the UN Blue Heart Campaign in combating THB. Approximately 40 volunteers with the Local Commission, volunteers with the Bulgarian Youth Red Cross in Pazardzhik with the BRC District Council, the Pazardzhik Complex for Social Services for Children and Families (CSSCF) and all people committed to the cause will help to distribute 110 blue balloons and 684 blue hearts to the citizens and guests of Pazardzhik, reminding them that the issue is important and everyone can join in combating it. The number of the balloons and the hearts is symbolic – in fact, it comes from the statistical data of the Supreme Cassation Prosecutor's Office for 2012, namely: the victims of THB in 2012 reached 684 while 110 persons were convicted (including in cases submitted to the court in previous years).<sup>8</sup>

<sup>6</sup> LCCTHB in Burgas

<sup>7</sup> LCCTHB in Montana

<sup>8</sup> LCCTHB in Pazardzhik

The LCCTHB in Plovdiv pays attention to the preventive measures in the Roma community. In this regard, in March 2012, a group of Roma youth were involved in training for trainers for the prevention of THB organised by the NCCTHB. The ones who attended the course later took part in 9 discussions in the Roma community on the consequences of trafficking and in one event along with a sport activity – a football game in March 2013.

The LCCTHB in Plovdiv partners with the leadership of the Evangelist churches in the city as the membership of this denomination is made up of Roma primarily. Together with the protestant pastors, the LCCTHB Secretary paid visits to the protestant churches close to Plovdiv and, after the respective service, delivered 15-minute lectures to the congregation on the dangers of involvement in THB and its adverse consequences. The pastors' capacity to gather groups of Roma families was used – an average of 20 – 25 people gather together. Almost 40 such discussions have been conducted in the past two years.<sup>9</sup>

Officers from the SANS (respectively the MoI DGCOC before it became part of the SANS) have taken part or are participating in the following projects:

- *Introduction of requirements for establishing joint investigation teams to fight trafficking in human beings in Southeast Europe* under the aegis of project HOME/2010/ISEC/FP/C1/4000001423 in partnership with Slovenia, completed in May 2013;
- *Use of joint investigation teams to fight trafficking in human beings in the Western Balkans at the local level* aimed at uniting the efforts of representatives of the prosecution and the law-enforcement authorities from the countries in the Western Balkans and Slovenia to support and encourage the use of joint investigation teams as an operational tool in the investigation and criminal prosecution of cases related to trafficking in human beings. The project is implemented in partnership with Bulgaria for a period of 2 years and it started on 23 October 2013;
- *Bulgarian law-enforcement and justice chain in the area of trafficking in human beings focusing on financial investigation and confiscation* (JUST/2011-2012/JPEN/AG/2915) co-funded under a programme of the Directorate General for Justice of the European Commission. It is implemented in partnership with the Netherlands;
- *Joint efforts to combat cross-border organised crime* (in partnership with the Czech Republic, Poland, Romania and Spain) and *Increasing the effectiveness in the referral, support, protection and reintegration of victims of trafficking through the practical application of the Transnational Referral Mechanism for Victims of Trafficking* (with Hungary, Poland, the Czech Republic and Association Animus Foundation). The two projects are approved under the Norwegian Financial Mechanism (2009 – 2014) and are expected to start in the beginning of 2014.<sup>10</sup>

With regard to the implementation of Recommendation 2, the Gender Alternatives Foundation has conducted a study on the relation between the crime of THB and domestic violence entitled *Regulatory framework for the crime of trafficking in human beings. Protection of the victims. Statistical data. The decisive factor of domestic violence. Preventive measures*.<sup>11</sup>

In the training modules/information sessions with professionals and in lectures with students and in the work with volunteers, the NCCTHB experts always discuss that the people with various disabilities (physical as well as psychic and psychiatric) are a very specific group at risk with regard to THB. They discuss that, in the past years, a large part of the women victims of THB accommodated in the two state shelters are clients with some type of a psychic and/or psychiatric disorder and various degrees of mental disability.

The NCCTHB takes part with proposals in the working group with the MLSP to draw up a national plan for the people with disabilities. Within the group, the NCCTHB has the opportunity to present its opinion on the problem of THB and people with disabilities.

A large part of the prevention materials are translated in other languages (including a brochure on the victims' rights in English and Russian, on the right to compensation in German, English and French) and

<sup>9</sup> LCCTHB in Plovdiv

<sup>10</sup> SANS

<sup>11</sup> Gender Alternatives Foundation

information in English is available on the NCCTHB website, while the National Programmes to Combat Trafficking in Human Beings have been translated in German and French. The experts in the administration speak different languages with a view to receiving signals from foreign nationals. The NRM and the TRM for the victims of trafficking are applicable to both Bulgarian and foreign victims of trafficking, taking into account that the focus of application lies on the victims' human rights and not on gender, nationality or race.

The MLSP is coordinating the work in the development of a 2014 National Action Plan to Encourage the Equality of Women and Men. A number of relevant institutions and agencies are taking part in the preparation of the plan and, in this regard, the NCCTHB also takes part as it proposes measures in this area which, in addition to being included in this national plan, will correspond to the specific actions envisaged in the 2014 National Programme to Combat Trafficking in Human Beings.

In this sense, the specific measures in relation to the 2014 National Action Plan to Encourage Gender Equality which the NCCTHB deems important include:

1. With regard to prevention – within its campaigns, the NCCTHB clearly states the importance of equality among people, including gender equality – the use of a gender equality based approach in the development and implementation of prevention and information messages and designs of the campaigns, having in mind that the tendency for a greater number of girls and women to become involved in THB for the purpose of sexual exploitation still continues. In addition, the NCCTHB emphasizes the problem of labour exploitation and the risk of involvement in trafficking for men because, in accordance with observations, the public still harbours the idea that men are the stronger gender and, hence, they are less likely to be involved in such crimes.
2. With regard to training with professionals and training with students and groups at risk on the problem of THB, including the development of a so called Volunteer Academy with the NCCTHB – the creation of awareness of gender and the discussion of the topic about gender equality are part of the NCCTHB training with students and various professionals (including media representatives), especially as mentioned above, the topic of equality and violence as an important factor and the original cause when the problem of THB is discussed.
3. With regard to the care and protection of the victims – even though the crime of THB is a crime against a specific individual and the individual's human rights regardless of gender, race, social status, etc., there is a tendency for the greater part of the victims of trafficking to be mostly girls (children) and women from more distant regions of the country and/or small towns and villages, with a lower level of education and/or social experience and/or experience of safe migration. At the same time, there are quite a number of cases when men and boys are victims of trafficking, especially when it comes to labour exploitation. In this sense, the approach to working with the victims needs to take into account the gender and the violence suffered as well as the place where the victim will be accommodated and the person's further reintegration and support.

The protection and the care process for the victims of trafficking are laid down in the NRM, the regulations for the shelters for temporary accommodation of victims of trafficking, the annual National Programme developed by the NCCTHB. Two state shelters for temporary accommodation of victims of trafficking have been set up with the NCCTHB where advice is provided and registration with the Labour Offices made if a victim wants to be accommodated there and supported in the process of reintegration. In the process of care and support for reintegration, the victims of THB attend vocational qualification courses so that they may find jobs. Social workers work with the victims of trafficking assisting them in their efforts to search for and find jobs.

At present, the NCCTHB works towards the opening of a third shelter for adult victims of trafficking and a transit one for children.

The NCCTHB has worked actively with the private sector for 2 years to involve it in combating trafficking in human beings, including in the development of a platform with the business sector (inclusion of victims from the shelters in internships and empowering training) taking into account the EU Strategy towards the Eradication of Trafficking in Human Beings 2012 – 2016.



Trafficking in human beings for the purpose of selling organs has been criminalised under the Bulgarian law. No victims of this kind of trafficking were registered in the period 2012 – 2013.

In November 2012, the Medical University in Rotterdam began a three-year study of the trafficking in human beings for the purpose of selling organs in order to “map this relatively new form of a grave crime.” Partners to the projects are organisations from Romania, Bulgaria, Sweden and Spain together with Europol, the UN and European transplantation organisations. This is the first time in which a hospital has initiated such a research project on trafficking in human beings for the purpose of selling organs. This is also the first time in which the European Commission supports financially such a study and Bulgaria is part of the study.

## **Prevention campaigns conducted by the NCCTHB:**

### **Campaigns to prevent THB for the purpose of labour exploitation – April – June 2012/2013:**

- ✓ **Target groups** – information campaigns targeted at:
  - Middle-aged people, people unemployed for a long period of time, people looking for seasonal work outside the country;
  - Young people planning to travel abroad for student work programmes;
  - Young people at a disadvantaged position – without a family, going out of institutions, etc. who have problems with finding their place on the labour market and are highly vulnerable to THB;
  - Berry pickers in Sweden;
  - Private sector – HR companies, private companies, CSR policies.
  
- ✓ **Activities and events:**
  - Press conference about the start of the 2013 campaign;
  - Participation in career forums throughout the country;
  - Holding forums and round tables with representatives of institutions and NGOs working on the problem, labour intermediaries, student councils, labour offices, employers, etc. throughout the country (in the cities where the NCCTHB has local structures);
  - A business breakfast with business representatives and labour intermediaries to raise the awareness of the private sector of the problems related to THB for labour exploitation;
  - A working meeting with representatives of organisations working with young people at a disadvantaged position;
  - Training sessions for secondary-school students (in the cities where the NCCTHB has local structures);
  
- ✓ **Information materials**
  - Audio spots recorded by famous Bulgarian performers – Gravity Co., FYELD and Milena Slavova;
  - Stickers in the public transport;
  - Posters in the metro;
  - Brochures;
  - Advertisement pages and spots;
  - Web banners;
  - Publications of materials and interviews on the topic.
  
- ✓ **Communication channels**
  - Media partners – television stations, radio stations, newspapers and magazines, online editions; rotation of audio spots, publication of advertisement pages and spots, campaign coverage;

- Labour offices – dissemination of information materials;
- Sofia public transport, metro – stickers and posters;
- Intermediary companies which organise student work programmes – dissemination of information materials;
- Embassies – dissemination of information materials.

✓ **Partners**

- Manpower Bulgaria;
- Intermediary companies which organise student work programmes – Orange, FletcherLynd;
- Employment Agency;
- Metroliten AD;
- Sofia public transport;
- Embassies;
- Bulgarian Book Association – Book Fair;
- Publishing houses;
- Media.

**Campaigns to prevent THB for sexual exploitation – June – September 2012/2013:**

✓ **Target groups**

- Young people looking for seasonal work at the seaside resorts in Bulgaria;
- Young people at a disadvantaged position;
- Users of sexual services to inform them that the conscious use of the services of victims of THB is a criminal act.

✓ **Activities and events**

- Press conference about the start of the 2013 campaign;
- Concerts in Sofia, Varna and Burgas with some of the most famous pop-rock artists in Bulgaria;
- Events in the open which accompany the musical performances – graffiti, hip-hop, Impro theatre, yo-yo competitions, roller demonstrations, body art, football and street ball competitions, etc.;
- Training and presentations delivered by volunteers with the LCCTHBs to their peers;
- Screenings of topical films for students, children and young people at a disadvantaged position and representatives of the Roma community;
- Artistic project of New Bulgarian University (NBU) students.

✓ **Information materials**

- City lights (outdoor advertising) in some of the large cities in Bulgaria;
- Advertisement pages and spots;
- An audio spot recorded by D2;
- Stickers;
- Posters;
- T-shirts.

✓ **Communication channels**

- Media partners – television stations, radio stations, print and online editions, rotation of audio spots, advertisement pages and spots media coverage of the events;
- Outdoor advertising;
- Web banners;

- Social media.

✓ **Partners**

- Postbank;
- NBU;
- Sofia Municipality;
- Varna Municipality;
- Burgas Municipality;
- Media.

**National information campaign on the occasion of 18 October, the European Anti-Trafficking Day – September – December 2012/2013**

✓ **Target groups**

- Inform the general public about the existence of the problem of trafficking in human beings;
- Vulnerable groups – school and university students, young people at a disadvantaged position.

✓ **Activities and events**

- A concert against THB with popular Bulgarian pop-rock artists in Sofia;
- Premiere of the Romanian film LOVERBOY dedicated to the problems related THB for sexual exploitation;
- A seminar for university professors;
- STEP 2 FREEDOM – an exhibition of posters inspired by the topic of THB of students from the NBU Fine Arts Department along the Lovers' Bridge in Sofia;
- A tour of the theatre performance A Piece of Blue Sky on the topic of THB for sexual exploitation, created and staged by students from Pazardzhik;
- Public lectures in several large universities in Bulgaria with the participation of a woman victim of THB in the Netherlands, a social worker and an investigating police officer;
- FREEDOM CHALLENGE – the official start of an international bicycle ride from Sofia to London dedicated to the prevention of THB and informing the general public about the problem;
- A song dedicated to the problem of THB recorded by the band FYELD.

✓ **Information materials**

- Static advertisement at key Sofia metro;
- Posters;
- Cards;
- Web banners;
- Calendars.

✓ **Communication channels**

- Media partners – television stations, radio stations, print media and online editions;
- Sofia Urban Mobility Centre;
- Metroliten.

✓ **Partners**

- Postbank;

- Sofia Film Fest;
- Centre Nadia Foundation;
- Sofia Municipality;
- Sofia Urban Mobility Centre;
- Metroliten;
- New Bulgarian University;
- Plovdiv Medical University;
- Blagoevgrad Southwestern University;
- Campaign A21 Foundation.

### Other events and activities carried out outside the information campaigns

- ✓ Premiere of the Bulgarian National Television film Red as Lipstick and Blood dedicated to the victims of THB in Sofia and a parallel premiere in the cities where there are Local Commissions for Combating Trafficking in Human Beings;
- ✓ Tour of the exhibition STEP 2 FREEDOM of posters inspired by the topic of trafficking in human beings of students from the NBU Fine Arts Department in some of the cities where there are Local Commissions for Combating Trafficking in Human Beings;
- ✓ Work with volunteers – conducting academies and training for volunteers with the LCCTHBs – secondary school students who, having attended training, old information campaigns on the topic of THB for their peers throughout the country.

### Prevention activities in the Roma community

- ✓ Direct prevention work in the Roma community with regard to trafficking in human beings, family planning and sexual health and other problems typical of this vulnerable group on the territory of Varna under the project *Prevention of trafficking in human beings belonging to ethnic groups focusing on the Roma minority in Bulgaria*. Through information sessions conducted by Roma mediators and representatives of the Bulgarian Family Planning and Sexual Health Association;
  - ✓ Direct prevention work in the Roma community locally in Burgas, Blagoevgrad, Plovdiv and other cities – sports competitions on the occasion of 8 April, the International Roma Day, in Plovdiv; screenings of relevant films and discussions with youth from the Roma community in Blagoevgrad; partnership in a project to deliver vocational training for single mothers from the Roma community in Burgas;
  - ✓ Participation in the events organised by the NCCTHB, within the information campaigns and outside them: screenings, a theatre performance, presentations and discussions on the topic of THB with young people at a disadvantaged position who receive care from various organisations working with young people going out of institutions such as SOS Children's Villages, Concordia Foundation, and The Colourful House (BRC).<sup>12</sup>
3. Further, GRETA invites the Bulgarian authorities to introduce an independent evaluation of the annual National Programme as a tool for assessing the impact of the activities and for planning future policies and measures to combat THB.

<sup>12</sup> NCCTHB

In the period 12 June 2012 – 12 June 2014, the NCCTHB is implementing the project *Improvement of the national policy to combat trafficking in human beings through transfer of knowledge, experience and best practices*. The project is implemented with the financial support of Operational Programme Administrative Capacity co-funded by the European Union through the European Social Fund, in partnership with the Office of the Dutch Rapporteur on Trafficking in Human Beings.

The main goal of the project is to increase the capacity of the NCCTHB, its regional structures and NGOs working in the field of THB for good governance through the use of the knowledge, experience and best practices of the Netherlands. The implementation of the project aims to transfer knowledge, experience and best practices for good governance in the area of THB between Bulgaria and the Netherlands; improve the transnational co-ordination and co-operation between the national institutions engaged in combating THB in Bulgaria and the Netherlands; improve the effectiveness of the work of the NCCTHB and the LCCTHBs **through improving the methodologies for data collection and analysis and monitoring the policy for combating trafficking in human beings in Bulgaria**; prepare recommendations to boost the effectiveness of the national policy to combat trafficking in human beings; raise the capacity of NGOs working in the area of THB to collect, summarise and send statistical data about THB; increase the transparency in the work of the NCCTHB and LCCTHBs; create conditions for the participation of the local institutions and NGOs in the collection of statistical data related to THB.

