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**Reply from Bulgaria**  
**to the Questionnaire for the evaluation of the implementation**  
**of the Council of Europe Convention on Action against**  
**Trafficking in Human Beings by the Parties**

**Second evaluation round**  
**(Reply submitted on 28 November 2014)**

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- **the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);**

The first Trafficking in Human Beings report published by Eurostat in April 2013 and the data collected in the period 2012 – 2013 by the administration of the National Commission for Combatting Trafficking in Human Beings (NCCTHB), the Commission's member institutions, non-governmental and international organisations alike indicate that trafficking in human beings for the purpose of sexual exploitation, in particular women and girls, is the most wide-spread type of THB according to the type of exploitation (the data provided by the Bulgarian institutions and organisations concern mostly Bulgarian nationals). At the same time it should be borne in mind that sexual exploitation, especially of women and girls, is more easily distinguished by the different experts and citizens in general. To some extent the increased number of victims of trafficking for the purposes of labour exploitation has been related to the financial crisis. A growing trend of male victims of labour exploitation is observed in the sectors of agriculture and construction. The number of trafficked victims for the purpose of begging is growing likewise. Often the victims are men, many with some form of physical and/or mental disability.

More and more women with mental disabilities and/or disorders are taken care of in the two shelters managed by the NCCTHB through leading NGOs in the area of protection for victims of violence and trafficking. It is considered that due to the nature of the disability and/or disorder, the victims are not only more easily manipulated by the traffickers, but because of the gravity of their condition their testimony if they testify against the traffickers will not be taken into account. The lengthy criminal proceedings requires lengthier stay in the shelters and pro-active work on encouraging the victims who have already consented, to cooperate in the prosecution of trafficking in human beings. Many of the women suffer from different chronic diseases and need urgent dental treatment and other interventions.

Data contained in the reports of the two shelters for the last two years points to the conclusion that most of the victims that have stayed in the shelters are sexually exploited Bulgarian nationals. In some cases the victims have suffered both sexual and labour exploitation. The victims have been exploited abroad; the trend of exploitation for internal trafficking before taking the victim abroad has been preserved.

### External trafficking

The victims have been exploited abroad; the trend of exploitation for internal trafficking before taking the victim abroad has been preserved. The victims of trafficking have been recruited mostly from their places of birth, small places with high unemployment and severe poverty. A high-risk moment in recruiting and involving human beings in trafficking is when youngsters leave the specialised institutions after coming of age. The lack of any prospects, a stable family environment, and sufficient experience make these youngsters highly vulnerable and easy victims of organised crime.

Regarding education, most of the victims have very low education levels, although some of the women have graduated high school. Some of the victims have suffered grave forms of violence and highly risky sexual practices. The number of girls is growing who have left specialised institutions and who enter into a partnership with the perpetrator who, at some point of their relationship, induce the victim into prostitution, avails and manages the funds and uses threats and physical violence in order to exceed the benefits of exploitation.

The top human trafficking final destination countries in 2013 are Germany, Greece, The Netherlands, Austria, France, Cyprus, Poland, Italy and the Czech Republic. A growing number of victims of trafficking with final destination in Central Europe and Scandinavia has been observed in the period May to August, mostly in Sweden, for the purpose of labour exploitation in picking blueberries. The Roma population remains a highly vulnerable group regarding trafficking.

The trend to traffic victims in different countries for the purposes of different types of exploitation has been preserved in the last year:

- Germany, Greece, The Netherlands, France and Poland are the main destination countries for sexual exploitation;

- Greece, Spain, Italy, Germany, Sweden and the Czech Republic are the main destination countries for labour exploitation;
- Greece, the UK and Austria are the main destination countries for exploitation through pickpocketing and/or begging, involving often minors, almost always of Roma origin, as well as people with disabilities, often handicapped;
- Greece is the main destination country for trafficking in pregnant women for the purpose of selling the newborns and trafficking in children.

### **Internal trafficking**

The internal trafficking remains mostly for the purpose of sexual exploitation and is focused in tourist centres (winter and summer resorts) and around places on the road infrastructure. After having been exploited in the country, the victims of internal trafficking are often trafficked abroad. It must be noted that quite often the internal trafficking precedes the external one and is considered as some sort of "preparation" of the potential victim. Small places with lower standard of living and high unemployment are particularly risky places of origin for victims of trafficking. The victims of internal trafficking for the purpose of sexual exploitation are recruited from smaller places and exploited in big cities, winter resorts or summer ones at the seaside, in border areas and in places with large numbers of tourists in general.

### **Push and pull factors in the period 2012 to 2013; recruitment methods**

Some of the most frequent push factors are poverty, unemployment, and lack of prospects in the smaller villages in Bulgaria, which forces young and adult people to look for better opportunities in the bigger cities in Bulgaria and abroad. Other push factors are illiteracy and lack of education, no experience in safe migration, and former experience of suffering domestic and/or sexual violence. The pull factors are better opportunities for work and higher standard of living in the final destination countries but above all the high demand for cheap and unqualified labour and high demand for sexual services in the final destination countries or regions.

Identical **recruitment methods** as the ones used in previous years are utilised. Usually recruitment is done through acquaintances or relatives whom the victims trust. Traffickers take advantage of the trust that has been built and try to strengthen it by making promises of better opportunities for development, higher and stable income, and improving the economic situation of the victim's family. At the same time the trend of the so-called "soft recruitment methods" is also preserved where there is no element of violence such as abducting the potential victim. „Soft recruitment methods" involve the „lover boy" method when the trafficker succeeds in making the victim fall in love with him or want to marry him. The trafficker abuses this situation and manipulates the victim, persuading her also to leave the country and consequently to offer sexual services. More and more often different online social media are used for recruitment and/or manipulation of the victims such as dating or offering false job announcements on the Internet.<sup>1</sup>

Regarding trends in trafficking in human beings, the State Agency for National Security (SANS) has reported that the most frequent form of trafficking to and from Bulgaria is trafficking for the purpose of sexual exploitation, followed by labour exploitation. Alongside such cases, trafficking in pregnant women for the purpose of selling the newborns, entering fictitious marriages, begging etc. are also investigated.

As regards destination countries, traffickers target mostly economically well developed countries in Western and Central Europe, countries where prostitution is legal, where there is demand for services rendered by victims of trafficking or the legislation is more liberal – all factors affecting the exploitation.

Crime groups effecting trafficking in human beings for the purpose of sexual exploitation enjoy clear distribution of roles and functions for the different crime elements: recruitment, transportation of victims, supervision of the victims' exploitation etc. Usually traffickers have criminal records, have established themselves permanently abroad or travel often to Bulgaria, know well the places abroad where profit could be made, avail of the required financial means as well as of good skills for affecting psychologically the victims.

Crime groups trafficking in human beings for the purpose of labour exploitation target the poor who could easily be tempted into working abroad. Victims are promised arranged job in a particular field, free transportation and secured living places. In fact, after arriving in the respective country, they are forced to work in poor, sometimes degrading conditions, for minimum or no pay at all. Traffickers impute the victims'

<sup>1</sup> NCCTHB

guilt that they owe money for transportation, food and accommodation. In most of the identified cases victims have been threatened or racketeered by employers into staying on the job despite the poor conditions. In cases of the so-called "social tourism" traffickers bring their "socially vulnerable" victims to the respective country and register them at a certain address. Subsequently they register the victims at the local social services and the issued debit cards are then taken. For the time of the registration procedure victims are forced to do petty crimes such as thefts, pickpocketing etc. Then the traffickers bring the victims back to the country covering transportation, food and lodging.

Regarding trafficking in pregnant women for the purpose of selling their newborn babies, the crime groups are established on a family or ethnic principle. The recruited victims are low educated and easily manipulated, enduring a poor standard of living.

The most frequently used recruitment methods rely on an individual approach and preliminary knowledge of the potential victim's social status and family. Non-violent methods are preferred such as empty promises of profit or well-paid jobs or recruitment through acquaintances. As mentioned above, traffickers continue relying on the so-called "soft" methods. The number of victims who voluntarily seek traffickers for the purpose of providing sexual services is growing. The "lover boy" method is still widely used.

Threats, blackmail or coercion of the victim or her closed family are rarely used. Violent methods are typically used during the exploitation phase, alongside forcing into debt, deprivation of IDs, money, cell phones etc. Traffickers successfully use the so-called "first girl", who enjoys the trafficker's confidence, supervises the other prostituting girls and collects the money earned. In this way the trafficker's presence is not required and the risk of connecting him with the criminal business is reduced.

The number of victims who voluntarily seek traffickers for the purpose of providing sexual services is growing. Traffickers lure their victims by demonstrating a high standard of living and wealthy lifestyle so as to trick them into voluntary prostitution, sometimes even marrying the victims.

Recruiting victims through the Internet and convincing them to get involved and "advertise" the work is growing. A consistent trend of using particular websites, social media and applications, including Skype, Viber etc. as a means of communication between traffickers and victims is being observed. In many of the cases the initial contact between the traffickers and the victim is made on dating sites or through job ads about work in night clubs abroad as staff or escort against lucrative payment.<sup>2</sup>

### **State of play geographically**

According to data provided by the Blagoevgrad District Prosecution Office (PO) for 2013, the most frequented type of trafficking is the one for the purpose of sexual exploitation. The victims identified are victims of internal and external human trafficking in Greece as country of exploitation. No new forms or types of human trafficking have been identified.<sup>3</sup>

According to data provided by the Burgas Regional Prosecution Office (PO) for 2013, two are the basic forms of human trafficking in the region: firstly, for the purpose of sexual exploitation, and secondly, trafficking in pregnant women for the purpose of selling newborns, in the Roma neighbourhoods of Gorno Ezerovo, Pobeda, the cities of Kameno and Sredets. During the summer season police officers work mostly on cases of internal trafficking in Burgas and the summer resorts. The city of Burgas itself experiences a growing number of prostituting women throughout the year in relation to the large number of foreign nationals working in Lukoil Neftohim. No new forms of human trafficking have been identified.<sup>4</sup>

According to data provided by the Sliven Prosecution Office, the highest number of victims of trafficking are for the purpose of sexual exploitation, followed by labour exploitation.<sup>5</sup>

### **- any changes in your country's laws and regulations relevant to action against THB;**

The large part of legislative amendments in the substantial law regulating the criminal prosecution of human trafficking and the prevention and protection of victims are in line with the Convention and the international agreements to which Bulgaria is a party. A series of legal acts build upon the obligations under the Convention and introduce new standards and concepts thereby expanding the scope of criminal acts and

<sup>2</sup> SANS

<sup>3</sup> NCCTHB Blagoevgrad

<sup>4</sup> NCCTHB Burgas

<sup>5</sup> NCCTHB Sliven

the forms of exploitation purposes as well as optimizing the rules for the prevention and protection of victims before and during criminal proceedings.

Concepts such as abuse of authority and misuse of one's position have been clarified in the case-law of the Supreme Court and the Supreme Court of Cassation and the criteria for assessing vulnerability of persons subject to trafficking have been set forth. Forced marriages and illegal adoptions have been introduced as individual forms of crimes in the Special Part of the Criminal Code outside the various forms of human trafficking. New elements of crime have been provided for under Article 177, Article 178, Article 182a and Article 182 b of the Criminal Code. These however can appear in the aggregate with the elements of crime provided for in Articles 159a-d. The law does not yet stipulate a form of exploitation such as "committing criminal activities" as an element of the subjective part of the crime of THB. Domestic case-law indicates that most of the persons indicted and convicted for trafficking in human beings are indicted/convicted for THB for the purpose of debauchery.<sup>6</sup>

The following activities have been undertaken under the 2013 National Programme on preventing and combating trafficking in human beings and protecting its victims, Activity 2 "Harmonisation of the Bulgarian legislation with Directive 2011/36/EU of the European Parliament and 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, and 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:

For the purposes of transposing Directive 2011/36/EU of the European Parliament and 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, into the domestic legislation, a working group was set up with the Minister of Justice in December 2012. The working group was tasked with screening the Bulgarian legislation and elaborating, by 12 February 2013, specific proposals for legislative amendments. Members of the working group were representatives of the judiciary, courts and prosecution office alike, the Ministry of Interior, the State Agency for Child Protection, the National Commission for Combatting Trafficking in Human Beings as well as academia. The working group compiled a scoreboard of compliance of the Bulgarian legislation with Directive 2011/36/EU and drafted amendments in the Criminal Code, including respective amendments in the Combatting Trafficking in Human Beings Act and the Child Protection Act (specified in the transitional and final provisions). The draft amendments of the Criminal Code were adopted by the National Assembly on 19 September 2013 and promulgated on 27 September in the State Gazette, issue no. 84.

Following these amendments, a new provision in the Criminal Code, Article 16a, introduces in the Bulgarian law the requirements set forth in Article 8 of the Directive, namely that Member States shall, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to commit as a direct consequence of being subjected to trafficking.

Through these amendments certain additions were made to the elements of the offences concerning trafficking in human beings: begging was added as an individual purpose of trafficking (Article 159a, para 1 Criminal Code); and graver punishment (aggravated offence) where trafficking in human beings has been committed by an official in discharging his/her duties (Article 159a, para. 2, item 7 Criminal Code).

Other amendments made to the Criminal Code have been triggered by the growing phenomenon of trafficking in human beings for the purpose of cellular and bodily fluid extracts. The public danger of this phenomenon being indisputable, the scope of the offence of trafficking in human beings in the Criminal Code has been expanded to include cases when people have been trafficked for the purpose of extracting tissues, bodily fluids or cells (Article 159a, para 1 Criminal Code). To complete the regulation of these matters, aggravated offences of homicide and bodily injure have been added when these offences have been committed for the purpose of extracting body organ, tissue, bodily fluid or cell from the victim.

Amendments in the Combatting Trafficking in Human Beings Act and the Child Protection Act that were proposed in the transitional and final provisions of the Law amending and supplementing the Criminal Code have been endorsed regarding the respective requirements of the Directive. Thus trafficking in human beings in the Combatting Trafficking in Human Beings Act and the offences concerning THB in the Criminal Code have been defined in identical terms, also in view of providing protection for victims of THB by

<sup>6</sup> Supreme Court of Cassation

expanding the scope of persons eligible for protection under the Combatting Trafficking in Human Beings Act. Currently it is the same scope of persons who are considered victims of the offences concerning THB within the meaning of the Criminal Code. A positive obligation has also been envisaged for the State to provide education to the children of victims of human trafficking.

Regarding the amendments proposed and endorsed in the Child Protection Act, the scope of persons eligible for protection under the Child Protection Act has been expanded to include victims of violence or exploitation, whose age has not been determined but the specific circumstances of the case allow to reasonably presume that the victim is a child. Thus there is no longer any obstacle to undertake any protection measures, where necessary, in relation to the child till the time his/her age is determined.<sup>7</sup>

Amendments to the Combatting Trafficking in Human Beings Act entered into force on 1 October 2013 (promulgated in the State Gazette no. 46/2003, amendments and supplements adopted in SG no. 84/2013).

The definition of trafficking in human beings within the meaning of the law has been changed (cf. § 1, item 1 of the Additional Provisions of the Combatting Trafficking in Human Beings Act). This amendment has been necessitated as the former definition covered only the aggravated offences concerning trafficking in human beings, which posed certain difficulties in extending protection measures to victims of the basic offence of trafficking.

The term "exploitation" has been brought in line with the expanded elements of trafficking offences and includes also purposes such as begging or extracting tissue, bodily fluid or cells from the victim (cf. § 1, item 2 of the Additional Provisions of the Combatting Trafficking in Human Beings Act).

Article 31 has been amended as well. The amendments aim at overcoming the contradiction whereby protection measures could not be taken in relation to victims who have been granted protection under another Act different from the Criminal Procedure Code. This contradiction is explained by the fact that the Combatting Trafficking in Human Beings Act was adopted prior to other special acts that envisage such protection.

In accordance with Article 14, § 1 (second proposition) of Directive 2011/36/EU of the European Parliament and 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 (OJ, L 101/1 of 15 April 2011), the State obligation to provide education has been expanded to include also the victims of trafficking's children and not only child victims of trafficking themselves. This supplement also solves the practical problem of separating the victim from her children in cases where the victim has been placed under the Combatting Trafficking in Human Beings Act in a city different from her usual residence.<sup>8</sup>

- the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;

The functions and structure of the national co-ordinating body, the National Commission for Combatting Trafficking in Human Beings, remain the same throughout the reporting period.

Some changes have been made in Sector 4, Forcing people into debauchery and other forms of coercion, Department for grave offences with the General Directorate Criminal Police in charge of combatting trafficking in human beings that was set up on 1 December 2013. Previously another unit of the Ministry of Interior, namely General Directorate "Fight with Organised Crime" used to be the competent authority.<sup>9</sup>

According to the latest amendments to the SANS Act, the Agency scope of action has been expanded to include investigating functions as well.<sup>10</sup>

- **an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).**

<sup>7</sup> Ministry of Justice

<sup>8</sup> Supreme Cassation Prosecution Office

<sup>9</sup> Ministry of Interior

<sup>10</sup> SANS

The **2014** National Programme on preventing and combating trafficking in human beings and protecting its victims, adopted by a decision of the Council of Ministers no. 480 of 10 July 2014 is currently being implemented. Major priorities set forth by the Government in the National Programme are prevention, protection and reintegration of the victims.

The Programme has the following sections and objectives:

#### SECTION I „INSITUATIONAL AND ORGANISATIONAL MEASURES“

STRATEGIC OBJECTIVE: Establishing working mechanisms for institutional support, developing administrative structures on central and local level as envisaged in the Combatting Trafficking in Human Beings Act and ensuring their effective functioning.

OPERATIVE OBJECTIVES: 1. Expanding, managing and supervising the work of the structures under the Combatting THB Act. 2. Improving the co-ordination between the institutions and organisations specified in the Combatting THB Act with a view to implementing the Combatting THB Act, international acts, and EU law and effectively executing the policy on preventing and combatting trafficking in human beings and protecting its victims.

#### SECTION II „PREVENTION“

STRATEGIC OBJECTIVE: Enhancing public and risk groups' awareness and sensitivity of the problems related to trafficking in human beings.

OPERATIVE OBJECTIVES: 1. Developing public intolerance to trafficking in human beings. 2. Organising and holding awareness and educational campaigns for members of risk groups regarding human trafficking on international, central and local level.

#### SECTION III „TRAINING AND QUALIFICATION OF STAFF“

STRATEGIC OBJECTIVE: Increasing the expertise of NCCTHB officers, structures and members.

OPERATIVE OBJECTIVES: 1. Elaborating and implementing training programmes related to preventing and combating trafficking in human beings. 2. Enhancing the expertise of NCCTHB Secretariat officers and local structures as well as of the experts in the Standing working group at the National Commission. 3. Improving the qualification of officers working in competent institutions in particular in relation to preventing and combating trafficking in human beings.

#### SECTION IV „PROTECTION, REHABILITATION AND REINTEGRATION OF VICTIMS OF HUMAN TRAFFICKING“

STRATEGIC OBJECTIVE: Overcoming the consequences of trafficking in human beings, reintegration of its victims through rendering support, co-operation and protection.

OPERATIVE OBJECTIVES: 1. Implementing the National and Transnational Referral Mechanism for Victims of Trafficking in Human Beings. 2. Higher number of victims of trafficking that have obtained support and protection in the shelters for temporary accommodation of victims of human trafficking, the support centres, and the shelters run by NGOs. 3. Reintegration of victims of human trafficking through vocational training and employment.

#### SECTION V „STUDYING, ANALYSING AND REPORTING STATISTICAL DATA REGARDING TRAFFICKING IN HUMAN BEINGS“

STRATEGIC OBJECTIVE: Following trends and developments regarding offences concerning trafficking in human beings, and its prevention and combating.

OPERATIVE OBJECTIVES: 1. Co-ordination mechanism for the collection of data about victims of trafficking from all institutions and NGOs. 2. Up-to-date data base of victims and perpetrators of human trafficking, interconnectedness of other institutions' existing data base or such under construction.

#### SECTION VI „INTERNATIONAL CO-OPERATION“

STRATEGIC OBJECTIVE: Developing international co-operation through exchange of good practices in preventing and combatting trafficking in human beings.

OPERATIVE OBJECTIVES: 1. Presenting the Bulgarian law and good practices. 2. Established partnerships in the context of bilateral and international co-operation. 3. Elaborating and implementing international projects aimed at combatting trafficking in human beings.

#### SECTION VII „LEGISLATIVE MEASURES“

STRATEGIC OBJECTIVE: Upgrading the domestic law with a view to effectively combatting trafficking in human beings in Bulgaria.

OPERATIVE OBJECTIVES: 1. Harmonising the domestic law with the commitments entered into and recommendations made under international legal acts to which Bulgaria is a party. 2. Updating the legal



framework with a view to implementing more effectively the state policy for preventing and combating trafficking in human trafficking.

All institutions that are members of the NCCTHB and the Commission's administration are responsible for implementing the National Programme. The activities are funded by the respective member institution's and NCCTHB budget, as well as with funds under external projects and programmes.

The activities envisaged in the 2014 National Programme are geared towards enhancing the public awareness and building a public intolerance to the offences concerning trafficking in human beings; institutional and organizational measures for increasing the effectiveness in preventing, detecting and combating trafficking in human beings; legislative amendments. In addition, for the first time since the National Commission for Combatting Trafficking in Human Beings has been set up in 2006, it is envisaged to elaborate and adopt a Strategy for Combatting Trafficking in Human Beings in Bulgaria for the period 2015 – 2020, elaborating and implementing international projects targeted at counteracting human trafficking. The first result achieved in this regard is the Programme "Combatting trafficking in human beings" that was approved in May 2014 under the Bulgarian-Swiss Co-operation Programme, thematic fund "Security". In the framework of this Programme a project for opening a shelter for adults' victims of trafficking and a crisis center for children victims of trafficking, increasing the number of identified victims of trafficking and developing a policy for aftercare of children victims of trafficking after they leave the temporary services in the crisis centers.<sup>11</sup>

## B. Cross-cutting questions

### Gender equality (Articles 1.1.b, 5.3 and 17)

#### 2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

Pursuant to the Criminal Procedure Code, gender equality in criminal proceedings is guaranteed by Article 11, para 1. All citizens who take part in criminal proceedings are equal before the law. No restrictions whatsoever are allowed. The Combatting Trafficking in Human Beings Act, Articles 26 to 31, explicitly specifies that measures under the Act are gender neutral. All victims enjoy equal access to all services available under the Act.<sup>12</sup>

**Gender equality** is a major element of democracy and a prerequisite for respect for human rights. It is essential for achieving social justice and cohesion, sustained and inclusive economic growth, welfare and competitiveness. Empowering women and girls and encouraging their active involvement in the economic, public and political life is an important prerequisite for achieving gender equality. Gender equality policy and women's rights protection are particularly important for reducing trafficking in human beings, itself a consequence and a condition for inequality between men and women. Equality of sexes affects all spheres of life, and this is why gender mainstreaming and the effective interaction of competent authorities are both a prerequisite and a guarantee for good governance and progress of society.

Bulgaria implements a consistent policy of gender equality in all spheres of the economic, public and political life, taking into account its obligations of a Member State of the European Union and the Council of Europe as well as its commitments under international treaties to which Bulgaria is a party. This policy is premised on the established legal guarantees for not allowing gender-based discrimination.

Bulgaria's state gender equality policy is horizontal and comprises executive activities on all levels, including the level of self-government. A sustainable co-operation model has been put in place between the institutions, social partners and civil society through the latter's involvement in the **National Council on Equality between Men and Women with the Council of Ministers**, chaired by the Minister of labour and social policy. This Council was set up with a decree of the Council of Ministers no. 313 of 17 November 2014 as a consultative and co-ordinating body to support the Council of Ministers in the elaboration and implementation of the state policy on equality between men and women and to effect the co-ordination between the public and non-governmental sector. Deputy-ministers of all ministries, chairpersons of agencies

<sup>11</sup> NCCTHB

<sup>12</sup> Ministry of Interior

and institutions tasked with the implementation of the gender equality policy, representatives of the academia, social partners and non-governmental organisations sit as members in this Council.

The Ministry of Labour and Social Policy (MLSP) co-ordinates the elaboration, implementation and reporting of the national policy for equal opportunities between men and women, in co-operation with a number of institutions, organisations, social partners and civil society. The National Council on Equality between Men and Women with the Council of Ministers has a major contribution in this process. Equal Opportunities, Anti-discrimination and Social Benefits Department at the MLSP acts as secretariat of the National Council. This department supports the Minister in co-ordinating the gender equality policy. Trained experts in the different agencies act as gender equality co-ordinators.

In 2014 the MLSP took actions to strengthen the institutional mechanism of the gender equality policy. The National Council's Rules were amended (Decree no. 108 of 10 May 2014, promulgated in the State Gazette no. 42 of 20 May 2014 Amending Decree no. 313/2004 of the Council of Ministers). In addition to changes in the work of the Council, the functions of the gender equality co-ordinators have been regulated, thus strengthening the state policy in this area on operational level. These changes are expected to improve the organization and co-ordination of the work of the Council as a central unit of the national institutional mechanism for implementing the gender equality policy.

The **National Strategy for Encouraging Gender Equality for 2009 – 2015** is the main strategy document, to be updated till the year 2020 soon. The Strategy's implementation is co-ordinated by the MLSP as the national executive body on equality between men and women. The main objective of the Strategy is to create guarantees for equal treatment, equal access to public resources and equal participation in decision-making for men and women in Bulgaria with a view to their successful personal and public performance and to promoting gender equality in all spheres of public, economic and political life. The Strategy supports the effective implementation of the Bulgarian Government policy geared towards improving the quality of life and the cohesion of the Bulgarian society, ensuring equal opportunities for men and women and involving them fully and actively in all spheres of public life, and not allowing gender-based discrimination. „Eliminating gender-based violence and trafficking in human beings“ is one of the strategic goals of the National Strategy for Encouraging Gender Equality 2009 – 2015. This goal is pursued through specific measures set forth in annual national action plans for the implementation of the Strategy.

For a ninth year in a row the Ministry of Labour and Social Policy is elaborating **annual national action plans for encouraging equality of men and women**. These operational documents are the product of the joint efforts of all institutions in pursuing a policy of equality between men and women in all spheres of the economic, political and social life. The national action plans follow the principles and goals set forth in the National Strategy for Encouraging Gender Equality (2009 – 2015). These national action plans contain measures for encouraging economic independence of both men and women, reconciling professional with personal life, equality in decision-making, preserving people's dignity and privacy, preventing gender-based violence in all its forms, eliminating gender-based stereotypes and counteracting gender-based stereotypes and discrimination, including multiple discrimination, building administrative capacity in national and local public bodies and the judiciary, the social partners and the public at large, enhancing the awareness and sensitivity regarding gender equality and anti-discrimination, promoting and implementing good European practices in the area of equality between men and women. These action plans support the implementation of a uniform policy of equality between men and women, better awareness about gender equality and overcoming the stereotypes related to this issue.

The Council of Ministers adopted (with decision no. 438 of 25 July 2013) an inter-institutional **Action Plan implementing the concluding observations of the UN Committee on the elimination of discrimination against women (CEDAW)**. The Committee considered the combined fourth, fifth, sixth and seventh periodic report of Bulgaria (CEDAW/C/BGR/4-7) at its meetings on 12 July 2012 (regarding Bulgaria's obligations under the UN Convention on the Elimination of All Forms of Discrimination against Women (in force for Bulgaria since 10 March 1982, promulgated in the State Gazette no. 17 of 2 March 2010). Pursuant to the Council of Ministers' decision cited above, the minister of labour and social policy is tasked with the organization, co-ordination and supervision of the Action Plan implementation.

