



# **G R E T A**

Group of Experts on Action  
against Trafficking in Human Beings

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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**

### **Third evaluation round**

Thematic focus: Access to justice and effective remedies for victims of trafficking in human beings

**Reply submitted on 21 June 2019**

## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), 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.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings (THB), the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' **access to justice and effective remedies**, which is essential for victims' rehabilitation and reinstatement of rights and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics, through a separate country-specific part of the questionnaire, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. 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. 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 second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, 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.

## Part I - Access to justice and effective remedies

### 1. Right to information (Articles 12 and 15)

1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.

#### State Agency for Child Protection (SACP):

According to Chapter Two "Informing the Victims of Crime of their Rights", Art. 6, para. 1 of the **Crime Victim Assistance and Financial Compensation Act (CVAFCA)**, prom. SG, no. 105 of 22 December 2006, the authorities of the Ministry of Interior, investigators and victim support organizations shall immediately notify the victims of:

1. their options for access to medical care, the organizations to which victims can turn for counselling and support provided free of charge, and the types of counselling and support which they can obtain free of charge;
2. victims' right to legal aid, the services to which they can turn in order to exercise that right, and the terms and procedures for obtaining legal aid free of charge;
3. the services to which a crime can be reported, the procedures following such a report, and the types of action which victims can take under the applicable terms and procedures;
4. the services to which an alert may be submitted in case of violation of their rights by the competent authority acting in the framework of the criminal proceedings;
5. victims' rights in the criminal process and the options for their participation in it;
6. the services to which victims can turn for protection for themselves and their relatives, and the terms and procedures for obtaining such protection;
7. the services to which victims can turn for financial compensation from the State, and the terms and procedures for obtaining such compensation;
8. possible ways of protecting victims' rights and interests if they are foreign nationals who are victims of crime in the Republic of Bulgaria;
9. possible ways of protecting victims' rights and interests if they are victims of crime in another country, and the services to which they can turn in such cases.

The supervising prosecutor during the pre-trial proceedings monitors the fulfilment of the obligations of the investigating authorities to provide the above information.

Upon notification, the competent authorities shall take into account the state of the victims, including their age. The notification shall be made orally and in writing by means of a standard form in a language that the victims understand. The notification shall be accompanied by a standard protocol, in duplicate, which shall be registered in accordance with the procedure laid down in the relevant body or organization. One copy of the protocol and the form shall be given to the victim.

The missions of the Republic of Bulgaria abroad, in the Member States of the European Union, shall inform in writing the Bulgarian nationals present there who have been victims of crime on the territory of the receiving State, for the competent authorities of that country from which they may seek support and financial compensation.

According to Art. 7 of the CVAFCA The National Council for Assistance and Compensation to Victims of Crime ("National Council") shall:

1. publish and distribute a **brochure** in the Bulgarian, English, German and French languages, containing the information required under Article 6, Paragraph 1
2. provide the brochure, for the purpose of its **free circulation**, to the services and organizations referred to in Article 6, Paragraph 1 and to medical treatment facilities, social assistance services and other legal entities which, in the course of their operation, come into contact with victims of crime.

The information contained in the brochure shall be published on the Internet pages of the National Council, the Ministry of Interior, victim support organizations.

The National Council, jointly with victim support organizations, shall be in charge of maintaining a permanent toll-free telephone line using a single national telephone number to provide information to victims of crime. The telephone line operator shall report to the services of the Ministry of Interior any victims who are in danger.

The National Council, jointly with victim support organizations and executive or local government services with authority in the field of crime victim protection, shall organize public campaigns to raise citizens' awareness of their rights as victims of crime.

According to Art. 4 of the **Regulations Governing Temporary Placement Shelters and Protection and Support Centres for THB Victims**, adopted by Decree of the Council of Ministers No 49 / 01.03.2004, prom. SG 19 /09.03.2004, the local anti-trafficking commissions set up protection and support centres in service to the victims of trafficking in human beings, which shall: 1. provide information about administrative and court procedures that accord victims of human trafficking protection and support in a language the latter understand; 2. ensure specialized psychological and medical care; 3. assist in the reintegration of victims in the family and social environment;

Victims of trafficking in human beings shall be informed in a language they understand about their rights and obligations during their stay, their right to seek asylum, and the services provided by the protection and support centres.