In 2014, there will be a national co-ordination with institutions, international organisations and NGOs of:

- A common **methodology to collect and analyse statistical data and prepare recommendations to improve the national policy to combat trafficking in human beings** developed;
- A joint **guidebook to monitor and analyse the current policies to combat trafficking in human beings** developed.<sup>13</sup>

## Co-ordination

4. GRETA invites the Bulgarian authorities to invest in the human resources of the NCCTHB and the local commissions for combating THB so that they can effectively carry out the full range of tasks within their mandate.

The NCCTHB is implementing the project *Building an open, multi-functional highly-qualified administration of the National Commission for Combating Trafficking in Human Beings to perform its coordination and strategy functions in Bulgaria and with the European and international institutions and partners* which is implemented with the financial support of Operational Programme Administrative Capacity, co-funded by the European Union through the European Social Fund and totals BGN 42,779.15 with an implementation period of 12 months.

The overall goal of the project is to raise the capacity of the NCCTHB for effective implementation of the national policy and strategy to combat trafficking in human beings at the national, European and international levels. The specific project objectives are:

1. Create conditions and raise the skills of the NCCTHB administration staff to take part in the decision-making process at the European and/or international level;
2. Expand the professional competence of NCCTHB administration experts in professional topics that are closely related to THB.

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<sup>13</sup> NCCTHB

3. Raise the language skills of the NCCTHB administration staff to communicate with European and international institutions and partners.
4. Increase the skills of the NCCTHB administration staff to work with computer software used widely in Bulgaria and Europe.
5. Boost the motivation of the NCCTHB administration staff to work in the state administration on the issues of THB.

During the reporting period, there was an increase in the funds for the remuneration of the LCCTHB secretaries through state delegated activities with the respective municipalities.

Internship programmes for students and people willing to work on the topic have been created with the NCCTHB and LCCTHBs. During their internship, the students receive additional knowledge on the issues related THB, the reasons for it, its consequences and effect, they become familiar with the work and functioning of the local and central administration, and support the work of the NCCTHB and LCCTHBs. In addition, under the Career Start Programme, the NCCTHB has recruited fresh graduates for the second year in a row.<sup>14</sup>

5. GRETA also invites the Bulgarian authorities to further strengthen co-ordination between national and municipal authorities and NGOs active in the field of action against THB and to ensure that NGOs are involved in the planning of the national policy. This could involve the conclusion of formal agreements between state authorities and NGOs setting out the specific framework for co-operation. Particular attention should also be paid to involving Roma NGOs in the fight against THB.

The NCCTHB, on behalf of Bulgaria, actively engages and co-operates with the NGO sector in the country. The social services provided to victims of trafficking are managed primarily by NGOs. In accordance with the Implementing Regulations for the Social Assistance Act and the Combating Trafficking in Human Beings Act, financial funds from the state budget are allocated for the support of these social services. The shelters for temporary accommodation of victims of THB in Varna and Burgas are run by local NGOs and the activities are fully funded by the NCCTHB.

Representatives of NGOs and the MD participate in the Standing Working Group with the NCCTHB which consists of experts from government institutions and NGOs who also take part in meetings of the NCCTHB and LCCTHBs. The Standing Working Group gets together several times a year and one of its main goals is to prepare the annual National Programme to Combat Trafficking in Human Beings and Protect the Victims. In this regard, NGO representatives give specific proposals for activities and measures in the National Programme.

In accordance with the CTHBA, NGO representatives may be members of the LCCTHBs and take an active part in the development and holding of the local policies to combat THB.

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<sup>14</sup> NCCTHB

The NCCTHB takes part in a number of international projects and co-operates with international NGOs. The NCCTHB partners with Bulgarian NGOs in the implementation of their projects and with international NGOs, like the Greek NGO A Child's Smile and its project *VICTOR – Victims of Child Trafficking Our Responsibility*.<sup>15</sup>

The State Agency for Child Protection together with the Ministry of the Interior are responsible for the effective co-ordination in the performance of the specific duties for interaction of the subjects involved when unaccompanied minors and child victims of trafficking return from abroad and care is provided to them.

Since 2005, the Republic of Bulgaria has implemented a Co-ordination Mechanism for referral and care for unaccompanied children and child victims of trafficking in human beings. Through it, the Bulgarian institutions and NGOs unite their efforts and track every case related to trafficking in children in the country and abroad. The Mechanism includes a system of authorities at the central and local levels which identify, repatriate, meet, take out of the family environment, rehabilitate and reintegrate children and monitor the cases.

In the actual work in specific cases with children and families, NGOs have a leading role because a good network of social services for children and families identified through analysis and building on the services in the Bulgarian municipalities has been established on the territory of Bulgaria. The greater part of them is supported through the budget of the respective municipalities and, hence, they are sustainable. NGOs have a leading role in providing the specific social services related to working with children at risk and their families; in this way, their rich resources of knowledge and well-prepared staff are used.<sup>16</sup>

✓ **Active involvement of the NGO sector in the work of the LCCTHB in Varna**

By an order of the Mayor of Varna Municipality of August 2013, two NGOs from Varna were included in the LCCTHB (SOS – Families at Risk Foundation and Complicity Association). SOS – Families at Risk Foundation is an NGO which specialises in providing residential services for women and children who are victims of THB and in performing field work among persons providing paid sexual services. Complicity Association specialises in performing preventive and psychosocial work in the Roma communities in Varna.

✓ **Local Co-ordination Mechanism for identification and referral of the victims of trafficking in human beings implemented**

The Mechanism has been operational since September 2013. It was developed by the LCCTHB in Varna and experts from stakeholder institutions and organisations on the basis of Standard Operational Procedure I (Measures 1.1 – 1.4) of the National Co-ordination Mechanism for referral and care for the victims of trafficking in human beings.

The activities under the Co-ordination Mechanism are carried out by a contact group consisting of representatives of the MoI District Directorate, Territorial Directorate National Security, Border Police, Regional Prosecutor's Office, Social Assistance Agency, Preventions Directorate, Varna Municipality, Municipal Commission for Combating Juvenile Delinquency and NGOs performing activities related to victim protection and prevention among groups at high risk.

✓ **Annual targeted grants through the budget of the Preventions Directorate, Varna Municipality for NGOs implementing projects and programmes to prevent trafficking in human beings with a special focus on children placed in institutions, the Roma community, prostituting persons and pregnant women.**

Financing is provided under two mechanisms:

- Through grants in accordance with the Municipal Ordinance on the financial support for NGO projects for the prevention of risk behaviour among children and young people;

<sup>15</sup> NCCTHB

<sup>16</sup> SACP

- Through the inclusion of NGO programmes in the overall annual programme for the prevention of risk behaviour among children and young people of the Preventions Directorate, Varna Municipality.<sup>17</sup>

By the end of 2013, the LCCTHB in Blagoevgrad plans to update the Commission's composition by including:

- An expert working in Trafficking in Human Beings from the Territorial Directorate National Security, SPOP Blagoevgrad;
- New Alternative NGO. The organisation develops programmes for the raising of children in a family environment, prevention of child abandonment in keeping with the children's best interests and their protection against violence and sexual abuse. It works to strengthen the regulatory framework in the area of policies for children in the Republic of Bulgaria and to develop educational and social services in the community. It also works to reduce the risks of domestic violence in a family environment.
- Regional Agency for Economic Development NGO – an association which helps the economic development in the region as it supports small- and medium-sized enterprises. The Agency has worked for more than 15 years now and its members are representatives of businesses, municipalities, NGOs, chambers of commerce and industry, universities, institutions. It takes an active part in the implementation of the regional policies and strategies for the development of the region and in partner projects for cross-border co-operation in support of the communities.<sup>18</sup>

On 8 February 2012, a co-operation agreement was concluded by Gender Alternatives Foundation and the LCCTHB in Plovdiv. Several initiatives have been organised under it such as expert meetings, training, exhibitions, marking the International Anti-Trafficking day and others. On 25 July 2012, a co-operation agreement was also reached with Plovdiv Municipality.<sup>19</sup>

## **Training of relevant professionals**

6. GRETA invites the Bulgarian authorities to design future training programmes with a view to improving the knowledge and skills of relevant professionals which enable them to identify victims of trafficking and to assist and protect them. Training on THB-related issues should also be provided to staff working in homes for children without parental care and the local commissions for combating juvenile delinquency. During the training, particular attention should be paid to overcoming entrenched negative attitudes and prejudices vis-à-vis victims of trafficking. As regards in particular training for law enforcement officials, it should aim also at developing skills for proactive prevention work.

For the period 2012 – 2013, the NCCTHB organised and held training for social workers and staff of the crisis centres in Bulgaria. The training was organised jointly with the Crisis Centre for unaccompanied minors with Vienna Municipality in Vienna, Austria. The purpose of the training was for social workers and crisis centre staff from Bulgaria to visit Vienna, have the opportunity to become familiar with the Austrian social system and visit crisis centres for domestic violence against children. In addition to children suffering from domestic problems, the Austrian crisis centres also accommodate delinquent children. The participants had the opportunity to visit

<sup>17</sup> LCCTHB in Varna

<sup>18</sup> LCCTHB in Blagoevgrad

<sup>19</sup> Gender Alternatives Foundation



different social services which prioritized the care for children such as protected homes and family-type homes where they receive adequate school help and care.

For the period 2012 – 2013, the NCCTHB held a number of multi-disciplinary trainings for police officers, prosecutors and investigators as well as trainings for journalists and social workers. The NCCTHB organised and conducted seven multi-disciplinary trainings for judges, prosecutors and police officers for the regions of Burgas, Varna, Veliko Tarnovo, Plovdiv, Montana and Blagoevgrad. The training aimed to familiarise the participants with the new tendencies in THB in Bulgaria, improve the co-operation among institutions in investigation and criminal proceedings, in victim support and reintegration, and provide an opportunity for exchange of experience and best practices (or the lack of such) by regions. The training sessions were attended by more than 150 representatives from regional centres and other cities, of District and Regional Courts, District and Regional Prosecutor's Offices, Trafficking in Human Beings Sector with DGCOC and Territorial Units COC from the respective regions, representatives of DGBP, NCCTHB experts and the secretaries of the respective LCCTHBs, NGO representatives. They discussed the trends in the operational work on cases of THB, best practices and difficulties. Focus was placed on the cases of THB from the point of view of the prosecution, the criminals and the victims. There were discussions of cases of THB through the eyes of the court and the referral of victims via the National Mechanism for referral and support of victims of trafficking in Bulgaria, the functions and the role of the NCCTHB and THB as well as the experience through the victims' eyes.

The NCCTHB organised and held induction and follow-up training for journalists and media representatives at the local and national levels. Approximately 30 media specialists were trained. The purpose of the training was to increase the awareness of the media of the topic of THB, familiarise them with the work of the institutions, the work and organisation of the NCCTHB, and its role and the role of the state shelters for temporary accommodation of victims of THB with the NCCTHB in the implementation of the National Referral Mechanism for victims. The journalists became familiar with the information campaigns held by the NCCTHB as well as with the tools of visual arts and how they were applied in the development of prevention materials. The training held helped to change the viewpoint of the media representatives for the victims of the crime of THB, which they often impart to the general public via the materials they prepare on the topic.

Training for the clergy: The training aimed to familiarise Orthodox clerics in the country with the problems related to THB, the methods for identification of the victims and the various possibilities to develop prevention activities in the communities with which the clerics communicate every day.

The training demonstrated good results with regard to the attendees' social engagement with the problem and the possibilities for future joint activities discussed. Options were discussed about the creation of specific information materials such as detailed brochures which would be used by the clerics for the purposes of prevention and would include detailed information about the problem, including specific stories from victims of the crime.<sup>20</sup>

For the period 2012 – 2013, the State Agency for Child Protection provided trainers in the topic of trafficking and exploitation of children for the training of social workers, police officers and diplomats who would leave for Bulgarian diplomatic and consular missions abroad. The training held covered topics about the children's rights to live and develop in a safe environment, the ways of involving them in trafficking and exploitation, the need for coordinated action to protect their rights and interests as well as the ways to improve the interaction between the institutions and organisations working with this risk group of children at the central and local levels.

In 2013, SACP experts took part in a working lunch of consuls from foreign diplomatic missions located in Sofia at which the diplomats were familiarised with the cases of child victims of trafficking and exploitation on the territory of their countries. Attention was paid to the victims' profiles, the ways and methods to involve children in activities which were adverse to their development, and the need to take urgent protection measures on the territory of EU Member States. The foreign diplomats were informed about the mechanisms for co-operation created in Bulgaria for cases with children. The foreign diplomats were impressed with the multi-disciplinary teams set up in Bulgaria. They were all provided with emergency contacts for cases with Bulgarian children in their countries.<sup>21</sup>

Every year, the MLSP organises professional training aimed at increasing the professional capacity of the staff of the SAA territorial units, the SADs. Due to the topical nature and the need constantly to build on the knowledge and skills and to improve the work of the SAD staff in their interaction with people and children who are victims of trafficking and violence, professional training on the topic is included in the annual programmes and training catalogues.

SAA staff attend training at the Centre for the Development of the Human Resources and Regional Initiatives with the MLSP. The programmes in which SAD and RSAD staff have been trained include:

- Social work with children and families at risk – work on cases of child victims of THB
- Social support for people and families – measures to prevent and limit violence in groups at a disadvantage. Trafficking in human beings.

The purpose of the training held is for the social workers to acquire skills to work with people in situations of violence, including in cases of forcing people into trafficking, prostitution, begging, and to build on the knowledge of the application of the National Mechanism for referral and support of victims of trafficking and the Co-ordination Mechanism for referral and care for unaccompanied children and child victims of trafficking returning from abroad.<sup>22</sup>

The Prosecutor's Office has set up and is implementing a programme of internal institutional training by appellate regions; an important place in it is attributed to the crime of trafficking in human beings, the regulatory framework for it and the methodology of investigation.<sup>23</sup>

The need to deliver training for the people working in the area of combating THB and the organisations which regularly deal with the problems has been one of the priorities in the expert assistance provided by judges on the Supreme Court of Cassation (SCC). The training in which SCC judges are involved focuses on the people working in the judiciary and on transnational law-enforcement in order to build confidence in justice in the entire EU. During the current period, as well as in all previous periods since the setting up of

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<sup>20</sup> NCCTHB

<sup>21</sup> SACP

<sup>22</sup> SAA

<sup>23</sup> SCPO

the NCCTHB, SCC judges have systematically taken part in training seminars and programmes for multi-disciplinary training for police officers, prosecutors, judges, SANS and NIS staff organised by the NCCTHB, the NIJ and NGOs from the country. In the first six months of 2013, judges on the SCC Criminal College trained young judges and regional judges on the topic of trafficking in human beings within the mandatory lectures in their preparation for real-life work held by the NIJ.

In June 2013, a three-day seminar led by SCC Judge Veronika Imova was held in Varshets to discuss issues in law-enforcement in relation to the crimes of THB and to analyse and assess the necessary amendments to the national legislation with regard to Bulgaria's commitment under Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA. The seminar included specialised training for judges, prosecutors, investigators and investigating police officers from the judicial regions and the respective prosecutor's offices and police departments in Lom, Oryahovo, Vratsa, Montana and Belogradchik.<sup>24</sup> The training aimed to familiarise the participants with the new tendencies in THB in Bulgaria, to improve the cooperation among the institutions in investigation and criminal prosecution, in the support and reintegration of the victims, and to allow for exchange of experience and best practices by region. Also discussed were trends in the operational work on cases of THB, best practices and difficulties, the cases of THB as seen by the prosecution, the criminals and the victims, the cases of THB as seen by the court. Comments were made about the referral of the victims in accordance with the National Mechanism for referral and support of victims of trafficking, the function and the role of the NCCTHB and the victim's point of view throughout the process.<sup>25</sup>

A new updated methodology for investigation of the crimes related to THB is currently being developed with the participation of NIS investigators and SCPO prosecutors.<sup>26</sup> An NIS investigator has taken part in the NIJ programme for continuing training of magistrates, Training of Trainers module, topic of Financial Investigation and Trafficking in Human Beings as a lecturer. In practice, the training of investigating authorities is also taking place in the course of investigating pre-trial proceedings for THB.<sup>27</sup>

Risk profiles of victims of trafficking and traffickers have been prepared; the MoI structures have been familiarised with them and they have been included in the annual training plans for the officers working at border checkpoints in Bulgaria. All MoI territorial structures and border checkpoints received information materials prepared by the NCCTHB and NGOs under various projects regarding combating THB in all its forms of manifestation and stages of trafficking.