The Action Plan envisages measures in accordance with the concluding observations as regards respect for women's rights and gender equality in various areas such as education, employment, health care, economy and welfare, involvement in politics and public life, counteracting violence and trafficking in human beings, overcoming stereotypes and discriminatory practices, providing temporary social measures. It further addresses disadvantaged women, the legal equality framework, a mechanism for filing complaints, a national mechanism for promoting women, marriage and family relations etc.

There are 14 measures in the area of "Trafficking and Exploitation of Prostituting Women" in response to the concluding observations and the four recommendations made in this regard. These measures include activities targeted at restraining trafficking and exploitation of women, in particular Roma, with a view to overcoming their vulnerability as to exploitation and trafficking; awareness campaigns, trainings and seminars educating on the factors for and risks involved with trafficking in human beings, the available help and support in Bulgaria and abroad; events related to "consumers" of sexual services; reintegration programmes for victims organised at temporary shelters; trainings with professionals working with victims of trafficking реализиране на програми за реинтеграция на жертви в приюти за временно настаняване; monitoring assessment on the implementation of the Co-ordinating Mechanism for referral and care of unaccompanied minors and child victims of trafficking returning from abroad; setting up an integrated database of victims of trafficking; elaborating legislative amendments with a view to transposing the respective EU Directives in the domestic law.

Other activities are aimed at ensuring adequate support for and protection of women – victims of trafficking by increasing the number of shelters and protected houses, speeding up the work on setting up a compensation mechanism for victims and improving the reintegration programmes.

Delegating services for victims of trafficking to NGOs and establishing a sustainable financial mechanism and standards for financing services for victims of trafficking are also envisaged in order to expand co-operation with non-governmental organisations in implementing the National Mechanism for referral and care for the victims of trafficking and to secure funding for anti-trafficking activities carried out by non-governmental organisations.

Regarding exploitation of prostituting women, measures are aimed at ensuring rehabilitation for women who are willing to quit prostitution and their reintegration; training of law enforcement and justice administering bodies regarding work with victims of trafficking for the purpose of sexual exploitation; and exchange of good practices at international level.

The implementation of activities is planned till March 2016. The leading competent authorities are the NCCTHB, State Agency for Child Protection, Ministry of Justice in co-operation with the Ministry of Interior, the Social Assistance Agency, and NGOs etc. In the second quarter of 2014 the MLSP co-ordinated the collection of data from involved institutions and prepared an interim progress report on the implementation of the Action Plan. The next periodic report for Bulgaria is due in 2016; it will be elaborated and presented to the UN Committee.

The implementation of the activities envisaged in the Action Plan helps delivering commitments that Bulgaria has assumed under the UN Convention for the Elimination of All Forms of Discrimination against Women; ensuring a better protection of women's rights in various areas; and actually promoting gender equality.

Bearing in mind that equality of men and women is a standard of measurement for a democratic and economically and socially sustainable society, Bulgaria will continue improving its law,<sup>13</sup> policy and practice in this regard.

None of the activities or documents of the National or Local Commissions for Combatting Trafficking in Human Beings makes any gender distinction.<sup>14</sup>

NGOs report that they are actively applying the principle of gender equality as a major policy of the organizations. Their work concerns mostly social, psychological and legal advice to persons who are victims of domestic violence. The basic assumption is that domestic violence is gender-based since women are affected much worse. Work continues in the field of gender equality and advocacy in cases of violated human rights. Strengthening women's and girls' rights, advocacy in cases of violated fundamental rights and support for women's equal involvement in social life are upheld.<sup>15</sup>

## **Non-discrimination (Article 3)**

### **3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?**

Regarding minorities, a series of actions have been taken to teach them the actual danger of becoming victims of trafficking in human beings. In its work on combatting human trafficking, the Ministry of

<sup>13</sup> MLSP

<sup>14</sup> National and Local Commissions for THB

<sup>15</sup> NAYA Association

Interior maintains close connections with non-governmental organisations and involves members of the minorities as well.<sup>16</sup>

Information and awareness campaigns are carried out with a focus on the Roma community. They teach ways of keeping out of illegal and forceful networks for begging, pickpocketing, prostitution and traffic in pregnant women for the purpose of selling their newborns.<sup>17</sup>

Prohibition of discrimination is stipulated in the Constitution, the basic law of the Republic of Bulgaria, as well as in the Protection against Discrimination Act and the Integration of Persons with Disabilities Act. Explicit prohibitions against discrimination have been envisaged in the law, including in the Public Education Act (Article 4, para 2). Restrictions or privileges based on race, nationality, gender, ethnic or social origin, religious denomination or social standing are not allowed.

The Protection against Discrimination Act entered into force in 2004. It applies to all natural persons in the country. The law provides for two alternative ways for protecting the right of equal treatment: 1) in court; and 2) in the framework of administrative proceedings before the Anti-Discrimination Commission.

In 2010 a Guide on Equal Treatment was published. It is intended to guide prevention of discrimination in three areas: education; police; and local authorities. Typical cases of discrimination are identified and standards, good practices and recommendations for preventing such cases are provided. Although designed for experts in the three particular areas, the Guide would certainly be of use for a larger audience. The Guide was published in the framework of project "Progress to Equality: Effective and innovative national practices for preventing and combatting discrimination", VS/2009/0384, with the financial support of the European Union, Progress Programme.<sup>18</sup>

Non-governmental organisations report that they apply anti-discrimination policy to all their clients. In shelters where women victims of trafficking are placed, no distinction is being made between the women's ethnic origin. All services provided to victims of trafficking are equally accessible to all women regardless of their age, ethnicity, education etc.<sup>19</sup>

#### **4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?**

A National Referral Mechanism for victims of trafficking is operating in the country and regulates due response by competent authorities and NGOs. The National Referral Mechanism involves the Migration Directorate and the State Agency for Refugees (SAR). They play an important role in identifying victims of trafficking. So far however no case has been registered of a trafficked person referred by the Migration Directorate or SAR. Illegal migrants and foreigners are expressly mentioned in the National Referral Mechanism and clear instructions for working with these groups of people are given. The National Referral Mechanism and the Combatting THB Act guarantee the following rights of illegal migrants and foreigners who have been identified as victims of trafficking:

- All foreign nationals from countries outside the European Union who have been identified as victims of trafficking are entitled to one month reflection period;
- Extending the right to reflection and the accompanying measures for victims of trafficking in the care of the SAR who seek support is made in co-ordination with the Proceedings and Accommodation Directorate. Every case is reviewed individually taking into account the victim's interests and safety;
- If a victim of trafficking is residing illegally and is placed forcefully in a Home for Temporary Accommodation of Foreigners with the Migration Directorate, it may immediately be placed during the reflection period in any of the shelters for victims of trafficking operating under the National Referral Mechanism. Pursuant to the Combatting THB Act, victims of trafficking are entitled to temporary residence in the country for the duration of the reflection period, as well as to psychological, social and legal assistance provided for in the National Referral Mechanism.<sup>20</sup>

<sup>16</sup> Ministry of Interior

<sup>17</sup> Local Commission for Combatting THB

<sup>18</sup> State Agency for Child Protection

<sup>19</sup> Animus Association Foundation, NAYA Association

<sup>20</sup> Ministry of Interior, Animus Association Foundation

**5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?**

A growing number of male victims of trafficking are identified for the purpose of labour exploitation in construction and agriculture. The number of victims of trafficking for begging is growing, too. Often victims are male, many with some physical or mental disability and/or disorder. The Social Assistance Agency co-ordinates closely these cases and provides all required services depending on the needs of every individual case.<sup>21</sup>

Trained personnel of the Ministry of Interior who know in details the aspects of trafficking in human beings work with victims of trafficking. In this way the distance between the official authorities and the victims is shortened, a two-way communication with the victims is established and mutual trust is built.<sup>22</sup>

**Training of relevant professionals (Articles 10 and 29)**

**6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.**

NCCTHB – 2012

Multidisciplinary trainings for judges, prosecutors and police officers

In accordance with the National Programme, in 2012 the NCCTHB organised and conducted six multidisciplinary trainings for judges, prosecutors and police officers in the regions of Burgas, Varna, Veliko Tarnovo, Plovdiv, Montana and Blagoevgrad. The trainings introduced to the participants the new trends in trafficking in human beings in Bulgaria. The trainings further aimed at improving the interaction between the institutions in investigation and criminal proceedings, support for the victims of trafficking and their reintegration, and exchange of experience. More than 150 representatives of district and regional courts, district and regional prosecution offices, sector "Trafficking in Human Beings" with Directorate General Combatting Organised Crime and its respective territorial units, police officers from Directorate General "Border Police" from the respective regions, experts from the NCCTHB and secretaries of the respective Local Commissions for Combatting THB, and representatives of NGOs took part in the trainings. The six multidisciplinary trainings for judges, prosecutors and police officers were organised with the financial support of Hanns Seidel Foundation.

2. In 2012 prevention and combatting trafficking in human beings and protection of its victims were included in the curriculum of the National Institute of Justice. Three seminars on Trafficking in Human Beings were conducted (2 – 3 July, 11 – 12 October and 5 – 6 November). The trainings were organised in cooperation with the Ministry of Justice and Interior of The Netherlands and the Dutch Judicial School in Zutphen, The Netherlands. In the framework of this initiative, a joint team of experts (comprising a criminal judge from the Criminal Court in Amsterdam, a prosecutor and an investigator from the Dutch Prosecution) elaborated a training programme for magistrates and investigating police officers. Some 110 magistrates (42 judges, 48 prosecutors, and 20 investigators) and 16 officers from the Ministry of Interior took part in the seminars. Experts from the NCCTHB were invited to take part in the seminars as lecturers.

3. Training of journalists – advanced training was conducted for journalists and media representatives on national and local level. Thirty media experts were trained. The training aimed at enhancing media awareness of trafficking in human beings, acquainting them with the work of the institutions, the work and the structure of the NCCTHB, its role and the work of the public shelters for temporary accommodation of victims of trafficking at the NCCTHB in implementing the National Referral Mechanism.

4. In July 2012 a Summer Volunteer Academy was organised in Burgas in cooperation with Hanns Seidel Foundation.

The 2012 Summer Volunteer Academy had the following main objectives: volunteers to strengthen their knowledge on trafficking in human beings, to get to know each other and to share good practices in the prevention of human trafficking. Sixty-eight volunteers with the Local Commissions for Combatting THB in Pazardzhik, Plovdiv, Sliven, Burgas, Varna, Ruse and Montana took part in the 2012 Summer Volunteer Academy.

Training of social workers and officers at the crisis centres in Bulgaria

<sup>21</sup> NCCTHB

<sup>22</sup> Ministry of Interior

In accordance with Section III, Activity 7 of the National Programme for Counteracting Trafficking in Human Beings, in 2012 the National Commission organised a training of social workers and officers at the crisis centres in Bulgaria. This training was conducted for a second time jointly with the crisis centre for unaccompanied minors with the Municipality of Vienna, Austria. Nine providers of the social service "crisis centre" from Peshtera, Silistra and Plovdiv took part in the training which lasted for four weeks. The representative of sector "Trafficking in human beings" with Directorate General "Combatting Organised Crime" found particularly useful the visits and the contacts established with the heads of Trafficking in Human Beings Department at the Federal Criminal Service and sector "Road Security Police". Austria, as a destination country for the Bulgarian victims of trafficking, has gained good experience in counteracting this problem. The good cooperation and joint work of the police services of the two countries was underscored. The director of the public shelter for temporary accommodation of victims of trafficking with the NCCTHB took part in the training, too.

#### Additional trainings

In 2012 the Ministry of Interior Academy (MoI Academy) held a five-week course of instruction in trafficking in human beings for updating the professional qualification. The course comprised five training modules covering a total of 17 topics. Fifty civil servants at the Ministry of Interior took part in the distance learning training which was conducted from 2 April till 9 May.

In the framework of the compulsory course "Counteracting Organised Crime" read to Bachelor degree students in "Counteracting Crime and Protecting Public Order" at the MoI Academy, specialised modules are included dealing with counteracting trafficking in human beings and tactical criminal analysis for detecting organised crime groups. Students gain theoretical knowledge and practical skills how to counteract lawfully and effectively this crime.

Courses for initial professional training of more than 100 newly appointed MoI officers were held at the MoI Academy. These include training in "Counteracting organised crime" and in particular "Counteracting trafficking in human beings by the police", as well as in how to interact with other public bodies and non-governmental organisations competent in the matter.

#### 2013

One of the strategic goals of the National Programme is increasing the capacity of officers, units and members of the NCCTHB and LCCTHB. In 2013 the National Commission conducted a series of trainings for experts working in the area of trafficking in human beings, journalists, teachers and school counsellors, priests, as well as the central and local units of the NCCTHB.

1. The NCCTHB is implementing two projects under Operational Programme "Administrative Capacity" for increasing the administrative capacity of the National Commission. The project "Building an open, multifunctional and highly qualified administration of the National Commission for Combatting Trafficking in Human Beings with a view to performing its coordination and strategic functions in Bulgaria and in relation to European and international institutions and partners" is implemented with the financial support of the Operational Programme "Administrative Capacity", co-funded by the European Union through the European Social Fund. Its budget is BGN 42,779.15 and its duration is 12 months. The overall objective of the project is to increase NCCTHB capacity to implement effectively the national policy and strategy for counteracting trafficking in human beings on national, European and international level.

2. Experts from the NCCTHB and LCCTHB as well as representatives of other Bulgarian institutions and non-governmental organisations (Directorate General "Border Police", Migration Directorate, Directorate General "Combatting Organised Crime", Supreme Cassation Prosecution Office, Ministry of Labour and Social Policy, NGOs) took part in the training of trainers "First level training module for identifying victims of trafficking in human beings in Europe". The training was conducted in the framework of project HOME/2010/ISEC/AG/016/30-CE-0447209/0021 „Elaborating common guidelines and procedures for the identification of victims of trafficking in human beings. The NCCTHB is a partner under the project and the coordinator for Bulgaria. The other countries involved in the project are Spain, France, The Netherlands, Greece and Romania.

3. In accordance with Section III, Activity 2 of the National Programme for Counteracting Trafficking in Human Beings, in June 2013 the National Commission organised a multidisciplinary training for police officers, prosecutors and judges in Varshets. 21 police officers, prosecutors and judges from the regions of Vratsa, Montana and Vidin were trained. The training was organised with the financial support of Hanns Seidel Foundation.

4. During the Annual Conference of the minister of interior with the Bulgarian ambassadors, the National Commission presented the problem of trafficking in human beings and the required response by Bulgaria regarding prevention, referral and protection of victims of trafficking, the coordination and role of the NCCTHB and Bulgarian missions abroad.

5. The annual National Working Meeting on issues regarding trafficking in human beings was held in November 2013. The focus of the meeting were policies for counteracting trafficking in human beings, in particular children and young people, and reintegration of the victims. Just like in 2012, the meeting was hosted by the municipality and the LCCTHB in Ruse. During the forum the participants from all LCCTHB and experts from non-governmental organisations were introduced to the new trends in the policies for combatting trafficking in human beings on national and European level and the existing mechanisms for protection of child victims of trafficking in human beings. Specific cases and challenges were discussed too.

6. Representatives of the State Agency for Child Protection, crisis centres and the Social Assistance Agency took part in the training of social workers from the crisis centres for children. The training was conducted under Section III, Activity 7 of the National Programme in cooperation with the municipality of Vienna and aimed at introducing to the participants the Austrian social system, work with child victims of trafficking, exchange of good practices. The training was conducted for a third time.

A similar training was conducted for officers of the crisis centre for children in Burgas which is run by Demetra Foundation, social workers from the Child Protection Department in Burgas and from the Public Support Centres in the bigger municipalities in the region of Burgas.

7. In July 2013 the National Commission for Combatting Trafficking in Human Beings held also the annual training for journalists from the cities of Blagoevgrad, Pazardzhik, Plovdiv, Montana and Sofia on "Trafficking in human beings: rights, social inclusion and reintegration of victims of human trafficking". Some 25 media experts took part in the training and were introduced to various aspects of the phenomenon of human trafficking.

8. In December 2013 a training for Orthodox priests from the Sofia Mitropolis was conducted on "Trafficking in human beings: a social and a universal problem. Social inclusion and reintegration of victims of human trafficking".

Some 20 priests from the Sofia Mitropolis took part in the training. The seminar aimed to acquaint the participants with possibilities for prevention and identification of people at risk in the parish with the help of the Orthodox clergy of the Sofia Eparchy. The organisers' ambition is that similar events are organised in the eparchies of other risk municipalities in the country.

9. An Introductory Spring Academy for volunteers took place in Plovdiv in March 2013 in accordance with 2013 National Programme for Counteracting Trafficking in Human Beings, Section III, Activity 1 "Training of volunteers at the newly set up Local Commissions and advanced training for the established volunteer teams. Involving children and youngsters in the prevention of all forms of violence against children and exploitation of children". Seventy-two children aged 14 to 17 acquired skills how to avoid situations of trafficking of human beings.

Summer Academy for volunteers took place in Varna in May 2013. Eighty-four volunteers with the Local Commissions for Combatting Trafficking in Human Beings in the territory of the whole country took part.

10. In accordance with Activity 6 of the National Programme, "Trainings for labour market intermediaries and social workers with the Labour Bureaux and the Employment Agency", experts from the National Commission were invited to take part as lecturers in several trainings organised by the Human Resources Development and Regional Initiatives Centre with the Ministry of Labour and Social Policy (MLSP) under the project "Building the institutional capacity of the Bulgarian Ministry of Labour and Social Policy". Participants were from all over the country. One of the trainings was designed particularly for psychologists who would be starting working in five labour bureaux in the country. Lecturers from the National Commission took part in four trainings at the MLSP Centre. Two groups of labour market intermediaries, each of approximately 15 persons, were trained in the framework of one training.<sup>23</sup>

Data about conducted trainings for prosecutors and investigators on trafficking in human beings (investigation, legal and social aspects, interaction and cooperation, the role of Eurojust, reintegration of victims, honour crimes, forced marriages, organized crime, European approach in judicial training, trafficking in human beings for the purpose of labour exploitation, joint investigation teams, legal regulation and investigation methods, identification of victims, prevention, financial investigation etc.):

- 2010: seven trainings, one in Norway; 28 prosecutors and 13 investigators took part.
- 2011: two trainings; 21 prosecutors and 10 investigators took part. Eight intradepartmental trainings were conducted in the same period for the appellate judicial districts of Plovdiv and Varna and the specialized prosecution office; 148 prosecutors and 12 investigators were trained.
- 2012: 13 trainings, seven of which were held abroad; 65 prosecutors and 16 investigators took part. Eleven intradepartmental trainings were conducted in all appellate judicial districts and the specialized prosecution office; 186 prosecutors and 50 investigators were trained.

<sup>23</sup> NCCTHB

- 2013: eight trainings, four of which were held abroad; 29 prosecutors and 8 investigators took part. Four intradepartmental trainings were conducted for the appellate judicial districts of Plovdiv and Varna; 80 prosecutors and six investigators were trained.<sup>24</sup>

Adequate professional training of officers directly involved in combatting trafficking in human beings is one of the major factors of efficiency in this regards. That is why experts appointed in Trafficking in Human Beings Sector on central or regional level undergo mandatory initial training and get introduced to the legal framework regulating trafficking in human beings as a grave form of organised crime; the major characteristics and trends in the development of this criminal phenomenon; specific means for preventing, detecting and neutralizing cases of trafficking; and the particularities in working with victims of trafficking.

SANS experts take part, both as participants and lecturers, in a series of trainings focusing on identifying child victims of trafficking.

To maintain up-to-date expertise, the specialised unit for counteracting trafficking in human beings with SANS, together with the National Security territorial directorates, carry out regularly different training initiatives for the Agency officers. SANS representatives take part in a number of multidisciplinary fora, both international and national, organised by public and private organisations for enhancing the professional competence, as well as in various events for sharing experience and good practices (including through specialised courses and programmes of the European Police College; conferences and expert meetings organised by the EU agencies Europol and Eurojust; national round tables; joint seminars with representatives of the judiciary and non-governmental organisations; trainings in the framework of cooperation programmes with foreign partners etc.).

The funds required for the specialised trainings organised by Trafficking in Human Beings Sector are provided from the SANS budget. More trainings are envisaged in the elaboration of the National Multiannual Programme under Internal Security Fund 2014 – 2020, as well as in the framework of several international projects where the Agency is a major partner.<sup>25</sup>

Seminars with a social focus are held in the Ministry of Interior and cover all problems related to trafficking in human beings. Officers from different directorates, units and structures take part in these seminars. During the training every participant is confronted with the actual problems posed by human trafficking through interactive simulation. Officers of Directorate General “Border Police” are trained in counteracting trafficking in human beings in the Police Officers Training Centres. Victims’ and traffickers’ risk profiles have been made and have been included in the annual training curricula. Officers are introduced with the risk analysis for THB on central and regional level on a regular basis and take part in trainings and exchange of experience and good practices with other agencies (Ministry of Justice, State Agency for Child Protection, Social Assistance Agency etc.).<sup>26</sup> A full set of materials regarding the work of the NCCTHB, the legal regulation and the different mechanisms for referral of victims of trafficking was provided as early as 2010 by the NCCTHB for the purpose of launching a distance learning course on THB at the Ministry of Interior Academy.<sup>27</sup>

Since 2013 experts from the State Agency for Child Protection take part as trainers in trainings for consular officials and technical staff at the Bulgarian consular offices abroad. Trainings for diplomats cover topics such as the Convention on the rights of the child and child protection. The Coordination Mechanism for referral and care of cases of unaccompanied children and child victims of trafficking returning from abroad is presented and practical guidelines for work on particular cases involving child victims of trafficking and exploitation are given. Seventy diplomats appointed in Bulgarian missions abroad have been trained by the Ministry of Foreign Affairs Diplomatic Institute.

Since 2013 experts from the State Agency for Child Protection take part as trainers in trainings for social workers on trafficking in children. In the framework of a project funded under the Operational Programme Human Resources Development, social workers receive specialised training on how to work with children and families at risk. More than 80 social workers have been trained in trafficking in children so far.

In 2013 and 2014 experts from the State Agency for Child Protection took part as trainers in trainings for police officers. The trainings aimed at improving the interaction between social workers and police officers in cases involving trafficking and labour exploitation of children. More than 500 police officers were trained. The trainings were conducted in the framework of international projects implemented by the Ministry of Interior and aimed at enhancing the police officers’ capacity to work on cases involving child protection.

<sup>24</sup> Supreme Cassation Prosecution Office

<sup>25</sup> State Agency for National Security

<sup>26</sup> Ministry of Interior

<sup>27</sup> NCCTHB



In 2013 experts from the State Agency for Child Protection were invited and took part as lecturers in trainings organised by the Association of Consuls in foreign embassies to Bulgaria. The work of the Bulgarian institutions and the established multidisciplinary teams working on cases of child victims of exploitation and trafficking were presented.<sup>28</sup>

NGOs report that their officers (psychologists, social workers) took part in trainings in prevention of trafficking in human beings and protection of their victims that were organised by the NCCTHB and attended round tables on issues related to trafficking in human beings. NAYA Association reports two trainings for some 30 experts that were conducted in September 2013 on "Trafficking in women and children: we can stop it". The trainings were held in the municipalities of Popovo and Antonovo. Representatives of the two municipalities as well as of the municipalities of Omurtag and Opaka took part in the trainings. Participants included officers from the Regional Police Department, Social Assistance Directorate, Child Protection Department with the Social Assistance Directorate, and school counsellors and medical officers at the schools in the four municipalities. An analysis of the evaluation of the two trainings was made.<sup>29</sup>

Every year officers of the territorial structures of the Social Assistance Agency take part in trainings organised by the MLSP that aim at improving the professional capacity for working with victims of trafficking in human beings, including children. To that end the following trainings are conducted at the Human Resources Development and Regional Initiatives Centre with the MLSP:

- «Social support for individuals and families», including the module «Measures for preventing and reducing violence among disadvantaged groups. Trafficking in human beings»;
- «Social work with children and families at risk», including the module «Work on cases of violence against children».

In 2013 a total of 101 officers of the territorial structures of the Social Assistance Agency took part in the trainings.<sup>30</sup>

In 2010 the Confederation of Labour "Podkrepa" organised a round table "Labour migration and trafficking in human beings" attended by representatives of the trade unions, non-governmental organisations and public authorities. In the same year a seminar on "Standards in managing shelters for victims of trafficking in human beings" was held for improving the Bulgarian institutions' and NGOs' capacity in protecting victims of human trafficking. The seminar was organised in two parts: for managers and for social workers in shelters.<sup>31</sup>

Over the last one year Animus Association Foundation conducted the following trainings:

A training on "Legal procedures for protecting victims of trafficking" was held from 6 to 8 November 2013 for 29 social workers from the whole country. The training was organised in the framework of the project "Supporting the right of victims of trafficking in Bulgaria, Romania and Slovakia to legal aid: a human rights based approach", implemented with the financial support of the European Commission Programme "Prevention of and Fight against Crime". Representatives of the NCCTHB and the International Organisation for Migration (IOM) attended the training as well.

A training on "Legal procedures for protecting victims of trafficking" will be held in October this year in the framework of the same project. The training is intended for 20 lawyers from Sofia and the country who are interested in acting as defence counsels for victims of trafficking and will be held jointly with the Netherlands Helsinki Committee. Lawyers who have been trained will be included in a network of pro bono defence counsels of victims of trafficking.

In April 2014, in the framework of the same project, Animus Association Foundation conducted a training for 20 social workers on "Work with victims of trafficking and domestic violence: assets based approach".<sup>32</sup>

<sup>28</sup> State Agency for Child Protection

<sup>29</sup> NAYA Association

<sup>30</sup> Social Assistance Agency

<sup>31</sup> NCCTHB

<sup>32</sup> Фондация «Асоциация Анимус»

## **Special measures concerning children** (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

### **7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.**

The Child Protection Act stipulates the rights, principles and measures for child protection. The law is in full compliance with the UN Convention for the Rights of the Child. The Child Protection Act provides for legally bound persons and a system of organs to guarantee every right of the child, including procedures and financial mechanisms in support of children.

The Child Protection Act provides for protection by the state of every child at risk and regulates the right of every child to protection, including against violence. Every child is entitled to protection against methods of upbringing that violate his or her dignity; to protection against all forms of violence and protection against any forms of influence that run contrary to his or her interests. Every child is entitled to protection against begging, prostitution, distribution of pornographic materials and receiving illegal benefits, as well as against sexual violence.

The State Agency for Child Protection (SACP) is the only specialised body with the Council of Ministers that leads, coordinates and supervises the implementation of the state policy for child protection in Bulgaria. Child protection in Bulgaria is effected through:

- the chairperson of the State Agency for Child Protection and the Agency administration that supports the chairperson in discharging her duties;
- the Child Protection Departments with the Social Assistance Directorates in every municipality;
- the minister of labour and social policy; the minister of interior; the minister of education, youth and science; the minister of justice; the minister of foreign affairs; the minister of culture; the minister of health; and mayors of municipalities.

Child victims of trafficking and exploitation are first of all children who require the efforts of a number of institutions and organisations for identifying the risk to their life and health, ensuring specific support for them and finding lasting solutions to guarantee their rights.

Regarding children victims of trafficking and exploitation, the State Agency for Child Protection is involved in the elaboration of legislative proposals and methodological guidelines for social workers and experts working with children. The Agency further carries out inspections and controls the quality of the services rendered to children. Often the SACP acts *ex officio* in cases concerning children at risk; in such instances SACP coordinates the efforts of all involved institutions.