Pursuant to the **Combating Trafficking in Human Beings Act (CTHBA)**, prom, SG. 46 from 20.05. 2003, after identifying the victims of trafficking, pre-trial authorities are required to immediately inform them of the possibility of receiving special protection if they declare within one month their consent to collaborate with the investigation (Article 26 , para 1 of the CTHBA). At the suggestion of the **State Agency for Child Protection (SACP)**, the reflection period can be extended to two months when the victim is a child (Article 26, paragraph 3 of the CTHBA).

Materials designed to inform victims of trafficking in human beings are available online as well as on paper (distributed through all competent institutions, including the NCCTHB administration). The materials can be viewed at:

<http://www.compensation.bg/en>

http://www.compensation.bg/en/node/18

#### Ministry of Justice (MoJ):

The National Legal Aid Bureau (NLAB) provides information on the rights of human trafficking victims prior to the commencement of legal proceedings and in the form of consultation, legal advice and preparation of documents before the relevant investigative bodies or a court for the opening of criminal or civil proceedings.

The information is provided through the NLAB's functioning:

- National legal aid hotline, served by lawyers from the Sofia Bar Association, registered in the National Legal Aid Register;
- 12 Regional counselling centres with Bar Councils: Vidin, Sliven, Pleven, Veliko Tarnovo, Gabrovo, Varna, Haskovo, Kardzhali, Stara Zagora, Blagoevgrad, Pernik, Pazardzhik, served by lawyers from the relevant Bar Association, registered in the NLAR;
- Public defenders assigned and appointed on requests for legal aid by trafficked persons;
- Information brochures;
- Videos.

Victims of trafficking in human beings, insofar as they are persons who have suffered material or non-material damage from the crime, have the status of a victim in the criminal proceedings. In the pre-trial proceedings, the victim has the following rights: to be informed of their rights in the criminal proceedings; to receive assurance for their safety and that of their relatives; to be informed about the course of criminal proceedings; to participate in the proceedings as set out in this Code; to make requests, remarks and objections; to appeal against acts that lead to the suspension or termination of the criminal proceedings; to have a trustee; to receive a translation of the decree terminating or suspending the criminal proceedings if they do not speak the Bulgarian language.

The body that initiates pre-trial proceedings shall immediately notify the victim of their rights if they have indicated an address for serving in the country.

**Ministry of Interior (MoI):**

When identifying victims of trafficking in human beings, the competent structures of the **Ministry of Interior (MoI)** inform said victims that they are entitled to medical, psychological and legal aid as well as financial compensation and protection of their safety, in accordance with the respective statutory instruments. In this activity, police officers are guided by the provisions of the National Mechanism for Referring and Support of Victims of Trafficking in Human Beings.

Coordination and active cooperation with the **National Commission for Combating Trafficking in Human Beings (NCCTHB)** and **non-governmental organizations (NGOs)** is carried out in order to provide support to victims of trafficking and to attract them as witnesses in criminal proceedings in the country and / or abroad against traffickers. Any potential victims of trafficking in human beings are informed about their rights regarding the period of reflection, legal protection and compensation under the current Bulgarian legislation. An organization has been set up to provide the necessary assistance to third-country victims regarding their safe return to their country of origin.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

**Administration of NCCTHB:**

In NCCTHB's specialized services for victims of THB, carried out by NGOs, there is an opportunity to provide translation and interpreting to the client when he or she is a foreigner. For the period 2015-18 in the services there are several cases of accommodated foreign citizens: a Polish citizen and a Russian or Ukrainian citizen (unidentified) at the shelter in Varna; two children, Romanian citizens, and a citizen of Sierra Leone in Burgas services.

**2. Legal assistance and free legal aid (Article 15)**

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

**Ministry of Justice (MoJ):**

Authorities providing legal aid vary according to the type of legal aid:

NLAB is the body that provides legal aid for consultation with a view to reaching an agreement before the commencement of legal proceedings or the filing of a case, as well as the preparation of the filing documents. Legal aid is provided from the moment when the NLAB is approached with a signal from the Crisis Centre where the victim of trafficking is placed or with an application filed by the trafficked person. On the basis of these applications, a decision on the provision of legal aid by the President of the Bureau is made, informing the person concerned.