The MoI Academy and DGBP have developed a joint project under the Bulgarian-Swiss Co-operation Programme to train DGBP officers in combating trafficking in human beings, create a guidebook of best practices and equip a specialised Risk Analysis office.<sup>28</sup>

In the period 2012 – 2013, SANS/MoI DGCOG officers took part as lecturers or trainees in:

- 6 multi-disciplinary trainings for police officers, prosecutors and judges focusing on the new tendencies in THB, the current approaches and methods to combat it;
- 3 trainings at the MFA Diplomatic Institute;
- 1 multi-disciplinary training for police officers, prosecutors, judges and NIS staff;
- 1 follow-up training for journalists and media representatives at the national and local levels.<sup>29</sup>

The activities under the project *Qualification of pedagogical specialists* under the Operational Programme Human Resources Development will provide conditions to boost the pedagogical specialists' qualification to form knowledge, skills and competences in the work with children from vulnerable groups and to prevent school violence and aggression. A training in team work for

<sup>24</sup> SCC

<sup>25</sup> LCCTHB in Montana

<sup>26</sup> SCPO

<sup>27</sup> NIS

<sup>28</sup> MoI

<sup>29</sup> SANS

school psychologists was held under the national programme Qualification. A training for pedagogical counsellors was held to build the students' employment skills. The implementation of project BG 051PO011 – 4.3.02-0001 *A system of career orientation in schools* has begun; it will help students from the 1st to the 12th grade to participate in professional orientation programmes. The provision of accessible and quality services for career orientation to all students will also assist children at a socially disadvantaged position to make educational choices.<sup>30</sup>

During its annual national seminars, the Central Commission for Combating Juvenile Delinquency invites specialists who organise training with the LCCTHB Secretaries and the public educators on the problems of trafficking. The LCCTHBs also take part in training organised by the NCCTHB.<sup>31</sup>

#### Action taken in relation to the current recommendation by the LCCTHB in Varna:

##### ✓ **Guidebook on the Prevention of Trafficking in Human Beings in the Roma Minority developed and published**

The Guidebook is aimed for professionals and has been developed under the project *Prevention of trafficking in human beings belonging to ethnic groups focusing on the Roma minority in Bulgaria*. It includes 5 key topics: Specificities of the Roma community and general characteristics of marginalisation. Traditions, beliefs and customs of the community; Specificities of trafficking in human beings in Roma communities. Risks, mechanisms for involvement in trafficking, public attitude to the victim of trafficking in human beings from Roma communities; Abandoning children from vulnerable communities in institutions. Basic approaches to the work in Roma communities. Health prevention and campaigns, reproductive health, mother-and-child health care, social aspects of the prevention of abandonment; Dissemination of illegal drugs and related problems in Roma communities; Prevention approaches to working in Roma communities, Prevention of the risk of re-trafficking.

##### ✓ **Training for professionals**

In 2012, a series of training applying the methodological framework of the Guidebook was held for 45 professionals from the MoI system, social and health services, local administrations, teams working with delinquent children, field workers and NGO leaders. The training aimed for the target group to acquire skills for prevention work in a multi-ethnic environment, providing information on the problems of THB in Roma communities, identification of potential victims and their referral to specialised institutions and organisations.

In 2012 and 2013, training was held for teachers and Commission members on combating delinquency in Varna and in all municipalities in Varna Region. The training aimed to increase the target group's awareness of the problem of THB and the victims, to reduce stigmatization and discrimination with regard to victims of Roma origin, and to improve their overall knowledge about the contemporary trends in involvement in trafficking and further exploitation.<sup>32</sup>

The LCCTHB in **Plovdiv** works with Plovdiv University to introduce the subject of Trafficking in Human Beings in the curriculum of the Legal Department. Such a subject is about to be accredited as an elective course in Law and as a regular course in International Relations and Public Administration.<sup>33</sup>

#### **Training of specialists from the LCCTHB in Blagoevgrad**

The LCCTHB in Blagoevgrad plans to conduct a seminar for officers from the border checkpoints and SPOP Blagoevgrad engaged in combating THB in the region (Directorate General Border Police, Kalotina Border Checkpoint, Gyueshevo Border Checkpoint, Kulata-Promachonas Border Checkpoint, Stanke Lisichkovo Border Checkpoint). 25 persons will be invited to participate. The purposes will focus on the exchange of professional points of view of specialists working in different positions and stages of combating the crime of

<sup>30</sup> MES

<sup>31</sup> Central Commission for Combating Juvenile Delinquency

<sup>32</sup> LCCTHB in Varna

<sup>33</sup> LCCTHB in Plovdiv

THB, familiarisation with current tendencies in the development of the crime of THB at the national and local levels, enhancing the methods and procedures for victim identification at the first stage, improvement of the work to deal with trafficking and equitable attitude to the victims from the region as well as respect for their right to protection.

- In the end of 2013, the LCCTHB will organise a round table with representatives of Roma NGOs from Blagoevgrad Region (Change and Development; Mother Centre, Sandanski; Roma Solidarity, Petrich). The purpose is to familiarise them with the crime of THB and build a strategy to organise an information campaign in this group at risk.<sup>34</sup>

Association Animus Foundation reports a training held in 2013 under a project. It was for social workers and aimed to provide basic information about the rights of the victims of trafficking and their protection in accordance with the Bulgarian legislation. 30 social workers from 18 organisations throughout the country were trained. In 2014, the Foundation plans to hold training for lawyers on the legal support and procedural representation of victims of trafficking; to create a network of attorneys. 20 attorneys will be trained. Training for NGO representatives in promotion and advocacy with regard to the rights of the victims of THB is also planned. Representatives of 20 NGOs will be trained.<sup>35</sup>

In November 2013, an expert with the Foundation took part in the training *Procedures for legal protection of the victims of trafficking* organised under a project of Association Animus (La Strada Bulgaria), Caritas – Ruse and the Netherlands Helsinki Committee titled *Promotion of the rights of trafficked persons in Bulgaria, Romania and Slovakia with emphasis on legal support – a human rights based approach*. The project is funded by the European Commission, Directorate General Home Affairs, Prevention of and Fight against Crime Programme.<sup>36</sup>

In October 2013, Naya Foundation held a one-day training for 21 specialists (teachers, pedagogical counsellors, police officers, medical workers from schools, social workers and LCCJD representatives) from the 4 municipalities in Targovishte Region – Popovo, Opaka, Omurtag and Antonovo on the topic of *Trafficking in women and children – We can prevent it*. There was also a two-day training for 18 specialists (police inspectors, teachers, social workers, municipal representatives) from Targovishte Region on the prevention and assistance provided by the protection authorities in cases of child victims of violence or in crisis situations.<sup>37</sup>

## Data collection and research

7. GRETA considers that, for the purpose of preparing, monitoring and evaluating antitrafficking policies, the Bulgarian authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors and allowing disaggregation (concerning gender, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

The Information, Analysis and Methodological Guidance Department of the Supreme Cassation Prosecutor's Office collects the statistical data submitted by prosecutor's offices in the country in relation to pre-trial proceedings – newly-initiated, not completed, completed, prosecution acts submitted to the court, duration of

<sup>34</sup> LCCTHB in Blagoevgrad

<sup>35</sup> Association Animus Foundation

<sup>36</sup> Gender Alternatives Foundation

<sup>37</sup> Naya Association

the pre-trial stage, completed with convictions, etc. – a total of 58 statistical indicators related to the flow of cases where criminal liability is sought for crimes of trafficking in human beings and 15 statistical indicators related to the victims of the crime and the protection of witnesses in such cases.<sup>38</sup>

The State Agency for Child Protection, in its capacity of a specialised body of the Council of Ministers for guidance, co-ordination and control, has built a data base of children at a vulnerable position. Since 2003, the SACP has collected and summarised data about child victims of trafficking and exploitation. Provisions were set out in 2003 that, should information be submitted about a child victim of trafficking, the SACP is to be notified immediately and it co-ordinates the taking of the respective measures under the Child Protection Act. Statistical information is also kept about the opinions put forward by the SACP Chairperson to impose the measures under Article 76a of the Bulgarian Personal Documents Act with regard to the child victims of trafficking and exploitation. The measures under this article are imposed by the Minister of the Interior when there are sufficient data for the involvement and use of children to acquire illegal income. They cover a period of 2 years and prohibit the children from leaving Bulgaria. These measures are used to prevent follow-up exit and involvement of the children in THB and exploitation. The SACP collects information about the number of children having been through the service Crisis Centre for Child Victims of Violence and Trafficking and it monitors the development of each case related to a child who is a victim of trafficking or exploitation.

In 2013, the SACP developed an information map for the registration of cases of child victims of trafficking and exploitation. It includes data about the children's gender and age, the type of exploitation, the country of final destination, the protection measures taken, the children's place of residence in Bulgaria, etc. It will allow for a more in-depth analysis of the data and offer the possibility for referral of actions and sustainable policies to combat the phenomenon in specific regions of the country where children are recruited from.<sup>39</sup>

In the period 12 June 2012 – 12 June 2014, the NCCTHB is implementing the project *Improvement of the national policy to combat trafficking in human beings through transfer of knowledge, experience and best practices*. The project is implemented with the financial support of Operational Programme Administrative Capacity co-funded by the European Union through the European Social Fund, in partnership with the Office of the Dutch Rapporteur on Trafficking in Human Beings.

The main goal of the project is to increase the capacity of the NCCTHB, its regional structures and NGOs working in the field of THB for good governance through the use of the knowledge, experience and best practices of the Netherlands. The implementation of the project aims to transfer knowledge, experience and best practices for good governance in the area of THB between Bulgaria and the Netherlands; improve the transnational co-ordination and co-operation between the national institutions engaged in combating THB in Bulgaria and the Netherlands; improve the effectiveness of the work of the NCCTHB and the LCCTHBs **through improving the methodologies for data collection and analysis and monitoring the policy for combating trafficking in human beings in Bulgaria**; prepare recommendations to boost the effectiveness of the national policy to combat trafficking in human beings; raise the capacity of NGOs working in the area of THB to collect, summarise and send statistical data about THB; increase the transparency in the work of the NCCTHB and LCCTHBs; create conditions for the participation of the local institutions and NGOs in the collection of statistical data related to THB.

In 2014, there will be a national co-ordination with institutions, international organisations and NGOs of:

- A common **methodology to collect and analyse statistical data and prepare recommendations to improve the national policy to combat trafficking in human beings** developed;
- A joint **guidebook to monitor and analyse the current policies to combat trafficking in human beings** developed.<sup>40</sup>

Association Animus Foundation reports a training in 2013 and a report on Protection of the Victims of Trafficking in Human Beings in Bulgaria currently being prepared for publication.<sup>41</sup>

<sup>38</sup> SCPO

<sup>39</sup> SACP

<sup>40</sup> NCCTHB

<sup>41</sup> Association Animus Foundation

8. GRETA invites the Bulgarian authorities to continue conducting and supporting research on THB-related issues as an important source of information for future policy measures in the field of action against THB. Areas where research is needed in order to shed more light on the extent of the problem of THB include trafficking of foreign nationals and trafficking for the purpose of labour exploitation in Bulgaria.

The LCCTHB in Varna reports during the period 2012 – 2013:

- ✓ **Annual survey to assess the attitudes to labour migration and the related risk of trafficking for the purpose of labour exploitation**

The survey is commissioned by the Preventions Directorate, Varna Municipality and is a separate module of the representative sociological survey of Varna Economic University *People of Varna about themselves*.

- ✓ **Sociological survey *Risk factors for involvement in trafficking and reproductive attitudes among the Roma in Varna Municipality***

The survey was carried out in 2012 by the Bulgarian Family Planning Association under the project *Prevention of trafficking in human beings belonging to ethnic groups focusing on the Roma minority in Bulgaria*. The survey covered 150 households (905 persons) from 4 Roma quarters in Varna. A questionnaire was used to collect information from the respondents about the reasons leading to involvement in trafficking in human beings and its relation to cases of teen pregnancy and multiple children families.<sup>42</sup>

Under the project *An integrated approach to the prevention of trafficking in human beings for the purpose of labour exploitation in countries of origin and final destination* implemented by the Romanian National Agency for Combating Trafficking in Human Beings to which the NCCTHB is a partner, a regional training seminar was held in Sofia. The regional seminar emphasized the various aspects of THB for the purpose of labour exploitation. The focus of the training was placed on the identification of the victims of labour exploitation, the investigation and criminal prosecution of traffickers. Under the same project, Bulgaria took part in the development of a transnational study of the characteristics of the policies in the area of trafficking in human beings for the purpose of labour exploitation which covered the project partner countries – Romania, Bulgaria, Hungary, Greece, Cyprus and Macedonia.

Under the project *Child victims of trafficking, our responsibility*, the first training seminar for experts who might come into a direct contact with child victims of trafficking was held in November 2013. It was attended by health specialists, social workers and experts from law-enforcement bodies who were trained how to identify child victims of trafficking.<sup>43</sup>

During the reporting period, the LCCTHB in Veliko Tarnovo held a survey with a questionnaire on the attitudes to and the awareness of trafficking in human beings in relation to the campaign *Better informed today, safer tomorrow!*<sup>44</sup>

## **International co-operation**

9. GRETA invites the Bulgarian authorities to continue exploring possibilities for international co-operation in the fields of protecting and assisting victims of THB, and the investigation and prosecution of trafficking cases.

A significant portion of the work of the International Co-operation Department of the Supreme Cassation Prosecutor's Office and of the regional prosecutor's offices in the period 1 January 2012 – 30 October

<sup>42</sup> LCCTHB in Varna

<sup>43</sup> NCCTHB

<sup>44</sup> LCCTHB in Veliko Tarnovo

2013 is related to the execution of European arrest warrants and international letters rogatory. This is understandable in view of the specificity of the crime external trafficking – it is transnational and this is why international co-operation is key to the successful seeking of criminal liability. During the said period, four joint investigation teams were functional – two in Germany, one in the Netherlands and one in France. Two of the teams have completed their activities successfully, the others are continuing their work.<sup>45</sup>

In 2012, the NIS investigated 41 pre-trial proceedings related to THB; for the period 1 January 2013 to 10 September 2013, 34 proceedings related to THB were investigated. In 2012, the NIS fulfilled 9 requests for legal aid in THB while, for the period 1 January 2013 to 8 November 2013, the fulfilled requests were 7; in the process, the investigators were acquainted with international best practices.<sup>46</sup>

Representatives of SANS/MoI DGCOC have taken part or are participating in a total of 9 joint investigation teams – eight for THB for the purpose of sexual exploitation and one for trafficking in minors for the purpose of pickpocketing in London. As a result of the co-operation with Europol, several cases were identified in which 3 new joint teams were set up in view of their effective investigation.<sup>47</sup>

The MoI co-operates actively with government, municipal and non-governmental authorities and organisations at the national, European and international levels. An operational exchange of information about possible victims and their traffickers is taking place in real time between representatives of the police authorities of EU Member States and Bulgaria as well as with representatives of the Ministries of the Interior in these countries.<sup>48</sup>

The SACP co-operates actively with social services at the European and international levels which have taken protection measures with regard to a child of Bulgarian origin. Each case related to children is resolved jointly and protection measures are taken in the children's best interests.

In 2012, SACP experts took part in the international project REVENI funded by the European Commission and implemented by four NGOs: Children and Youth Association, Bulgaria; ARSIS, Greece; Hors La Rue, France; and Terre des homes, Romania and Hungary. A number of working meetings were held under the project with experts working on cases of unaccompanied children and child victims of THB from France, Romania, Greece and Bulgaria. The meetings were organised with a view to improving the co-operation among the institutions and organisations from these four countries, reducing the number of cases of unaccompanied children and child victims of THB in these countries and building mechanisms to improve the procedures for the repatriation of the children and for following the cases. The meetings were used to present the protection systems in these four countries and the institutions responsible for children as well as to review and discuss best practices for the repatriation of the children to their countries of origin. Under the project, the experts developed a Co-operation Mechanisms for EU Member States with regard to migrant children who are EU nationals. The project was aimed at the efforts of the EC for the possibility to regulate the entry and exit of children in EU Member States on account of the differences existing in the countries.

In 2013, the SACP was invited to be an associated partner to the project *Mario 2: Joint action to protect migrant children from Central and Southeastern Europe against abuse, exploitation and trafficking* funded through the Daphne Programme, the OAK Foundation and the co-ordination of the organisation Terre des Hommes, Hungarian regional office. The Mario 2 project will be implemented in the course of 3 years and aims to develop the necessary co-operation mechanisms at the national and international levels with regard to the protection of migrant children from Central and Eastern Europe who are vulnerable on the territory of the western European states.<sup>49</sup>

The NCCTHB develops its international co-operation with the EU, the Council of Europe, the International Centre for Migration Policy Development (ICMPD), the Organisation for Security and Co-operation in Europe, the United Nations Office on Drugs and Crime and others. The NCCTHB

<sup>45</sup> SCPO

<sup>46</sup> NIS

<sup>47</sup> SANS

<sup>48</sup> MoI

<sup>49</sup> SACP



takes part in the annual meetings of the informal group of national rapporteurs and equivalent mechanisms in the EU held twice a year in Brussels and hosted by the EU Anti-Trafficking Co-ordinator Coordinator. The NCCTHB is part of the Network of National Anti-Trafficking Co-ordinators from Southeastern Europe which consists of the national anti-trafficking co-ordinators of Bulgaria, Romania, Slovenia, Croatia, Serbia, Montenegro, Bosnia and Herzegovina, and Albania.