The powers of the SACP chairperson in working with children at risk and victims of trafficking and exploitation concern specific duties of the SACP officers and the other protection bodies. Since 2003 the Child Protection Act stipulates that whenever information about a child at risk is received, the SACP, the respective local unit of the Social Assistance Directorate or the Ministry of Interior are immediately notified and they coordinate measures in accordance with the law. If the case concerns a child victim of trafficking or exploitation abroad, SACP officers coordinate the collection of data and the work of the institutions in each specific case. When there is solid data that the child was involved in activities inappropriate for his or her development such as thefts, begging, sexual exploitation or neglect, the SACP chairperson submits a reasoned opinion to the minister of interior for imposing an administrative measure under Article 76a of the Bulgarian Individual Documents Act. Pursuant to this provision, persons under age for whom data has been submitted by a competent Bulgarian or foreign body that they were involved in activities specified in Article 11 of the Child Protection Act, are prohibited to leave the country; they are not issued passports or similar documents and the documents already issued are impounded. The measures envisaged in Article 76a, para 1 of the Bulgarian Individual Documents Act aim at protecting the child and are applied for a period of up to two years after the order to that end has been issued.

Licensing providers of social services for children is another power of the chairperson of the State Agency for Child Protection.

The phenomenon "Bulgarian children residing abroad" came to the fore after repealing the visas for Bulgarian nationals travelling abroad and the intensification of the migration processes. An unfavourable aspect of this phenomenon is involving minors in various forms of exploitation, begging, and pickpocketing during their stay abroad.

These are mostly children from the minorities for whose families education is not a priority. These are children at risk, whose parents consistently and for no particular reason fail to take care for their regular

physical, mental, emotional and social development, which constitutes a violation of their rights. The behavioural problems that these children experience is a consequence of the neglect and lack of parental supervision. Quite often the very parents of the children are the ones who force them into begging and thefts. Parental neglect often makes these child victims of sexual exploitation, too.

In 2005 the Bulgarian institutions joined their efforts and set up a Coordination Mechanism for referral and care of cases of unaccompanied children and child victims of trafficking returning from abroad. This Mechanism allows to track down every specific case concerning trafficking of children in the country or abroad. The Mechanism operates through a system of bodies on central and local level who identify the child, repatriate and meet him/her, take the child out of the immediate family environment, carry out rehabilitation and reintegration of the child and follow the case.

SACP together with the Ministry of Interior are in charge of applying the **Coordination Mechanism** for referral and care of cases of unaccompanied children and child victims of trafficking (elaborated in 2005 and updated in 2010).

The system of bodies on central level comprises the Ministry of Interior (MoI), the Ministry of Foreign Affairs (MFA), the State Agency for Child Protection (SACP), and the Social Assistance Agency (SSA), who work in coordination and close cooperation with the National Commission for Combatting Trafficking in Human Beings (NCCTHB), the International Organisation for Migration (IOM) etc.

The system of bodies on local level is centered around the Social Assistance Directorate, Child Protection Department and involves setting up a multidisciplinary team comprising representatives of the respective regional police department, regional education inspectorate, regional health centre, Local Juvenile Delinquency Commission, Local Commission for Combatting Trafficking in Human Beings, regional prosecution office, regional court, management of the crisis centre, an expert at the social service provider in the community (if and when such is involved) and others upon discretion of the Social Assistance Directorate, Child Protection Department.

The stages of the referral and care process are as follows:

**1. Receiving a signal for an unaccompanied minor or a child victim of trafficking or sexual exploitation abroad and repatriation of that child to Bulgaria.** Signals for cases of unaccompanied minors or child victims of trafficking may be received from Bulgarian or foreign competent bodies: MFA from Bulgarian diplomatic or consular missions abroad; MoI from the police attachés at the Bulgarian diplomatic or consular missions abroad; through the International Organisation for Migration; through Bulgarian or international NGOs; through the National Commission for Combatting Trafficking in Human Beings; through the hotlines for children 116 111 for information, consultation and help for children and 116 000 for missing children, which operates in Bulgaria since 3 December 2012. At this stage when the MFA receives a signal for an unaccompanied minor, it informs within 24 hours, through its diplomatic and consular missions, the SACP and MoI. The State Agency for Child Protection ensures the coordination between the institutions in charge of the repatriation and the child protection measures to be taken (MFA, MoI, SSA and Social Assistance Directorate).

**2. Meeting the child in Bulgaria and taking adequate protection measures, according to the peculiarities of each case (placement in a crisis centre).** The child is met by officers of Directorate General "Border Police" and social workers from the Social Assistance Directorate who accompany the child to the crisis centre where he/she is placed. In case there is data that the child was involved in thefts, begging or sexual exploitation, the SACP chairperson submits to the minister of interior an opinion for imposing measures under Article 76a of the Bulgarian IDs Act for a period of up to two years.

**3. Taking protection measures on local level after placement in a crisis centre;**

**4. Following the case for a period of one year (depending on when the child comes full age) with a view to preventing new involvement of the child in trafficking or taking the child out of the country.**

To improve work with child victims of violence, in March 2010 an Agreement for cooperation and coordination of the territorial structures and child protection bodies in crisis situations and in cases of child victims of violence or at risk of violence was signed. Thus the interdepartmental approach and the practice of local multidisciplinary teams were introduced in one of the most difficult areas of child protection. The Coordination Mechanism for child victims of violence regulates the specific duties of the competent bodies and the relations between them. In this way stakeholders join resources and efforts to ensure an effective system of interaction. The Mechanism sets forth clear rules and distributes the major rights, duties, procedures and approaches in its implementation thus ensuring fast response by the protection bodies.

The stakeholders who are involved in all cases of child victims of violence are the respective Social Assistance Directorates, regional police departments and the municipality. The expanded multidisciplinary

team involves the regional education inspectorate, regional health inspection, regional prosecution office, non-governmental organisations, social services providers etc.

The main objective of the two mechanisms is to complement the resources and efforts of the involved stakeholders to ensure an effective system of interaction in cases of violence, trafficking, exploitation, neglect as well in cases where a risk of violence or the need of crisis intervention are established.

The two mechanisms introduce an interdepartmental approach between various institutions and organisations to allow coordinated action in the best interest of the child.

An achievement that has to be noted are the established multidisciplinary teams for work with children at risk whereby in a complex, fast and effective manner every individual case is followed. Social services for children at risk have been established, too: crisis centres, residential type of services, foster families and consultative centres for children and families, teams of specialists for crisis intervention.

One of the main priorities in the work of the specialised unit for counteracting trafficking in human beings with the SANS is combating trafficking in children as a specific form of grave criminal activity and ensuring support for the victims.

Through its active participation in the activities under the annual and multiannual operational action plans of the European Multidisciplinary Platform against Criminal Threats, priority trafficking in human beings (EMPACT-THB), SANS tries to achieve the strategic goals defined at EU level in relation to trafficking in children, i.e. to employ a method geared towards the protection and support of victims of trafficking; to further develop and improve the toolbox for identification of victims of trafficking by paying particular attention to trafficking in children; and to proactively contribute, all Member States and EU agencies, to providing operational and strategic information as regards trafficking in human beings, and in particular children, in order to fill in the gaps and implement initiatives on strategic and operational level. In this regard events promote the mechanisms implemented in Bulgaria for the identification and referral of child victims of trafficking and enhance exchange of similar good practices with partner agencies. In addition, a network of contact points for transborder cooperation for care and protection of victims is being established.

The main forms of trafficking in and from Bulgaria involving minors are trafficking in human beings for the purpose of subsequent involvement in criminal activity, and to a lesser extent for the purpose of sexual exploitation.<sup>33</sup>

The Ministry of Interior enjoys very good cooperation with the competent institutions and NGOs that are positioned in immediate proximity to the general public; mothers and young families from the minorities are paid particular attention. There are special programmes for work with children victims that actively involve psychologists and pedagogues.

Measures have been taken in the Directorate General "Border Police" for upscaling prevention in relation to people from the risk social groups, in particular prevention of juvenile delinquency.

During border checks particular attention is paid to minor Bulgarian nationals leaving the country, especially those travelling with one parent only, with an accompanying person – a third party, or without an accompanying person, in order to rule out the possibility that the child leaves the country without the consent of his or her parent(s). In case of doubt as to the identity of the child and/or that of the person(s) accompanying the child, or to the purpose of travel, additional inspections are performed.

Specific rules for border checks carried out on minor Bulgarian nationals are stipulated in Article 76, item 9 of the Bulgarian IDs Act. Pursuant to that provision, minors and legally incapacitated persons who have a valid passport or ID but fail to produce written consent for travelling abroad signed before a notary by their parents, guardians or custodians are prohibited to leave the country.

The Ministry of Interior works under the Coordination Mechanism for referral and care of cases of unaccompanied children and child victims of trafficking returning from abroad.

The so-called Road Map for the implementation of the State Policy Concept for Juvenile Justice envisages amendments based on the principles enshrined in the Convention on the Rights of the Child. These amendments have been endorsed and include prevention and alternative measures for educational and supportive measures for children at risk; amendments in the legal regulation; reforming the system for work with children; establishing complex services; setting up specialised court panels for reviewing cases involving minors; enhancing the administrative capacity of the investigating police officers at the Ministry of Interior.

So far no information concerning minor illegal migrants – victims of trafficking has reached the Directorate General "Border Police".<sup>34</sup>

<sup>33</sup> SANS

In addition, in the ***National Mechanism for Referral and Support of Victims of Trafficking*** children are identified as special cases and particular instructions for work with them are given. Whenever a child – victim of trafficking is identified, the State Agency for Child Protection and the Coordination Mechanism for referral and care of cases of unaccompanied children and child victims of trafficking returning from abroad is applied. The Mechanism applies also to children who are not Bulgarian nationals.

The 116111 national hotline for children plays an important role for the identification of child victims of trafficking or at risk of trafficking.

Regarding prevention of trafficking in human beings, NAYA Association reported that two-module trainings of 38 groups comprising 704 students aged from 12 to 18 were carried out in the 2012/2013 school year. In 2013/2014 school year NAYA Association conducted 50 two module trainings of 818 students from 11 schools. The trainings aimed at raising the students' awareness on trafficking in human beings and the ways to protect themselves against this problem. Last year NAYA Association made a film 'Puppet' targeted at raising students' awareness and prevention of trafficking in human beings. The film was distributed in schools in the region of Targovishte, the Local Commission for Combatting THB and was presented to students and teachers. Students volunteer as actors in the film. The promotion of the film was attended by representatives of the institutions in the region. A trailer was made, too and released in the media. Two campaigns "Stay informed" in relation to 18 October, the international day for combating trafficking in human beings, were carried out in the cities of Targovishte, Popovo, Omurtag, Antonovo and Opaka. Leaflets, brochures and posters were distributed among students and the institutions.<sup>35</sup>

**8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment<sup>36</sup> for them, including through:**

**a. ensuring registration of all children at birth, in particular from socially vulnerable groups;**

Pursuant to Article 43 of the Civil Registration Act, every child birth is reported in writing within five days to the authorised bodies. Notifying the birth of a child is the duty of the manager of the medical facility where the delivery has taken place. In case the birth has not taken place in a medical facility, the person responsible for the notification is a competent physician or the official in charge of civil registration where there is no competent physician. Where the seven-day period for notification set forth in Article 42 of the Civil Registration Act has expired and no birth certificate has been drawn up, but a notification has nevertheless been made or an official has become aware of a birth in the course of the same calendar year, the latter draws a birth certificate following the terms of Article 43; no court decision is required to that end.

If the calendar year and the period for drawing up a birth certificate have expired, a birth certificate may be drawn up only by way of a court decision rendered upon an application by the parents, the respective person or a prosecutor.

**b. raising awareness of THB through education;**

The National Commission for Combatting Trafficking in Human Beings have elaborated, in cooperation with the Ministry of Education, Youth and Science and the Local Commissions for Combatting THB, a guide on preventing trafficking in human beings. The Guide has been drawn up in the framework of the project "Bulgaria – The Netherlands: Joint efforts in counteracting trafficking in human beings" and includes information materials, practical cases and tutorials on key aspects of trafficking in human beings. The topics

<sup>34</sup> MoI

<sup>35</sup> NAYA Association

<sup>36</sup> The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

are provided as examples only so that trainers may adapt them to the needs of the audience in terms of level of informedness, age, social experience, and experience in working with cases of violence etc. The Guide is intended for pedagogical counsellors, teachers, social workers and others with a view to acquiring knowledge on the topic and on the teaching methods for children.<sup>37</sup>

Information campaigns for children and students in prevention of trafficking in human beings take place during class sessions.<sup>38</sup>

The Local Commissions for Combatting Trafficking in Human Beings conduct information campaigns, peer-to-peer trainings of young people, school campaigns, and information hours.<sup>39</sup>

### **c. training professionals working with children?**

The Ministry of Labour and Social Policy organises annually trainings for enhancing the professional capacity of officers at the territorial units of the Social Assistance Agency/Social Assistance Directorates. Trainings in working with persons and child victims of trafficking have been included in the annual training programmes due to the topicality of the topic and the need to improve progressively the officers' professional competence in this regard. For example, in June 2014 a training including a special module on trafficking in human beings was conducted jointly with the NCCTHB for officers at the Social Assistance Directorates. Eighteen representatives of the social services working directly with children took part. The participants were introduced to the legal framework, the process of identification of victims of trafficking for the different purposes of exploitation, inter-institutional and international cooperation, and support and reintegration, with particular focus on children.<sup>40</sup>

School curricula envisage trainings of pedagogical counsellors in prevention of bullying and aggression.

Training of teachers in preventing bullying and aggression started in 2013 in the framework of a project under the Operational Programme Human Resources Development; 13,000 people were trained.

The Ministry of Education, Youth and Science conducted, jointly with the NCCTHB, training of pedagogical counsellors and teachers in philosophy from four regions, of Ruse, Silistra, Vidin and Dobrich.

All regional education inspectorates have worked on the topic of trafficking in human beings. They report a strong interest among students and their parents in the topic.

Data about the different initiatives follows:

- Pleven Regional Education Inspectorate – work on THB was conducted in 107 schools in the region. Activities include discussions in 69 schools, joint initiatives with the Police Juvenile Delinquency Units in 32 schools, eight discussions with parents, thematic presentations in 24 schools, 19 information boards, 14 presentations on the occasion of the European Anti-Trafficking Day, eight promotion events of the 116111 hotline for children, joint work with parents out in 30 schools, a joint initiative with the Local Juvenile Delinquency Commission in one school.

- Varna Regional Education Inspectorate had 32 activities in the city of Varna and 33 in the region of Varna. The target group were students in 4<sup>th</sup> to 12<sup>th</sup> grade.

- Silistra Regional Education Inspectorate reports that 12 pedagogical counsellors and psychologists from 10 schools were trained in Sofia in the period 2 to 4 December 2013. Prevention of trafficking in human beings was taught in 24 schools in the region, in 143 classes comprising 236 students.

- Montana Regional Education Inspectorate reports that class sessions on THB were held in 18 schools. The Montana RES work on a project for prevention of trafficking in human beings in two schools. Parents were introduced to the subject in seven schools; children joined the police department in three schools dealing with trafficking in human beings, too; students from three schools were trained in THB.

- Blagoevgrad Regional Education Inspectorate – discussions were held in 35 schools; materials were distributed in 13 schools; seven schools elaborated information materials; 50 schools observed the European Anti-Trafficking Day.

- Haskovo Regional Education Inspectorate reports that discussions with parents were held in eight schools; documentaries were screened in eight schools; trainings were held in 11 schools; skills in safe online communication were taught in 15 schools in cooperation with the LCCTHB.

<sup>37</sup> NCCTHB

<sup>38</sup> Ministry of Education, Youth and Science

<sup>39</sup> LCCTHB Pazardzhik, Blagoevgrad, and Burgas

<sup>40</sup> Social Assistance Agency

- Veliko Tarnovo Regional Education Inspectorate Veliko Tarnovo – discussions were held in 37 schools; materials were distributed in 67 schools; 13 schools worked on the problem of THB jointly with the Police Juvenile Delinquency Unit.

- Burgas Regional Education Inspectorate – discussions were held in 48 schools; the European Anti-Trafficking Day was observed in 21 schools; 14 schools carried out joint initiatives with other institutions; meetings with parents on THB were held in 18 schools; film screenings were organised in 26 schools; information campaigns were conducted in 15 schools; information about the free 116111 hotline for children at risk was distributed in 22 schools.<sup>41</sup>

Child victims of trafficking or violence that are placed in crisis centres are involved in prevention campaigns of the Local Commission for Combatting Trafficking in Human Beings as well as in other events such as awareness campaigns and film screenings on a regular basis.<sup>42</sup>

In 2013 a child-friendly facility for interrogating child victims or witnesses of offences was built. Magistrates were trained in applying child-friendly justice. Although the Ruse Regional Court officially expressed interest in using the facility, the investigating authorities and the prosecution office have not filed a single request for using the facility for an interrogation by a judge.

The facility has Venetian glass and recording equipment so that judicial proceedings or an interrogation by a judge may be recorded. Similar facilities have been built in 13 other cities and in some (such as Shumen, Sofia and Pazardzhik) are effectively used by the local magistrates. These facilities allow to reduce as much as possible the interrogations and prevent the victim from meeting the defendant, which is required by international law in all cases involving child victims or witnesses as well adult victims of trafficking. The facilities are run by NGOs that employ practices of their own discretion and tries to abide by international legal standards. These facilities are a good resource for applying friendly justice to victims of trafficking and help the investigating authorities in their work.<sup>43</sup>

For further information, please refer to the information provided to question 6 of this questionnaire.

**9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?**

Indeed, by way of the above mentioned 2013 amendments to the Child Protection Act the scope of persons entitled to protection under the Child Protection Act was expanded to expressly provide for protection measures in relation to victims of violence or exploitation whose age has not been verified but where the specific circumstances justify the presumption that the victim is a child. Article 10, 'Right to Protection', of the Child Protection Act expressly stipulates that *"[T]he protection provided under this Act shall also be extended to persons victims of violence or exploitation where the age is uncertain and there are reasons to believe that the person is a child."*<sup>44</sup>

If there is some doubt as to the age of the person, he or she is always presumed to be a minor and thus falls within the scope of the Child Protection Act. All known methods are used to determine the age of the person, including investigative and scientific methods through the National Forensic Science Institute with the Ministry of Interior.<sup>45</sup>

Directive 2011/36/EU of the European Parliament and 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 was transposed in the Bulgarian law through the Law amending and supplementing the Criminal Code that was adopted by the National Assembly on 19 September 2013 and promulgated in State Gazette no. 84 of 27 September 2013. Some of the amendments referred to the Child Protection Act and expanded the scope of persons entitled to protection under that Act. The supplement will allow that protection

<sup>41</sup> Ministry of Education, Youth and Science

<sup>42</sup> LCCTHB

<sup>43</sup> Ruse LCCTHB

<sup>44</sup> Ministry of Justice

<sup>45</sup> Ministry of Interior

measures are taken also in relation to victims of violence or exploitation whose age has not been verified but there are reasons to believe that the person is a child.<sup>46</sup>

**10. What steps are taken in your country to ensure that the rights of the child and his/her best interests<sup>47</sup> are duly taken into consideration, in particular when it comes to:**

- a. identification of child victims of trafficking;
- b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;
- c. locating the child's family;
- d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;
- e. access to appropriate and secure accommodation, education and health care;
- f. issuing residence permits for child victims of trafficking;
- g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;
- h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;
- i. special protection measures for children?

Article 24, para 1 of the Combatting THB Act stipulates that the NCCTHB, LCCTHB, shelters for victims of trafficking and centres for help and support of victims of trafficking shall take immediate action to locate the families of child victims. In such cases the specialised bodies under the Child Protection Act shall ensure legal representation of the child.

Pursuant to Article 20 of the Combatting THB Act, victims of trafficking are ensured anonymity and protection of their personal data.

Specific provisions guarantee protection of child victims' identity and safety. Shelters for unaccompanied minors are of the so-called closed type. Children remain locked in and are not allowed to go out without an adult companion. Shelters are usually located in proximity to a police station. MoI officers may place child victims in special rooms thus preventing them from contacts with persons who can influence them negatively. They may also ensure security for the child for up to 48 hours. These measures are applied in practice. If a child is summoned to appear in a trial against parent traffickers, for example, a policeman will accompany the child and ensure his personal security during the trial.<sup>48</sup>

Article 23 of the Combatting THB Act stipulates that child victims of trafficking shall attend public or municipal schools in the country under the terms and procedure of the Public Education Act.

The Child Protection Act, Assistance and Financial Compensation for Crime Victims Act, and Legal Aid Act provide express guarantees for the rights of child victims and their best interests, in particular providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings. *Cf. specific legal provisions below:*

## **1. Child Protection Act**

### **Chapter one "General provisions"**

#### **Definition of a Child**

**Article 2.** For the purposes of this Act a „child“ shall mean every natural person below the age of eighteen years

#### **Principles of protection**

**Article 3.** Child protection shall rest on the following principles:

#### **1. respect for the child's dignity and his or her personality;**

<sup>46</sup> SACP

<sup>47</sup> "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

<sup>48</sup> Animus Association Foundation



2. raising the child in his or her family environment;

**3.** (amended SG no. 14/2009) **primary consideration of the best interests of the child;**

4. (amended SG no. 14/2009) special protection for children at risk;

.....

**9.** (new – SG no. 36/2003, amended SG 38/2006 and SG 14/2009) **care according to the child's needs;**

.....

14. (former item 8 – SG no. 36/2003; former item 10, SG 38/2006; former item 11, SG 14/2009) supervision of the efficiency of the measures taken.

### **Protection measures**

**Article 4.** (amended SG no. 36/2003) (1) Child protection under the present Act shall be effected through:

.....

7. (former item 6 – SG no. 14/2009) police protection;

8. special protection in public places;

**9. informing children and parents of their rights and duties;**

10. ensuring preventive security measures and protection of the child;

**11. ensuring State legal aid;**

12. special care for children with disabilities;

.....

### **Special protection**

**Article 5.** (Former text of Article 5, supplemented SG no. 36/2003; amended SG 28/2005, SG 94/2005, SG 103/2005, SG 14/2009) (1) Children at risk shall be provided special protection.

.....

## **Chapter two „Rights of the child“**

.....

### **Information and counselling**

**Article 13.** Every child has the right to be informed and counselled by the child protection body even without the knowledge thereof of his or her parents or care providers, should that be deemed necessary in view of protecting his or her best interests and in case where informing the said persons might harm the child's interests.

### **Participation in procedures**

**Article 15.** (1) All cases of administrative or judicial proceedings affecting the rights and interests of a child should provide for an obligatory hearing of the child, provided he or she has reached the age of 10, unless that proves harmful to his or her interests.

(2) In cases where the child has not reached the age of 10, he or she may be given a hearing depending on the level of his or her development. The decision to hear the child shall be substantiated.

(3) Before the child is given a hearing, the court or the administrative body shall:

1. provide the child with the necessary information to form his or her opinion;

2. inform the child about the possible consequences of his or her wishes, expressed opinion(s), as well as all decisions of the judicial or administrative body.

(4) (Amended – SG no. 36/2003, SG 14/2009) Judicial and administrative bodies shall ensure appropriate surroundings for the child according to his or her age. The hearing or counselling of a child shall by all means be attended by a social worker from the respective Social Assistance Directorate or another appropriate specialist where required.

(5) (New – SG no. 36/2003; amended SG 38/2006, SG 14/2009) The judicial or administrative body shall order that the hearing of a child be attended by a parent, guardian, custodian or other child care provider or a relative known to the child, unless that contradicts the best interests of the child.

(6) (Former paragraph 5, amended – SG no. 36/2003; amended and supplemented SG 38/2006; amended SG 14/2009) In every legal case the court or the administrative body shall notify the respective Social Assistance Directorate located in the child's place of residence. Notifications by the court shall be subject to the provisions of the Civil Procedure Code, while for notifications by the administrative body the Administrative Procedure Code shall apply. The Social Assistance Directorate shall send a representative to express an opinion or failing this shall present a report.

(7) (Former paragraph 6 – SG no. 36/2003) The Social Assistance Directorate may represent the child in the cases provided for by law.

(8) (Former paragraph 7 – SG no. 36/2003) **The child has a right to legal aid and appeal in all proceedings, affecting his or her rights or interests.**

## **Child Protection Act**

### **Additional provisions**

5. (New – SG no. 14/2009) In determining the **best interests of the child**, consideration shall be given to the following factors:

- a) the wishes and feelings of the child;
- b) the physical, mental, and emotional needs of the child;
- c) the age, sex, past, and other characteristics of the child;
- d) any danger or harm to which the child has been or may be exposed;
- e) the parents' capacity to take care of the child;
- f) the consequences for the child resulting from changing that environment;
- g) other circumstances relevant to the child.

## **2. Assistance and Financial Compensation for Crime Victims Act**

### **Chapter one „General provisions“**

**Article 1.** (1) This Act shall regulate the terms and procedure for providing **assistance** and financial compensation to crime victims who are Bulgarian nationals or nationals of Member States of the European Union.

(2) Foreign nationals may receive assistance and financial compensation under the terms and procedure set forth in this Act in cases provided for in an international treaty to which Bulgaria is a party.

**Article 2.** The purpose of this Act is to guarantee protection of the rights and lawful interests of crime victims.

**Article 3.** (1) Under the terms and procedure of this Act victims who have sustained pecuniary and non-pecuniary damage may receive assistance, while victims who have sustained pecuniary damage may obtain financial compensation.

(2) In case the victim has passed away as a result of the crime, the right to assistance and financial compensation shall pass on to his or her children, parents, spouse or the partner with whom he or she was in a life partnership.

(3) **Persons referred to in paragraphs 1 and 2 may obtain assistance and financial compensation in cases where they have sustained damage from the following offences:** terrorism; premeditated murder; premeditated grievous bodily harm; debauchery and rape that have caused grievous harm to health; **trafficking in human beings**; offences commissioned by someone or committed following a decision of an organised crime group as well as other grave premeditated offences that resulted in death or grievous bodily harm.

.....

### **Chapter two „Information to crime victims about their rights“**

**Article 6.** (1) The Ministry of Interior bodies and victim support organisations shall inform the victims about the following:

1. the organisations to who the victims may turn for free psychological help and support and the different free psychological help and support they may obtain;

**2. their right to legal aid, the bodies to whom they may turn in order to exercise this right, as well as the terms and procedure for obtaining free legal aid;**

3. the bodies that may be signaled about an offence committed, the procedures after such a signal has been made, and the options available to victims under these procedures;

4. their rights in the criminal proceedings and the possible ways to take part in these proceedings;

5. the bodies to which they may turn to obtain protection for themselves and their relatives, and the terms and procedure for obtaining such protection;

6. the bodies to which they may turn to obtain financial compensation from the state, and the terms and procedure for obtaining such compensation;

7. the possibilities to have their rights and interests protected in case they are foreign nationals who have sustained harm as a result of offences committed in Bulgaria;

8. the possibilities to have their rights and interests protected in case they have sustained harm as a result of offences committed in another state and which bodies they may turn to.

**(2) The information shall be provided either in writing or orally in a language that the victims may understand.**

(3) A record shall be drawn after providing information; the record shall be entered in the register of the respective body or organisation referred to in paragraph 1.

.....

### **Chapter three „Forms of assistance and financial compensation to crime victims“**

**Article 8. (1) Assistance to crime victims shall be provided under the following forms:**

1. medical aid in emergencies under the Health Care Act;
2. psychological counselling and help;

**3. free legal aid;**

4. practical help.