The investigative authorities and the court are the bodies that provide legal aid for procedural representation in criminal and civil proceedings.

- The first case where legal aid is allowed by a motivated act of the investigative body or the court is the case where, under the **Criminal Procedure Code (CrPC)**, the **Civil Procedure Code (CiPC)**, the **Child Protection Act (CPA)** lawyer defence is required if the victim has not authorized a lawyer.

- The second case where legal aid is allowed is at the request of the injured party, a civil claimant, where they does not have the means to authorize a lawyer.

**SACP:**

Art. 10 of the CVAFCA provides that victims of crime may receive free legal aid under the terms and procedure of the **Legal Aid Act (LAA)**, promulgated SG. No. 79 of 04.10.2005.

The victim's right to legal aid arises from the moment he / she was identified as a victim, in accordance with Art. 6 of the CVAFCA and the National Mechanism for Referral and Support to Victims of Trafficking in Human Beings (NMR).

According to Art. 75 of the **CrPC**, the victim's right to be represented by a lawyer in criminal proceedings arises from the moment he / she decides to cooperate with the investigative authorities.

The other way in which victims have access to legal aid is through **NGOs** active in the field of human rights protection.

According to Art. 22 of the LAA, the legal aid is free of charge and is provided to: a child at risk within the meaning of the Child Protection Act; victims of domestic or sexual violence or trafficking in human beings, who do not have the means, and wish to use legal counsel; persons seeking international protection under the Asylum and Refugees Act, for whom the provision of legal aid is not due under another legal basis.

Children victims of trafficking in Bulgaria benefit from protection under two regimes - trafficking legislation and child protection legislation.

In § 1, item 11b of the Supplementary Provision of the **CPA**, children at risk are defined as victims of "abuse, violence, exploitation or any other inhuman or degrading treatment or punishment within or outside the family". Victims of trafficking undoubtedly fall into the category of children at risk and as such are entitled to special protection (Article 3, paragraph 4 of the CPA).

The status of children victims of crime, incl. trafficking, is regulated in several provisions of the CrPC. Trafficking in human beings is a crime of a general nature where the investigation starts ex officio but a legitimate reason for this may be the communication of the victims to the relevant authorities (Article 208 of the CrPC).

Children may be represented by a lawyer, their parents or grandparents. Where the interests of the child victim and their parent, guardian or trustee are in conflict, the relevant body shall appoint a special representative - a lawyer (Article 101 of the CrPC). The competent authorities under the CPA (Social Assistance Directorates) are responsible for ensuring the representation of children without families who are victims of trafficking, including unaccompanied foreign children. Bodies, shelters and centres under the **CTHBA** shall also take immediate action to search for the families of children who are victims of trafficking (Article 24 of the CTHBA).

#### Dobreva & Bekirska Lawyer Association:

The UNICEF-Bulgaria Foundation provides funding for legal aid for children affected by all forms of violence, including victims of trafficking, in Sofia, Shumen and Montana on a project basis. In Sofia there is a practice that the Child Protection Departments should only direct children to the contractor of this project (Animus Association Foundation) for legal advice.

#### 2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

#### Ministry of Justice (MoJ):

All victims of trafficking, regardless of gender, age, nationality, ethnicity and religion who have expressed their wish to use legal aid due to lack of funds to authorize a lawyer or who have been notified to the authorities, are entitled to free legal aid.

These individuals have access to legal aid as long as they have expressed their wish for that and have not authorized a lawyer.

The conditions for granting legal aid are cumulative and are as follows:

- the person is identified as a victim of trafficking in human beings;
- the person wishes to use lawyer defence;
- the person did not authorize a lawyer.

The proceedings in which such defence can take place are criminal and civil.

#### Dobreva & Bekirska Lawyer Association:

The Program for Legal Protection of Refugees and Migrants of the Bulgarian Helsinki Committee provides free legal aid to persons accommodated in temporary shelters for refugees and illegal migrants. A lawyer from the program periodically visits the Busmantsi facility and the centres outside of Sofia to meet the residents. Also, every Friday in the office of the organization there are reception hours with an Arabian translator for legal advice.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

Ministry of Justice (MoJ):

Legal aid is free of charge for all child victims of trafficking.