In March 2013, Bulgaria hosted the meeting of the anti-trafficking co-ordinators from Southeastern Europe attended by representatives of the ICMPD and Manpower Bulgaria. The transposition of Directive 2011/36/EU to the legislation of the EU Member States and the involvement of the private sector in the prevention of trafficking and the protection and reintegration of victims were discussed at the meeting.

The NCCTHB partners with and supports NGOs when they submit project proposals to international donors and in the following implementation of activities. In addition, the NCCTHB co-operates with countries which are final destination for Bulgarian victims of trafficking with a view to improving the co-operation.<sup>50</sup>

The MFA proposes for consular officials to take an active part in meetings and seminars organised by EU Member States in the context of the consular co-operation.<sup>51</sup>

In 2014, Association Animus Foundation plans to develop and apply a methodology for the referral and safe return of victims of trafficking from the Netherlands to Bulgaria and to hold an international meeting in Sofia for the EU NGO Platform regarding issues of co-operation with businesses.<sup>52</sup>

## **Awareness raising and education**

10. GRETA considers that future actions in the area of awareness raising should be designed in the light of the assessment of previous measures and be focused on the needs identified. GRETA urges the Bulgarian authorities to develop the aspect of prevention in the Roma community through specific campaigns which are not based on written materials. Increased emphasis should also be placed on changing social attitudes towards victims. The success of the efforts will depend on efficient data collection, adequate funding and regular evaluation.

The NCCTHB, its local structures and traditional partners in the face of different institutions, NGOs and representatives of the private sector deem it necessary to develop their work with representatives of the Roma community in Bulgaria who are vulnerable to various types of THB and they rely on a direct prevention approach. The future initiatives could include screenings of topical films, meetings and discussions with young people from the Roma community, co-operation with organisations which work actively in the community, development of empowering programmes which will contribute to the prevention of THB in this vulnerable group.

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<sup>50</sup> NCCTHB

<sup>51</sup> Ministry of Foreign Affairs

<sup>52</sup> Association Animus Foundation

In specific risk situations, for example the organised seasonal berry picking work in Sweden, experience has proven that the best approach is the dissemination of information about the risk of finding oneself in a fraudulent scheme and trafficking in human beings orally, through representatives of Roma organisations and local informal leaders who will warn the people from their circles about the possible dangers when travelling to Sweden for berry picking and about the necessary preparation and awareness one should have before leaving for work abroad.<sup>53</sup>

In performance of the recommendation, the LCCTHBs in Veliko Tarnovo and Montana held/took:

- An information campaign on combating THB for the purpose of labour exploitation;
- An information campaign *Better informed today, safer tomorrow* in relation to 18 October, the European Anti-Trafficking Day;
- Dissemination of information materials at the Labour Office, Labour Inspection, REI, Veliko Tarnovo University, SAD, RPD, MoIDD, schools, municipal children's complexes and others;
- Screening of the Bulgarian National Television film "Red as Lipstick and Blood".<sup>54</sup>

The LCCTHB in Varna undertook:

- ✓ **Introduction of an empirical prevention model in a Roma community on the basis of the outreach work approaches**

Under the project *Prevention of trafficking in human beings belonging to ethnic groups focusing on the Roma minority in Bulgaria*, a model of a systematic multi-faceted approach to working in the community was adopted. The activities in the model include: Field work (outreach) – monitoring the behaviour and the environment, vulnerability and risk assessment, provision of information, psychological support, crisis interventions, case handling; Structured work with families and groups – training sessions, social skills training, strengthening the parents' capacity; Work with other representatives of the community – students, informal leaders, Roma NGOs; Work with representatives of institutions working with the community – medical teams, social workers, teachers, police officers, LCCJD members and the local administration. The choice of this work model was taken from the prevention approach applied in 2010 in Varna under the Programme to prevent trafficking of people from the Roma community with a special focus on "trafficking in pregnant women for the purpose of selling babies in other countries" developed by the LCCTHB in Varna.

- ✓ **Expansion of the municipal prevention campaign *Where are you going to?* to include initiatives in partnership with the German organisation Labour and Life**

Every year, Varna Municipality, Preventions Directorate and the LCCTHB, in partnership with the NCCTHB, hold a campaign to prevent THB for the purpose of labour exploitation. The campaign goals and the scope were discussed at the working meeting of the LCCTHB and the Preventions Directorate, Varna Municipality with representatives of the Consultative Centre for migrant European workers and employees – Hamburg, part of the German organisation Labour and Life. The meeting offered the opportunity to discuss and accept the need to hold a joint prevention initiative aimed at potential Bulgarian labour migrants to Germany after the liberalisation of the German labour market as of 1 January 2014. The initiative will be a separate module in the annual campaign *Where are you going to?* The activities will include provision of information among the target group and stakeholder institutions and organisations about the work conditions and standards in Germany, illegal practices in hired labour, forms of exploitation and possibilities to receive legal aid and social protection. The activities are set out in the draft 2014 Anti-Trafficking Programme of the LCCTHB and the Preventions Directorate, Varna Municipality.<sup>55</sup>

In July 2013, the LCCTHB in Blagoevgrad conducted an information meeting with young people in the Roma quarter in Blagoevgrad on the topic "How can we avoid trafficking and recognise the signals if we are in danger of becoming victims." The information meeting began with the screening of a film about the prevention of sexual and reproductive health; an expert from the Blagoevgrad RHI familiarised the young people of Roma origin with the methods of family planning and safety of sexual practices. The second part of the information meeting was dedicated to the screening of the film *Red as Lipstick and Blood*; during the screening, the young people asked questions about the methods of involvement in THB for the purpose of sexual exploitation. The discussion about trafficking in children for the purpose of begging and

<sup>53</sup> NCCTHB

<sup>54</sup> LCCTHB in Veliko Tarnovo

<sup>55</sup> LCCTHB in Varna

pickpocketing and trafficking in pregnant women for the purpose of selling their newborns prompted a great interest. The attendees also became familiar with THB for the purpose of labour exploitation after a brief presentation of the indicators of this type of trafficking in human beings. 19 young persons of Roma origin were present.<sup>56</sup>

The MoH conducts health and information campaigns among vulnerable communities regarding the prevention of THB for the purpose of prostitution – increasing the awareness of health risks. The system of primary and specialised non-hospital medical care offers health consultative and information activities to encourage and develop family planning, increase the culture of contraception, provide information about contraceptive means and methods, prevention of unwanted pregnancies and sexually transmitted infections.<sup>57</sup>

The national telephone helpline for children 116 111 was launched on 14 October 2009. It has national coverage and is accessible from the territory of the entire country; it is absolutely free for the callers, regardless of whether they are calling from a fixed line or a cell phone. It functions 24 hours a day. The line is targeted at children, adolescents, their parents and friends, as well as at citizens looking for information and help in relation to children's problems. The national telephone helpline for children offers advice, information and help on any issues and problems related to children. The telephone is supported through a grant provided from the State Agency for Child Protection. The delivery of the service is assigned to Association Animus Foundation.

The telephone helpline for missing children 116 000 started working on 3 December 2012. The telephone accepts signals about children living in the street, child victims of trafficking, runaways from home, school or specialised institutions. It is maintained by Nadia Centre. The line experts also work on cases of children of divorced parents abducted by one parent, including abroad. They will also work with refugee children who are not accompanied by an adult.

The creation of a system of early signalling about missing children started in 2013; the system will be launched in April 2014.<sup>58</sup>

An information campaign to prevent trafficking in human beings for the purpose of labour exploitation, including the making of a television clip, was developed with the assistance of representatives of SANS/MoI DGCO.<sup>59</sup>

The LCCJDs work responsibly on the prevention of THB. To this end, they have their own initiatives as well as joint initiatives with the NCCTHB, MES and Sofia Police Directorate. Meetings at schools are systematically organised and expert lecturers from the LCCJD and the police inform the young people about the ways and means of trafficking. Films are shown, information materials are given out. The local commissions proposed that students create posters under campaigns on the problems of trafficking with follow-up presentations on the topic.

Art is an established form of accessible presentation of the problem. In this regard, the LCCJDs fully support student initiatives to prepare theatre performances on the topic.

LCCJDs are involved in school initiatives on the problem of trafficking. Parents are also a target group and they are familiarised with cases of minor boys and girls who have run away from home and become victims of "internet love." Meetings with victims of trafficking are also organised.

LCCJDs initiate and take part in information campaigns among ethnic minorities where women are outside the settlement and prostitute themselves.

An established form of prevention is the prevention summer work with events in the open at which, in an accessible and fun form, parents and children get acquainted with the danger of trafficking in human

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<sup>56</sup> LCCTHB in Blagoevgrad

<sup>57</sup> MoH

<sup>58</sup> SACP

<sup>59</sup> SANS

beings.<sup>60</sup>

SOS Women and Child Victims of Violence Association, Novi Pazar, Shumen Region, works mainly in the area of awareness increase and education. To this end, the organisation has developed a Programme to prevent trafficking to increase the public awareness and popularise the measures and actions taken to combat THB not only with regard to risk groups but with all young people. The work is streamlined in three areas: work at schools; work with groups at risk from the Roma community; information and education anti-trafficking events – concerts, film screenings and television programmes. Since 2012, 23 discussions and debates have been held at 7 schools on the territory of the municipality. The discussions and debates are conducted jointly with psychologists and MoI representatives working on trafficking. The young people become familiar with the types of trafficking in human beings, the traffickers' ways of behaviour, how to protect themselves and against whom, how they can look for help. Their purpose is not only to inform the students but also to prompt an active civil position and to encourage the young people to participate in activities aimed at preventing risk behaviour, to disseminate and discuss the risks of trafficking with their friends and relatives. Training materials to go with the discussions and debates have been prepared. The Association receives information materials from the NCCTHB which also help in the prevention work.

During this period, work was performed in small groups at risk from the Roma community which, in addition to the basic information provided, took part in role plays, resolved case studies, discussed cases based on real-life situations, acted out situations what to do if they were involved or endangered in trafficking, how they would feel and who they could go to for help. During the period, work was carried out with 9 groups on the territory of the municipality.

The information and education anti-trafficking campaigns conducted to disseminate information materials are not sufficient to draw the citizens' attention, that is why they are always accompanied with visual training modules about important skills and the origins of trafficking: films telling the life stories of people involved in trafficking and television programmes on the local television station presenting various aspects of the problem which strengthen the impact and awareness of the prevention of trafficking.

Children, bands and local dance groups took part in the information and education events. Being part of the overall programme, the children and young people embraced the idea to popularise the problem of THB and the main message – we need to be informed to protect ourselves.<sup>61</sup>

From 1 to 7 July 2013, in accordance with Recommendation No. 10, Caritas Bulgaria conducted a one-week **information anti-trafficking campaign *A future without violence*** whose main purpose was to draw the attention of the Catholic community to hard topics such as THB and violence and to provoke awareness of the problem through accompanying action. The information campaign started in the community as a week of prayer whose patron was St Maria Goretti, protector of young men and women and victims of violence. While planning *A future without violence*, they relied on the international experience and personal observations which showed that the Church and the religious communities were often the place where victims of trafficking went to for compassion and protection, practical and spiritual support. Leaflets and posters were prepared and disseminated under the campaign; electronically too – guidebooks with helpful information and instructions on what to do aimed at the spiritual leaders of the Catholic community and the Caritas staff. The information campaign covered 20 cities and villages, including Sofia, Plovdiv, Burgas, Ruse, Stara Zagora, Plovdiv, Kuklen, Malko Tarnovo, and Rakovski. Informal meetings and talks on the topic of THB were held not only in the Catholic community – in the church, but also with the Caritas target groups: single mothers, people at a disadvantage, drug addicts, people with disabilities, etc. Discussions on the topic with 10 and more participants, including children and parents, were organised in 13 of the places.<sup>62</sup>

During the school year 2012 – 2013, Naya Association trained 760 students from the 6<sup>th</sup> to 12<sup>th</sup> grades from 12 schools in Targovishte Region in the prevention of trafficking in human beings for the purpose of sexual exploitation. So far, 150 students have been trained in the topic.

<sup>60</sup> Central Commission for Combating Juvenile Delinquency

<sup>61</sup> SOS Women and Children Victims of Violence Association

<sup>62</sup> Caritas Bulgaria

On 18 October 2013, Association Naya conducted a large-scale campaign in the 5 municipalities of Targovishte Region in relation to the International Anti-Trafficking Day with the goal for more young people to learn what trafficking in human beings was, what the risks of involvement in trafficking were and how they could protect themselves. Information materials were developed and disseminated – a brochure, a flyer and a poster targeted at students; and a leaflet targeted at professionals. An audio and video clip on the topic was made in October. An educational film on the topic of THB for the purpose of sexual exploitation will be released. The film will be shown to students from the entire Targovishte Region.

For the period 2013 – 2014, training for 40 unemployed women up to 35 years of age will be conducted to build skills to recognise risk situations for involvement in trafficking and forced prostitution and the ways to protect oneself. For the school year 2013 – 2014, 780 students in the same age group from the 6<sup>th</sup> to the 12<sup>th</sup> grades from 12 schools in Targovishte Region will be trained in the prevention of THB for the purpose of sexual exploitation.<sup>63</sup>

A part of the humanitarian work of the BRC to which a significant attention has been attributed in the past years is combating trafficking in human beings. A major priority in the work in this area has been the requirement for intensive work on site. In this regard, work should be carried out with a greater base of volunteers so that the prevention messages could reach greater public circles. A part of the BRC activities is a very successful initiative implemented in the school year 2011 – 2012, training on the topic of Prevention of THB. The problem of THB becomes ever more important and affects a tremendous number of people, mainly young girls. In this regard, after a two-day training in 2011 during which several pairs of volunteers were trained, a number of short training modules were conducted in Plovdiv schools on the topic of Prevention of THB. 1,159 students have been covered in the 53 modules held so far.<sup>64</sup>

### **Social, economic and other initiatives for groups vulnerable to THB**

11. GRETA urges the Bulgarian authorities to strengthen the aspect of prevention through social and economic empowerment measures for groups vulnerable to THB. GRETA concludes that there is a need for a comprehensive, co-ordinated and adapted approach towards the problems in the Roma community, involving all relevant institutions and aiming at improving their integration and access to education, health care and social assistance as an ultimate prevention measure against THB. In this context, GRETA encourages the Bulgarian authorities to include in the national strategy for the integration of Roma in society measures to prevent the trafficking of Roma and to provide victims with assistance and protection.

In a partnership between the NCCTHB and the Embassy of France as well as NGOs working in the Roma community, a pilot project for Bulgaria on the prevention of trafficking in human beings in the Roma community on the territory of Varna Municipality is in the process of being finalised. A good practice in the project is the field work carried out by health and social mediators whose representatives are from the Roma community.

One of the “groups at risk” with regard to THB are the people who have already become victims of the

<sup>63</sup> Naya Association

<sup>64</sup> BRC

crime and are accommodated in respective crisis centres and/shelters in Bulgaria. Prevention, including the empowerment measures being developed and applied in the two shelters for care for adult women victims of trafficking in human beings with the NCCTHB, is of special importance, especially in view of the risk of re-trafficking for the women accommodated in the shelters. In this sense, the main activities/measures to be taken and to involve the victim in making decisions about and planning the victim's reintegration include (excluding "risk assessment" and the development of an individual security plan which, as measures, are also empowering and prevent the situation of re-trafficking):

1. In relation to the long-term psychological support and reintegration:

- Parent Capacity Programme (aimed at victims of THB who would need to take care of their children);
- Violence and Trafficking in Human Beings prevention and education campaigns. They include topics such as human rights, discrimination, protection against violence/involvement in trafficking, violence, based on gender, etc.;
- Professional Orientation and Support for Job Placement Programme;
- Social skills training: communication skills; budget management; equitable gender communication;
- Assistance and support to continue one's education and professional qualification.

2. In relation to social inclusion and advocacy:

- Consultation and advocacy to obtain social benefits;
- Assistance and support to continue one's education and professional qualification;
- Social advocacy and relations with institutions;
- Improvement of the health status;
- Assistance in obtaining certificates from Territorial Expert Medical Commissions;
- Research and preparation of the environment in which the victim will be reintegrated (including in the so called victim's "safe return").