(2) Persons referred to in Article 3, para 2 shall be entitled to the assistance specified in paragraph 1, items 2 to 4.

(3) In addition to these forms of assistance, crime victims shall be entitled to a one-off financial compensation under the terms and procedure set forth in this Act.

.....**Article 10. Crime victims shall be entitled to free legal aid under the terms and procedure set forth in the Legal Aid Act.**

**3. Legal Aid Act****Chapter one****„General provisions”**

**Article 1.** This Act shall regulate the legal aid in criminal, civil and administrative cases before all courts.

**Article 2.** Legal aid under this Act shall be provided by attorneys-at-law and shall be funded by the State.

**Article 3.** The objective of this Act is to guarantee equal access to justice by ensuring and providing effective legal aid.

**Article 4.** The funds for legal aid shall be provided from the state budget.

**Article 5.** Legal aid shall be provided to natural persons on grounds specified in this and other acts.

**Chapter three „Types and scope of the legal aid”**

**Article 21.** Legal aid shall be provided in the following forms:

1. **consultations with a view to** reaching an agreement before the start of judicial proceedings or **bringing a lawsuit in court;**
2. **preparation of documents for bringing a lawsuit in court;**
3. **legal representation;**
4. representation in cases of detention under Article 63, para 1 of the Ministry of Interior Act and Article 16a of the Customs Act.

.....**Article 22.** (amended SG no. 28/2013) (1) The legal aid referred to in Article 21, items 1 and 2 shall be free and shall be provided to:

.....**5. child at risk within the meaning of the Child Protection Act;**

.....**7. victims of domestic or sexual violence or of trafficking in human beings who have no means and would like to have a defence counsel;**

8. persons seeking international protection under the Asylum and Refugees Act who are not entitled to legal aid under another law;

.....**Article 23. (1)** (amended SG no. 32/2010, in force as of 28 May 2010) **The legal aid referred to in Article 21, item 3 shall be provided in cases where the law requires defence counsel, reserve defence counsel or legal representation.**<sup>49</sup>

Next to police officers, social workers at the Social Assistance Agency and the State Agency for Child Protection may ensure the child victims' safety. The Social Assistance Agency makes an assessment of the child's needs and draws up an action plan in cooperation with the social workers at the shelter. The plan may envisage support measures for the parents to reduce the risk of repeated trafficking. If the child is above 10 years of age, the authorities must give him or her an obligatory hearing when drawing the action plan. The SACP chairperson may propose to the minister of interior to impose the measure under Article 76a of the Bulgarian IDs Act (impounding a passport). Article 4 of the Child Protection Act envisages several general protection measures for children at risk such as police protection, placing children with relatives or foster families, adoption etc.<sup>50</sup>

<sup>49</sup> Ministry of Justice

<sup>50</sup> Animus Association Foundation

The Social Assistance Act provides for different types of social services that guarantee adequate and safe placement of child victims of trafficking as well as the terms and procedure for rendering these services. The best interest of the child is expressly observed in implementing protection measures for child victims of trafficking. In their daily work, in the process of actively collecting information about vulnerable persons in accordance with the provisions of Article 10, para 1 of the Implementing Rules of the Child Protection Act, social workers at the Child Protection Departments with the Social Assistance Directorates may identify victims of trafficking. Providing a safe environment for every child victim of trafficking is a priority in the work of the social workers. Upon receiving a signal that a child victim of trafficking has been identified, the child's family environment is thoroughly studied. A social report is drawn up assessing the family environment, the living conditions, and the family's capacity. This is a leading factor for determining the needs and the adequate activities and measures to be applied to ensure a safe environment. Action is taken for the safe return of the child, in accordance with the best interest of the child.

Pursuant to Article 11 of the Child Protection Act, the identity and personal data of the child, in particular one in relation to which a protection measure is taken, are not made public.

Legal aid is provided by the state to every child under Article 4, para 11, Protection Measures.

Special child protection measures are taken in cases where there is no adequate supporting family environment, or not sufficient family capacity, or the conditions do not guarantee that the principle of the best interest of the child will be observed. Article 4 of the Child Protection Act stipulates the protection measures. Different programmes and social services have been elaborated in Bulgaria to support children's rehabilitation and reintegration. As a priority children are placed in the family of close relatives. Where this is not possible, the social services system operating in Bulgaria is used. Protection measures in accordance with the Child Protection Act are taken in relation to child victims of trafficking to guarantee the children's safety, minimise the consequences of trafficking and ensure the children's reintegration and social adaptation.

Risk assessment is an important factor in assessing the child's needs and planning adequate measures to ensure his or her protection and safety. In 90 pct. of the cases of child victims of trafficking children are placed in crisis centres as an initial protection measure. The special child protection measures are:

- protection measures to ensure safe environment;
- active social work by the officers of the Child Protection Departments with the Social Assistance Directorates with child victims and their parents to prevent repeated trafficking of the child or trafficking of another child of the family;
- referral to appropriate community social services;
- counselling and information to the parents on responsible parenting and problems related to child rearing, upbringing and education;
- notifying the competent court or prosecution office with a view to taking action in relation to parents/close relatives for whom there is data that their action or inaction put children at risk, including involving them in unfavourable activities such as begging, pickpocketing etc.<sup>51</sup>

Amendments made to the Child Protection Act and its Implementing Rules in 2009 have established a system of norms geared towards the best interest of the child. The best interest of the child is enshrined as a basic principle of child protection. Pursuant to the Child Protection Act, the best interest of the child is determined through considering the following factors:

1. the wishes and feelings of the child;
2. the physical, mental, and emotional needs of the child;
3. the age, sex, past, and other characteristics of the child;
4. any danger or harm to which the child has been or may be exposed;
5. the parents' capacity to take care of the child;
6. the consequences for the child resulting from changing that environment;
7. other circumstances relevant to the child.

The amendments made have clarified the duties of all child protection bodies: the minister of labour and social policy, minister of interior, minister of education, youth and science, minister of justice, minister of foreign affairs, minister of culture, minister of health, chairperson of the State Agency for Child Protection, mayors of municipalities and Social Assistance Directorates. Duties and responsibilities of all persons involved in child care and rearing are specified, not only parents but also guardians, custodians and child care providers. The grounds for placing a child outside his or her family have been supplemented to include also failure and/or permanent incapacity to take care of the child by guardians or custodians. To guarantee the

<sup>51</sup> Social Assistance Agency

best interest of the child, in 2009 the law established that a child may be placed outside his or her family only as a last resort measure after having exhausted all possibilities for protection within the family, unless circumstances require that the child is urgently taken out of the family.

Every decision in judicial or administrative proceedings is premised on the best interest of the child. Although the phrase is not expressly incorporated in the Criminal Procedure Code, the Criminal Code or the Family Code, in every case the court may require additional information or a report from the Social Assistance Directorate in order to rule in the best interest of the child. The child's property is also explicitly protected by the law; parents must act in bona fide and may not dispose of the child's property without an express authorisation by the court.

In the areas of social policy, education and juvenile justice, the best interest of the child is expressly stipulated in the law, in particular as regards the social policy. Every protection measure is prescribed in accordance with an estimate of the specific situation. In following the guidelines for providing alternative care for vulnerable children, the state also complies with the best interest of the child. The Social Assistance Directorate makes a social assessment and draws up an action plan for the child. Whenever a child is placed in an institution, an individual care plan is drawn up and revised every six months.

Same law and standards apply to public and private organisations regarding the provision of social services in Bulgaria. Article 4, para 1 of the Implementing Rules of the Child Protection Act stipulates that in discharging their powers, the child protection bodies shall be guided by the best interest of the child in all actions regarding children and their families. The law does not distinguish between public and private institutions, the applicable criteria and standards being the same.

All providers of social services for children are required to apply to the State Agency for Child Protection for a licence. An exception is made only for the municipalities since they are not child services providers. Licensing is a form of ex post control of child services. Upon being issued a licence, all child services providers are informed of their duties and are subsequently subject to control. The criteria and standards established for child social services aim at ensuring safe and secure environment of child rearing, protecting the child's rights and interests, enhancing child wellbeing as well as the quality of and access to child social services.

Child wellbeing is enshrined in the Bulgarian Constitution. It is the parents' duty. Pursuant to Article 17 of the Family Code, spouses shall, in mutual agreement and joint efforts and according to their incomes and property, take care of the child rearing, upbringing, education and care. Where the parents cannot take care of their child or the best interest of the child so dictates, special protection measures are taken, placing the child in the family of close relatives being the first option to explore. Pursuant to Article 10, para 1 of the Child Protection Act, "every child is entitled to protection to ensure his or her physical, mental, emotional and social development as well as his or her rights and interests". No restrictions or privileges based on race, nationality, ethnic origin, gender, origin, property, religion, education and convictions or disability are allowed. Pursuant to Article 4, para 2 of the Implementing Rules of the Child Protection Act "the child protection bodies shall provide the child with protection and care required for his or her wellbeing by taking every due legal or administrative action".<sup>52</sup>

Article 281, para 1, item 6 of the Criminal Procedure Code stipulates that when the child victim has been interrogated before a judge and in the presence of the defendant and the latter's defence counsel, he or she shall not be summoned and interrogated again in the trial phase. This guarantees that the child will not have to go through the traumatising events once more and will not meet the perpetrator face to face. Furthermore, more and more of the so called "blue rooms" have been set up. Blue rooms are used for interrogation in the pre-trial phase. Only the child and psychologist sit in the blue room, while the child's legal representatives, the judge, investigator, defendant and the latter's defence counsel observe the interrogation behind a mirror wall. They have audio connection with the psychologist who listens to the questions and rephrases them in a way understandable to the child. The interrogation is recorded and is later used as evidence in the trial phase.<sup>53</sup>

A study conducted by the Centre for the Study of Democracy points out that the best interest of child victims of trafficking has to be better protected in the process of their support and reintegration. This is due

<sup>52</sup> State Agency for Child Protection

<sup>53</sup> Animus Association Foundation

to the fact that often child victims' parents<sup>54</sup> have been involved in various degrees with the child's traffic or else have a low parenting capacity that does not allow them to effectively protect their child's interests.<sup>55</sup>

**11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?**

The measures taken in relation to foreigners are identical to the ones taken in relation to locals; the only differences concern the language.

The challenge before Europe and Bulgaria as an external border of the European Union in relation to the humanitarian crisis triggered by the conflict in Syria put to the fore the need of taking urgent measures for the receipt, support, accommodation and care of foreign children and nationals in Bulgaria. In order to guarantee the rights of child asylum seekers and refugees, on 26 November 2013 the State Agency for Child Protection (SACP) and the State Agency for Refugees (SAR) concluded an **Agreement for cooperation, interaction and exchange of information**. The Agreement coordinates the actions of SACP and SAR. In addition the two agencies elaborated legislative amendments regarding the legal representation and the minimum standards for care of foreign children during their stay in the refugee centres in the country. Guaranteeing the rights of this extremely vulnerable group of children is a top priority at the moment, alongside ensuring their right to life, survival and development, prevention of discrimination and protection against any form of violence.

In accordance with Article 22 of the UN Convention on the Rights of the Child the Bulgarian State applies special measures regarding the receipt, accommodation and integration of persons with special needs, which category also includes unaccompanied foreign minors and foreign minors accompanied by their parents. A legal regulation is in force in the country regarding refugees and their children in order to guarantee their right to a better life and personal development.

The State Agency for Refugees with the Council of Ministers is the specialised body in charge of implementing the state policy regarding granting refugee and humanitarian status to asylum seekers in Bulgaria. It works together with public and non-governmental organisations to meet various refugees' demands that are addressed in key strategic documents and legislative drafts.

Various adaptation programmes have been elaborated for preventing children against physical and psychological violence and against discrimination as well as for guaranteeing their right to life, survival and development. The specific measures applied in relation to unaccompanied foreign children are as follows: educational and health programmes; social services; psychological and social support for their reintegration; protection against vulnerability; legal protection.

Upon their arrival in Bulgaria, unaccompanied foreign minors are informed of their rights. In the framework of the proceedings for granting protection they express their legally binding will through their legal representatives – parents, guardians and custodians. Unaccompanied minors seeking or having been granted protection who have not yet been appointed a guardian or custodian are currently represented in the proceedings by a social worker from the Child Protection Department appointed by the respective Social Assistance Agency. The social worker attends the proceedings for granting protection and oversees that the procedure is followed and the rights of the child – respected. The social worker is also present when the minor is served decisions on the application for protection. However the representatives have only consulting functions; they cannot be deemed guardians or custodians and their declarations of intention on behalf of the children are not legally binding. During the proceedings and after minors are granted a status, experts from the Integration Centre with the State Agency for Refugees work with the child refugees; the written opinion of the social worker appointed as representative is taken for every action.

During the proceedings for granting protection the following actions are taken in relation to children:

- access to the country ("non-refoulement");
- accelerated procedure is not applied;

<sup>54</sup> Pursuant to the Individuals and Family Act, parents are deemed legal representatives of their minor children (up to 14 years of age) and have to consent to legal actions regarding their children if the latter are under age (14 to 18 years old) (Articles 3 and 4 of the Individuals and Family Act). Close relatives are appointed guardians of children whose parents are unknown, deceased, totally incapacitated or deprived of parental rights (Article 153 et seq. of the Family Code). Field research shows that there are rather exceptional cases of victims of trafficking in children who have been left without parents or close relatives. Most of the child victims of trafficking in Bulgaria do not have guardians outside the family.

<sup>55</sup> Centre for the Study of Democracy

- early identification and correct registration;
- age verification (by visible signs or bone age assessment);
- interview in the presence of a social worker from the Child Protection Department appointed by the respective Social Assistance Agency and a psychologist from the State Agency for Refugees;
- providing for legal representative and a guardian/custodian;
- collection of data and positive, humane and expedient search of the child's family if the child expresses a wish to reunite with his or her family, or voluntary return to the country of origin.

Foreign children seeking or having been granted protection in Bulgaria are placed in the Registration Centres in Sofia and Banya and the Transit Centre in Pastrogor where safe living conditions are ensured. Unaccompanied foreign minors seeking protection are provided with financial and material support by the SAR which equals the one extended to adult foreigners seeking protection. These children are provided equal access to health care as Bulgarian nationals: selection of a GP, medical examinations and treatment. Children are provided with psychological counselling where needed and have access to Bulgarian language courses in the SAR Integration Centre. They may also be enrolled in public and municipal schools.<sup>56</sup>

**12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?**

Fifteen crisis centres operate in support of child victims of trafficking who have been repatriated in the country. These centres are funded by the state budget. Every crisis centre works twenty-four-hours, throughout the year and can accommodate 10 children. Children are placed in the centres by a decision of the court for a period up to six months. Until the court rules, the respective Social Assistance Directorate places temporarily the child under an administrative procedure.

The following services are provided in the crisis centres: shelter and food, health care, psychological support, social and life skills, educational services, preparation of the child for reintegration in the family or if this is not possible, other protection measures pursuant to the Child Protection Act such as placing the child in a safe and protected environment. Every case is reported to the prosecution office and if there is sufficient evidence that the parents have been involved in the children's exploitation, criminal action is taken.

Social and psychological work with and support for these children starts from the moment they arrive in the country, at the respective border check-point. Child victims of trafficking are met by an officer from the Social Assistance Directorate who is present during the initial talks with the child and oversees that his or her rights and legal interests are respected.

Homes for temporary placement of minors with the Ministry of Interior are one option for crisis placement of minors. The stay in these places cannot exceed 15 days. Stays of more than 24 hours must be authorised by a prosecutor.

The territorial units of the Social Assistance Agency – the Social Assistance Directorates and the Child Protection Departments therewith conduct a social study in relation to every child that is reportedly a victim of trafficking or returns to the country unaccompanied. Data regarding the child's family environment, the reasons for taking the child out of the country and involving him or her in trafficking are collected. Risk assessment is an important factor in assessing the child's needs and planning adequate measures to ensure his or her protection and safety. Protection measures pursuant to the Child Protection Act are taken in relation to child victims of trafficking to guarantee their safety and minimise the consequences of trafficking. As an initial protection measure, child victims of trafficking are usually placed in crisis centres where they may stay for up to three months. If important circumstances so require, this period may be extended up to six months. If the measure taken is protection in family environment, work involves family counselling for the child's parents and close relatives on responsible parenting.

In some cases children are involved and exploited with the knowledge, consent, action or inaction of their family and close relatives, and this is why returning the child to his or her family or close relatives is not in the child best interest. In such cases children are placed outside the family and alternatives are explored such as placing the child in foster care, in residential facilities etc.

Parents for whom there is data of involving a child in activities affecting negatively his or her development or who put a child at risk by their actions or inaction face criminal charges. The competent court and prosecution office are notified to take further action.

After leaving the crisis centre, children may be referred to other community services if needed.

<sup>56</sup> State Agency for Child Protection

Cases of child victims of trafficking are actively supervised by the Child Protection Departments for a period of one year with a view to rendering necessary support and preventing repeated involvement in trafficking or that other children from the family are involved in trafficking. The supervision period may be extended by the social worker depending on the specific circumstances of the case.<sup>57</sup>

Child victims of trafficking may obtain help at the national hotline for children 116111; at the "Mother and Baby" unit at the Centres for Social services for children and families; and at the crisis centres. These three services are operated by Animus Association Foundation. The crisis centre works with children as well (teenage girls, victims of trafficking for the purpose of sexual exploitation), victims of violence, including trafficking. Animus Association Foundation works in close cooperation with the State Agency for Child Protection and the Child Protection Departments. Under age mothers and their babies who are at risk of trafficking are placed in the "Mother and Baby" units.<sup>58</sup>

Pursuant to Articles 25 and 26 of the Child Protection Act, children may be placed out of their families in case their parents are deceased, unknown, totally incapacitated or deprived of parental rights; or the parents or guardians fail to provide care for the child without a valid reason or are in the position of permanent incapacity to rear the child; or the child is a victim of violence and there is a grave risk of harming his or her development. In accordance with the Child Protection Act children are placed out of their families as a last resort and after having exhausted all options for protection in the family, unless the child needs to be taken out of the family environment as a matter of urgency. Placement out of the family includes placing in the families of close relatives or foster families (who do not obtain parental rights and duties but take action to protect the rights of the child, Article 137 of the Family Code), in residential facilities(including crisis centres) or in specialised institutions.<sup>59</sup>

## C. Questions related to specific articles

### Definitions (Article 4)

**13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.**

Victims are extremely dependent on their employers and are afraid of losing their jobs, which is why they are unwilling to share their experience.<sup>60</sup> According to a series of expert opinions and assessments, involving child victims of trafficking for the purpose of pickpocketing and/or begging is most often done with the active help of the child's parents or relatives. Another challenge is the fact that in the majority of cases child victims of trafficking are not willing to back up the criminal proceedings against the traffickers as children do not realise they have been exploited but rather feel attached to or dependent on their families.<sup>61</sup>

Criminal proceedings are seriously hindered by witnesses' rejection to testify in court after taking part in the pre-trial proceedings. During the couple of months between the pre-trial phase and the start of the trial in court they are either threatened, or reach a mutually beneficial deal with the perpetrators.<sup>62</sup>

**14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.**

There are no definitions of the elements of crime in the Bulgarian law; likewise no definition is provided for the phrase used in Article 159a, para 2, item 4 of the Criminal Code "*through abuse of a position of dependency*" (*which corresponds to the term used in the Convention "abuse of a position of vulnerability"*).<sup>63</sup>

<sup>57</sup> State Agency for Child Protection

<sup>58</sup> Animus Association Foundation

<sup>59</sup> Centre for the Study of Democracy

<sup>60</sup> Minister of Interior

<sup>61</sup> Centre for the Study of Democracy

<sup>62</sup> Burgas Local Commission for Combatting THB

<sup>63</sup> Ministry of Justice



This notion „abuse of a position of dependency” has been clarified in the criminal law theory and the case law of the Supreme Court of Cassation; the criteria for evaluating vulnerability of persons subjected to trafficking have been established.<sup>64</sup>

**15. To what extent does your country’s law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.**

Forced marriage and illegal adoption are included as individual offences in the Special Part of the Criminal Code (Articles 177 and 178 and Articles 182a and 182b of the Criminal Code respectively) and do not fall within the ambit of THB offences. However they may appear in aggregate with THB offences under Article 159a to 159d.<sup>65</sup>

**16. Can forced begging be considered as a purpose of THB according to your country’s law? Have there been any cases of child trafficking for forced begging with the involvement of the child’s family or legal guardian?**

By amendments to the Criminal Code made in 2013 “begging” was made an individual element of the offence of trafficking in human beings. Please refer to the provision of Article 159a, para 1 of the Criminal Code currently in force:

„Article 159a. (1) (Amended SG no. 27/2009, SG no. 84/2013) 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.”<sup>66</sup>

Forced begging is envisaged as an individual criminal purpose of the subjective aspect of the offence THB. The provision expanding the purposes of exploitation has entered into force with the amendment and supplement of Article 159a, para 1 of the Criminal Code promulgated in State Gazette issue no. 84/2013. A series of criminal cases have been instituted for trafficking of children for the purpose of forced begging where members of the families or legal guardians have been involved.<sup>67</sup>

For the period January – December 2013 one case of THB for the purpose of forced servitude, namely pickpocketing and begging was identified in the territory of Border Police Unit Petrich.<sup>68</sup>

**17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country’s law? Please provide any examples from case law.**

The law does not yet envisage exploitation of criminal activities as a purpose of trafficking in human beings. The case law of the domestic courts indicates that the majority of THB-related indictments and convictions are for the purpose of using victims for lecherous activities.<sup>69</sup>

**Prevention of THB (Article 5)**

**18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.**

Awareness raising is one of the priorities in the work of the National and Local Commissions for Combatting THB. It is reported annually in terms of number of students and schools involved in the awareness-raising and information campaigns, number of materials distributed, number of information sessions, screenings of documentaries etc. Data is accessible in the NCCTHB annual reports published on the National Commission’s website ([www.antitrafficking.government.bg](http://www.antitrafficking.government.bg)). In 2010 for example the NCCTHB produced and distributed 10,000

<sup>64</sup> Supreme Court of Cassation

<sup>65</sup> Supreme Court of Cassation

<sup>66</sup> Ministry of Justice

<sup>67</sup> Supreme Court of Cassation

<sup>68</sup> Blagoevgrad Local Commission for Combatting THB

<sup>69</sup> Supreme Court of Cassation

copies of the interactive multimedia CD for prevention of THB "Pay it forward" and carried out an awareness-raising campaign for the prevention of trafficking for the purpose of sexual exploitation targeted at consumers of sexual services. A brochure was printed with information about the new provision in the Criminal Code adopted in April 2009 and criminalising conscious use of services from victims of trafficking in human beings. The brochure was printed in 23,000 copies and distributed in 424 locations in seven cities in the country. The comics for children "You are not for sale" was translated and printed in 10,000 copies with the support of the Council of Europe. A video and posters were produced "This is not a casting, this is trafficking in human beings" to raise public awareness of the risks of human trafficking and that this can happen to everyone. The video clip was broadcast before every movie in the country with the support of Arena movie theatres. Print and video campaign was carried out in the Sofia subway.

The National Commission for Combatting Trafficking in Human Beings elaborated and printed, with the financial support of the International Centre for Migration Policy Development, a diagram showing the standard operative procedures and steps under the Transnational Referral Mechanism for Trafficked Persons (TRM). The NCCTHB received feedback from some 350 prosecutors, investigators and military prosecutors. Approximately 81 pct. of them learned of the TRM for the first time. Those who already knew of the TRM were mostly prosecutors who had worked on cases of trafficking in human beings, or learned about it during trainings and seminars organised by the NCCTHB, or in the course of their work or through individual research on the Internet. The majority (85,8%) found the diagram useful in practice; most of those (45,4% of the interviewed) had already worked on cases involving human trafficking.

Raising public awareness of trafficking in human beings is essential for reducing the number of victims. Awareness of the risks, recruitment methods used by traffickers and more importantly the ways for prevention are a major focus and objective in each and every prevention campaign carried out from 2011 to 2013. Specific activities targeted trafficking in human beings according to the type of exploitation. A separate campaign for reducing demand was organised, too.

In the period 2011 to 2013 the NCCTHB administration and each of the Local Commissions for Combatting THB organised each year three major national awareness-raising campaigns: the so called "summer campaign" regarding sexual exploitation, which is usually organised from June to August; a campaign regarding trafficking in human beings for the purpose of labour exploitation, which usually starts in end of winter and the beginning of spring and which is especially topical in view of Bulgarians searching seasonal employment in the EU and Bulgarian students preparing for summer jobs; campaign on the occasion of 18 October, the EU Anti-Trafficking Day, which usually starts mid-October and continues all the way till 10 December (in relation to the 16 days of activism against gender violence running from 25<sup>th</sup> November, the International Day for the Elimination of Violence Against Women, till 10<sup>th</sup> December, the International Human Rights Day), taking into account the trend observed where many of the victims of trafficking, in particular women and children, have experienced domestic or sexual violence prior to being involved in trafficking. On the other hand the Local Commissions take part in the national campaigns but also organise local initiatives on regional level, in particular through their networks of volunteers. Activities and target groups vary every year in accordance with the specific needs in the region but are in line with the national campaign carried out by the NCCTHB.

In addition to the three major campaigns outlined above, the NCCTHB organises parallel campaigns depending on the trends in trafficking in human beings and the novelties in the legal regulation. In 2012 for example a campaign was carried out in partnership with The NO Project and Post Bank in relation to Article 159c of the Bulgarian Criminal Code criminalising conscious use of sexual services from victims of trafficking.

Another example is the elaboration of a Manual for prevention of trafficking in human beings among the Roma community in the framework of the project "Prevention of trafficking in human beings belonging to ethnic groups focusing on the Roma minority in Bulgaria". The project is implemented in Varna by the NCCTHB in partnership with the Bulgarian Family Planning Association, the National Network of Health Mediators Association, Varna Municipality and Complicity Association. 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 Manual is used in field work which is carried out in the framework of the project.

Another example of prevention work are the campaigns carried out in 2013 and 2014 for prevention of labour exploitation in relation to berry picking in Sweden, in cooperation with the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Labour and Social Policy, the National Network of Health Mediators and other institutions and organisations.

An essential part of the work on prevention involves information sessions on trafficking in human beings among students and young people. The sessions are carried out both at the office of the NCCTHB and in schools by NCCTHB experts.

In addition to the information sessions, students from schools and universities preparing term papers or master theses on trafficking in human beings turn to the NCCTHB for feedback and information, including Bulgarian students in foreign universities and foreign and PhD students. Different schools, the local juvenile delinquency commissions and NGOs in the country request information materials.

In addition to the major campaigns carried out in 2013, several exhibitions of posters made by students in arts at the New Bulgarian University on trafficking in human beings were organised as a follow up of the 2012 campaign of the National Commission for Combatting Trafficking in Human Beings and Post Bank. The exhibition under the title STEP 2 FREEDOM was shown for the first time last year at the Lovers' Bridge in Sofia and afterwards visited Plovdiv, Pazardzhik and Blagoevgrad. The exhibitions were organised by the NCCTHB and LCCTHB in cooperation with the respective municipalities and attracted huge public interest to the issue of trafficking in human beings.