Providing legal aid to children is unconditional (Article 22, paragraph 1, paragraphs 4 and 5 of the Legal Aid Act, Article 4, Item 11, Article 15, Paragraph 8 of the Child Protection Act), as well as for all the victims of trafficking who do not have the means and wish to use legal defence and the interests of justice require this - Art. 22, item 7 of the Legal Aid Act and Art. 23, para. 1, sentence 2 of the Legal Aid Act.

In the criminal proceedings - pre-trial and judicial phase, the victims of trafficking in human beings have the characteristics of victims of crime. The constitution of the victim in the criminal proceedings shall only be at their express request and if there is no authorized defence counsel, an official (trustee) of the pre-trial or court bodies shall be appointed to provide legal aid. The victim can bring a civil claim in the criminal proceedings and, if it is not dealt with in the criminal proceedings, may be brought before the civil court under the laws in force.

If the victim of trafficking is a child, legal aid is provided unconditionally.

SACP:

**The Legal Aid Act** regulates legal aid in criminal, civil and administrative matters before all courts. Legal aid under this act is carried out by lawyers and is funded by the state.

Types of legal aid are: 1. consultation in view of reaching an agreement out of the court room before the beginning of the judicial proceedings or before submitting a case to the court; 2. drafting documents necessary for submitting a case; 3. representation in court; 4. representation in cases of detention under art. 70 (1) of the Ministry of Internal Affairs Act.

Children are entitled to legal aid and appeal in all proceedings affecting their rights or interests (Article 15, paragraph 8 of the CPA). The Social Assistance Directorate provides legal aid to the child and the parents, guardians, custodians or carers by providing advice and consultations on issues related to the rights of the child (Article 31 of the Regulations on the Application of the Child Protection Act).

According to Art. 7 of the CPA, a person who becomes aware that a child needs protection, is obliged to immediately notify the Social Assistance Directorate, the State Agency for Child Protection or the Ministry of Interior. Upon receipt of information on a child victim of trafficking, the Ministry of Interior and the State Agency for Child Protection shall be notified within 24 hours, and take the appropriate measures under the CPA (Article 21 of the CTHBA).

Dobreva & Bekirska Lawyer Association:

In January 2019, a woman who participated as a witness and a victim in pre-trial proceedings for human trafficking applied to the NLAB for free primary legal aid on the basis of her status as a trafficked person by enclosing the appropriate evidence from pre-trial proceedings. The NLAB required her to declare a property status and granted her a free lawyer under Art. 22, para. 1, item 7 of the LAA, which states "victims of domestic or sexual violence or trafficking in human beings, who do not have the means and want to use lawyer defence". The assistance is not for the main case, but for the settlement of the custody of the victim's child. Primary legal aid consists in the consultation and preparation of filing documents, including the preparation of a claim for compensation.

Similarly, free legal aid is provided under Art. 22, para. 1, item 5 of the Child Protection Act to " a child at risk under the Child Protection Act".

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

Ministry of Justice (MoJ):

The National Legal Aid Bureau has a list of lawyers registered in the National Legal Aid Register trained to advise and represent victims of trafficking in human beings.

With the special instructions of the National Legal Aid Bureau, it is recommended that the Bar councils create the same specialized registers by profile of the lawyer, given the legal scope the lawyer has stated and with a view to fulfilling the duties of the Bar Councils under Art. 18, item 3 of the Legal Aid Act, for the provision and appointment of a suitable lawyer in a particular case. When assigning public defenders, bar associations shall comply with the list of lawyers who have undergone training and specialization and are appropriately qualified to protect the rights of victims of trafficking.

Minimum standards and unified procedures have been developed to provide legal aid to victims of trafficking, which standards and procedures are applied by all authorities in the legal aid system - bar councils, investigative bodies, courts of law, and defence attorneys.