3. Preparation and support for the victims of THB to take part in criminal proceedings.

4. Future measures taken by the NCCTHB:

- Development of the social service "transitional home" together with the SAA for victims leaving the shelters (this service will also support the victims economically to some extent because they will not pay rent for the home);
- Development of other economic measures together with representatives of the private sector

in draft proposals of the NCCTHB such as inclusion in internship programmes and training in private companies.<sup>65</sup>

When social benefits and social services are provided, it is not accepted any direct or indirect discrimination of persons based on gender, race, nationality, ethnicity, human genome, citizenship, origin, religion, faith, education, age, sexual orientation, family status, property status or any other indicator set out in a law of international treaty to which the Republic of Bulgaria is a party.

With regard to victims of trafficking who have registered with the Labour Office Directorate within 3 months of their return to the country, of the termination of their stay at a shelter for temporary accommodation or of the final completion of the criminal proceedings for persons under Article 25, para 1 CTHBA and they have not refused to co-operate with the Bulgarian competent authorities to clarify the circumstances of their involvement in THB, monthly benefits under the IRSAA may be provided without the need for a 6-month registration with the LOD.<sup>66</sup>

An Interinstitutional Working Group for material support with EU funds has been set up, in accordance with Chapter 5 of the Action Plan for the implementation of the National Strategy of the Republic of Bulgaria for Roma Integration (2012 – 2020). The Working Group may propose that combating trafficking in human beings be included as one of the priorities when applications are submitted for programmes and projects funded by EU funds. The National Strategy of the Republic of Bulgaria for Roma Integration (2012 – 2020) corresponds to international standards in the area of human rights and the rights of people belonging to minorities. The two priorities included are new to Bulgaria – Rule of law and non-discrimination; Culture and media.

Under the priority Rule of law and non-discrimination, item 9 lays down, “Intensify the efforts in combating trafficking in human beings through the effective application of the provisions of UN, Council of Europe and EU documents and the use of existing EU instruments.”<sup>67</sup>

An assessment of the health and social problems of people living in areas inhabited primarily by Roma: The health problems of people living in areas inhabited primarily by Roma reflect both social-economic factors and their manifestations related to the increasing unemployment and the falling quality of life as well as the impact of specific ethnical cultural models. This circumstance makes it necessary to apply complex and integrated measures, especially with regard to the vulnerable groups of the population, aimed at overcoming the adverse tendencies in health, terminating the influence of risk factors and limiting the spreading of diseases. In view of the fact that some of the vulnerable groups are of different ethnic origin, the efforts are aimed at ensuring that medical specialists recognise the cultural differences and traditions of the individual ethnic groups in order to improve the medical service and the communication with them. As many of the poorer and less educated vulnerable groups tend to treat themselves on their own, all medical specialists need to be more active and new models need to be established, including the model of health mediators, as a prerequisite to improve the access to health care, health education and information.

The National Health Strategy 2014 – 2020 envisages the decrease in the differences in the access to quality health care; increase in the capacity to identify the differences on the part of medial assistance provider who should be competent enough to take into account social characteristics (race/ethnic group, culture, language, incapacity); improvement of the awareness of vulnerable groups through health education, also sexual health education, to limit risk sexual behaviour.<sup>68</sup>

### **Inclusion of programmes to prevent THB in the Plan of Varna Municipality to integrate Bulgarian citizens of Roma origin and other Bulgarian citizens in a vulnerable social situation living in conditions similar to those of the Roma (2013 – 2014)**

<sup>65</sup> NCCTHB

<sup>66</sup> SAA

<sup>67</sup> National Council for Co-operation on Ethnic and Integration Issues

<sup>68</sup> MoH

The Plan has been developed in accordance with the priorities, goals and tasks of the National Strategy of the Republic of Bulgaria for Roma Integration (2012 – 2020) and the Strategy of Varna Region for Roma Integration (2012 – 2020), Priority 5 “Rule of law and non-discrimination”.<sup>69</sup>

12. Further, GRETA urges the Bulgarian authorities to take steps to secure the registration of all persons from socially vulnerable groups at birth and for social services, both as a prevention measure and in order to avoid re-trafficking.

A universal consultative service which supports children, their families and persons is the Public Support Centre (PSC). The PSC is a service in the community which offers a set of social services related to abandonment, prevention of violence and dropping out of school, deinstitutionalisation and reintegration of children, training in skills for independent living and social integration of children from institutions, advice and support for families at risk, assessment and training of future foster parents and adopters, advice and support for delinquent children and adopters. The service works with a broad spectrum of users – children, persons and communities at risk. In view of the preventive focus of some of the PSC activities, children and persons may receive support to prevent the risk of involvement in trafficking. Depending on the specificities of the cases, the PSC specialists draw up programmes for their work with the users.

Most often, the initial measure taken with respect to children and adult victims of trafficking is the accommodation at a Crisis Centre. The Crisis Centre is a set of social services for children and persons victims of violence, trafficking or another form of exploitation which is provided for a period of 6 months. In certain cases, the stay at the Crisis Centre may be extended if important circumstances so require. Some of the target groups at the Crisis Centres are children under 18 years of age and victims of internal and external traffic with for the purpose of sexual or labour exploitation. The Crisis Centres work with trafficked children/persons and the consequences of trafficking with a view to avoiding re-trafficking.<sup>70</sup>

To make the process of implementing the integrated approach to the social inclusion of persons from vulnerable groups even more successful, it is important to analyse the options to apply cross-sectoral policies to optimise the use of both the human resources and the facilities.

In the analyses, it is necessary to take into consideration the measures which the Ministry of Education and Science has implemented to turn the educational institutions into a supportive environment, especially for children and students from vulnerable groups, and these measures need to be taken into account in the process of supporting children at risk of poverty.

In addition to the said measures, the MES carries out different activities in nature which are included in a number of national programmes and projects which contribute to the development of an educational system with the necessary capacity and resources to meet the multifaceted needs of all children and to support the process of deinstitutionalisation of children in the Republic of Bulgaria – *School network optimisation, Schools – a territory of students, Caring for every student, At school without absences*.

Protection mechanisms are created with regard to the restructured units in the process of optimisation of the school network. Providing transportation for the students in the compulsory school age, providing food for the children in the compulsory pre-school age and for the students in the compulsory school age, ensuring a full-day organisation of the learning process are appropriate instruments to create and guarantee better conditions for a quality education process.

Full-day training in half-board groups is organised for students under the national programme *Schools – a territory for students* which allows for enhancing the quality of the education process in keeping with their interests, taking into account the possibilities in relation to the students’ age peculiarities, developing and

<sup>69</sup> LCCTHB in Varna

<sup>70</sup> SAA



improving the knowledge, skills, habits and attitudes. The half-board groups create prerequisites for children of various social, ethnic and cultural communities to come to know one another and communicate.

The national programme *Caring for every student* aims to increase the quality of the education process through a differentiated care for the personal development of children and students in accordance with their individual learning needs. It takes into account the dynamics in the development of each student's abilities to study the individual school disciplines and, based on this, additional learning and development goals are set to remedy omissions in knowledge or compensate for the insufficiency of school time for the development of the students' talents and preparation at all stages and degrees of school education to take part in school olympics.

The purposes of the national programme *At school without absences* are related to reducing the number of free classes, decreasing the share of absences by taking real and effective school measures to motivate the students to attend classes regularly and take an active part in them as well as to involving parents as partners in school life.

During the school year 2011/2012, 18 measures for the work with children at risk of dropping out of school were notified to school principals via the heads of the regional education inspectorates.

A draft Strategy to overcome the risk of children and students dropping out of school was prepared.

The resources of the experts on integrated education assigned by the regional education inspectorates in 28 regions are used in the preparation of future analyses about the readiness of education institutions at the local level to implement the model of national inclusion of vulnerable groups. The fact that they are familiar with the needs of the local community and with the situation of the children and young people from the vulnerable groups is also of importance.

To ensure equal access for the students and support their families, Council of Ministers Decree No. 104 of 10 May 2003, last amended issue 24 of 12 March 2013, provides for the provision of text and school books for the students from the 1st to the 3rd grades and text books for the students from the 5th to the 7th grades as well as of text and school books for students with special learning needs. To the same end is also Council of Ministers Decree No. 33 of 15 February 2013 on the conditions for students to receive scholarships after they have completed their primary education.

In accordance with order ЕД-509/27 April 2012, the Ministry of Education and Science is implementing a project under Operational Programme Human Resources Development – project BG051PO001 – 4.1.07-0001 *Inclusive education* with the purpose of ensuring a supportive environment for an equal access to education and opening the education system for children and students from vulnerable groups, children with special learning needs, children and students deprived of parental care who use services of residential type included in the process of deinstitutionalisation.

In relation to the above, the MES approves and co-ordinates the territories identified and the types of social services for the people from the target group but raises the issue about the need for the approach to be cross-sectoral in order to ensure a fully working and sustainable model of social inclusion of the vulnerable groups.

In relation to dealing with the problem of aggression and violence, the MES has taken the following political and legislative measures:

- In 2009, together with UNICEF and the Association of Psychologists in Bulgaria, it implemented the project *A school without violence* based on the Olweus model for dealing with aggression.
- A National Mobile Group for psychological support was set up in 2001; its members carry out interventions in crisis situations and support schools in the creation of programmes for the care for children at risk, especially in the regions which lack the necessary specialists.
- With a view to optimising the work of pedagogical counsellors and school psychologists and developing the School Psychology sector, an information data base of the pedagogical

counsellors and school psychologists appointed, their qualifications, training needs, etc. was created as early as 2011.

- 900 psychologists and pedagogical counsellors have been trained under the national programme *Qualification* from 2009 until now.
- The qualification plans of schools envisage training of pedagogical counsellors on the prevention of school violence and aggression.
- The implementation of the activity “Training of pedagogical counsellors in the prevention of school violence, aggression and other negative phenomena” started in 2013 under the project *Qualification of the pedagogical specialists* funded under OPHRD; the total number of trainees is 13,000.
- In 2012, the MES with the participation of the MLSP, SAA, SACP, MoI, CCCJD and the NGOs National Network for Children, Steps for the Invisible Children of Bulgaria Foundation, Association Animus Foundation, Association of Psychologists in Bulgaria and UNICEF developed a Mechanism to Combat School Bullying which would help schools in their efforts to deal with this phenomenon.

The last two school years – 2011/2012 and 2012/2013 – were dedicated to the social and civil competences and were conducted under the motto “I participate and change.”

The “I participate and change” campaign was held with the support of the institution of the Ombudsman of the Republic of Bulgaria and aims to meet the growing needs to develop the adolescents’ social skills and the enormous interest on the part of NGOs, parent communities and teachers in the forms of conducting civil and health education at school.

The following results can be summarised regarding the campaign in the school year 2012/2013:

- Number of activities held under the campaign – 7,070
- Number of classes held – 22,056
- Number of students covered – 538,391
- Seminars conducted by NGOs – 26

At present, the MES is implementing the project SUCCESS under the Operational Programme Human Resources Development which also aims to prevent violence and aggression in school through organising the students’ free time, including students with identified needs of specific support and students at risk of dropping out or instances of aggression and violence, by taking part in extracurricular activities: study groups, interest clubs, discussion clubs, competitions, sport festivals, exhibitions, games, quizzes, excursions, volunteering, training and other active forms.

The MES plans to create regional councils for the prevention of aggression in school which will involve school psychologists and pedagogical counsellors.

The MES is preparing a School Education Bill which lays down the foundation of the policies related to dealing with aggression and violence in school.

In November 2013, the MES together with the NCCTHB plans to hold training for 80 school psychologists, pedagogical counsellors and teachers from the philosophical cycle from four regions in the country with a view to increasing their competence to prevent THB.

With its policies to ensure the first package of care, the MES will guarantee the process of supporting children and students at risk, including of THB, so that they may be implemented effectively and with a view to ensuring a safe and secure environment and safeguarding the life and health of children and students against risk factors of different nature such as THB.<sup>71</sup>

## Measures to discourage demand

<sup>71</sup> MES

13. GRETA invites the Bulgarian authorities to continue their efforts to discourage demand for services from trafficked persons, targeting in particular the most common forms of THB in the country.

In its annual campaigns to prevent THB for the purpose of labour exploitation, the NCCTHB appeals to the Bulgarian nationals looking for options for legal migration to another country for the purpose of work to be very careful before they leave for abroad and to check if the intermediary company holds a licence on the website of the Employment Agency.

The traditional annual campaigns to prevent THB for the purpose of sexual exploitation conducted by the NCCTHB include an element targeted at the users of sexual services which aims to make known that the conscious use of services of victims of THB is a punishable act under the laws of the Republic of Bulgaria.

In 2012, the NCCTHB together with Postbank joined the The NO Project – an independent initiative aimed to create awareness and critical thinking on the problem of THB. Postbank together with the NCCTHB implemented the project in Bulgaria as a part of its overall corporate social responsibility policy and thus proved for yet another time its constant commitment to the young people in Bulgaria.

Numerous prevention materials addressed to users of sexual services provided by victims of trafficking were developed as part of the joint campaign. The campaign motto was “Paying for sex with a victim of trafficking is a crime!”

In the beginning of June 2012, the bank organised a series of special seminars with students at the New Bulgarian University, the American College and the National Secondary School of Fine Arts Ilia Petrov in Sofia. On the bank’s invitation, Ms Judy Boyle, creator of The NO Project, visited Bulgaria to lead the interactive meetings with students. She is a graduate of Harvard University, an established international lecturer on the topic of combating THB and an organiser of numerous initiatives meant to engage and inform the young people about the problem.

In 2013, Postbank with the support of the NCCTHB organised the large-scale project *Play 4 Change* – a campaign to combat THB for the purpose of sexual exploitation. The motto PLAY 4 CHANGE united well-known Bulgarian performers. Concerts were held in Sofia, Varna and Burgas. In addition to the concerts, there was a number of accompanying events aimed at informing the

citizens and guests of the cities about the topic of trafficking in human beings and sexual exploitation in an interesting and engaging way.

In the beginning of 2013, Manpower and the NCCTHB started a joint campaign to prevent THB for the purpose of labour exploitation under the motto “Zero tolerance to trafficking in human beings.” The campaign aimed to increase the public awareness of the problems related to trafficking in human beings for the purpose of labour exploitation, and specifically among people searching for jobs, as well as to inform and engage employers about the problems of THB and their negative impact on businesses and the possible ways to prevent the phenomenon.<sup>72</sup>

In 2014, Association Animus Foundation plans to work actively to involve the business sector in the prevention of trafficking in human beings. It will participate in an international meeting in Sofia under the EU NGO Platform on the problems of working with businesses and in a project of La Strada International *NGOs & Co – NGO-Business engagement in addressing human trafficking* (HOME/2012/ISEC/AG/THB).<sup>73</sup>

### **Border measures to prevent THB and measures to enable legal migration**

14. GRETA considers that the authorities should make further efforts to:

- detect cases of THB in the context of border controls;
- introduce a checklist to identify potential THB-related risks during the visa application procedure.

The MFA holds annual training with representatives of the NCCTHB and the SACP for people who will assume consular positions in relation to the application of the NRM and the Co-ordination Mechanism.<sup>74</sup>

15. GRETA invites the Bulgarian authorities to consider carrying out information campaigns to alert potential foreign national victims of THB-related risks, in co-operation with countries of origin.

In specific risk situations, for example the organised seasonal berry picking work in Sweden, experience has proven that the best approach is the dissemination of information about the risk of finding oneself in a fraudulent scheme and trafficking in human beings orally, through representatives of Roma organisations and local informal leaders who will warn the people from their circles about the possible dangers when travelling to Sweden for berry picking and about the necessary preparation and awareness one should have

<sup>72</sup> NCCTHB

<sup>73</sup> Association Animus Foundation

<sup>74</sup> MFA

before leaving for work abroad. This is the approach Bulgaria adopted in 2013 to increase the information available about the seasonal work in Sweden through the information channels of the MFA, NCCTHB, CoM, LCCTHB. Regular meetings between the Bulgarian representation and the Swedish authorities were held in Stockholm to elaborate an action plan in similar situations; the Situation Centre with the MFA was actively involved in all steps.<sup>75</sup>

Information materials about trafficking in human beings were disseminated at the international airports in Bulgaria.

Under the National Programme for the participation of the Republic of Bulgaria in the intergovernmental activities of the Council of Europe, the NCCTHB created a brochure about the rights of the victims of THB in Bulgarian, English and Russian languages which was disseminated nationally to institutions and NGOs.