The Bulgarian National Television organised the premiere of the documentary "Red as lipstick, red as blood" by Yordan Dimitrov on the victims of trafficking and sexual exploitation. The documentary tells the true stories of two women victims of trafficking for the purpose of sexual exploitation and was made with the organisational support of the NCCTHB. The BNT production was shown for the first time in public in the New Bulgarian University followed by screenings in Blagoevgrad, Burgas, Veliko Tarnovo, Montana, Pazardzhik, Plovdiv and Sliven. The documentary was shown to students, disadvantaged young people, homes for children deprived of parental care etc.<sup>70</sup>

Information materials on prevention of all forms of trafficking in human beings have been placed in all units of the Directorate General Border Police and the border check-points in the country.<sup>71</sup>

The project "Bulgaria and Switzerland joining efforts in rendering immediate and unconditional protection of victims of trafficking and in preventing human trafficking" was approved this year by the Swiss organisation FIZ. The National Commission for Combatting Trafficking in Human Beings, Animus Association Foundation and the International Organisation for Migration will take part in the project from the Bulgarian side. The project will be implemented in the next three years and envisages carrying out prevention campaigns on a regular basis. Funds are earmarked for assessing the impact of the awareness-raising and prevention campaigns.<sup>72</sup>

**19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.**

The Ministry of Interior works in close cooperation with NGOs and the NCCTHB, prevention being the major focus of their work. Joint reports analyzing progress made are drawn up. The Ministry of Interior collaborates closely with the EU Member States through the MoI International Operative Cooperation Directorate and employs foreign good practices pursuant to an international agreement for exchange of experience.<sup>73</sup>

**20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?**

A National Strategy in the field of Migration, Asylum and Integration for 2011 – 2020 has been adopted. It aims at formulating effective and consistent national policies for managing migration. The Strategy is premised on the understanding of migration both as a source of resources for the national economy and as a potential threat for the social cohesion and security of the country. In the context of demographic and economic crisis migration may, if effective mechanisms for managing migration are applied, have a positive impact on the economy and security of the European Union. As an external EU border Bulgaria implements a long-term, coherent and clearly formulated policy for protecting the European border, counteracting illegal migration, smuggling and trafficking in human beings. In the last years Bulgaria has

<sup>70</sup> National Commission for Combatting Trafficking in Human Beings

<sup>71</sup> Ministry of Interior

<sup>72</sup> Animus Association Foundation

<sup>73</sup> Ministry of Interior

gradually but steadily turned from a country of emigration, through a transit country to a destination of immigration. More and more foreigners choose Bulgaria as a place for studying, obtaining professional qualification and finding employment. This requires that Bulgaria is prepared for increased flows of both legal and illegal migration in the next years.<sup>74</sup>

**21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:**

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;**
- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;**
- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.**

Article 159c of the Criminal Code provides for criminal liability for using a victim of trafficking in human beings for lecherous activities, forced labour or for begging, for the removal of a body organ, tissue, cell or bodily fluid or for the purpose of forced servitude regardless of their consent. The penalties envisaged for such offences are deprivation of liberty from three to ten years and a fine from BGN 10,000 to BGN 20,000.<sup>75</sup>

a) Transplantation of organs in Bulgaria is regulated by the Transplantation of Organs, Tissues and Cells Act ("the Transplantation Act") and the different implementing regulations (Regulation No. 6 of 5 March 2007 establishing medical standards for the transplantation of organs, tissues and cells; Regulation No. 29 of 27 June 2007 for the terms and procedure and the financing of the national transplantation system by the Ministry of Health; Regulation No. 28 of 29 June 2007 on assisted reproduction; Regulation No. 22 of 3 May 2007 on the terms and procedure of registry, registering and reporting expert assessments, extraction, replacement, processing, storing, and labelling organs, tissues and cells and the annual reports by outpatient clinics"; Regulation No. 21 of 3 May 2007 on the circumstances and data that are entered in the registers of the Transplantation Executive Agency and the procedures for entering and using data; Regulation No. 18 of 20 June 2005 on the criteria, indicators and methods for the accreditation of outpatient clinics; Regulation No. 12 of 4 April 2007 on the procedure for establishing and verifying the circumstances allowing extraction of organs, tissues and cells from a deceased person; Regulation No. 11 of 29 March 2004 on keeping the registers of the Transplantation Executive Agency; Regulation No. 4 of 19 February 2007 on the terms and procedure for conducting inspections of the outpatient clinics by the Transplantation Executive Agency.)

Pursuant to Article 24 of the Transplantation Act extraction of organs from a living donor is performed only where this does not pose any threat to the donor's life and the donor's consent has been received in writing, certified by a notary. The donor must be informed prior to the transplantation in a language he or she understands of the risks involved, his or her rights, the medical procedures and safety measures. This information is provided by a physician who is not a member of the transplantation team.

The consent must be certified by a notary acting in the region where the outpatient clinic to perform the transplantation of organs, tissues and/or cells is located.

The donor may withdraw the consent given for organ removal any time before the transplantation. Removal of organs for the purpose of transplantation is not allowed from persons below the age of 18 or from legally incapacitated ones.

The donor's physical and mental health is established by a commission appointed by the director of the outpatient clinic to perform the removal of organs. The commission comprises minimum three physicians who are not members of the team performing the transplantation. The commission issues a protocol signed by all members of the commission.

Offering material benefits to donors of organs and accepting material benefits by donors is prohibited. Living organ donors may receive compensation as long as it is strictly intended for reimbursing costs related to the donation and loss of income.

<sup>74</sup> [https://www.mvr.bg/NR/rdonlyres/3E3C7633-E3BC-43D5-9517-725CC8176ED6/0/Nacionalna\\_strategiq\\_po\\_migraciqta.pdf](https://www.mvr.bg/NR/rdonlyres/3E3C7633-E3BC-43D5-9517-725CC8176ED6/0/Nacionalna_strategiq_po_migraciqta.pdf)

<sup>75</sup> Ministry of Justice

Pursuant to Article 25 of the Transplantation Act only one of a pair of organs or a part of a self-restoring organ may be removed for transplantation from a living donor, after having established that the organ to be removed, respectively the organ's part and the remaining organ, respectively the organ's part, are fully functioning. All necessary examinations to exclude transmission of infections and to establish the biological match between the donor and the potential recipient must be conducted in advance.

Pursuant to Article 26 of the Transplantation Act a donor of organs may only be a person who is the spouse or close collateral relative of the recipient, including where the relationship has occurred following adoption but not earlier than three years after the adoption has taken place. Where the recipient is the adopter, this has to be proved by an official document. By exception and upon authorisation by the ethics commission on transplantation the recipient's cohabitation partner may be allowed to act as donor if the cohabitation has lasted more than two years and there is undisputable evidence in support of that fact. The exception also applies to the recipient's biological parent where the parent has not acknowledged the child under the procedure provided for by law.

Pursuant to Article 13 of the Transplantation Act removal of organs shall be performed by outpatient clinics which have been licensed by the minister of health and the outpatient clinics with the Council of Ministers, Ministry of Defence, Ministry of Interior and Ministry of Transport and after having been certified by the Transplantation Executive Agency. The medical standards in the area of transplantation regulate the quality of medical care and ensure respect for the patient's rights. They further stipulate criteria for selection and the necessary medical examinations to guarantee maximum protection of the donor's and recipient's health (Article 6, para 1 of the Outpatient Clinics Act and Article 4, paras 1 and 3 of the Transplantation Act).

Pursuant to Article 15d of the Transplantation Act every outpatient clinic performing transplantations shall appoint a member of its staff who shall organise, supervise and be responsible for the expert assessments, the removal, processing, reprocessing, labelling, storing, provision and transplantation of organs, tissues and cells as well as for the notification of grave adverse reactions and incidents. This person shall undergo compulsory training at least every two years.

Transplantations are performed following the requirements set forth in Regulation No. 6/2007 establishing medical standards for the transplantation of organs, tissues and cells. The Regulation provides for standard operative procedures. These are written instructions approved by the executive director of the Transplantation Executive Agency that describe the order and manner for performing particular transplantation-related operations in the outpatient clinic in each specific case; the materials and methods to be used and the expected outcome. Regulation No. 6 further regulates the process of tracing whereby the organs, tissues and cells are located and identified in every stage of the transplantation, from removing the organ, tissue or cell from the donor to implanting them in the recipient or destroying them. The tracing process allows to identify the donor, recipient and outpatient clinics working with organs, tissues and cells that have been involved in the transplantation as well as to retrieve all the information related to the organs, tissues and cells and the materials they have been in contact with. Within the meaning of section 53.2.1 of the Regulation, all members of the staff performing operations for removing organs, tissues and cells must be trained to work with the medical products and equipment.

b) Pursuant to Article 11, paras 4 and 5 of the Transplantation Act, the body competent for the management, coordination and supervision of transplantations in Bulgaria shall be the Transplantations Executive Agency. In discharging its duties, the Transplantations Executive Agency shall:

- coordinate and supervise activities carried out in relation to transplantations in the outpatient clinics;
- establish and keep a public and internal register by collecting, processing and providing information in relation to transplantation;
- ensure 24-hour access of physicians directly involved in the medical treatment of a potential donor to the internal register of persons who have expressed unwillingness to have their bodies, tissues and organs removed after death;
- coordinate the import and export of organs, tissues and cells;
- distribute the organs provided for transplantation and supervise the distribution of tissues and cells;
- register, store and analyse information about the donor, the health condition of living donors and recipients during the transplantation and post-transplantation period, as well as grave adverse reactions and incidents related to the transplantation;
- study and analyse the medical, legal, ethical, religious, economic and social consequences of transplantation;
- inform the general public about the transplantation process with a view to guaranteeing transparency and equal access for all persons in need of transplantation;
- coordinate cooperation with European organisations for exchange of organs, competent bodies of the EU Member States and States parties to the Agreement on the European Economic Area, the Swiss

Confederation and third countries, public bodies, academic organisations and non-governmental organisations working in the area of transplantations;

- supervise actions taken to guarantee quality and safety of organs, tissues and cells intended for implantation;
- ensure tracing from the donor to the recipient of all organs, tissues and cells, materials in contact with them and products obtained, processes, reprocessed, stored or provided in the country;
- organise training on quality and safety in performing transplantations for the outpatient clinics in charge of transplantations;
- supervise the exchange of organs with the EU Member States and States parties to the Agreement on the European Economic Area, and the Swiss Confederation as well as the import from and export to third countries.<sup>76</sup>

## **Measures to discourage the demand (Article 6)**

### **22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:**

- a. **educational programmes;**
- b. **information campaigns and involvement of the media;**
- c. **legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);**
- d. **involvement of the private sector.**

On 10 December 2013 the Animus Association Foundation launched together with La Strada International the campaign "One story, two outcomes: Let's convince the European governments to grant rights to victims of trafficking" (to see the website of the campaign, please follow the link: <http://lastradainternational.org/realstories/>). The campaign aims at raising public awareness of trafficking in human beings and how important it is to respect rights of victims of trafficking. Anna's story comes to show how difficult it is for victims of trafficking to regain control of their lives without access to these rights. There is also a risk that victims are re trafficked. The materials produced in the framework of the campaign were distributed to all media as well as to key politicians in Bulgaria and the Bulgarian representatives in the European institutions.

In 2014 Animus Association Foundation launched the international project NGOs&Co: Cooperation between NGOs and the business in combatting trafficking in human beings, with a focus on trafficking in human beings for the purpose of sexual exploitation. Partners from La Strada The Netherlands, Poland and the Czech Republic take part in the project, too. The project aims at involving the business in combatting trafficking in human beings for the purpose of labour exploitation, raising awareness of this grave problem and informing the general public and the business of the risks involved with employment abroad and the serious dangers related to illegal employment abroad. Since Bulgaria is a country of origin of victims of trafficking and many Bulgarians look for jobs abroad, we believe that the best partner of the Bulgarian hand in the project would be the intermediary companies for employment abroad as well as the respective public institutions that deal with employment of Bulgarians abroad. Our experience so far indicates that involving the private sector in such initiatives is very hard.<sup>77</sup>

Local Anti-Trafficking Commissions focus mostly on prevention. They regularly organise training sessions in schools and in the small communities. Information campaigns are carried out regularly – in spring, summer and autumn, the focus being different. The media are actively involved as partners. Work is done with several target groups: pupils and teenagers; unemployed; and the Roma community. Information discussions, presentations, and screenings of documentaries are carried out.<sup>78</sup>

<sup>76</sup> Ministry of Health

<sup>77</sup> Animus Association Foundation

<sup>78</sup> Local Commissions for Combatting THB

**23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.**

One of the activities under the project „NGOs&Co: Cooperation between NGOs and the business in combatting trafficking in human beings, with a focus on trafficking in human beings for the purpose of sexual exploitation” will be organising an information campaign about the risks involved in looking for a job abroad through illegal channels and/or unlicensed intermediaries. In the framework of this project we have convened meetings with the Employment Agency, the Labour Inspectorate and some intermediaries with a view to elaborating a strategy for preventing trafficking in human beings for the purpose of forced labour or labour exploitation.<sup>79</sup>

In this regard the LCCTHB maintain close cooperation with the Labour Bureau and organise together working meetings, information sessions about where and how to look for a job, what we need to know to avoid being involved in trafficking etc. The LCCTHB secretary visits the smaller communities and convenes meetings and discussions.<sup>80</sup>

The prevention and awareness-raising campaigns are described under question 18.

**Border measures (Article 7)**

**24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:**

- a. **identification of possible victims of THB in the context of border control;**
- b. **identification of possible perpetrators of THB offences;**
- c. **gathering of first-line information from victims and perpetrators;**
- d. **identification of vulnerable persons in need of international protection among possible victims of trafficking.**

Units of Directorate General Border Police have been introduced to the risk profiles of victims and traffickers that have been made. The risk profiles are included in the annual training curricula, together with collecting initial information from victims and from/about traffickers, identification of vulnerable persons and persons in need of international protection among potential victims of trafficking etc. Trainings address all forms of trafficking, especially trafficking of children for the purpose of sexual and labour exploitation, begging, pickpocketing, sale of newborns etc. Measures for guaranteeing the rights of victims of trafficking are reviewed as well.<sup>81</sup>

**25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?**

The National Programme for preventing and combatting trafficking in human beings and protecting its victims envisages for 2014 the activity “Involving the private sector in the identification, prevention of trafficking in human beings and reintegration of its victims” with partners the representatives and associations of the business, including carriers”.<sup>82</sup>

<sup>79</sup> Animus Association Foundation

<sup>80</sup> LCCTHB

<sup>81</sup> Ministry of Interior

<sup>82</sup> NCCTHB

**26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.**

The Directorate General Border Police actively interacts with public, municipal and non-governmental organisations on national, European and international level. Real time exchange of operative information about possible victims and their traffickers is done between the police authorities of the EU Member States and representatives of the ministries of interior in these countries. Joint contact centres have been built at the borders with Romania, Serbia, Macedonia and Greece which facilitate real time exchange of information about cases of trafficking in human beings.<sup>83</sup>

#### **Identification of the victims (Article 10)**

**27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.**

A NRM is in place in Bulgaria. It was officially endorsed by the NCCTHB in 2010. The following institutions and organisations are involved in the National Referral and Protection Mechanism for Victims of Trafficking: NCCTHB, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Labour and Social Policy, Ministry of Health, Ministry of Education, Youth and Science, State Agency for National Security, State Agency for Child Protection, State Agency for Refugees, Supreme Prosecution Office of Cassation, LCCTHB, UNHCR, IOM, and NGOs service providers. The NGOs service providers who are responsible for the identification of victims and providing the respective services to them are listed in the NRM on pp. 17 to 19 (Cf. the Bulgarian language version of the NRM at <http://www.animusassociation.org/wp-content/uploads/2014/03/Nacionalen-mechanizum-za-nasochvane-na-jertvi-na-trafik-Bg.pdf> and the English language version of the NRM at <http://www.animusassociation.org/wp-content/uploads/2014/03/National-referral-mechanism-for-trafficked-persons-En.pdf>. No evaluation of the NRM and its application has been made so far but is envisaged in the framework of the project "Bulgaria and Switzerland joining efforts in rendering immediate and unconditional protection of victims of trafficking and in preventing human trafficking" that will be implemented with the Swiss organisation FIZ. The evaluation will be made in the next three years.<sup>84</sup>

**28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?**

There are formalised indicators for the identification of victims of THB. They are part of the NRM and may be found in Annex 1 to the NRM "Indicators for the identification of victims of trafficking". Information about these indicators is distributed among various specialists through brochures and other printed materials.<sup>85</sup>

In addition a Practical Manual (full and concise edition in the form of three brochures) for the identification of victims of different types of exploitation has been elaborated in the framework of the project "Elaborating common guidelines and procedures for the identification of victims of trafficking" in partnership with France, Greece, Romania, Spain and The Netherlands in 2013.<sup>86</sup>

Experts from SANS apply in their daily work the NRM and the Transnational Referral Mechanism and the specially elaborated in 2010 by the then GDBOP Manual for the identification of victims of trafficking. The specific indicators are distributed in particular to officers working at the "front line" as part of their routine

<sup>83</sup> Ministry of Interior

<sup>84</sup> Animus Association Foundation

<sup>85</sup> Animus Association Foundation

<sup>86</sup> NCCTHB



work but also during various trainings and events for enhancing their professional qualification. In 2014 Sector "Trafficking in human beings" at the SANS took active part in one of the operative initiatives planned under the EU priority area "Trafficking in human beings" (EMPACT-THB), that is sharing and promoting instruments elaborated for the identification and referral of victims between Member States.<sup>87</sup>

**29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.**

All bodies and institutions involved in combatting trafficking in human beings are competent to identify victims upon "reasonable grounds".<sup>88</sup> The identification of victims of trafficking is the first step in applying the NRM. The identification may be formal and informal. The informal identification is carried out by officers of the different institutions and organisations who have first made contact with a victim of trafficking. It provides the victim with immediate access to services and support programmes envisaged under the NRM. The formal identification is done by the bodies of pre-trial proceedings and is intended to launch the investigation.

The identification is made on the basis of the following:

- Initial informal talk with the victim
- Observations of the behavior and outer appearances of the victim
- Information provided by the referring person or citizen
- Observations and analysis of the circumstances when the victim was found
- Self-identification by the victim itself

Reasonable grounds for the identification of victims of trafficking are sexual or labour exploitation, transportation, transfer, harbouring or use of fraud, misleading information, violence, abuse of dependency.<sup>89</sup>

**30. What measures are taken in your country to encourage self-identification of victims of THB?**

Seminars and information campaigns are carried out and the international experience in working with NGOs is used.<sup>90</sup>

Far reaching information campaigns are carried out in the country and in cooperation with countries of final destination for the Bulgarian victims of trafficking.<sup>91</sup>

**31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?**

So far the Directorate General Border Police or the State Agency for Refugees have not reported of illegal migrants or persons seeking asylum who are victims of trafficking in human beings.<sup>92</sup>

<sup>87</sup> SANS

<sup>88</sup> Ministry of Interior

<sup>89</sup> Animus Association Foundation

<sup>90</sup> Ministry of Interior

<sup>91</sup> NCCTHB

<sup>92</sup> Ministry of Interior

## Protection of private life (Article 11)

**32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?**

The Protection of Personal Data Act and the Protection of Classified Information Act are strictly abided.<sup>93</sup>

The Bulgarian law provides for two specific measures for the protection of victims' private life – prohibition to make pictures and hearing behind closed. Article 32, para 2 of the Constitution stipulates that the privacy of citizens shall be inviolable and pursuant to this provision the court may prohibit use of cameras in the court room but not the presence of journalists.

In addition Article 263, para 2 of the Criminal Procedure Code provides for the possibility to conduct court hearing behind closed doors. This is widely applied in practice in cases of trafficking for the purpose of sexual exploitation.

The Criminal Procedure Code provides for two major security measures – not disclosing the identity of the testifying victim and personal physical protection. Where this is not enough, the measures envisaged in the Protection of Persons Threatened in Relation to Criminal Proceedings Act may be applied, the most radical of which is complete change of identity.

The victim may be accorded police protection in the court hearing pursuant to Article 123, para 2, item 1 of the Criminal Procedure Code. This measure is applied in practice. The Protection of Persons Threatened in Relation to Criminal Proceedings Act envisages also a special programme for witness protection. The measures provided in this Act are as follows: physical protection, temporary placement in safe residence, change of residence, work or study place, and complete change of identity.

In addition, both the Criminal Procedure Code and the Protection of Persons Threatened in Relation to Criminal Proceedings Act envisage that the victim's personal data must not be disclosed and his or her anonymity must be ensured.<sup>94</sup>

## Assistance to victims (Article 12)

**33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:**

- a. funding;**
- b. victim's safety and protection;**
- c. standards of assistance and their implementation in practice;**
- d. access to medical treatment, psychological assistance, counselling and information;**
- e. translation and interpretation, where appropriate?**

The criteria and standards for providing social services for victims of trafficking are part of the NRM and are described in Annex 2. They include the following:

- hotline
- crisis intervention
- placing the victim of trafficking
- psychological support – counselling and therapy
- social support
- developing social and labour skills; empowerment.<sup>95</sup>

d. Access to medical treatment is regulated in the law and includes measures necessary for the patients' physical recovery. Pursuant to Article 85 of the Health Act patients are rendered health aid regardless of their age, gender, origin, language, national, racial or political belonging, education, cultural

<sup>93</sup> Ministry of Interior

<sup>94</sup> Animus Association Foundation

<sup>95</sup> Animus Association Foundation

differences, sexual orientation, personal, social or material standing, disability and type or cause of the illness. Foreign nationals and stateless persons who have been granted long-term or permanent residence as well as refugees, persons who have been granted humanitarian status or asylum are compulsory ensured in the National Health Insurance Fund pursuant to Article 33 of the Health Insurance Act. All insured persons are entitled to the basic package of medical aid guaranteed by the National Health Insurance Fund.<sup>96</sup>

Two shelters for temporary accommodation of adult victims of trafficking in human beings continued to operate in 2013. The shelters are operated and funded by the NCCTHB. Twenty-nine female victims of trafficking have been provided care in 2013. In 2012 24 women victims of trafficking received long-term support in the shelters, and in 2011 – 22. The services provided in the shelters follow the standard operative procedures set forth in the National Referral Mechanism for Trafficked Persons, mostly in relation to protection and support and social inclusion. One of the major differences between the NCCTHB shelters and the crisis centres for women and child victims of violence and trafficking that are run by NGOs is that only women victims of trafficking are placed in the shelters. Another difference is that the stay in the shelters is much longer which allows for the better subsequent reintegration of the victim and reduces the risk of re-trafficking. Each of the shelters has a capacity of placing 4/+2 persons. Each shelter has a team comprising a director, social workers, and a psychologist. For specific needs the victims are referred to external specialists such as a physician, a lawyer etc. On local level the shelters are supported by the Local Commissions for Combatting Trafficking in Human Beings. Victims who testify in instituted proceedings may remain in the shelters until completion of the criminal proceedings (pre-trial and trial phase) and/or if this is directly relevant to their preparedness for reintegration.<sup>97</sup>

**34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?**

**35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?**

As of July 2014 the number of crisis centres is 20 with a total capacity to accommodate 208 persons. Such centres operate in 15 regions (Burgas, Varna, Veliko Tarnovo, Vidin, Montana, Pazardzhik, Pernik, Pleven, Plovdiv, Ruse, Silistra, Stara Zagora, Sofia region, Sofia city and Shumen). Ten of these centres are run by NGOs pursuant to section 27 of the Implementing Rules of the Social Assistance Act.

Fifteen crisis centres operate for children and five allow for mixed accommodation of mothers and children.

The crisis centres are funded by the state budget through state delegated services. For 2013 the funds for one person was at the amount of BGN 7,931, and for 2014 – BGN 8,251.

Pursuant to the Social Assistance Act, registration of social services providers is a duty of the Social Assistance Agency. As of July 2014 a total of 713 social services providers have been registered at the Social Assistance Agency; 29 of these render support to victims of trafficking in human beings and domestic violence; 22 provide residential social services; and seven provide counselling.

Work of NGOs in the field of counteracting violence and trafficking in human beings is subject to regulation by the Ministry of Justice, too, and in case NGOs' activities target protection of the rights of the child – by the State Agency for Child Protection.

The Social Assistance Agency helps social services providers by rendering methodical support. To this end various guidelines have been elaborated, including Guidelines for opening and operating a crisis centre. The Guidelines describe the requirements for opening and running a crisis centre and the minimum quality and standard requirements.<sup>98</sup>

Two shelters for temporary accommodation of adult victims of trafficking in human beings continued to operate in 2013. The shelters are funded by the NCCTHB and are run by NGOs. Their capacity is 8 (+4) persons. Placement in these shelters is long-term, sometimes for more than a year or until proceedings are finalised. The shelter in Burgas, for example, operates since December 2011. Its capacity is 4+2 persons. The

<sup>96</sup> Ministry of Health

<sup>97</sup> NCCTHB

<sup>98</sup> Social Assistance Agency

shelter is a two bedroom apartment with a kitchen, office room for the staff, two bathrooms with WC. The staff works 24/7 and is qualified in social work, psychology and medical care. For the purpose of providing medical care for the victims of trafficking placed at the Burgas shelter, an agreement has been concluded with the local hospital for free medical aid – emergency aid, examinations, referrals to specialists and hospital care. Services are provided to both health insured and uninsured persons. Weekly psychological counselling is provided, as well as vocational education, employment, daily subsistence allowance, family reunification, help in relation to testifying in court, issuance of documents, completing educational degrees etc.<sup>99</sup>

**36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?**

Pursuant to the acting social legislation, social services are provided in accordance with the established needs and individual choice of the persons. Thus actual support can be rendered only upon a request in writing by the person seeking support. The terms and procedure for the provision of state delegated social services are stipulated in the Implementing Rules of the Social Assistance Act.<sup>100</sup> Upon entering the shelter, every victim must read and sign a Social Service Agreement.<sup>101</sup>

Every person is informed by the respective institutions of the legal regulation in relation to the offence whereby the person has become a victim.<sup>102</sup>

This has become a standard procedure in the Animus Association Foundation where victims are informed of their rights upon the first contact made. AAF shelter is an open type, i.e. victims of trafficking may leave the shelter whenever they wish.<sup>103</sup>

**37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?**

Persons identified as victims of trafficking may be supported with monthly social allowances under procedure set forth in the Implementing Rules of the Social Assistance Act. Victims of trafficking enjoy easier conditions of access to social support (Article 10, para 5).<sup>104</sup> In addition, victims are placed in the shelter in Burgas regardless of their willingness to take part in the criminal proceedings. Their stay is not conditioned on the victim's involvement in the criminal proceedings or the latter completion but is in accordance with the needs and the individual rehabilitation and reintegration plan. After leaving the shelter, the victim continues to be supported through counselling (individual or by telephone) in taking important decisions in her personal life and attending personal holidays such as weddings, birthdays, or other holidays. Where needed, a victim may be placed again in the shelter.<sup>105</sup>

**Recovery and reflection period (Article 13)**

**38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.**

Reflection period is granted to all persons who are supposed victims of trafficking, regardless of whether they will cooperate or not. The reflection period starts running from the moment of the victim's identification.<sup>106</sup>

Victims of trafficking of full age are entitled to one month reflection period. This applies to victims of both internal and external trafficking. For child victims of trafficking the reflection period is two months.<sup>107</sup>

<sup>99</sup> Burgas Local Commission for Combatting THB

<sup>100</sup> Social Assistance Agency

<sup>101</sup> Burgas Local Commission for Combatting THB

<sup>102</sup> Ministry of Interior

<sup>103</sup> Animus Association Foundation

<sup>104</sup> Social Assistance Agency

<sup>105</sup> Burgas Local Commission for Combatting THB

<sup>106</sup> Montana Local Commission for Combatting THB

## **Residence permit (Article 14)**

**39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.**

Pursuant to Article 25 of the Combatting Trafficking in Human Beings Act, foreign nationals who are victims of trafficking in human beings and have consented to co-operate in the detection of the offence shall be granted a status of special protection "for the duration of the criminal proceedings" which involves a long-term residence permit. The prosecutor shall issue a decree granting special protection status and determining its duration.<sup>108</sup>

**40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?**

The one-year maximum duration of the residence permit set forth in the Foreign National in Bulgaria Act does not apply in this case. Foreign victims of trafficking may reside in Bulgaria for the whole duration of criminal proceedings even if it exceeds one year. In such cases the Migration Directorate of the Ministry of Interior renews the permit every year. The Combatting THB Act expressly stipulates that the long-term residence permit shall cover the duration of criminal proceedings.<sup>109</sup>

**41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?**

## **Compensation and legal redress (Article 15)**

**42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:**

- a. **access to information on the relevant judicial and administrative proceedings in a language the victim can understand;**
- b. **access to free legal assistance and legal aid during investigations and court proceedings;**
- c. **compensation from the perpetrator;**
- d. **compensation from the state;**
- e. **compensation for unpaid wages to victims of trafficking.**

Please provide examples of compensation awarded and effectively provided to victims of THB.

An interdepartmental working group was set up with the minister of justice in 2014. It is tasked with elaborating amendments and supplements to the Assistance and Financial Compensation for Crime Victims Act in order to improve the situation of victims of grave offences, including trafficking in human beings, in legal, social and practical terms. The working group comprises judges, prosecutors, and representatives of the Ministry of Interior, the National Commission for Combatting Trafficking in Human Beings, the Ministry of Foreign Affairs and NGOs rendering support to victims. During its sessions the working group has proposed and discussed draft amendments, including such aimed at improving the procedure for informing victims of their rights under the Assistance and Financial Compensation for Crime Victims Act and the compensation procedure. Currently the group is still working and we cannot provide draft amendments. The group is expected to complete its work by the end of the year.

<sup>107</sup> Animus Association Foundation

<sup>108</sup> Animus Association Foundation

<sup>109</sup> Animus Association Foundation

In 2013 the National Council for Assistance and Compensation for Crime Victims with the minister of justice has not been seized with requests for financial compensation by victims of trafficking in human beings.<sup>110</sup>

Directorate General Border Police works with the NCCTHB and NGOs in rendering support to victims and involving them as witnesses in criminal proceedings in Bulgaria and/or abroad. It informs possible victims of their rights, including legal defence and compensation.<sup>111</sup>

The number of victims of trafficking in human beings who have brought *partie civile* proceedings in criminal trials is very small. According to a survey conducted by Natasha Dobрева, "National report: Protecting the rights of victims of human trafficking in Bulgaria", there are five known cases where eight victims have been accorded compensations for non-pecuniary damage. More information about the cases may be found at <http://www.animusassociation.org/wp-content/uploads/2014/03/Zashtita-na-pravata-na-postradali-ot-trafik-na-hora-v-Bulgaria.pdf>, p. 73. The survey does not state how many of the victims actually received the compensation.<sup>112</sup>

**43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?**

There are six final judgments in 2012 for forfeiture of assets of persons convicted of trafficking in human beings for a total of BGN 753,708; five judgments in 2013 for a total of BGN 2,604,899; one judgment as of August 2014 for BGN 304,671.

According to the established methods of work, the State Agency for National Security initiates, parallel to the investigation of cases of trafficking in human beings, inspections for possible proceeds of crime and money laundering. These inspections are conducted by the specialised units for counteracting financial crimes with the Agency. In addition to that specialised trainings are envisaged in the framework of a SANS project on conducting effective investigation of cases of trafficking in human beings.<sup>113</sup>

**44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.**

Pursuant to Article 4 of the Assistance and Financial Compensation for Crime Victims Act, "this Act shall be applied when the offences specified in Article 3, para 3 have been committed within the territory of the country [Bulgaria] or when the offence has been committed abroad and the victim is a Bulgarian national". Article 19, para 1 stipulates that a Bulgarian national who is the victim of a crime committed in another Member State of the European Union may file a request for financial compensation to the competent body of the other Member State through the National Council. The National Council shall send the request to the competent body of the other Member State together with an application form (Article 19, para 2 of the Act).

**Repatriation and return of victims (Article 16)**

**45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (non-refoulement principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?**

There are procedures in place in the Directorate General Border Police for rendering support to victims who are nationals of third countries regarding their safe return to the country of origin.<sup>114</sup> Preliminary risk

<sup>110</sup> Ministry of Justice

<sup>111</sup> Ministry of Interior

<sup>112</sup> Animus Association Foundation

<sup>113</sup> State Agency for National Security (SANS)

<sup>114</sup> Ministry of Interior

assessment is conducted by the Ministry of Interior/State Agency for National Security and by the respective social and health care offices.

**46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?**

There is no information at the NCCTHB about such cases.

**Corporate liability (Article 22)**

**47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.**

Regarding amendments to the Administrative Violations and Penalties Act: With a view to improving the substantial and procedural regulation of corporate liability for crimes, an interdepartmental working group was set up in 2012 at the Ministry of Justice. In 2013 it elaborated a draft Law amending and supplementing the Administrative Violations and Penalties Act.

The more important proposed amendments are as follows:

- clearer rules for determining the court competent in cases against legal persons;
- possibility to institute proceedings against a legal person, regardless of the grounds on which the proceedings against the natural person who is the perpetrator of the offence have been terminated or may not be continued or have not been instituted; and
- possible forfeiture not only of the direct but also of the indirect proceeds of crime.

In addition to the substantial and procedural amendments described above, the bill also proposes increasing five times the maximum pecuniary penalty to be imposed on legal persons in cases where the proceeds of crime are of a non-pecuniary nature or their size cannot be established. The proposed amendment aims at enhancing the preventive effect of the sanctions envisaged in Article 83a of the Administrative Violations and Penalties Act and at allowing to determine with better precision the sanction to be imposed on the legal person.

On 23 October 2013 the bill was approved by the Council of Ministers and in accordance with the established legislative procedure was submitted in the National Assembly.<sup>115</sup>

**Aggravating circumstances (Article 24)**

**48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.**

**Non-punishment provision (Article 26)**

**49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.**

Article 16a of the Criminal Code currently in force stipulating that an act committed by a victim of trafficking in human beings shall not be deemed to be culpably committed where the person was forced to commit the act is in line with the non-punishment provision. Excluding the culpability of a victim of trafficking is premised on the principle of non-punishment where the victim was compelled to commit a crime as a direct consequence of being involved in trafficking. This does not however exclude the liability of the indirect perpetrator who compelled the victim to commit the crime.<sup>116</sup>

Criminal Code, General Part

<sup>115</sup> Ministry of Justice

<sup>116</sup> Supreme Court of Cassation

Chapter two "Offences", Section I "General Provisions"

Article 16a. (new – SG no. 84/2013) An act committed by a victim of trafficking in human beings shall not be deemed to be culpably committed where the person was compelled to commit the act by their exploiter.<sup>117</sup>

**Ex parte and ex officio applications** (Article 27 in conjunction with Article 1.1.b)

**50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.**

The Criminal Code provides for such a possibility regardless of whether or not the victim has filed a complaint and where the complaint is filed, since trafficking in human beings is a publicly indictable offence and criminal proceedings are instituted *ex officio* by the competent authorities. Pursuant to Article 207, para 1 of the Criminal Procedure Code, pre-trial proceedings are instituted where there is a legal ground and sufficient evidence of an offence committed; the competent public authority is bound to institute criminal proceedings (*Article 23, para 1 of the Criminal Procedure Code*). In the cases described in the question the principle of territorial application of the Criminal Code is applied, in particular Article 3, para 1 of the Criminal Code whereby "*This Criminal Code shall apply to all offences committed within the territory of the Republic of Bulgaria*".<sup>118</sup>

The Bulgarian criminal law is applicable to Bulgarian nationals for the offences committed by them abroad, as well as to foreign nationals for publicly indictable offences committed abroad but affecting the interests of the country or Bulgarian nationals. Offences committed abroad are reviewed by the courts in Sofia if the perpetrator is a foreign national or the offence has been committed in complicity with a foreign national; by the court operating in the place of residence of the perpetrator if s/he is a Bulgarian national or the accomplices are Bulgarian nationals living in the same city; failing the previous two hypotheses, the case is reviewed by the court operating in the region where the pre-trial proceedings have been finalised. For transnational trafficking in human beings, the national law enforcement and law administering bodies work in close police cooperation or cooperation in criminal matters respectively with institutions such as Eurojust, Europol, Interpol and their partner institutions in other states.<sup>119</sup>

No information to this end has reached the Directorate General Border Police.<sup>120</sup>

**51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:**

- a. setting up specialised investigation units and the number of staff involved;**
- b. exchange of information with, and obtaining evidence from, other parties;**
- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;**
- d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;**
- e. financial investigations to disrupt criminal money flows and ensure asset recovery;**
- f. use of joint investigation teams (JITs).**

The powers of the Criminal College of the Supreme Court of Cassation include monitoring of the uniform and precise application of the law by all courts in the country, also as regards Section IX "Trafficking in Human Beings", Chapter two of the Special Part of the Criminal Code. The judgments ruled in criminal cases are of a principal or compulsory nature – the interpretative rulings of the General Assembly of the Criminal College of the Supreme Court of Cassation on the interpretation and application of the law. The Supreme Court of Cassation contributes to counteracting trafficking in

<sup>117</sup> Ministry of Justice

<sup>118</sup> Ministry of Justice

<sup>119</sup> Supreme Court of Cassation

<sup>120</sup> Ministry of Interior



human beings by its efforts for harmonizing the case law and the trainings organised for magistrates, police officers, journalists, NGO representatives etc.<sup>121</sup>

The legislation is constantly updated as regards new crime trends, including trafficking in human beings. A new Ministry of Interior Act was adopted. It envisages setting up specialised units for combatting trafficking in human beings. Similar units operate at the State Agency for National Security. Competent institutions share information and experience on a regular basis. Special investigative techniques regulated in the Special Surveillance Act are effectively used.<sup>122</sup>

The last amendments to the State Agency for National Security Act expand the scope of action of the Agency and entrust it with investigative functions. The Agency's powers now include detention of persons up to 24 hrs.; search of a person; conducting inspections assigned by a prosecutor under the Criminal Procedure Code; performing individual actions related to the detection of offences and tracing of perpetrators.

In performing these activities as well as for the collection of data regarding the protection of national security, the Agency interacts with the prosecution office and other public bodies. These bodies are in constant contact thus ensuring that a signal reaches immediately the competent body, which acts upon it.

The Agency has territorial directorates that work in close interaction with the Ministry of Interior bodies, following the principle mentioned above of sharing information with the competent body.

After the amendments made in 2013 to the State Agency for National Security Act, international organised crime is considered an infringement against national security. It is precisely the threat against national security that differentiates between transnational organised crime and petty crimes.

Pursuant to Article 4, item 16 of the State Agency for National Security Act, the Agency performs actions for the protection of the national security against infringements related to trafficking in human beings, considering these a serious violation of the fundamental freedoms and rights of citizens.

According to the legislation currently in force, the sector "Trafficking in Human Beings" in the Trafficking of Persons and Cultural and Historic Valuables Department at SANS is the only competent body (together with officers in the SANS territorial units) for counteracting this offence in all its forms.

In investigating signals for trafficking in human beings, SANS may make recourse to all operative investigative techniques provided for by law, including use of special surveillance means envisaged in the Criminal Procedure Code and the Special Surveillance Means Act (such as surveillance, wire-tapping, tracing, entry, marking and inspection of correspondence and computer information, controlled deliveries, and investigation by a cover agent). It must be noted that according to the national legislation, special surveillance means are used for the investigation of grave intentional crimes listed in the Criminal Code when the respective circumstances may not be established in another way or involves exceptional difficulties. Use of special surveillance means must be authorised in advance by the chairperson of the respective court or a person expressly authorised by him; for cases falling within the competence of the Specialised Criminal Court authorisation is granted by the court's chairperson or a deputy chairperson expressly authorised by him.

In establishing data about online criminal activity, Sector "Trafficking in Human Beings" actively cooperates with the specialised unit for counteracting cybercrime at the SANS. In such cases officers with the required qualifications and technical expertise for detecting, preventing and discouraging online criminal offences are involved. Often websites used for criminal activities are blocked upon orders of the competent authorities.

According to the national regulations and the established practice, investigation of trafficking in human beings always includes money laundering checks such as establishing the profits raised, identification of financial flows, identification of transforming schemes and localisation of available funds.

Sector "Trafficking in Human Beings" has been elaborating and applying good practices in the field of prevention and counteracting trafficking in human beings. Bulgaria is one of the most active states regarding joint investigation teams (JITs); it took part in four JITs with the Netherlands, two with the UK, one with France and one with Germany. With one exception, all other cases concern detecting and documenting criminal activity in relation to money laundering.<sup>123</sup>

<sup>121</sup> Supreme Court of Cassation

<sup>122</sup> Ministry of Interior

<sup>123</sup> ДАHC

**52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?**

Trafficking in human beings for the purpose of removal of body organs is much more rarely encountered in comparison with the other forms of trafficking mentioned above. In the last years the SANS specialised unit has not worked on cases of trafficking for this purpose. Nevertheless the unit maintains the required specific expertise and exercises adequate supervision of the factors that could trigger such cases of trafficking. Building and maintaining mechanisms for cooperation and interaction between the competent institutions, including law enforcement, law administering, health and educational organs, NGOs and civil society is crucial in preventing, detecting and discouraging this form of trafficking in human beings.<sup>124</sup>

**Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)**

**53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.**

**54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?**

Regarding the legal standing of crime victims, victims and their relatives enjoy certain rights both under the Combatting Trafficking in Human Beings Act and the Criminal Procedure Code such as defence counsel and compensation. Victims are entitled to immediate access to legal counselling and defence counsel even before they are constituted as victims in the criminal proceedings. Victims are subject to the widest possible protection in the framework of criminal proceedings, including the possibility to bring *partie civile* proceedings for sustained pecuniary and non-pecuniary damage. Legal counselling is intended to provide victims with information and advice about the various possibilities available to them in the criminal proceedings, firstly their rights of victims in the pre-trial proceedings and subsequently their rights as parties in the trial phase. The Legal Aid Act, the Criminal Procedure Code and the Assistance and Financial Compensation for Crime Victims Act all envisage free legal counselling of crime victims and their free legal representation, in the least for cases where the victim does not avail of the necessary funds and the interests of justice so require. Case law has endorsed the understanding of minimizing unnecessary repeated interrogations during the investigation, criminal proceedings and judicial trial. This is why interrogation before a judge is carried out in the earliest stages of criminal proceedings and subsequently video recordings of the interrogations are used.

Witness protection, including protection of his or her close relatives is applied when there is sufficient reason to believe that testifying in court has caused or may cause actual danger for the health or life of the witness and his or her close relatives. The witness may also be accorded the status of anonymous witness whereby his or her identity is kept secret. In this way during the criminal proceedings (and during the trial phase if they have brought *partie civile* proceedings) victims are treated in accordance to their individual needs and circumstances such as age, health condition, disabilities and other personal circumstances as well as taking account of the physical and psychological consequences of the criminal activity to which the victims have been subjected.

In addition, the so called blue rooms have been set up where child victims of trafficking are interrogated in a child-friendly manner.<sup>125</sup>

<sup>124</sup> ДАНС

<sup>125</sup> LCCTHB

## Jurisdiction (Article 31)

**55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).**

The following provisions of the Criminal Code apply:

**Criminal Code, General Part**

**Chapter one "Objective and scope of application of the Criminal Code"**

**Section II „Scope of application of the Criminal Code"**

**Article 4. (1)** The Criminal code shall apply to the Bulgarian citizens also for crimes committed by them abroad.

**Article 5.** The Criminal code shall also apply to foreign citizens who have committed publicly indictable offences abroad whereby the interests of the Republic of Bulgaria or of Bulgarian citizens have been affected.

**Article 6. (1)** The Criminal code shall also apply to foreign nationals who have committed abroad crimes against peace and humanity, whereby the interests of another state or foreign citizens have been affected.

(2) The Criminal code shall also apply to other crimes committed by foreign citizens abroad, where this is stipulated in an international agreement, to which the Republic of Bulgaria is a party.<sup>126</sup>

## International co-operation (Article 32)

**56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.**

The Bulgarian Prosecution Office is involved in international legal cooperation with other states in pre-trial proceedings conducted for offences under Chapter two "Crimes against the Person", Section IX "Trafficking in Human Beings" of the Special Part of the Criminal Code under international and bilateral agreements to which Bulgaria is a party; where no such agreements are in place, the principle of reciprocity is applied.

Bulgaria is mostly a country of origin for trafficking in human beings, the final destination being countries in Western Europe and Greece, which is why international cooperation in investigating such offences takes place with European countries and mostly EU Member States on the basis of legal cooperation agreements and the domestic law that transposes EU law regarding legal cooperation and mutual recognition of judicial acts.

The major legal cooperation instruments are the 1959 European Convention on Mutual Assistance in Criminal Matters and the Additional Protocols to it; the European Convention on Extradition and the Additional Protocols to it; the European Convention on the Transfer of Proceedings in Criminal Matters; the Convention on the Transfer of Sentenced Persons and the Additional Protocol to it; the 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime; the 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union drawn up in accordance with Article 34 of the Treaty on European Union and the Protocol to it, and the United Nations Convention against Transnational Organized Crime and the Protocols Thereto.

The main forms of legal cooperation in criminal proceedings for trafficking in human beings are international legal assistance, the European Arrest Warrant, and extradition.

In 2010 the prosecution office extended seven letters rogatory regarding cases of trafficking in human beings and received and acted upon 10 letters rogatory. In 2011 six letters rogatory were sent and 21 letters rogatory were received and acted upon. In 2012 two letters rogatory were sent and 19 letters rogatory were received and acted upon. In 2013 one letter rogatory was sent and 22 letters rogatory were received and acted upon. Letters rogatory are most often exchanged with the Netherlands, Greece, Germany, Belgium and France. Legal assistance to non EU Member States has been rendered most often to Switzerland, Macedonia and Turkey.

<sup>126</sup> Ministry of Interior

The European arrest warrant (EAW) is an effective instrument for detention and transfer to another EU Member State of persons wanted for the purpose of criminal proceedings or completing detention periods. The EAW has simplified and substantially enhanced the efficiency of criminal proceedings and execution of penalties.

In 2010 11 EAWs concerning trafficking in human beings were received and one EAW was issued. In 2011 16 EAWs were received and 12 were enacted; nine EAWs were issued. One extradition to Ukraine was carried out. In 2012 15 EAWs were received concerning trafficking in human beings and nine EAWs were issued. One extradition to Macedonia was carried out. In 2013 two EAWs were received and two were issued. Most EAWs have been received from the Netherlands, Germany, Belgium and France.

Joint investigation teams (JITs) under Article 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union are an effective and modern form of international legal cooperation. In the period 2010 – 2013 the prosecution office set up eight JITs for trafficking in human beings. Work was successfully completed and the proceedings were brought in court. Five of the cases ended with convictions ruled in Bulgaria or abroad. JITs have been set up with the Netherlands (three); the UK (two); Germany (two) and France (one). Eurojust has substantial contribution.

The international legal cooperation in criminal matters regarding investigation of trafficking in human beings contributes to the successful completion of proceedings with an international element and the effective punishment of perpetrators. Encountered difficulties concern delays in executing letters rogatory; differences in laws regarding the recognition and assessment of evidence; the substantial means required for translation; poor communication; lack of expertise in the field of EU criminal law etc.<sup>127</sup>

In addition to JITs, the State Agency for National Security uses all established forms and channels for international exchange of information and for conducting joint operations for counteracting trafficking in human beings with the police forces of the states concerned. In this regard Europol, Interpol, police liaison officers, Consular Relations Directorate with the Ministry of Foreign Affairs are effectively used.

The parallel investigations led by the Agency most generally concern organised crime groups dealing with:

1. Trafficking in women to Great Britain for the purpose of forced marriages with third country nationals, which is a prerequisite for receiving European citizenship;
2. Trafficking in human beings to Spain, Germany and Austria; ten persons have been indicted;
3. Trafficking in human beings for the purpose of forced labour in Sweden. As a result of the active joint work with the National Investigation Bureau of Sweden the number of identified victims has substantially decreased. Following the good cooperation, Sweden will fund the secondment of a SANS officer to render assistance on the spot;
4. Trafficking in human beings for the purpose of sexual exploitation of female Bulgarians in the Netherlands. In 2014 the operation of one organised crime group was disfunctioned and its leader was detained, three women were saved from sexual exploitation;
5. Trafficking in human beings for the purpose of sexual exploitation in France, Germany, Italy, Belgium, Austria and other EU Member States.

In the context of the international cooperation SANS executes letters rogatory and EAWs (from Norway and Belgium in 2014). In the beginning of 2014 three EAWs concerning Bulgarian nationals involved in trafficking in human beings in Bulgaria were executed under joint investigations with the Dutch police.

In the framework of international cooperation SANS has carried out a series of working meetings with visiting representatives of the French, Norwegian, Swedish, Dutch, German and Belgian counterparts sharing good practices and specific data and planning joint activities and international operations.

In the period 2013 to 2014 an officer from the SANS specialised anti-trafficking unit was nominated as the Bulgarian representative in the working group under EU priority area Trafficking in Human Beings (EMPACT-THB), in the framework of the new EU policy cycle for combatting grave international and organised crime (2014-2017). In this way the unit takes part in the elaboration and supervision of the implementation of the European action plans under the priority area and reports the progress made by Bulgaria in this field.

In the framework of the 2014 annual action plan under EU priority area Trafficking in Human Beings Bulgaria has volunteered to take part in almost all activities envisaged on European level. In addition, together with Slovenia, Bulgaria leads the implementation of one of the main activities under the operative

<sup>127</sup> Supreme Court of Cassation

plan, namely the project "Use of Joint Investigation Teams on local level for Combatting Trafficking in Human Beings in the Western Balkans".

In the framework of international cooperation SANS participates in various projects concerning trafficking in human beings:

1. „Training of Bulgarian law enforcement and judicial bodies in the field of trafficking in human beings, with a focus on financial investigation and recovery of assets”, in the framework of the Memorandum of Understanding between Bulgaria and the Netherlands.

2. „Use of Joint Investigation Teams on local level for Combatting Trafficking in Human Beings in the Western Balkans: in partnership with Slovenia;

3. „Elaborating common guidelines and procedures for the identification of victims of trafficking in human beings ”.<sup>128</sup>

### **1. Multilateral Agreements to which the Republic of Bulgaria is a party:**

- the 1957 European Convention on Extradition;
- the 1975 Additional Protocol to the European Convention on Extradition;
- the 1978 Second Additional Protocol to the European Convention on Extradition;
- the 1959 European Convention on Mutual Assistance in Criminal Matters;
- the 1978 Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters;
- the 2001 Second Additional Protocol to the European Convention on Mutual Assistance in Criminal Matters;
- the 1983 European Convention on Sentenced Persons;
- the 1997 Additional Protocol to the European Convention on Sentenced Persons;
- the 1972 European Convention on the Transfer of Proceedings in Criminal Matters;
- the 2005 Council of Europe Convention on Action against Trafficking in Human Beings
- the 2000 United Nations Convention against Transnational Organized Crime;
- the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

### **2. International legal cooperation between Bulgaria and other EU Member States is also premised on the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, established in accordance with Article 34 of the Treaty on European Union (2000/C 197/01)**

### **3. List of bilateral agreements in the area of legal cooperation signed by the Republic of Bulgaria (by countries):**

#### **3.1. Austria:**

##### **Treaty between the People's Republic of Bulgaria and the Republic of Austria on legal aid in civil matters and documents**

Ratified by Decree 79 of the Presidium of the National Assembly from 6 October 1969 – SG No. 12/1968, promulgated SG No. 79/10 October 1969, in force as of 22 August 1969

#### **3.2. Azerbaijan:**

##### **1. Treaty on extradition between the Republic of Bulgaria and the Republic of Azerbaijan**

Ratified by the 37<sup>th</sup> National Assembly on 16 May 1996 – SG No. 46 from 17 April 1996, Promulgated in SG No.78 from 8 July 1998, in force as of 26 September 1997

##### **2. Treaty between the Republic of Bulgaria and the Republic of Azerbaijan on legal aid in civil matters**

Ratified by the 37<sup>th</sup> National Assembly on 16 May 1996 – SG No. 46/1996, promulgated in SG No. 78 from 8 July 1998, in force as of 26 September 1997

##### **3. Treaty between the Republic of Bulgaria and the Republic of Azerbaijan on legal aid in criminal matters**

Ratified by the 37<sup>th</sup> National Assembly on 16 May 1996 – SG No. 46/1996, promulgated in SG No. 78 from 8 July 1998, in force as of 26 September 1997

<sup>128</sup> SANS

### 3.3. Albania:

**Treaty between the Republic of Bulgaria and the Republic of Albania on legal aid in civil matters**  
Ratified by the 39<sup>th</sup> National Assembly on 15 April 2004 – SG No. 35 from 28 May 1996, promulgated in SG No. 9 from 27 January 2006, in force as of 19 January 2006

### 3.4. Algeria:

**Treaty on judicial and legal assistance in civil, commercial, family and criminal matters between the People's Republic of Bulgaria and the People's Democratic Republic of Algeria**  
Ratified by Decree no. 87 of the State Council of PRB of 29 January 1975, SG No. 13 of 13 February 1976, promulgated in SG No. 27 from 5 April 1985, in force as of 1 April 1985

### 3.5. Armenia:

**1. Treaty on extradition between the Republic of Bulgaria and the Republic of Armenia**  
Ratified by the 37<sup>th</sup> National Assembly on 15 February 1996, SG No. 17 of 27 February 1996, promulgated in SG No. 81 of 15 July 1998, in force as of 7 December 1997

**2. Treaty on legal aid in civil matters between the Republic of Bulgaria and the Republic of Armenia**  
Ratified by the 37<sup>th</sup> National Assembly on 15 February 1996, SG No. 17 of 27 February 1996, promulgated in SG No. 81 of 15 July 1998, in force as of 7 December 1997

**3. Treaty on legal aid in criminal matters between the Republic of Bulgaria and the Republic of Armenia**  
Ratified by the 37<sup>th</sup> National Assembly on 15 February 1996, SG No. 17 of 27 February 1996, promulgated in SG No. 81 of 15 July 1998, in force as of 7 December 1997

### 3.6. Belarus:

**1. Treaty between the Republic of Bulgaria and the Republic of Belarus on legal aid in civil matters**  
Ratified SG No. 80/2007, promulgated in SG No. 26 of 7 March 2008, in force as of 30 December 2007

**2. Treaty between the Republic of Bulgaria and the Republic of Belarus on legal aid in criminal matters from 8 July 2010**  
Ratified SG No. 18 of 1 March 2011, promulgated in SG No. 17 from 28 February 2012, in force as of 7 October 2011

**3. Treaty on extradition between the Republic of Bulgaria and the Republic of Belarus of 8 July 2010**  
Ratified SG No. 18 of 1 March 2011, promulgated in SG No. 84 of 28 October 2011, in force as of 7 October 2011

### 3.7. Belgium:

**1. Convention on extradition between Bulgaria and Belgium**  
Ratified by Decree 46 of King Ferdinand I of 18 December 1908, promulgated in SG No. 89/1909 and SG No. 107/1909, in force as of 6 June 1908

**2. Convention between Bulgaria and Belgium on certain judicial matters**  
Ratified by Decree 12 of King Boris III from 13 June 1932, promulgated in SG No. 65/1932, in force as of 4 July 1932