Project *Integrated approach to preventing labour exploitation in countries of origin and destination*. An integrated information campaign was held under the project in the partner countries – Bulgaria, Romania, Greece, Cyprus, Hungary and Macedonia. In the project activities in Bulgaria (similarly to the other countries), the nine LCCTHBs received 765 brochures and posters and 270 USBs developed under the project. Together with the volunteers with the LCCTHBs in Burgas, Plovdiv, Pazardzhik and Blagoevgrad, the Secretaries of the five LCCTHBs conducted a lecture each in a local school on the territory of the respective cities. For the purposes of the project, the students were given questionnaires before and after the presentations. Approximately 160 questionnaires of the two types were filled in. Television and radio materials broadcast on 5 national radio stations and one national television station were created under the project. The radio spots were aired 99 times. The television spot was aired 9 times as paid and 21 times free of charge. The target groups of the campaign were:

- Representatives of the business sector in Bulgaria;
- Representatives of government institutions and staff of embassies to Bulgaria;
- Experts from the non-governmental sector, recruitment agencies, social workers;
- Students from five cities aged between 13 and 18;
- Society as a whole.<sup>76</sup>

## Identification of victims of THB

16. GRETA encourages the Bulgarian authorities to ensure that the legal and institutional changes introduced by the new State policy in the area of juvenile justice lead to improved prevention, identification and assistance of child victims of trafficking.

In relation to Article 37b, Article 39 and Article 40 of the Convention on the Rights of the Child and in performance of the recommendations of the UN Committee on the Rights of the Child of 6 June 2008 regarding the section “Management of the juvenile justice system,” on 3 August 2011 the Government of the Republic of Bulgaria adopted a State Policy Concept in the Area of Juvenile Justice; a Roadmap for the Implementation of the State Policy Concept in the Area of Juvenile Justice was adopted on 1 March 2013 by a decision of the Council of Ministers. The two documents take into account the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), the Guidelines of Vienna for Action on Children in the Criminal Justice System, the UN Guidelines on justice for child victims and witnesses of crime, and the recommendations under General Comment No. 10 of the CRC on the children’s rights in juvenile justice (CRC/C/GC/10).

With the elaboration and adoption of the Concept and the Roadmap, Bulgaria has implemented the recommendation of the Committee on the Rights of the Child in relation to Bulgaria’s second

<sup>75</sup> NCCTHB

<sup>76</sup> NCCTHB

periodic report regarding the section “Management of the juvenile justice system,” item 69 which sets out that the State should take urgent measures to introduce a juvenile justice system in accordance with the UN standards and to apply the CRC recommendations concerning juvenile justice. The Roadmap has been developed following consultations with UNICEF and representatives of NGOs with long years of experience and engagement in the topic of protection and advocacy for the children’s rights and expertise in the area of delinquent children, crime prevention and participation in judicial proceedings.

The implementation of the activities envisaged in the Roadmap in Bulgaria will ensure:

- Application of a comprehensive policy on juvenile justice with a special attention to prevention, introduction of alternative measures which allow for a response to behaviours in conflict with the law without the involvement of the criminal justice system when possible and ensuring full support for children at risk and child victims of violence and witnesses of crime.
- The amended legal and regulatory framework, in line with the international and European standards, will guarantee full respect for the rights of the child, fair trial, including resort to deprivation of a child of liberty as an exception and for the shortest period, regardless of the stages of criminal proceedings. In the respect, legislative amendments are envisaged (Criminal Code, Criminal Procedure Code, MoI Act, Legal Aid Act, etc.), including the elaboration of a bill which will lay down a new framework for preventing and combating the behaviour of children in conflict with the law and repeal the current Combating Juvenile Delinquency Act.
- The administrative reform of the system working with children in conflict with the law will provide a complex and multi-disciplinary approach and improve the effectiveness and efficiency of policies. It is proposed that the Central and Local Commissions for Combating Juvenile Delinquency be closed down and a mechanism for co-ordinated co-operation and reaction in each case be introduced in a similar way to the Co-ordination Mechanism for interaction in the work with child victims of violence or at risk of violence.
- There will be a system of quality and accessible services in a family environment and in the community which will be aimed at prevention, early intervention and support for children and families. The goal is to increase the effectiveness of the non-criminal impact measures.
- There will be specialisation in the justice system envisaging the setting up of specialised judicial panels for minors and the increasing of the capacity of all professionals engaged in the process.

An integral part of the Roadmap is a Table with projects to be implemented with funding under EU programmes which will support the activities envisaged. Funds from various sources have been secured for the realisation of the activities, including UNICEF, the Bulgarian-Swiss Co-operation Programme and several EU programmes (Operational Programme Human Resources Development, Operational Programme Administrative Capacity and Operational Programme Regional Development).

The reform in the juvenile justice system envisages the building of specialised premises for hearings with children (as of the end 2012, there are 11 rooms for hearings created mainly under NGO projects supported by the Government), training for judges, prosecutors, defence counsel and MoI officers who work with children (in 2012, the SCPO published a list of the prosecutors who are specialised in working with children). Standards for interrogations of children have been developed – 2011 and 2012 by experts from the SACP, SCPO, MoJ and the MoI Academy; a working version of standards and best practices has been adopted, less stringent and non-traumatising procedures for children in pre-trial and judicial proceedings. In 2010, a special article was included in the Criminal Procedure Code providing that<sup>77</sup> “A minor witness who has been interrogated in criminal proceedings may be interrogated again only when the person’s testimony cannot be read under the terms and procedure of Article 281 or the new interrogation is of exceptional importance to reveal the truth.” A minor witness may be interrogated in the country via video conferencing if necessary. These actions are taken in view of the child’s best interest.<sup>78</sup>

<sup>77</sup> Article 280, para 6 CPC

<sup>78</sup> SACP

17. GRETA concludes that the current identification system of trafficking victims is not sufficiently effective as it risks to leave out those who do not want to co-operate with the authorities and take part in judicial proceedings against the alleged traffickers. GRETA urges the Bulgarian authorities to address this issue.

For the past three years, the number of the identified victims of trafficking has gone up which may show that there has been a better co-ordination among the institutions and organisations which are part of the National Mechanism for referral and support of victims and that the victims themselves have a greater confidence in the government institutions and are more likely to co-operate. The improved identification is due to the greater public awareness achieved through the annual campaigns initiated by the NCCTHB, partners from other institutions and NGOs.

The “Identification and referral” part of the Standard Operational Procedures for the National Mechanism for referral and support of victims of trafficking sets out that identification may be formal or informal. Informal identification is performed by the staff of different institutions and organisations which have come into contact with the victim first. It allows the victim an immediate access to the support services and programmes laid down in the NRM.

Formal identification is performed by the pre-trial authorities and aims to start the investigation. When a victim of trafficking is unwilling to co-operate with the law-enforcement bodies, the victim has the same right to be accommodated in a protected home and shelter and to receive social and psychological support.

In Bulgaria, victims may be identified as victims even if they do not co-operate with the law-enforcement bodies.

During the reporting period 2012 – 2013, the NCCTHB partnered with the French Ministry of Foreign and European Affairs under the project *Development of general guidelines and procedures for the identification of victims of trafficking in human beings*. The project had the following goals – develop a network of national contact points between the partner countries (Bulgaria, Greece, Spain, Romania, France, The Netherlands) in order to collect and exchange best practices in the identifications of victims of THB; elaborate general guidelines and procedures for the identification of victims of THB among the partner countries; disseminate the guidelines with a view to their operational application by the partner countries; share the best practices and guidelines in the 27 EU Member States.

The overall goal of the project was to improve and harmonise the methods and procedures for the identification of victims of trafficking in human beings in the European Union through the development of Guidelines and Procedures for the Identification of Victims of Trafficking in Human Beings with a view to combating more successfully THB and guaranteeing the equal treatment of the victims of THB in view of their right to protection.

Under the project, in June 2013 in Amsterdam, there were train-the-trainer sessions on how to use the Guidelines and Procedures for the Identification of Victims of Trafficking in Human Beings and how to train their colleagues. 12 Bulgarian experts took part from: NCCTHB, LCCTHB, MoI Directorate General Combating Organised Crime, MoI Directorate General Border Police, MoI Migration Directorate, SAA, SCPO, NGOs, etc.<sup>79</sup>

The implementation of the Co-ordination Mechanism for the referral of cases of child victims of trafficking or exploitation unifies the approach of the competent Bulgarian and international authorities to work on

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<sup>79</sup> NCCTHB

specific cases of child victims (mainly girls) in countries such as Austria, the Czech Republic, Spain, Italy, Greece, France, Belgium, Slovakia and others.

These are the statistical data of the cases in which Bulgaria has received signals about child victims of exploitation or trafficking from 2003 until now.

|   | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|---|------|------|------|------|------|------|------|------|------|------|
| Number of cases registered  | 12   | 30   | 18   | 170  | 102  | 71   | 31   | 48   | 47   | 66   |
| Number of children returned to Bulgaria from abroad   | 4    | 17   | 9    | 28   |      | 25   | 16   | 11   | 12   | 24   |
| Number of proposals to impose administrative measures under Article 76a of the Bulgarian Identity Documents Act (from March 2006) |      |      |      | 111  | 39   | 51   | 31   | 32   | 33   | 42   |

In 2013, there were 80 cases with children registered.<sup>80</sup>

18. GRETA considers that the Bulgarian authorities should pay more attention to the identification of persons detained as irregular migrants and provide additional training of staff. In this context, GRETA stresses the importance of good quality and independent interpreters for potential victims of THB from the early stages of the investigation about their possible condition as victims.

At present, the MoI has not received information about persons – irregular migrants who are victims of trafficking in human beings.<sup>81</sup>

The measures the SAR takes with regard to unmarried female refugee applicants and unaccompanied minors who have entered the Republic of Bulgaria illegally are based on the national legislation and correspond to the Council of Europe Convention on Action against Trafficking in Human Beings.

The purposes of the institution concerning the acceptance, accommodation and integration of vulnerable groups are aimed as a priority at respecting their rights and protecting them from any infringement and violence, including prevention from trafficking with the purpose of sexual and labour exploitation through the application of measures including social services, psychological and expert support of any kind, legal aid, educational and health programmes and, last but not least, finding lasting solutions.

1. Direct obligations of the SAR in accordance with Article 25, para 3 of the Asylum and Refugees Act with regard to unaccompanied minors:

- In the course of the proceedings to provide protection:
  - Access to (non-expulsion from) the territory of the Republic of Bulgaria
  - Non-application of expedited procedures
  - Early identification and accurate registration
  - Age assessment (by visible characteristics or bone age)
  - Interview in the presence of a representative – social worker from the Child Protection Department of the Social Assistance Directorate and a SAR psychologist

<sup>80</sup> SACP

<sup>81</sup> MoI



- Ensuring a legal representative and guardian/trustee
- Collection of data and positive, humane and expedite search for the family if the child wants to find them or voluntary return to the country of origin. This includes temporary care:
  - Accommodation in safe conditions at the SAR territorial units: Sofia Registration and Accommodation Centre (RAC), Village of Bania RPC, Village of Pastrogor Transit Centre
  - Unaccompanied foreign minors seeking protection are provided with financial and material support by the SAR with the CoM equal to the support provided to adult foreigners seeking protection
  - Health insurance, registration with a general practitioner, medical assistance – health checks and treatment as provided to Bulgarian children
  - Psychological consultation with specialists
  - Access to Bulgarian language courses at the SAR Integration Centre and possibility to be included in the education system of Bulgarian state and municipal schools
- Finding lasting solutions – after service of the decision in relation to a protection application, the following steps are taken:
  - Search for and going back to the family
  - Inclusion in the National Programme for the Integration of Refugees in the Republic of Bulgaria
  - Accommodation at specialised institutions and centres with special conditions for minors.

Taken in themselves, the circumstances that unaccompanied children pass through the territory of the Republic of Bulgaria and seek protection do not make them victims of trafficking.

2. The Asylum and Refugees Act sets out the specific measures to be taken with regard to the unaccompanied foreign minors seeking or having received protection.

With respect to the unaccompanied children, “non-expulsion from the territory of the Republic of Bulgaria” and “non-application of expedited procedures” may be deemed protection measures to combat trafficking in children and prevent forms of child exploitation. The unaccompanied minors are informed about their rights and efforts are made to integrate them in the areas of education, health care, employment, human rights and anti-discrimination.

2.1. To resolve the issue globally, the SAR with the CoM has made a proposal for a 2013 Annual Programme under the European Refugee Fund: Provision of social services in line with the specific needs of unaccompanied minor refugees accommodated in safe homes on the territory of the State Agency for Refugees with the CoM and under its jurisdiction, namely a pilot project *Safe space* to take in, accommodate and integrate the unaccompanied minors. The project has been approved and will start on 1 June 2014. The social service will be set up and provided on the territory of the Sofia RAC in the course of 18 months. The activities will be assigned to NGOs providing social services to children at risk and the unaccompanied minors will receive care from a multi-disciplinary team of specialists.

2.2. The early identification of persons falling in the vulnerable group and the determination of the specific needs of the individual victims of trafficking, violence or torture are a guarantee for the successful psychological and social work to regain one’s feeling of personal dignity and adaptation to the new conditions of life.

In this regard, the SAR with the CoM works in co-operation with the ACET Assistance Centre for Torture Survivors under the project *The process of accepting and orienting torture victims in European countries in order to support their access to care and therapy*.

2.3. On the basis of the existing best practices and mechanisms in the work with vulnerable groups and their protection as well as the constant activities to create and participate in new programmes and projects necessary for the more effective support for people who are the subject of trafficking from the refugee community, in 2013 the SAR with the CoM was included in the project *Improvement of the access to justice and compensation for victims of trafficking in Bulgaria and Greece* funded under the EU Prevention

of and Fight Against Crime Programme and implemented by the European Women Lawyers Association – Bulgaria. One of the project activities is the dissemination of an information brochure in Bulgarian and English in order to increase the awareness of non-EU citizens seeking protection in the Republic of Bulgaria about their right to access to free legal aid and financial compensation for the victims of trafficking.

The information brochures will be disseminated at the SAR territorial units – Sofia RAC and Sofia Integration Centre, Village of Bania RAC, Pastrogor Transit Centre – so that people seeking protection may have information and an easy access to free legal aid, referral and support for the risk group.

3. In conclusion, in the long term, in relation to resolving the problems of trafficking in women and children, the SAR with the CoM is ready to join efforts with other institutions and organisations in the following areas:

- Identification of countries of origin sources of flow of trafficking in women and unaccompanied foreign minors (UFM) in accordance with the list of safe countries of origin and the list of safe third countries
- Identification of refugee women victims of gender-based persecution in their countries of origin
- Joining efforts in individual cases of women and UFM who have been refused the status of refugees and women and UFM with the status of refugees or humanitarian protection in order to prevent trafficking and sexual exploitation and ensure protection and reintegration.

The SAR with the CoM has included in its priorities the constant co-operation, co-ordination and joint work with all national, European and international institutions and organisations which work on the problems of the effective integration and migration policy in Europe, and assists with heightened attention in the elaboration and application of protection mechanisms and practices with regard to the vulnerable groups of refugees – especially unaccompanied minors and single female refugees<sup>82</sup>.

In October 2013, Association Naya conducted a one-day training for 21 specialists (teachers, pedagogical counsellors, police officers medical workers from schools, social workers and representatives of LCCJDs) from the 4 municipalities in Targovishte Region – Popovo, Opaka, Omurtag and Antonovo on the topic of “Trafficking in women and children – we can prevent it.” In the beginning of November 2013, there was a two-day training for 18 (police inspectors, teachers, social workers, representatives of municipalities) from Targovishte Region on prevention and assisting the protection authorities in cases of child victims of violence or in crisis situations.<sup>83</sup>

In 2013, there was a sharp increase in the number of children and persons seeking or having received protection in Bulgaria. In the end of 2013, the State Agency for Child Protection organised two high-level meetings to discuss the problems of foreign children. One of the main issues discussed by the Bulgarian authorities is the problem with unaccompanied minors who, upon entering the country, attach themselves to other people on whom the MoI has imposed coercive administrative measures, the need to improve the co-ordination among the institutions in the process and the need for accurate regulations on how to proceed with these children. A unified co-ordination mechanism for the work with unaccompanied minors seeking and/or having received protection on the territory of Bulgaria will be developed in the beginning of 2014 upon the initiative of the SACP.<sup>84</sup>

<sup>82</sup> State Agency for Refugees

<sup>83</sup> Association Naya

<sup>84</sup> SACP

## Assistance to victims

19. GRETA urges the Bulgarian authorities to step up their efforts to provide assistance to victims of trafficking, and in particular to:

- ensure that all assistance measures provided for in law are guaranteed in practice; when assistance is delegated to NGOs as service providers, the State has an obligation to provide adequate financing and ensure the quality of the services delivered by the NGOs;
- guarantee access to public health care for victims of trafficking;
- improve the system for providing assistance to child victims of trafficking, both in terms of accommodation in crisis centres and as regards medium and long-term support programmes tailored to the needs of the children;
- set up a sufficient number of shelters for victims of trafficking to meet the needs for accommodating such victims, and ensure that the conditions provided in the shelters are adequate;
- ensure that suitable accommodation is provided to male victims of trafficking and that they can fully benefit from the assistance measures provided for in law;
- facilitate the reintegration of victims of trafficking into society and avoid re-trafficking by providing them with vocational training and access to the labour market.