### 3.8. Vietnam:

**Treaty on legal aid in civil, family and criminal matters between the People's Republic of Bulgaria and the Socialist Republic of Vietnam**  
Ratified by Decree No. 3861 of the State Council of 13 November 1986, SG No. 90 of 21 November 1986, promulgated in SG No. 69 of 4 April 1987, in force as of 5 July 1987

### 3.9. Georgia:

**1. Treaty on legal aid in civil matters between the Republic of Bulgaria and the Republic of Georgia**

Ratified by the 37<sup>th</sup> National Assembly on 15 February 1996, SG No. 17/1996, promulgated in SG No. 3 of 10 January 1997, in force as of 6 June 1996

**2. Treaty on legal aid in criminal matters between the Republic of Bulgaria and the Republic of Georgia**

Ratified by the 37<sup>th</sup> National Assembly on 15 February 1996, SG No. 17/1996, promulgated in SG No. 3 of 10 January 1997, in force as of 6 June 1996

**3.10. Greece:**

**Treaty on legal aid in civil and criminal matters between the People's Republic of Bulgaria and the Republic of Greece**

Ratified by Decree No. 1198 of the State Council from 6 August 1976, SG No. 68 of 24 August 1976, promulgated in SG No. 49 of 24 June 1980, in force as of 26 April 1980

**3.11. Italy:**

**Treaty on legal aid and enforcement of judgments in civil matters between the People's Republic of Bulgaria and the Republic of Italy**

Ratified by Decision of the Grand National Assembly of 4 January 1991, promulgated in SG No. 11 of 8 February 1991, amended SG No.13 of 15 February 1991

**3.12. India:**

**1. Treaty on extradition between the Republic of Bulgaria and the Republic of India**

Ratified by Decision of the 39<sup>th</sup> National Assembly of 22 July 2004, promulgated in SG No. 68 of 3 August 2004, in force as of 1 February 2007

**2. Treaty on legal aid in criminal matters between the Republic of Bulgaria and the Republic of India of 2 September 2007**

Ratified SG No. 36/2008, promulgated in SG No. 48 of 26 June 2012, in force as of 9 October 2008

**3. Treaty on the transfer of convicted persons between the Republic of Bulgaria and the Republic of India**

Ratified by an act of the 40<sup>th</sup> National Assembly from 21 March 2008 (SG No. 36/2008), promulgated in SG No. 48 of 26 June 2012, in force as of 9 October 2008

**3.13. Spain:**

**1. Treaty on mutual legal assistance in civil matters between the Republic of Bulgaria and the Kingdom of Spain**

Ratified by an act of the National Assembly from 27 April 1994, SG No. 39 of 10 May 1994, promulgated in SG No. 10 of 31 January 1995, in force as of 1 July 1994

**2. Treaty on extradition and mutual legal assistance between the Republic of Bulgaria and the Kingdom of Spain**

Ratified by an act of the 36<sup>th</sup> National Assembly from 27 April 1994, SG No. 39/1994, promulgated in SG No. 11 of 1 February 1995, in force as of 1 July 1994

**3.14. Yemen:**

**Treaty between the People's Republic of Bulgaria and the People's Democratic Republic of Yemen on legal aid in civil and criminal matters**

Ratified by Decree No. 881 of the State Council of the People's Republic of Bulgaria of 22 July 1988, SG No. 58 of 29 July 1988, promulgated in SG No. 11 of 7 February 1989, in force as of 22 January 1989

**3.15. Cyprus:**

**Treaty on legal aid in civil and criminal matters between the People's Republic of Bulgaria and the Republic of Cyprus**

Ratified by Decree No. 1792 of the State Council of 17 June 1983, SG No. 49 of 24 June 1983, promulgated

in SG No. 4 of 15 January 1985, in force as of 11 January 1985

### **3.16. China:**

#### **1. Treaty between the Republic of Bulgaria and the People's Republic of China on legal aid in criminal matters**

Ratified by an act of the 37<sup>th</sup> National Assembly of 15 February 1996, SG No. 17/1996, promulgated in SG No. 22 of 14 March 1997, in force as of 27 May 1996

#### **2. Treaty between the Republic of Bulgaria and the People's Republic of China on judicial assistance in civil matters**

Ratified by an act of the 36<sup>th</sup> National Assembly of 12 January 1994, SG No. 6/1994, promulgated in SG No. 60 of 4 July 1995, in force as of 30 June 1995

#### **3. Treaty on extradition between the Republic of Bulgaria and the People's Republic of China**

Ratified by an act of the 37<sup>th</sup> National Assembly of 12 February 1997, SG No. 16/1997, promulgated in SG No. 78 of 8 July 1998, in force as of 3 July 1997

### **3.17. DPRK:**

#### **Treaty between the People's Republic of Bulgaria and the Democratic People's Republic of Korea on mutual legal aid in civil, family and criminal matters**

Ratified by Decree No. 1587 of the State Council of 4 August 1989, SG No. 62 of 11 August 1989, promulgated in SG No. 15 of 20 February 1990, in force as of 15 February 1990

### **3.18. Kuwait:**

#### **Treaty between the People's Republic of Bulgaria and the State of Kuwait on legal and judicial aid in civil and criminal matters**

Ratified by Decree No. 185 of the State Council of 7 February 1989, SG No. 13 of 14 February 1990, promulgated in SG No. 59 of 1 August 1989, in force as of 6 July 1989

### **3.19. Cuba:**

#### **Treaty between the People's Republic of Bulgaria and the Republic of Cuba on legal aid in civil, family and criminal matters**

Ratified by Decree No. 1995 of the State Council from 2 November 1979 – SG No.90 from 13 November 1979, Promulgated in SG No.85 from 31 October 1980, In force as of 25 July 1980

### **3.20. Korea:**

#### **1. Treaty on legal aid in criminal matters between the Republic of Bulgaria and the Republic of Korea**

Ratified SG No. 10/2009, promulgated in SG No. 26 of 6 April 2010, in force as of 8 April 2010

#### **2. Treaty on extradition between the Republic of Bulgaria and the Republic of Korea**

Ratified SG No. 10/2009, promulgated in SG No. 26 of 6 April 2010, in force as of 8 April 2010

### **3.21. Lebanon:**

#### **1. Treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Lebanon on legal aid in civil matters**

Ratified by an act of the 39<sup>th</sup> National Assembly of 25 October 2001, SG No. 95/2001, promulgated in SG No. 45 of 27 May 2004, in force as of 10 April 2004

#### **2. Treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Lebanon on extradition**

Ratified by an act of the 39<sup>th</sup> National Assembly of 25 October 2001, SG No. 95/2001, promulgated in SG No. 45 of 27 May 2004, in force as of 10 April 2004

#### **3. Treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Lebanon on transfer of convicted persons**



Ratified by an act of the 39<sup>th</sup> National Assembly of 25 October 2001, SG No. 95/2001, promulgated in SG No. 45 of 27 May 2004, in force as of 10 April 2004

#### **4. Treaty between the Government of the Republic of Bulgaria and the Government of the Republic of Lebanon on legal aid in criminal matters**

Ratified by an act of the 39<sup>th</sup> National Assembly of 25 October 2001, SG No. 95/2001, promulgated in SG No. 45 of 27 May 2004, in force as of 10 April 2004

#### **3.22. Libya:**

##### **Treaty between the People's Republic of Bulgaria and the Socialist People's Libyan Arab Jamahiriya on legal cooperation**

Ratified by Decree No. 1169 of the State Council of 17 April 1984, SG No. 33 of 24 April 1984, promulgated in SG No. 65 of 20 August 1985, in force as of 5 August 1985

#### **3.23. Macedonia:**

##### **Treaty on legal aid in civil matters between the Republic of Bulgaria and the Republic of Macedonia**

Ratified by an act of the 38<sup>th</sup> National Assembly of 12 January 2001, SG No. 7 of 23 January 2001, amended SG 10/2001, promulgated in SG No. 40 of 19 April 2002, in force as of 7 April 2002

#### **3.24. Morocco:**

##### **1. Treaty on legal aid in criminal matters between the Republic of Bulgaria and the Kingdom of Morocco of 15 March 2005**

Ratified by an act of the 40<sup>th</sup> National Assembly of 20 September 2007, SG No. 80/2007, promulgated in SG No. 1 of 3 January 2014, in force as of 21 December 2013

##### **2. Treaty on extradition between the Republic of Bulgaria and the Kingdom of Morocco of 15 March 2005**

Ratified by an act of the 40<sup>th</sup> National Assembly of 20 September 2007, SG No. 80/2007, promulgated in SG No. 1 of 3 January 2014, in force as of 21 December 2013

#### **3.25. Mongolia:**

##### **Treaty between the People's Republic of Bulgaria and the Mongolian People's Republic on mutual legal aid in civil, family and criminal matters**

Ratified by Decree No. 1127 of the Presidium of the National Assembly of 24 December 1964, SG No. 2 of 7 January 1969, promulgated in SG No. 88 of 14 November 1969, in force as of 10 April 1969

#### **3.26. Poland:**

##### **Treaty between the People's Republic of Bulgaria and the Polish People's Republic on legal aid and legal relations in civil, family and criminal matters**

Ratified by Decree No. 172 of the Presidium of the National Assembly of 7 April 1962, SG No. 31 of 17 April 1962, promulgated in SG No. 37 of 10 May 1963, in force as of 20 April 1963

#### **3.27. Romania:**

##### **Treaty between the People's Republic of Bulgaria and the Romanian People's Republic on legal aid in civil, family and criminal matters**

Ratified by Decree No. 33 of the Presidium of the National Assembly of 24 January 1959, SG No. 9 of 30 January 1959, promulgated in SG No. 18 of 1 March 1960, in force as of 4 July 1959

#### **3.28. USA:**

##### **1. Treaty on extradition between the Government of the Republic of Bulgaria and the Government of the United States of America of 19 September 2007**

Ratified by an act (SG No.51 from 7 July 2009) adopted by the 40<sup>th</sup> National Assembly on 23 April 2008, SG No. 43 of 29 April 2008, promulgated in SG of 21 May 2009, in force as of 21 May 2009

##### **2. Agreement on certain aspects of legal aid in criminal matters between the Government of the**

**Republic of Bulgaria and the Government of the United States of America of 19 September 2007**  
 Ratified SG No. 43 of 29 April 2008, promulgated in SG No. 39 of 25 May 2010, in force as of 1 February 2010

### 3.29. Syria:

**Treaty between the People's Republic of Bulgaria and the Syrian Arab Republic on legal aid in civil, family and criminal matters**

Ratified by Decree No. 1341 of the State Council of 12 September 1976, SG No. 77 of 28 September 1976, promulgated in SG No. 53 of 7 July 1980, in force as of 5 December 1977

### 3.30. Russian Federation (*as a successor to the USSR*):

**Treaty between the People's Republic of Bulgaria and the Union of the Soviet Socialist Republics on legal aid in civil, family and criminal matters**

Ratified by Decree No. 784 of the State Council of 15 April 1975, SG No. 33 of 25 April 1975, promulgated in SG No. 12 of 10 February 1976, in force as of 18 January 1975

### 3.31. Turkey:

**1. Treaty on legal aid in civil and criminal matters between the People's Republic of Bulgaria and the Republic of Turkey**

Ratified by Decree No. 160 of the State Council of 18 February 1976, SG No. 20 of 9 March 1976, promulgated in SG No. 16 of 23 February 1979, in force as of 27 October 1976

**2. Treaty on the transfer of convicted persons between the Republic of Bulgaria and the Republic of Turkey**

Ratified by an act of the 36<sup>th</sup> National Assembly from 15 July 1993, SG No. 61/1993, promulgated in SG No. 61 of 7 July 1995, in force as of 24 June 1995

### 3.32. Tunisia:

**Treaty between the People's Republic of Bulgaria and the Tunisian Republic on legal aid in civil and criminal matters**

Ratified by Decree No. 2464 of the State Council of 26 December 1975, SG No. 3 of 9 January 1976, promulgated in SG No. 91 of 16 November 1976, in force as of 31 August 1976

### 3.33. Ukraine:

**Treaty on legal aid in civil matters between the Republic of Bulgaria and Ukraine**

Ratified by an act of the 39<sup>th</sup> National Assembly of 4 November 2004, SG No. 3 of 9 January 1976, promulgated in SG No. 102/2004, in force as of 29 September 2005

### 3.34. Uzbekistan:

**1. Treaty between the Republic of Bulgaria and the Republic of Uzbekistan on extradition**

Ratified by an act of the 39<sup>th</sup> National Assembly of 26 May 2004, SG No. 49 of 8 June 2004, issued by the Ministry of Justice, promulgated in SG No. 105 of 31 November 2004, in force as of 11 November 2004

**2. Treaty between the Republic of Bulgaria and the Republic of Uzbekistan on legal aid in civil matters**

Ratified by an act of the 39<sup>th</sup> National Assembly of 26 May 2004, SG No. 49 of 8 June 2004, issued by the Ministry of Justice, promulgated in SG No. 105 of 31 November 2004, in force as of 11 November 2004

**3. Treaty between the Republic of Bulgaria and the Republic of Uzbekistan on legal aid in criminal matters**

Ratified by an act of the 39<sup>th</sup> National Assembly of 26 May 2004, SG No. 49 of 8 June 2004, issued by the Ministry of Justice, promulgated in SG No. 105 of 31 November 2004, in force as of 11 November 2004

### 3.35. Hungary:

**Treaty between the People's Republic of Bulgaria and the Hungarian People's Republic on legal aid in civil, family and criminal matters**

Ratified by Decree No. 595 of the Presidium of the National Assembly of 4 August 1966, promulgated in SG No. 29 of 11 April 1967, in force as of 10 March 1967

### 3.36. France:

#### **Treaty on mutual legal aid in civil matters between the Government of the People's Republic of Bulgaria and the Government of the French Republic**

Ratified by Decree No. 269 of the State Council of 28 February 1989, SG No. 18/1989, promulgated in SG No. 92 of 28 November 1989, in force as of 1 October 1989

### 3.37. Serbia (*as a successor to SFRY*):

#### **Treaty between the People's Republic of Bulgaria and the Socialist Federal Republic of Yugoslavia on mutual legal aid**

Ratified by Decree No. 167 of the Presidium of the National Assembly of 8 June 1956, SG No. 19/1957, promulgated in SG No. 16 of 1 March 1957, in force as of 26 January 1957

### 3.38. Czech Republic (*as a successor to Czechoslovakia*):

#### **Treaty between the People's Republic of Bulgaria and the Czechoslovak Socialist Republic on legal aid and relations in civil, family and criminal matters**

Ratified by Decree No. 538 of the State Council of 15 April 1977, SG No. 34/1977, promulgated in SG No. 20 of 14 March 1978, in force as of 6 January 1978

## **4. Where there is no bilateral or multilateral agreement, legal cooperation may be effected following the principle of reciprocity.<sup>129</sup>**

Combatting trafficking in human beings is a priority in enhancing cooperation in the Danube region. A regional conference was organised in 2012 by the Ministry of Interior, the Ministry of Regional Development and Public Works and the NCCTHB with a focus on the challenges in combatting trafficking in human beings and the joint efforts of the Danube countries (eight countries participated). Directorate General Border Police works effectively with public and non-governmental bodies on European and international level. Real time exchange of information about possible victims and perpetrators takes place between representatives of the EU MS police services to Bulgaria and MoI representatives in these countries. The information concerns signals, data obtained from interviews, statements made by victims or their relatives, data received via national and international units.<sup>130</sup>

### **The NCCTHB continues its active international cooperation with countries of final destination for Bulgarian victims of trafficking and with international and European organisations and EU counterparts.**

1. In 2012 the NCCTHB implemented a project under the Operational Programme Administrative Capacity „Improving the national policy for combatting trafficking in human beings through transfer of knowledge, experience and good practices” in partnership with the office of the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children. The main objective of the project is to enhance the capacity of the NCCTHB, its regional units and NGOs working in the field of THB in good management by sharing the knowledge, experience and good practices of the Netherlands. The project runs until June 2014.

2. “Pan European monitoring of trafficking in human beings”, a project where the NCCTHB is a partner of the Portuguese Ministry of Foreign Affairs. The project is funded by the European Commission, Prevention of and Fight against Crime Programme. The main objective of the project is to provide countries counteracting trafficking in human beings with an efficient system of monitoring, in the framework of the best practices regarding harmonisation of procedures for the collection, processing, analysis and exchange of data.

3. The NCCTHB is a partner in the project “Elaborating common guidelines and procedures for the identification of victims of trafficking in human beings”, funded by the European Commission. France is the project leader. Other countries involved are Greece, Spain, Romania, and the Netherlands. Other participants include the Council of Europe, the International Labour Organisation (ILO), the United Nations Office on Drugs and Crime (UNODC) and the International Centre for Migration Policy Development (ICMPD). The final

<sup>129</sup> Ministry of Justice

<sup>130</sup> Ministry of Interior

goal of this two-year project is to improve and harmonise methods and procedures for the identification of victims of trafficking in human beings in the European Union by the elaboration of guidelines and procedures for the identification of victims of trafficking in human beings. The project aims in particular at the following:

- build a network of national contact points between the participating countries (Bulgaria, Greece, Spain, Romania, France and the Netherlands) for sharing best practices for the identification of victims of trafficking in human beings. The good practices shared by law enforcement agents, prosecutors, judges, labour inspectors, organisations rendering support to victims of THB, and trade unions will be summarised in a report, together with recommendations for the formulation of the common Guidelines;
- elaborating common Guidelines and procedures for the identification of victims of trafficking in human beings by the participating countries;
- distributing the Guidelines with a view to their operative application by the participating countries. A training of trainers is envisaged under the project for the application of the Guidelines;
- Sharing best practices and general trends in the EU Member States.

4. On regional level the NCCTHB is in partnership with the Romanian Anti-Trafficking Agency in the framework of the international project „Integrated Approach to Prevention of Labour Exploitation in Countries of Origin and Destination” (No. JLS/2009/ISEC/AG/207 ABAC No. 30-CE-0329866/00-14), funded by the European Commission, DG Justice, Freedom and Security. The main goal of the project is to reduce the number of victims of trafficking in human beings for the purpose of labour exploitation in the countries of origin, transit and destination. Other participating countries save for Bulgaria and Romania are Greece, Macedonia, Cyprus and Hungary.

In 2013 the National Commission hosted a regional seminar attended by 30 participants from Bulgarian public bodies and non-governmental organisations. The training focused on the identification of victims of labour exploitation, the investigation and criminal prosecution of traffickers. At the same time, as mentioned above in relation to prevention, some of the prevention materials elaborated under the project were used in the campaign on prevention of labour exploitation.

5. The NCCTHB and Centre Nadya Foundation are partners of the Greek NGO “The Smile of a Child” in the project VICTOR – Victims in Child Trafficking: Our Responsibility. The project is funded by the European Commission, Programme “Prevention of and Fight against Crime”. Partners under the project are international organisations and 15 public bodies and nongovernmental organisations from seven countries, namely Slovenia, Romania, Bulgaria, Greece, Serbia, Moldova and Ukraine. The project aims at improving the identification of child victims or potential victims of trafficking by training experts working with victims of trafficking and enhancing prevention of trafficking in children by awareness raising targeted at vulnerable children at risk, in particular missing children.

The first training of trainers took place in Sofia in November 2013. More than 30 representatives of law enforcement bodies, health and social workers took part.

6. International project “Prevention of trafficking in human beings belonging to the ethnic minorities, with a focus on the Roma minority in Bulgaria” – bilateral cooperation between Bulgaria and France in combatting trafficking in human beings. The project is managed by the National Commission for Combatting Trafficking in Human Beings and will be implemented in the municipality of Varna in the course of the next two years with the financial support of the Embassy of France to Bulgaria, the French permanent mission to the UN and other international organistaions in Vienna, and the French Embassy to Romania. Partners of the NCCTHB in the project implementation are the Bulgarian Family Planning and Sexual Health Association, the National Network of Health Mediators Association, the municipality of Varna and Complicity Association, Varna.

On 11 and 12 March 2013 the NCCTHB hosted the regular meeting of national anti-trafficking coordinators in South Eastern Europe in Sofia. The event was attended by representatives of the partner organisations in Albania, Bosna and Herzegovina, Croatia, Macedonia, Montenegro, Moldova, Romania, Serbia, and Slovenia, the International Centre for Migration Policy Development and the private sector involved with prevention of trafficking in human beings such as Manpower Bulgaria and the Post Bank.

As regards exchange of experience and good practices between the NCCTHB and counterparts working in the field of combatting and preventing trafficking in human beings in Member States of the EU, the Council of Europe, OSCE and third countries, the NCCTHB held more than 20 meetings on international and regional level.

## Measures related to endangered or missing persons (Article 33)

**57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.**

**58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?**

The Bulgarian Early Warning Mechanism, unlike some warning systems operating in Europe and the USA which are activated only in cases of child abduction, is triggered in all cases of missing persons where the life or health of the child are in danger. The national system for early warning of abducted/missing children has been built under a project of the Ministry of Interior in partnership with the State Agency for Child Protection, the Ministry of Justice, the Prosecution Office, Nadya Centre Foundation, Poland and Romania. The main goal of the project is setting up a warning system for abducted/missing children involving public bodies, NGOs and public organisations, the media, Internet providers and citizens. Trainings were also held in the framework of the project. Rules of the National Early Warning System for Abducted/Missing Children were also elaborated.<sup>131</sup>

A free hotline 116 000 for missing children has been launched. The hotline will operate 24/7, 365 days of the year. The number is harmonised with the EU Member States and operates throughout the EU and Switzerland. It will receive signals about runaway children, child victims of parental or criminal abductions, unaccompanied migrant children, and lost children. When a child is missing, all details matter – personal data about the child, up-to-date picture, detailed description of his or her outer appearance as well as description of his or her usual behaviour. Nadya Centre Foundation has concluded an agreement with the Ministry of Interior for cooperation in cases of missing children. The State Agency for Child Protection, Bulgarian Red Cross, the State Agency for National Security and the National Commission for Combatting Trafficking in Human Beings are all partners to the initiative.

## Co-operation with civil society (Article 35)

**59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.**

In 2012 and 2013 the NCCTHB continued its active cooperation with non-governmental organisations in Bulgaria for elaborating policies and implementing activities to enhance prevention, protection of victims and international cooperation.

The project "Prevention of trafficking in human beings belonging to the ethnic minorities, with a focus on the Roma minority in Bulgaria" has been implemented by the NCCTHB in partnership with the Varna municipality (through the Prevention Directorate and the Local Commission for Combatting Trafficking in Human Beings), Complicity Association, the Bulgarian Family Planning Association and the National Network of Health Mediators. The project duration is from 1 January 2012 till 30 June 2014. The project is financed by the Embassy of France to Bulgaria, the French permanent mission to the UN and other international organisations in Vienna, and the French Embassy to Romania. The project aims at reducing the number of potential victims of trafficking of Roma origin. The project further aims at serving as a model for a comprehensive state policy for combatting trafficking in human beings among vulnerable ethnic groups in Bulgaria.

The NCCTHB and Centre Nadya Foundation are partners to the Greek NGO "The Smile of a Child" in the project VICTOR – Victims in Child Trafficking: Our Responsibility. The project is funded by the European

<sup>131</sup> Ministry of Interior, LCCTHB

Commission, Programme "Prevention of and Fight against Crime". Partners under the project are international organisations and 15 public bodies and nongovernmental organisations from seven countries, namely Slovenia, Romania, Bulgaria, Greece, Serbia, Moldova and Ukraine. The project aims at building partnerships between public and private agents, and in particular at improving the partnership between the respective non-governmental organisations and building their capacity for joint actions under the priorities set forth in the EU Strategy for eradication of trafficking in human beings for the period 2012 – 2016.

In relation to cases of human trafficking, the NCCTHB cooperates on a daily basis with the International Organisation for Migration, Animus Association Foundation, PULS Foundation, and the crisis centres for children and adults run by NGOs.

On 4 and 5 December 2013 the Oak Foundation and the Bulgarian Family Planning Association organised a meeting for establishing a Partnership for education and action for the prevention of sexual exploitation of children. Experts from the NCCTHB attended the meeting as well as experts in child protection, the process of deinstitutionalisation, trafficking in children, health mediation and prevention. Jenny Pearce and Dr. Kate D'Arcy from the University of Bedfordshire who were recently awarded the prestigious Queens Anniversary Prize for applied research on child sexual exploitation influencing new safeguarding policy and practice attended the seminar. The Partnership will try to enhance a better exchange of knowledge and information about methods in working with children, families, care personnel and communities for the prevention of sexual exploitation of children. The Partnership for education and action will try to develop and apply adequate prevention measures such as awareness raising campaigns; trainings of professionals working with children and young people, including child victims of sexual exploitation; advocacy campaigns for the rights of the child; elaborating strategies and political agreements for the effective application of legislation and distribution of good practices; as well as encouraging children's involvement and studies on the sexual violations against children and young people.

Several meetings were held in 2013 with the executive director of Open Space Foundation in relation to the organisation's youth programme and the work with youth volunteers on European and international level. Experts from the National Anti-Trafficking Commission were invited to present the work of the NCCTHB and its prevention materials at the seminar „East-West Youth Expo“ convened from 4 to 7 April 2013 in Sofia for the representatives of 39 organisations working with volunteers from eight countries (Bulgaria, Poland, Spain, Hungary, Turkey, the UK, Finland and Latvia). There is an open opportunity for implementing joint projects, in particular for building volunteer networks, in view of the NGO's expertise in the elaboration and management of projects under various youth programmes of the EU.

Cooperation with the Colourful House, an individual programme of the Bulgarian Red Cross has been established on the occasion of rendering support to a young woman, a victim of trafficking, who was placed under monitored residence run by the Colourful House. The woman was subsequently placed in a NCCTHB shelter for temporary accommodation of victims of trafficking and successfully reintegrated. Monitored residence for young people with the Bulgarian Red Cross is part of the project "Social services and support for children and young people leaving the social institutions", which is implemented with the support of the Velux Foundation and the International Federation of Red Cross and Red Crescent Societies. The residence operates since January 2012 and has a maximum capacity of 12 persons. The stay varies from three months to one year and depends on the individual needs of young people. The service is intended for people who have turned 18 years of age and who leave the specialised institutions, transitory or protected houses and are about to start their independent lives.

Work between NCCTHB experts and Concordia Bulgaria Foundation continues on specific cases. A social and youth centre "St. Konstantin" was set up with the Foundation. This is a place where marginalised young people receive help and support. The priority target group are children from disadvantaged families, young people living in the streets, young women in difficult situation as well as young unemployed Roma people. The social centre accommodates 12 children and 65 young people; supports 30 street children from Sofia; provides day care to more than 20 children; avails of a qualified team of more than 20 people – social workers, pedagogues, psychologists and experts from other supporting professions.

The LCCTHB works well with almost all institutions and organisations operating in the municipalities such as the Social Assistance Directorate, Labour Bureau, Regional Education Inspectorate, NGOs etc.<sup>132</sup>

<sup>132</sup> MKBTX

## **Relationship with other international instruments (Article 40)**

**60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.**

**61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.**

There is no information at the NCCTHB about such cases.

## **D. Final questions**

**62. Which bodies and organisations contributed to responding to this questionnaire?**

The Ministry of Justice, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Labour and Social Policy, Ministry of Health, Ministry of Education, Youth and Science, the Supreme Court of Cassation, the Supreme Prosecution Office of Cassation, the National Investigation Office, the State Agency for National Security, the State Agency for Child Protection, the Social Assistance Agency, the Forfeiture Commission, NCCTHB, LCCTHB, Animus Association Foundation, Centre for the Study of Democracy, and Naya Association.

Letters were sent to 29 international and non-governmental organisations requesting their input to the report; only three responded.