Two state shelters for the temporary accommodation of victims of trafficking were functional in Bulgaria for the period January 2012 – January 2014. At present, the shelters work with their full capacity and, during the reporting period, a total of 60 victims of internal and international trafficking with the purpose of sexual exploitation received care. The funds for the maintenance of the shelter are provided from the NCCTHB budget. In addition to the state shelters which are also run by NGOs, there are 18 crisis centres in Bulgaria managed by NGOs which work in the area of caring for victims of trafficking (women and children) each with an average capacity of 8 – 10 places.

The victims' stay at the shelters and crisis centres depends on the individual needs and may be from several weeks to one year. The shelters offer 24-hour care provided by 5 staff members – social workers and a psychologist; they provide medical care, crisis intervention, long-term psychological consultation, legal support and reintegration measures – contact with the families, training, courses, job placement.

Discussion is underway to launch the social service Transitional Home with the shelters with the NCCTHB which will offer reintegrated victims of trafficking an opportunity for an independent way of life.<sup>85</sup>

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<sup>85</sup> NCCTHB

The social services are performed by the state, municipalities and Bulgarian individuals registered under the Commerce Act as well as legal entities. The mayor of the municipality manages the social services on the territory of the respective municipality, which include activities delegated by the state and local activities, and acts as the employer of the heads of these services. The management of the social services which are delegated by the state and of local activities may be assigned to NGOs by the mayor of the municipality. The mayor assigns the management of the social services after conducting a tender. The social service providers – Bulgarian individuals registered under the Commerce Act and legal entities must be entered into as SAA register.

All activities in the area of social services are provided in keeping with the standards and criteria laid down in the IRSAA and the Ordinance on the Criteria and Standards for the Social Services for Children adopted by the Council of Ministers.

Specialised control of the lawful application of the statutory instruments in the field of social support in the SAA territorial units, the specialised institutions for social services and the social services provided in the community as well as of the observance of the criteria and standards for the provision of social services is exercised by the Inspectorate with the SAA Executive Director. Control of the compliance with the criteria and standards for the social services for children set out in the Ordinance on the Criteria and Standards for the Social Services for Children is exercised by the State Agency for Child Protection.

A Co-ordination Mechanism for referral and care for unaccompanied children and child victims of trafficking returning from abroad was signed in 2005 to ensure the protection of the rights and interests of child victims of trafficking. The Co-ordination Mechanism was updated in 2010 and it sets out the system of interinstitutional referral of specific cases at the central and local levels. It was created with a view to ensuring an effective co-ordination in the fulfilment of the specific obligations for co-operation of the stakeholder institutions.

The social psychological work and support for this target group of children begins upon their arrival in the country – at the respective border checkpoint. Child victims of trafficking are met by an SAD representative who is present at the initial talks with the child and sees to it that the child's rights and legal interests are respected.

An important aspect of the social workers' job is to make an adequate assessment of the child's needs, a risk consideration and planning of activities and measures to ensure the child's protection and safety.

A protection measure is taken with regard to the children in accordance with the Child Protection Act in order to guarantee their safety and prevent the consequences of trafficking. Usually, the initial measure regarding child victims of trafficking is the accommodation at a Crisis Centre.<sup>86</sup>

All Crisis Centres work 24 hours a day year-round and may accommodate up to ten children. The Crisis Centre in Sofia is an exception with its capacity of 22 children. Children are accommodated in the Centre by the court. Until the ruling of the court, the Social Assistance Directorate as per the child's current address carries out an accommodation in an administrative procedure. The accommodation is for a period of up to six months depending on each individual case and the child's needs. In 2012, the SACP elaborated a special methodology for the work of the crisis centres.<sup>87</sup>

The cases of child victims of trafficking are actively monitored by the Child Protection Department for a period of 1 year with a view to providing the necessary support, preventing the children's further involvement in trafficking and preventing the possibility for other children from the family to be involved in the process. As per the social worker's consideration, the monitoring period may be extended depending on the specificities of each case.

In relation to their obligations in the capacity of protection authorities at the local level, the SAA territorial units – SADs – work actively with the child victims of trafficking and violence and with their families – they take protection measures, refer to appropriate social services, provide advice, support and assist in the overcoming of the negative consequences of the violence suffered.

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<sup>86</sup> SAA

<sup>87</sup> SACP

Liability is sought of parents with regard to whom there is information that they involve their children in activities exerting an adverse impact on the children's development or who, by their acts or omissions, place the children at risk. The staff of the CPDs with the SADs have the powers to issue obligatory instructions to parents in order to protect the children's rights and interest and guarantee the children's right to grow up in a safe and protected environment.

The social service Crisis Centre for victims of violence, trafficking or another form of exploitation is provided for a period of 6 months and is aimed at offering individual support, meeting the daily needs and providing legal advice to the users as well as social psychological assistance when immediate intervention is necessary, including through mobile teams for crisis intervention. There may be no discrimination against people based on gender, race, nationality or ethnicity.

In accordance with the IRSAA, the service to support victims of violence, trafficking or another form of exploitation is Crisis Centre which works in two main areas: crisis intervention and psycho-social support. The unified expense standard per place in a Crisis Centre is BGN 7,931. In accordance with CoM decision No. 249 of 23 April 2013, the maintenance per one place as of 1 January 2014 will amount to BGN 8,181.

As for the standards for the provision of social services, the social legislation sets out the standards to be met by the services provided in specialised institutions and the social services in the community.

In line with SAA's commitment to assist the providers of social services through methodological support, a number of methodological guidelines have been issued, including methodological guidelines on how to provide the social service Crisis Centre. The guidelines present the conditions for launching and functioning of the service as well as the minimum requirements for the quality and standards for the provision of the service.

As of 31 October 2013, there are **18 Crisis Centres for child and adult victims of violence and trafficking** functioning which are a state delegated activity. They are created on the basis of the need for this social service in the municipalities upon the proposal of the Social Assistance Regional Directorates and decisions of the local authorities – municipal councils.<sup>88</sup>

The main services provided in the Crisis Centres include offering shelter and food, meeting health needs, ensuring psychological support, acquiring life and social skills, ensuring children attend a school form of education, preparation for reintegration in the family and, should this be impossible, an adequate protection measure is taken with respect to the children.<sup>89</sup>

The SAA territorial units – the Social Assistance Directorates – advise the victims of trafficking about the possibilities to be provided with social support, including social services, in view of their powers and competences while applying an individual approach in their work. The persons using the service Crisis Centre do not pay fees.<sup>90</sup>

According to the current legislative provisions for the health care system, in the cases when the victims of trafficking have not attained 18 years of age, they may benefit from the rights of health insured persons, including the medical services in the scope of the mandatory health insurance. Pursuant to texts in the Health Act, all Bulgarian citizens are provided medical services outside the scope of the mandatory health insurance related to:

- Provision of medical assistance in emergency situations;
- Provision of medical services related to obstetric assistance for women without a health insurance regardless of the way of child delivery referred for hospitalisation by a doctor from an inpatient or outpatient medical institution. The women without a health insurance have the right to choose freely a medical institution on the territory of the entire country for the birth. In addition to the

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<sup>88</sup> SAA

<sup>89</sup> SACP

<sup>90</sup> SAA

diagnostic and treatment activities related to the birth, these women may also benefit from one ultrasound check during the pregnancy;

- Outpatient psychiatric assistance which may also include psychological support;
- Access to health activities included in national, regional and municipal health programmes.<sup>91</sup>

In relation to the provision of medical care for the victims of trafficking accommodated at the Burgas Shelter, an agreement for free medical assistance has been concluded with the Burgas Hospital for Active Treatment– emergency assistance, health checks and prescribing of treatment by specialists and hospital treatment. The services are provided both to people with and people without a health insurance.

***Improving the victims' reintegration in society and avoiding re-trafficking through vocational training and access to the labour market.***

Persons who have attended vocational training – 4 victims.

In total, they have attended five courses:

Hairdressing – 2

Cosmetics – 1

Manicure and pedicure – 1

Massage – 1

Employment has been secured for 7 victims – temporary jobs, 2 of them are working at present.<sup>92</sup>

The Thessaloniki Regional Court has initiated a case in which a victim of trafficking from Pazardzhik must appear in person or through an attorney. She and her family do not have the financial means and, this is why, a sum was allocated through the LCCTHB to help her cover the expenses to prepare the necessary set of documents related to her request for free legal aid.<sup>93</sup>

In 2012, the Crisis Centre of Association Animus provided protection and assistance services to 29 victims of trafficking, namely: accommodation, crisis intervention, social support and advocacy, empowerment. In 2013, by 17 November 2013, protection and assistance services were provided to 24 victims; the Foundation is ready to offer protection and assistance to victims in 2014 as well.<sup>94</sup>

Regarding the support for male victims of trafficking, Campaign A21 Foundation offers to provide EUR 150 for every male victims of trafficking to ensure shelter and other humanitarian assistance. This is done with the purpose of considering their needs and deciding what measures should be taken in the long term.<sup>95</sup>

**20. GRETA invites the Bulgarian authorities to continue spreading knowledge of the NRM and to ensure that all relevant professionals are trained to apply it.**

The NCCTHB is the co-ordinator of the National Mechanism for referral and support of victims of trafficking and, in this regard, the NCCTHB constantly popularises the NRM in all of its activities nationally and internationally. In all trainings held by the NCCTHB in the period 2012 – 2013, special attention was paid to the NRM and, in particular, the guiding work principles, the institutional framework and each of the standard operational procedures. The different procedures are presented by specialists in the field, including by representatives of NGOs as a rule.

The NCCTHB spreads and presents the NRM in English to partners and countries of final destination for victims of THB during international forums and conferences.

<sup>91</sup> MoH

<sup>92</sup> LCCTHB in Burgas

<sup>93</sup> LCCTHB in Pazardzhik

<sup>94</sup> Association Animus Foundations

<sup>95</sup> Campaign A21

The NRM is used and spread by all 9 LCCTHBs in the course of their work with local authorities and NGOs, during training organised to increase the capacity of the specialists on site.<sup>96</sup>

In addition, the trainings held in 2012 and 2013 by the SANS presented the NRM as well; the trainees were provided with print materials in the form of brochures and a guidebook.<sup>97</sup>

### **Recovery and reflection period**

21. GRETA invites the Bulgarian authorities to review the legislation in order to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in Bulgarian law.

22. Further, GRETA urges the Bulgarian authorities to ensure that trafficked persons are systematically informed of the possibility to use a recovery and reflection period and are effectively granted such a period.

In its work with victims of trafficking in human beings, the MoI co-ordinates and co-operates with the NCCTHB and NGOs in order to provide support to the victims of trafficking to convince them to be witnesses in criminal proceedings against the traffickers in the country and/or abroad. It informs the possible victims of trafficking of their rights about the reflection period, legal protection and compensation.<sup>98</sup>

The right to a reflection period is provided for in the CTHBA. Its implementation is detailed in the National Mechanism for referral and support of victims of trafficking in Bulgaria and is applied in all social services related to the care and support for victims of trafficking in human beings.

The reflection period runs automatically as of the moment of identification of the victim of trafficking.

The victim is informed about the start and the duration of the reflection period by the organisation which has identified the victim. During the reflection period, the victim is in a safe place and, should it be necessary, crisis intervention may be carried out. During the reflection period, the victim receives support which includes:

1. Legal advice and information given to the victim about the possibilities to start judicial prosecution against the trafficker and the victim's role in the process of investigation;
2. Protection measures taken under Article 25 CTHBA;
3. Psychological advice;
4. Organising the victim's safe return to the country of origin.

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<sup>96</sup> NCCTHB

<sup>97</sup> SANS

<sup>98</sup> MoI

Partners in the care for victims of trafficking during the reflection period are institutions and organisations, service suppliers, to which the victim is referred. In every social service where the victim of trafficking is accommodated, there is a specialist leading the case whom the victim recognises as a trusted person. They provide the victims with full information about the right to use the reflection period and all services.

The following is performed at shelters, within the standard operational procedures (on the NRM) “Protection and support” and during the so called reflection period:

- Clarification of the possibility for the victim to co-operate during the investigation process;
- Psychological advice related to the decision to co-operation to uncover the crime;
- Legal advice.

During the social inclusion/reintegration:

1. Victim’s participation in criminal proceedings:
  - Programme to prepare witnesses in criminal proceedings;
  - Psycho-social support before, during and after the trial.
2. Financial compensation: clarification, assistance to prepare documents.<sup>99</sup>

In 2012, the Crisis Centre of Association Animus provided care to 29 victims of trafficking in human beings (accommodation, crisis intervention, risk assessment, referral, social support and advocacy, empowerment). In 2013, by 17 November 2013, services were provided to 17 victims; social workers were also trained to provide basic legal information to support the victims of trafficking in taking a decision to co-operation to uncover the crime. In 2014, Association Animus plans to conduct training for attorneys to provide legal advice to victims of trafficking during the reflection period.<sup>100</sup>

## **Residence permits**

23. GRETA considers that the Bulgarian authorities should take steps to ensure that victims of THB can take full advantage of the right to be granted a temporary residence permit. GRETA also invites the Bulgarian authorities to consider granting temporary residence permits to victims who for various reasons do not co-operate with the competent authorities.

The grounds for the issuance of residence permits to victims of THB and the periods of residence are

<sup>99</sup> NCCTHB

<sup>100</sup> Association Animus Foundation



set out in the Combating Trafficking in Human Beings Act, Article 25: “Any person who is a victim of trafficking in human beings and has expressed consent to co-operate to uncover the perpetrators of trafficking shall be provided with a status of special protection for the duration of the criminal proceedings which shall include: 1. providing a long-term residence permit to foreign nationals.” Article 26 CTHBA requires that the victims of THB declare, within 30 days, their consent to co-operate to uncover the crime.<sup>101</sup>

During the period 2012 – 2013, the NCCTHB has not received information about foreign nationals who are victims of trafficking in human beings and the subjects of special protection benefiting from a Bulgarian residence permit on the said grounds.

### **Compensation and legal redress**

24. GRETA urges the Bulgarian authorities to increase their efforts to provide information to victims of THB about their right to compensation and the ways to access it, and to ensure that victims have effective access to legal aid in this respect.

1. In 2012, the National Council for Assistance and Compensation of Victims of Crime (NCACVC) with the Minister of Justice approved the financing and publication of a specialised information brochure about the citizens’ rights under the Assistance and Financial Compensation of Victims of Crime Act (AFCVCA). The brochure contains information about the victims of the crimes expressly listed in the Act, including victims of trafficking in human beings *in Bulgarian, English, German and French*.<sup>102</sup> In view of the provision of Article 7, para 1 and para 2 AFCVCA, the brochure was published in the end of 2012 – the beginning of 2013 in 200,000 copies: 140,000 in Bulgarian and 20,000 for each of the English, French and German language versions. The information brochure has been provided for dissemination free of charge to the authorities and organisations under Article 6, para 1 AFCVCA and to other legal entities which come into contact with victims of crime in the course of their work. The information contained in the brochure is also available on the websites of the NCACVC and the MoI. At present (*end of 2013*), the NCACVC is summarising the data submitted by the authorities to which the brochure has been provided for dissemination in terms of the need for additional copies in 2014.<sup>103</sup>

The NCCTHB has taken an active part in the development of the brochure and its dissemination. It was provided to the NGOs working in the area of support and care for victims of trafficking in Bulgaria and to partners in countries of exploitations, to the nine LCCTHBs, to the two shelters for temporary accommodation of victims of trafficking and other relevant partners which would find it useful.<sup>104</sup>

2. In 2012, the National Legal Aid Office (NLAO) proposed legislative amendments to the Legal Aid Act (LAA) laying down the provision of legal aid free of charge to victims of trafficking in human beings who are expressly included in the circle of people to whom such is provided. The proposed amendments concerned the provision of primary legal aid – advice and/or preparation of documents to initiate a case in accordance with a procedure set out in the law as well as procedural representation for such people until the final completion of the proceedings.

<sup>101</sup> NCCTHB

<sup>102</sup> The languages have been added by the NCCTHB.