**63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?**

The National Commission for Combatting Trafficking in Human Beings with the Council of Ministers was the institution responsible for co-ordinating and collecting the replies to the questionnaire.

## **E. Statistics on THB (per year, starting with 2010)**

**Number of victims identified in the sense of having been recognised by a state institution or mandated NGO having the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and institution/organisation which identified them).**

**Number of presumed victims whom the competent authorities had "reasonable grounds" to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.**

**Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).**

**Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

**Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).**

**Number of victims given refugee status and subsidiary/complementary protection.**

**Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.**

**Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).**

**Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).**

**Number of investigations into THB cases.**

**Number of prosecutions of THB cases.**

**Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.**

**Number of judgments resulting in the confiscation of assets.**

**Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.**

**Number of convictions for the use of services of a victim of THB.**

### **Statistics regarding victims of trafficking in human beings (under completed pre-trial proceedings)**

#### **For 2010**

There were a total of 429 victims under cases completed in 2010, including:

- 393 female victims, from whom 64 aged from 16 to 18 y.o. and three aged from 14 to 16 y.o.;
- 36 male victims, from whom one aged from 14 to 16 y.o.

According to the type of exploitation:

- for the purpose of lecherous activities – a total of 357 victims, including:
  - 352 female victims, from whom 55 aged from 16 to 18 y.o. and one aged from 14 to 16 y.o.;
  - five male victims, from whom one aged from 14 to 16 y.o.;
- for the purpose of forced labour - total of 34 victims, including:
  - 11 female victims, from whom three aged from 16 to 18 y.o. and one aged from 14 to 16 y.o.;
  - 23 male victims;
- for the purpose of removal of body organs:
  - six male victims;
  - to be kept in forced servitude - total of six victims, including:
    - four female victims, from whom one aged from 16 to 18 y.o. and one aged from 14 to 16 y.o.;
    - two male victims;
    - against pregnant women for the purpose of selling their newborns – a total of six women.

#### **For 2011**

There were a total of 540 victims under cases completed in 2011, including:

- 447 female victims, from whom 57 aged from 16 to 18 y.o. and three aged from 14 to 16 y.o.;
- 93 male victims, from whom 10 aged from 14 to 16 y.o.

According to the type of exploitation:

- for the purpose of lecherous activities – total of 394 victims, including:
  - 380 female victims, from whom 47 aged from 16 to 18 y.o. and two aged from 14 to 16 y.o.;
  - 14 male victims, from whom 10 aged from 14 to 16 y.o.;
- for the purpose of forced labour - total of 91 victims, including:
  - 14 female victims, from whom three aged from 16 to 18 y.o. and one aged from 14 to 16 y.o.;
  - 77 male victims;
- for the purpose of removal of body organs – no victims;
- to be kept in forced servitude – a total of 17 victims, including:
  - 16 female victims, from whom two aged from 16 to 18 y.o.;
  - one male victim;
  - against pregnant women for the purpose of selling their newborns – a total of 12 women.



**For 2012:**

There were a total of 579 victims under cases completed in 2011, including:

- 506 female victims, from whom 48 aged from 16 to 18 y.o. and seven aged from 14 to 16 y.o.;
- 73 male victims, from whom 11 aged from 14 to 16 y.o.

According to the type of exploitation:

- for the purpose of lecherous activities – total of 461 victims, including:
  - 443 female victims, from whom 45 aged from 16 to 18 y.o. and seven aged from 14 to 16 y.o.;
  - 18 male victims, from whom 11 aged from 14 to 16 y.o.;
- for the purpose of forced labour - total of 65 victims, including:
  - 18 female victims, from whom three aged from 16 to 18 y.o.;
  - 47 male victims;
    - for the purpose of removal of body organs – no victims;
    - to be kept in forced servitude – one male victim;
    - against pregnant women for the purpose of selling their newborns – a total of nine women.

**For 2012:**

There were a total of 538 victims under cases completed in 2011, including:

- 475 female victims, from whom 41 aged from 16 to 18 y.o. and 7 aged from 14 to 16 y.o.;
- 63 male victims, from whom three aged from 16 to 18 y.o. and 14 aged from 14 to 16 y.o.

According to the type of exploitation:

- for the purpose of lecherous activities – total of 428 victims, including:
  - 411 female victims, from whom 38 aged from 16 to 18 y.o. and five aged from 14 to 16 y.o.;
  - 17 male victims, from whom 10 aged from 14 to 16 y.o.;
- for the purpose of forced labour - total of 44 victims, including:
  - 11 female victims, from whom two aged from 16 to 18 y.o. and one aged from 14 to 16 y.o.;
  - 33 male victims; from whom three aged from 16 to 18 y.o. and four aged from 14 to 16 y.o.
    - for the purpose of removal of body organs – two victims, one male and one female;
    - to be kept in forced servitude – 11 victims, including:
      - six female victims, from whom 1 aged from 16 to 18 y.o.;
      - five male victims;
  - against pregnant women for the purpose of selling their newborns – no victims.

#### Statistics of the criminal proceedings and the sentenced/sanctioned persons

Number of investigations (pre-trial proceedings) in cases of trafficking in human beings – the number of newly instigated pre-trial proceedings is indicated for the relevant period.

Number of criminal proceedings in cases of trafficking in human beings – the number of prosecutor's acts filed in court and the accused persons are indicated.

Number of conviction for trafficking in human beings imposing deprivation of liberty, indicating the term of the penalty and type of sentence – effective or suspended.

*In the following table data is provided by year*

Period	Newly instituted pre-trial proceedings for the period	Prosecutor's acts filed in court	Accused persons in prosecutor's acts filed in court	Convicted persons		Convicted and sanctioned persons with final convictions/decisions													
				Total	With final conviction	Imposed penalties													
						Total imposed penalties	Life imprisonment		Total number of imprisoned persons	Effective deprivation of liberty						Suspended sentence	Probation	Fine	Others
							Total	From them without parole		Total number effective deprivation of liberty	up to 3 years	up to 5 years	from 5 to 10 years	from 10 to 20 years	Above 20 years				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
<b>2010</b>	129	70	103	104	<b>95</b>	144	0	0	95	34	24	3	7	0	0	61	2	47	0
<b>2011</b>	134	80	112	128	<b>116</b>	176	0	0	115	47	34	10	3	0	0	68	4	51	6
<b>2012</b>	138	84	111	96	<b>105</b>	153	0	0	104	45	34	10	1	0	0	59	0	48	1
<b>2013</b>	105	84	125	102	<b>97</b>	143	0	0	97	33	28	4	1	0	0	64	0	46	0

Number of judgments (convictions) leading to confiscation of assets:

- 2010 – two convicted persons with imposed confiscation of assets under the Criminal Code (as concurrent sentences);
- 2011 – five convicted persons with imposed confiscation of assets under the Criminal Code (as concurrent sentences) and one convicted person with imposed subsequent confiscation of assets under the Forfeiting of Proceeds of Crime Act
- 2012 – no convicted persons with imposed confiscation of assets;
- 2013 r. – one convicted person with imposed confiscation of assets/forfeiting under Article 53 the Criminal Code.<sup>133</sup>

Cases established by Directory General Border Police for the period 2010 – 2013:

Data/Years <sup>134</sup>	2010	2011	2012	2013
Internal trafficking – number of cases	8	3	2	3
External trafficking – number of cases	117	68	54	47
Total number of identified victims:	248	200	147	197
Bulgarian nationals	248	200	146	197
of age	223	195	135	141
children	25	5	9	52
Foreign nationals	0	0	1	0
of age	0	0	1	0
children	0	0	0	0
Form of exploitation				

<sup>133</sup> Supreme Prosecution Office of Cassation

<sup>134</sup> Ministry of Interior, Directory General Border Police

sexual	199	143	83	129
labour	26	47	49	4
birth and sale of a newborn	22	4	13	4
removal of and trade in body organs	0	0	0	0
Other forms of forced servitude (pickpocketing and begging)	1	6	0	60

### Statistics from the Burgas Regional Prosecutor's Office for 2013:

- Number of newly instituted cases – 9
- Number of finalised cases from which:
  - Terminated – 0
  - Suspended – 2
  - Filed in court – 4
- Number and type of final convictions – 12:
  - Effective deprivation of liberty – 5
  - Suspended deprivation of liberty – 7
  - Fines – 11
- Number of convicted persons according to the form of trafficking:
  - For the purpose of sexual exploitation – 9
  - For the purpose of labour exploitation – 0
  - For the purpose of sale of newborns – 4
- Number of victims of trafficking in human beings – 79
  - For the purpose of sexual exploitation – 50
  - For the purpose of labour exploitation – 0
  - For the purpose of sale of newborns – 29<sup>135</sup>

### National Investigation Service:

Information for 2010 from the Investigation Offices under criterion „Illegal trafficking in human beings”

Article	Total investigated cases, per Articles of the Criminal Code	New cases:	Finalised to be filed in court	Finalised with proposed suspension	Finalised with proposed termination	Different outcome
Article 155, paras 5,1 and 2 Persuade an individual to practice prostitution; provide premises for different persons for sexual intercourse or for acts of lewdness; connected with an organized crime group, etc.	8	1	0	3	0	0
Article 159, para 2, Distribution of pornographic materials on the Internet	2	1	0	0	1	0
Article 159a, para 1 Recruitment of individuals for sexual activities, forced labour, etc.	42	26	5	9	3	0
Article 159a, para 2, Forced recruitment of individuals through abduction for sexual activities, forced labour, etc.	18	6	1	5	1	0

<sup>135</sup> LCCTHB Burgas

Article 159a, para 2, item 1 Trafficking of a minor	3	2	0	1	0	0
Article 159a, para 2, item 2 Trafficking through the use of coercion or by misleading an individual	3	3	0	1	0	0
Article 159a, para 2, item 4 Trafficking through abuse of a dependency status	1	0	0	0	0	0
Article 159a, para 3 Trafficking in human beings for the purpose of selling the child of a pregnant woman, etc.	14	5	1	1	2	0
Article 159 a-c Trafficking in human beings	5	5	1	1	0	0
Article 159b, para 1 Recruitment and smuggling of individuals for the purpose of using them for sexual activities, forces labour, etc.	61	28	8	14	7	2
Article 159b, para 2 and Article 159b, para 2 and 3 Recruitment and smuggling of individuals through abduction	77	42	14	14	4	1
Articles 159c, 159a, and 159b Recruitment of people – dangerous recidivism or at the orders of an organized crime group, etc.	17	12	1	2	0	1
Article 159d, Trafficking in human beings - dangerous recidivism	6	1	0	0	0	0
Article 182b,para 1 Consent for the sale of a child	8	4	1	1	0	0
Article 182b,para 2 Consent of a pregnant woman for the sale of her unborn child	8	3	1	0	0	0
<b>TOTAL</b>	<b>273</b>	<b>139</b>	<b>33</b>	<b>52</b>	<b>18</b>	<b>4</b>
<b>Total number of cases terminated without convictions: 32</b>						

Information for 2011 from the Investigation Offices, criterion „Illegal trafficking in human beings”

<b>Article</b>	<b>Total of investigated cases, per Articles of the Criminal Code</b>	<b>New cases:</b>	<b>Finalised to be filed in court</b>	<b>Finalised with proposed suspension</b>	<b>Finalised with proposed termination</b>	<b>Different outcome</b>
Article 155, para 5,1 and 2 Persuade an individual to practice prostitution; provide premises for different persons for sexual intercourse or for acts of lewdness; connected with an organized crime group, etc.	5	1	0	4	0	0
Article 159, para 2, Distribution of pornographic materials on the Internet	2	1	0	0	0	0
Article 159a, para 1 Recruitment of individuals for sexual activities, forced labour, etc	35	10	3	6	2	0
Article 159a, para 2, Forced recruitment of individuals through abduction for sexual activities, forced labour, etc.	16	4	3	2	1	0
Article 159a, para 2, item 1 Trafficking of a minor	7	3	1	1	2	1

Article 159a, para 2, item 2 Trafficking through the use of coercion or by misleading an individual	11	8	1	0	2	0
Article 159a, para 2, item 3 Trafficking through abduction, unlawful deprivation of liberty	2	1	0	0	0	0
Article 159a, para 2, item 4 Trafficking through abuse of a status of dependency	1	0	1	0	0	0
Article 159a, para 2, item 6 Trafficking through promising, giving away or receiving benefits	3	2	2	1	0	0
Article 159a, para 3 Trafficking in human beings for the purpose of selling the child of a pregnant woman, etc.	17	5	1	4	1	0
Article 159 a-c Trafficking in human beings	5	2	0	3	0	0
Article 159b Cross border trafficking in human beings	5	5	0	1	1	0
Article 159b, para 1 Recruitment and smuggling of individuals for the purpose of using them for sexual activities, forces labour, etc.	86	44	9	21	15	0
Article 159b, para 2 and Article 159b, para 2 and 3 Recruitment and smuggling of individuals through abduction	84	24	11	20	10	8
Articles 159c, 159a, and 159b Recruitment of people – dangerous recidivism or at the orders of an organized crime group, etc.	21	6	0	1	0	0
Article 159d, Trafficking in human beings - dangerous recidivism	13	8	1	0	0	0
Article 159d, proposition 2 Trafficking in human beings at the orders or in implementing a decision of an organized criminal group	8	0	1	7	0	0
Article 182b, para 1 Consent for the sale of a child	12	5	2	1	3	0
Article 182b, para 2 Consent of a pregnant woman for the sale of her unborn child	11	3	2	4	1	0
<b>TOTAL</b>	<b>344</b>	<b>132</b>	<b>38</b>	<b>76</b>	<b>38</b>	<b>9</b>
<b>Total number of cases terminated without convictions: 47</b>						

Information for 2012 from the Investigation Offices, criterion „Illegal trafficking in human beings“

Article	Total of investigated cases, per Articles of the Criminal Code	New cases:	Finalised to be filed in court	Finalised with proposed suspension	Finalised with proposed termination	Different outcome
Article 155, para 5,1 and 2 Persuade an individual to practice prostitution; provide premises for different persons for sexual intercourse or for acts of lewdness; connected with an organized crime group, etc.	4	1	0	2	0	0
Article 155, para 5, item 1, Persuade an individual to practice prostitution at the orders or	1	0	0	0	0	1



## Information for 2013 from the Investigation Offices, criterion „Illegal trafficking in human beings“

Article	Total of investigated cases, per Articles of the Criminal Code	New cases:	Finalised to be filed in court	Finalised with proposed suspension	Finalised with proposed termination	Different outcome
Article 155, para 5,1 and 2 Persuade an individual to practice prostitution; provide premises for different persons for sexual intercourse or for acts of lewdness; connected with an organized crime group, etc.	3	0	0	0	2	0
Article 155, para 5, item 1, Persuade an individual to practice prostitution at the orders or in implementing a decision of an organized criminal group	2	1	0	0	0	0
Article 159, para 2, Distribution of pornographic materials on the Internet	1	0	0	0	0	0
Article 159a, para 1 Recruitment of individuals for sexual activities, forced labour, etc.	47	15	4	8	6	1
Article 159a, para 2, Forced recruitment of individuals through abduction for sexual activities, forced labour, etc.	12	4	0	2	1	0
Article 159a, para 2, item 1 Trafficking of a minor	9	3	1	0	1	0
Article 159a, para 2, item 2 Trafficking through the use of coercion or by misleading an individual	9	1	0	0	0	1
Article 159a, para 2, item 3 Trafficking through abduction, unlawful deprivation of liberty	1	0	0	0	0	0
Article 159a, para 2, item 4 Trafficking through abuse of a status of dependency	1	0	0	1	0	0
Article 159a, para 2, item 6 Trafficking through promising, giving away or receiving benefits	11	8	0	0	1	0
Article 159a, para 3 Recruitment of individuals for the purpose of selling the child of a pregnant woman, etc.	18	3	0	3	0	0
Article 159 a-c Trafficking in human beings	5	0	2	0	1	0
Article 159b Cross border trafficking in human beings	2	0	0	1	1	0
Article 159b, para 1 Recruitment and smuggling of individuals for the purpose of using them for sexual activities, forced labour, etc.	81	28	10	24	11	1
Article 159b, para 2 and Article 159b, para 2 and 3 Recruitment and smuggling of individuals through abduction	90	33	16	14	8	0
Articles 159c, 159a, and 159b Recruitment of individuals – dangerous recidivism or at the orders of an organized crime group, etc.	27	1	2	0	0	0
Article 159d, Trafficking in human beings - dangerous recidivism	31	9	9	3	0	0

Article 182b, para 1 Consent for the sale of a child	6	1	0	0	1	0
Article 182b, para 2 Consent of a pregnant woman for the sale of her unborn child	13	4	4	1	1	0
<b>TOTAL</b>	<b>369</b>	<b>111</b>	<b>48</b>	<b>57</b>	<b>34</b>	<b>3</b>
<b>Total number of cases terminated without convictions: 44</b>						

Information for Jan-June 2014 from the Investigation Offices, criterion „Illegal trafficking in human beings”

Article	Total of investigated cases, per Articles of the Criminal Code	New cases:	Finalised to be filed in court	Finalised with proposed suspension	Finalised with proposed termination	Different outcome
Article 155, para 5,1 and 2 Persuade an individual to practice prostitution; provide premises for different persons for sexual intercourse or for acts of lewdness; connected with an organized crime group, etc.	1	0	0	0	0	0
Article 155, para 5, item 1, Persuade an individual to practice prostitution at the orders or in implementing a decision of an organized criminal group	1	0	0	0	0	0
Article 159a, para 1 Recruitment of individuals for sexual activities, forced labour, etc.	2	1	1	0	0	0
Article 159a, para 2, Forced recruitment of individuals through abduction for sexual activities, forced labour, etc.	30	6	0	4	2	0
Article 159a, para 2, item 1 Trafficking of a minor	10	0	1	3	0	0
Article 159a, para 2, item 2 Trafficking through the use of coercion or by misleading an individual	8	1	2	2	1	0
Article 159a, para 1 Recruitment of individuals for sexual activities, forced labour, etc.	12	1	0	2	1	0
Article 159a, para 2, item 3 Trafficking through abduction, unlawful deprivation of liberty	1	0	0	0	0	0
Article 159a, para 2, item 6 Trafficking through promising, giving away or receiving benefits	11	1	3	0	1	0
Article 159a, para 3 Recruitment of individuals for the purpose of selling the child of a pregnant woman, etc.	19	1	0	1	2	0
Article 159 a-c belonging to the group Trafficking in human beings	2	0	0	0	0	0
Article 159b Cross border trafficking in human beings	1	1	0	0	0	0
Article 159b, para 1 Recruitment and smuggling of individuals for the purpose of using them for sexual activities, forced labour, etc.	62	14	3	15	4	1
Article 159b, para 2 and Article 159b, para 2 and 3	76	9	18	8	11	4



Recruitment and smuggling of individuals through abduction						
Articles 159c, 159a, and 159b Recruitment of individuals – dangerous recidivism or at the orders of an organized crime group, etc.	23	0	3	0	0	0
Article 159d, Trafficking in human beings - dangerous recidivism	23	1	11	0	1	0
Article 182b, para 1 Consent for the sale of a child	7	2	1	0	1	0
Article 182b, para 2 Consent of a pregnant woman for the sale of her unborn child	7	0	1	0	2	0
TOTAL	296	38	44	35	26	5
<b>Total number of cases terminated without convictions: 30</b>						

## State Agency for Child Protection

### Statistics for trafficking in human beings (annual data, starting from 2010)

#### Data for 2010

In 2010 the State Agency for Child Protection worked on a total of **48** cases under the Coordination Mechanism for Referral and Care of Unaccompanied Minors and Child Victims of Trafficking Returning from Abroad. **15** cases concerned child victims of sexual violence and exploitation and two cases concerned trafficking in and sale of babies. Eight of the 15 cases of child victims of sexual violence and exploitation concerned the Bulgarian boys in Bordeaux.

In June 2010 the State Agency for Child Protection acted *ex officio* upon data published in the media regarding detained Bulgarians of Roma origin in Bordeaux, France who involved their minor children in prostitution.

The State Agency for Child Protection required detailed information from the Ministry of Interior and the Bulgarian Embassy to France about the identity of the eight minor boys who had been involved in sexual exploitation by their parents. A social study carried out in the habitual place of residence of the boys in Bulgaria established that none of the boys had returned to Bulgaria.

Acting upon data received through the Bulgarian Embassy to France from the deputy prosecutor to the court since the children's parents were in prison, a social investigation to establish the possibilities for relatives of the children to take care for them was ordered. Two of the children were placed in foster families and two – in social institutions in Bordeaux.

In 2010 **34 girls and 14 boys** became victims of trafficking in human beings for the purpose of labour or sexual exploitation. Cases involving children concern the following states: Greece – 13, France -10, Germany – 6, Austria – 6, Italy – 4, Poland – 2, Bosna and Herzegovina – 2, Finland – 1, Portugal -1, Slovakia – 1.

The chairperson of the State Agency for Child Protection has proposed, within her powers, to the minister of interior opinions for imposing administrative penalties under Article 76a of the Bulgarian IDs Act in relation to **32** children who have been involved in harmful activities.

In 2010 **11** children were repatriated from other countries to Bulgaria.

#### Data for 2011

In 2011 the State Agency for Child Protection worked on a total of **47** cases under the Coordination Mechanism for Referral and Care of Unaccompanied Minors and Child Victims of Trafficking Returning from Abroad, of which **36 girls and 11 boys**. Cases involving children concern the following states: Spain – 10, Austria – 7, Greece – 7, Germany – 7, England – 5, Sweden – 3, the Czech Republic – 2, the Netherlands – 2, Bulgaria – 4. The children were involved in the following inappropriate activities:

- pickpocketing – 22
- begging – 6
- unaccompanied minors – 10

- neglected children – 4
- trafficking in newborns – 2
- sexual exploitation – 3.

The chairperson of the State Agency for Child Protection has proposed, within her powers, to the minister of interior opinions for imposing administrative penalties under Article 76a of the Bulgarian IDs Act in relation to **33 children** who have been involved in harmful activities. In 2011 **12** children were repatriated from other countries to Bulgaria.

In 2011 12 cases of Bulgarian children left immediately after birth in Member States of the European Union were registered. None of the children's parents showed any interest in the children. After the Bulgarian social services checked the close relatives of the children, it turned out that in most of the cases the close relatives were never informed of these children's birth.

### Data for 2012

In 2012 the State Agency for Child Protection worked on a total of **66** cases under the Coordination Mechanism for Referral and Care of Unaccompanied Minors and Child Victims of Trafficking Returning from Abroad. In 2012 **48 girls and 18 boys** became victims of trafficking in human beings for the purpose of labour or sexual exploitation.

Cases involving children concern the following EU Member States: Greece – 14, Germany – 12, Spain – 8, Sweden – 5, Finland – 5, Austria – 4, Bulgaria – 3. The Czech Republic – 3, Poland – 2, Italy – 2, England – 2, the Netherlands – 2, France – 1, Denmark – 1, Hungary – 1, Slovenia – 1. In 2012 the State Agency for Child Protection received three signals of internal trafficking.

Most of the registered cases of Bulgarian children at risk concern Greece, Germany, Spain and the Scandinavian countries (Sweden and Finland).

The migration triggered by the economic crisis put more and more children at risk. These Bulgarian children living abroad do not attend schools, have no access to health care, and live in poor conditions that threaten their life and health. Their parents move from one EU Member State to another, without a secured job, income or normal living conditions. This is a strain for the welfare systems of all European states, involving costs for child care as well as many institutions and organisations in the EU Member States.

Children are mostly from the ethnic minorities. They fall within the group of vulnerable persons because of their age which does not presuppose taking individual decisions, their parents' poverty, and the poor living conditions they live in in Bulgaria and abroad. The signals received concerned:

- pickpocketing – 12
- begging – 10
- sexual exploitation – 9
- neglecting Bulgarian child migrants in EU Member States – 20
- potential child victims of trafficking in human beings – 12
- trafficking in newborns – 3.

In 2012 24 children were repatriated from EU Member States, most of the cases being from Spain. The majority of these 24 children were placed upon their return to Bulgaria in crisis centres for child victims of violence or trafficking in human beings.

To improve protection of children and as a prevention against their re-trafficking for the purpose of labour or sexual exploitation, the chairperson of the State Agency for Child Protection proposed in 2012, acting within her powers, to the minister of interior 42 opinions for imposing administrative penalties under Article 76a of the Bulgarian IDs Act.

**Data for 2013**

	<b>Pickpocketing</b>	<b>Begging</b>	<b>Sexual exploitation</b>
<b>The total number of child victims of trafficking and exploitation for 2013 is 60</b>	<b>18</b>	<b>32</b>	<b>10</b>
<b>Sex</b>			
- Boys	4	25	0
- Girls	14	7	10
<b>Age</b>			
- 0-7 years	0	6	0
- 8-12 years	1	11	0
- 13-16 years	14	12	3
- 17-18 years	3	3	7
<b>Country</b>			
- Germany	0	0	2
- Greece	1	22	3
- Spain	3	1	2
- Italy	3	1	1
- Cyprus	0		1
- Poland	0	0	1
- England	3	0	0
- Denmark	2	0	0
- Slovakia	1	0	0
- Czech Republic	1	0	0
- Sweden	4	0	0
- Belgium	0	2	0
- France	0	1	0
- Austria	0	5	0
<b>Family status</b>			
- with parent	6	19	1
- with relative	6	6	0
- unaccompanied	6	7	9
<b>Province</b>			
- Blagoevgrad	0	1	1
- Varna	0	0	1
- Dobrich	0	0	1
- Lovech	0	1	1
- Pleven	9	18	1
- Sofia city	2	2	3
- Yambol	0	0	1
- Ruse	2	0	1
- Veliko Tarnovo	2	2	
- Pazardzhik	1	4	
- Pernik	1	0	
- Sofia district	1	2	
- Gabrovo		1	
- Shumen		1	

In 2013 reasoned opinions in relation to 112 children, **56 girls and 56 boys**, were made to the minister of interior for imposing administrative penalties under Article 76a of the Bulgarian IDs Act for a period up to two years.

In 2013 the State Agency for Child Protection received **75** signals concerning children – **41 girls and 34 boys**, who had become victims of the migration processes triggered by the economic crisis. It was established that these children do not attend school, live in extremely poor conditions abroad together with their parents who fail to provide their daily care or ensure their development and security. These circumstances determine the children's vulnerable condition that makes them potential victims of trafficking and exploitation. These children's parents leave Bulgaria without having secured themselves a job, steady income and normal living conditions. The states where it has been established that these children reside with their parents are as follows: France – 49, Austria – 3, England – 6, Germany – 3, Greece – 1, Spain – 2, Italy – 2, Poland – 3, the Netherlands – 2, the Czech Republic – 1, Switzerland – 1 and Sweden – 1.

In 2013 **95 children** were repatriated from EU Member States to Bulgaria, of these **46 girls and 49 boys from the following states**: Greece – 22, Austria – 3, England – 4, Belgium – 2, Germany – 3, Denmark – 3, Spain – 4, Italy – 2, Cyprus – 1, Poland – 4, France – 43, the Czech Republic – 2, and Sweden – 2.

Of these 32 children were repatriated from EU Member States as victims of labour and sexual exploitation, namely nine children repatriated for systemic thefts; 16 children for active begging; and seven children for sexual exploitation. The countries of destination are Greece – 21, Spain – 3, Austria – 3, Belgium – 2, Italy – 1, Cyprus – 1, and Poland – 1. All the other remaining 63 children were repatriated by the respective social and police bodies because of poor care by their parents in the country of final destination.<sup>136</sup>

<sup>136</sup> State Agency for Child Protection