<sup>103</sup> MoJ

<sup>104</sup> NCCTHB

The proposed amendments to the Legal Aid Act were adopted by the National Assembly in 2013 and published in the State Gazette, issue 28 of 19 March 2013. Thus, pursuant to the said amendments:

*Legal Aid Act*

*Chapter Three Type and Scope of the Legal Aid*

*Article 21. The types of legal aid shall be:*

- 1. Advice with a view to achieving a settlement before the start of the trial or to initiate a case;*
- 2. Preparation of documents to initiate a case;*
- 3. Procedural representation;*
- 4. (amended SG, issue 17 of 2006, issue 82 of 2011, in force as of 1 January 2012) Representation in the case of detention under Article 63, para 1 of the Ministry of the Interior Act and Article 16a of the Customs Act.*

***Article 22. (Amended SG, issue 28 of 2013) (1) Any legal aid under Article 21, items 1 and 2 shall be free of charge and be provided to:***

- 1. Persons and families who meet the requirements to receive monthly benefits under Article 9 and Article 10 of the Implementing Rules for the Social Assistance Act (published SG issue 133 of 1998; amended issues 38, 42 and 112 of 1999, issues 30, 48 and 98 of 2000; issue 100 of 2000; issues 19 and 97 of 2001, issues 26, 46, 81 and 118 of 2002, issue 40 of 2003, issue 115 of 2004, issues 31 and 103 of 2005, issues 54 and 93 of 2006, issue 101 of 2007, issue 26 of 2009, issues 27, 41, 43, 45 and 50 of 2010, issue 63 of 2011 and issue 17 of 2013);*
  - 2. Persons and families who meet the requirements for support through targeted grants for heating for the previous or the current heating season;*
  - 3. Persons accommodated at specialised institutions for social services or using a resident-type social service or using the Mother and Baby social service in accordance with Article 36 of the Implementing Rules for the Social Assistance Act;*
  - 4. Children accommodated with foster families or with families of relatives or kin in accordance with the procedure under the Child Protection Act;*
  - 5. A child at risk within the meaning of the Child Protection Act;*
  - 6. Persons under Article 144 of the Family Code and persons who have not attained 21 years of age in accordance with Council Regulation (EC) No. 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations (OJ, L 7/1 of 10 January 2009);*
  - 7. Victims of domestic or sexual violence and of trafficking in human beings who do not have the means and wish to use attorney defence;***
  - 8. Persons seeking international protection under the Asylum and Refugees Act with regard to whom the provision of legal aid is not obligatory of any other grounds;*
  - 9. Foreigners with regard to whom a compulsory administrative measure has been imposed and foreigners accommodated at special homes for temporary accommodated of foreigners under the Foreigners Act in the Republic of Bulgaria who do not have the means and wish to use attorney defence.*
- (2) The facts and circumstance under para 1 shall be certified by means of judgments or documents issued by the respective competent authorities and by a declaration concerning the person's family and property status.*

In view of the above, we believe that Recommendation 24 has been implemented.

25. Further, GRETA urges the Bulgarian authorities to make State compensation accessible to all victims of THB, irrespective of their nationality and residence status.

The Assistance and Financial Compensation of Victims of Crime Act (including victims of THB) provides for the terms and procedure for state assistance and financial compensation for victims of crime who are Bulgarian nationals or nationals of European Union Member States (Article 1). Under this Act, assistance and financial compensation may also be provided to foreign nationals in the cases set out in international treaties to which the Republic of Bulgaria is a signatory.

The National Council for Assistance and Compensation of Victims of Crime set up by virtue of this Act is responsible for the payment of financial compensation. In addition, in accordance with Article 19, a Bulgarian national who is the victim of a crime committed in another European Union Member State may submit an application for financial compensation with the competent authority of the other EU Member State via the NCACVC.<sup>105</sup>

The Bulgarian Government uses this opportunity to reiterate that, in accordance with Article 15 Compensation and legal redress of the Convention:

*Article 15. Compensation and legal redress*

*1. Each Party shall ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings in a language which they can understand.*

*2. Each Party shall provide, in its internal law, for the right to legal assistance and to free legal aid for victims under the conditions provided by its internal law.*

*3. Each Party shall provide, in its internal law, for the right of victims to compensation from the perpetrators.*

*4. Each Party shall adopt such legislative or other measures as may be necessary to guarantee compensation for victims in accordance with the conditions under its internal law, for instance through the establishment of a fund for victim compensation or measures or programmes aimed at social assistance and social integration of victims, which could be funded by the assets resulting from the application of measures provided in Article 23.*

Article 15(3) of the Convention has been implemented through the possibility provided for in the Criminal Procedure Code for the victim of a crime (*or the person's heirs if the person is deceased*) to submit an application for compensation for the damages suffered as a result of the crime, both property and non-property damages. The application is filed within the criminal proceedings for THB against the perpetrator(s). If the victim has not filed such an application during the criminal proceedings, the victim may also submit an application for compensation for the damages suffered (*again property and non-property damages, and again – against the perpetrator*) within another civil legal proceedings under the Civil Procedure Code. Only then is there the legal option to submit an application for compensation for damages suffered (*only property damages because the consideration under this Act is made, in this case, by a non-judicial authority*) under the Assistance and Financial Compensation of Victims of Crime Act – under the express terms and procedure of the said Act. The Act provides for the so called “state compensation system” – within the meaning of the terminology used in GRETA’s Recommendation No. 25. **In relation to this recommendation and in view of the content of Article 15 of the Convention and the information presented above about the compensation for the damages suffered as a result of a crime in accordance with the national law, it should be taken into account that** the Assistance and Financial Compensation of Victims of Crime Act is an act adopted in performance of Bulgaria’s obligations in its capacity of an EU Member State which, as of the time of its adoption, transposed the provisions of Council Directive 2004/80/EC relating to compensation to crime victims. Despite of this and beyond the requirements of the Directive, the Bulgarian legislator has laid down in Article 1, para 2 of the Act that, *“In accordance with the terms and procedure under this Act, assistance and financial compensation may also be provided to foreign nationals in the cases laid down in international treaties to which the Republic of Bulgaria is a signatory.”* This is why the so called “state compensation system” is accessible to all victims of trafficking, regardless of their nationality and residence status, if there is a respective international treaty which provides for such an obligation and to which the Republic of Bulgaria is a signatory. We emphasize that the Council of Europe Convention on Action against Trafficking in Human Beings itself does not contain express legal grounds on the basis of which a recommendation could be made to Bulgaria within the meaning of Recommendation 25. The latter can also be seen from the wording of Article 15(4) of the Convention: *“Each Party shall adopt such legislative or other measures as may be necessary to guarantee compensation for victims in accordance with the conditions under its internal law, for instance through the establishment of a fund for victim compensation or measures or programmes aimed at social assistance and social integration of victims, which could be funded by the assets resulting from the application of measures provided in Article 23.”* **As such measures have been taken and there are legal means in place for**

<sup>105</sup> NCCTHB

compensation for damages suffered as a result of the crime of trafficking in human beings – both from the perpetrator of the crime and the state – we believe that Bulgaria’s obligations in this regards have been implemented.<sup>106</sup>

## Repatriation and return of victims

26. GRETA considers that the Bulgarian authorities should take additional steps to develop the institutional and procedural framework for the repatriation and return of victims of THB, with due regard to their safety, dignity and protection. Particular attention should be paid to ensuring financial means for the travel of victims of THB.

Three mechanisms for the referral of victims of trafficking have been developed and are applied in Bulgaria: a national one, a transnational one and a Co-ordination Mechanism for referral of unaccompanied children and child victims of trafficking. They engage the efforts of international and government institutions and NGOs. Ensuring the victims’ safety and protection and respect for their dignity are guaranteed in the process of referral and care. A crucial moment is providing financial means for the travel of victims of THB because, so far, such funds have not been allocated in the budgets of any of the responsible institutions. The referral of victims of THB from countries of destination relies mainly on organisations from these countries and/or programmes of international organisations.<sup>107</sup>

The MFA proposes that the NCCTHB should initiate the setting up of a working group within the existing expert group supporting the NCCTHB Secretariat which will discuss and prepare a proposal for amendments to the CTHBA. These amendments are driven by the need to fine-tune and expand the scope of Article 16 and Article 17 CTHBA in order to lay down more specific commitments of the diplomatic representations, respectively the MFA. Some of these commitments are envisaged in the National Mechanism for referral of victims of trafficking in human beings but they are not sufficiently defined and do not constitute a statutory instrument as a result of which they cannot help to achieve the desired legal results.

It should also be discussed and propose a draft Council of Ministers decision to designate additional budget funds to the annual NCCTHB budget which would be allocated and provided for care and repatriation of Bulgarian nationals victims of trafficking abroad. At present, the only assistance our missions abroad receive in such cases comes from NGOs and the International Organisation for Migration which is quite insufficient.<sup>108</sup>

The MoI DGBP has established the organisation to provide the necessary assistance to third country nationals who are victims of trafficking concerning their safe return to their country of origin.<sup>109</sup>

## Substantive criminal law

27. GRETA urges the Bulgarian authorities to include the aggravating circumstance of “deliberately or by gross negligence endangering the life of the victim” in the CC.

<sup>106</sup> MoJ

<sup>107</sup> NCCTHB

<sup>108</sup> MFA

<sup>109</sup> MoI

28. GRETA considers that the Bulgarian authorities should review the legislation in order to fully reflect the substantive provisions under Article 20 of the Convention regarding the criminalisation of acts relating to travel or identity documents.
29. GRETA invites the Bulgarian authorities to assess the implementation of the legal provisions concerning liability of legal persons for criminal offences related to THB, in the light of the provisions on corporate liability in Article 22 of the Convention.

### **Non-punishment of victims of THB**

30. GRETA urges the Bulgarian authorities to take legislative measures allowing for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities to the extent that they were compelled to do so.

The amendments to the Criminal Code of September 2013 in relation to transposing Directive 2011/36/EU created a new article in the General Part of the Code (Article 16a) which provides expressly for the so called “non-punishability of victims of trafficking in human beings.” Article 16a CC stipulates: “**Article 16a. (New – SG, issue 84 of 2013)** *An act shall not be considered culpably committed if performed by a person who is a victim of human trafficking and has been forced to perform the act in a direct relation to being such a victim.*”<sup>110</sup>

### **Investigation, prosecution and procedural law**

31. GRETA urges the Bulgarian authorities to step up the proactive investigation of potential cases of THB in sectors such as entertainment, tourism and construction.

New methodological guidelines for the investigation of the crime of trafficking in human beings are being prepared.<sup>111</sup>

In 2012, the Criminal Assets Forfeiture Commission submitted two motivated requests to the court to impose interim measures with regard to the crime of trafficking in human beings totalling BGN 302,276; six cases for the forfeiture of property were initiated at the total amount of BGN 6,976,054. In 2013, the Commission submitted six motivated requests to the court to impose interim measures concerning the crime of trafficking in human beings totalling BGN 790,444; eight cases for the forfeiture of property were initiated at the total amount of BGN 1,467,449. In 2012, six decisions for the forfeiture of assets to the benefit of the state against inspected perpetrators of the crime of trafficking in human beings totalling BGN 753,708 entered into force; in 2013, as of the date of this information, 5 decisions totalling BGN 2,605,349 entered into force.<sup>112</sup>

32. Further, GRETA considers that the Bulgarian authorities should prioritise the identification of gaps in the investigation procedure and the presentation of cases in

<sup>110</sup> MoJ

<sup>111</sup> SCPO

<sup>112</sup> Criminal Assets Forfeiture Commission

court, inter alia with a view to ensuring an expeditious trial. In this context, GRETA wishes to stress the importance of making use of investigation techniques such as phone tapping and informants so that crimes related to THB can be investigated and prosecuted effectively.

In accordance with item 55 of the 2012 – 2013 Action Plan of the Prosecutor's Office, monthly analyses are prepared and the leadership of the Prosecutor's Office is acquainted with the results of the work on cases of high public interest – organised crime, money laundering, EU funds fraud, tax offences, trafficking in human beings, trafficking in narcotics, counterfeiting of payment instruments. This measure is implemented regularly. Special intelligence means are used as a priority in cases of trafficking in human beings.<sup>113</sup>

Officers of the SANS/MoI GDCOC apply techniques such as phone tapping and informants for the effective investigation and criminal prosecution of crimes related to trafficking in human beings.<sup>114</sup>

33. GRETA also considers that the Bulgarian authorities should make full use of the available measures to protect victims and to prevent intimidation during the investigation and during and after the court proceedings. In this context, the Bulgarian authorities should take additional measures to ensure that victims of THB are adequately informed and assisted during the pre-trial and court proceedings.

Item 38 of the Timetable of the urgent Government measures and actions and the judicial authorities to implement the benchmarks in the area of judicial reforms, fight against corruption and organised crime for the period July 2012 – December 2013 envisages the preparation of Instructions to support the participation of victims of crime in criminal proceedings – draft Instructions have been elaborated and it is deemed appropriate that they should also take into account Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. A round table is envisaged with the participation of NGOs to discuss problems related to guaranteeing the victims' rights in criminal proceedings.<sup>115</sup>

Victims of trafficking are interrogated as witnesses via video conferencing. This helps to avoid the victim's stress during an interrogation before the trafficker and the trafficker's attorneys in court.<sup>116</sup>

Victims of trafficking are prepared for their participation in trials through work with psychologists in the shelters for temporary accommodation.

Trainings for magistrates and police officers allow for discussions of the victims' role in the pre-trial stage and trials, including through participation of victims in such training to share their experience.

The creation of a "blue room" in MoI District Directorates for interrogations of child victims of violence prevents the psychological pressure and ensures full respect for their human rights and dignity.<sup>117</sup>

<sup>113</sup> SCPO

<sup>114</sup> SANS

<sup>115</sup> SCPO

<sup>116</sup> SANS

<sup>117</sup> NCCTHB

**ABBREVIATIONS USED**

|        |  |
|--------|--|
| AFCVCA | Assistance and Financial Compensation of Victims of Crime Act        |
| BRC    | Bulgarian Red Cross  |
| CAFC   | Criminal Assets Forfeiture Commission                                |
| CC     | Criminal Code  |
| CCAA   | Criminal Code Amendment Act  |
| CCCJD  | Central Commission for Combating Juvenile Delinquency                |
| CoM    | Council of Ministers   |
| CPD    | Child Protection Department  |
| CPC    | Criminal Procedure Code  |
| CRC    | Committee on the Rights of the Child                                 |
| CSSCF  | Complex for Social Services for Children and Families                |
| CTHBA  | Combating Trafficking in Human Beings Act                            |
| DGBP   | Directorate General Border Police                                    |
| DGCOC  | Directorate General Combating Organised Crime                        |
| EC     | European Commission  |
| EU     | European Union   |
| GRETA  | Group of Experts on Action against Trafficking in Human Beings       |
| ICMPD  | International Centre for Migration Policy Development                |
| IRSAA  | Implementing Regulations for the Social Assistance Act               |
| LAA    | Legal Aid Act  |
| LCCJD  | Local Commission for Combating Juvenile Delinquency                  |
| LCCTHB | Local Commission for Combating Trafficking in Human Beings           |
| LOD    | Labour Office Directorate  |
| MD     | Ministry of Defence  |
| MES    | Ministry of Education and Science                                    |
| MFA    | Ministry of Foreign Affairs  |
| MLSP   | Ministry of Labour and Social Policy                                 |
| MoH    | Ministry of Health   |
| MoI    | Ministry of the Interior   |
| MoIDD  | Ministry of the Interior District Directorate                        |
| MoJ    | Ministry of Justice  |
| NBU    | New Bulgarian University   |
| NCACVC | National Council for Assistance and Compensation of Victims of Crime |
| NCCTHB | National Commission for Combating Trafficking in Human Beings        |
| NCCEII | National Council for Co-operation on Ethnic and Integration Issues   |
| NGO    | Non-governmental organisation  |

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| NIJ   | National Institute of Justice                     |
| NIS   | National Investigation Service                    |
| NLAO  | National Legal Aid Office                         |
| NRM   | National Referral Mechanism                       |
| OPHRD | Operational Programme Human Resources Development |
| PSC   | Public Support Centre                             |
| RAC   | Registration and Accommodation Centre             |
| REI   | Regional Education Inspectorate                   |
| RHI   | Regional Health Inspectorate                      |
| RPD   | Regional Police Directorate                       |
| RSAD  | Regional Social Assistance Directorate            |
| SAA   | Social Assistance Agency                          |
| SACP  | State Agency for Child Protection                 |
| SAD   | Social Assistance Directorate                     |
| SANS  | State Agency for National Security                |
| SAR   | State Agency for Refugees                         |
| SCC   | Supreme Court of Cassation                        |
| SCPO  | Supreme Cassation Prosecutor's Office             |
| SG    | State Gazette                                     |
| THB   | Trafficking in human beings                       |
| TRM   | Transnational Referral Mechanism                  |
| UFM   | Unaccompanied foreign minors                      |
| UN    | United Nations                                    |