Dobreva & Bekirska Lawyer Association:

There are such attorneys, but they have formed their qualification on good will and there is no obligation for them to specialize in an area to be able to represent certain clients. A large number of lawyers in Bulgaria have been practicing for decades alongside the level of knowledge they have received at the university. Only in 2018 a statutory requirement for lawyers to upgrade their qualifications was introduced, in Ordinance No. 4 of 2006 on maintaining and raising the qualification of lawyers and lawyers from the European Union. This Ordinance provides that for the maintenance and improvement of their qualifications lawyers are required to participate annually in no less than eight training hours in a form and subject chosen by them. The enforcement of the lawyers' duty to maintain and increase their qualification is exercised by the Bar Councils at the Bar Associations in an order determined by the Supreme Bar Council.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

Ministry of Justice (MoJ) :

Legal aid for victims of trafficking is funded by the State and is free of charge for them - free of charge for legal aid, for initiating proceedings and without reimbursement of legal expenses.

### **3. Compensation from the perpetrators (Article 15)**

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

Ministry of Justice (MoJ):

The criminal and civil liability of the perpetrator is inextricably linked and at the same time can be realized independently of one another. According to the provision of Art. 84, para. (1) of the **CrPC**, the victim or their heirs, as well as the legal persons who have suffered damages from the crime, may bring a civil claim for damages in the court proceedings and settle as civil claimants.

This is only possible in so far as the civil claim is not filed under the **Civil Procedure Code**. Thus, the victim of the crime subject to the charge is given the opportunity to assess whether to bring a civil action in the criminal proceedings for compensation for the damage suffered or to seek their civil rights.

If they have not received any compensation in the course of a trial, the victim may seek a **remedy** under the **Crime Victim Assistance and Financial Compensation Act**, which introduces the requirements of **Directive 2004/80** relating to compensation of crime victims.

#### Supreme Court of Cassation:

The victim may participate as a party to the process, namely: as a private prosecutor and / or civil claimant, as well as to use the services of a lawyer who is their trustee. The court is required to explain to the victim of the crime that they have the right to participate in the process as a private prosecutor and / or a civil claimant. If the victim wishes to obtain compensation for damages suffered by the offence subject to the charge, they should seek to be constituted as a civil claimant.

Custodians have an obligation to provide legal advice and care for the rights of the persons they represent. In the event that the victim does not have the financial means to engage a trustee of their choice, they shall have the right to ask the court to be appointed an official trustee under the **Legal Aid Act**.

Minor victims participates in the process through their legal representative - a parent or guardian. Minor victims act in person and with the consent of a parent or guardian - they take part in the trial personally, and their actions need confirmation from a parent or guardian. Where the interests of the minor victim and their parent, guardian or trustee are in conflict, the relevant body shall appoint a special representative - a lawyer (pursuant to Article 101 of the Criminal Proceedings Act).

The court does not have the power to award damages to the victim on its own initiative but is bound by the victim's initiative to bring civil action against the defendant. Where there is a civil action filed and accepted for joint trial in legal proceedings Art. 45 of **the Obligations and Contracts Act**, the court may determine compensation in an appropriate amount in order to compensate for the suffered damages.

In Art. 51 of the **Criminal Proceedings Code** there is the **possibility for the prosecutor to bring civil action** in favour of the victim if the latter cannot defend their rights due to being a minor or physical or mental deficiencies. In this case, on a claim brought by the prosecutor, the court may award to the victim compensation for damages caused by the offense subject to the criminal proceedings.

#### Administration of NCCTHB:

In addition, the prosecutor's office and the injured party have the right to request the attachment of the property of the accused and during the pre-trial and legal proceedings as a guarantee of the claim for damages (and a fine).

#### Dobreva & Bekirska Lawyer Association:

There are no practical problems with the award of moral damages. Before talking about "awarding" property damage - for example, money earned from prostitution, attention should first be paid to the admissibility of such a claim. In Bulgaria, jurisprudence is increasingly united by the view that this claim is inadmissible and that there is no legal basis, since the acquisition of these funds is criminalized. It is therefore necessary to repeal Art. 329, para. 1 of the Criminal Code. This provision of 1968, combined with Interpretative Decision No 29 / 29.11.1984, No 20 / 84d. of the General Assembly of the Criminal Bar that "the work performed in prohibited professions or activities such as illicit trade, entrepreneurship, betting, speculation, gambling, etc. is not considered work for the public benefit" precisely serves as the formal basis for Bulgarian judges to reject such claims as unfounded and even inadmissible, justifying that prostitution in Bulgaria is criminalized. In the draft of the new Criminal Code of 2013 (in the MoJ already for a 6th year) the offence under Art. 329, para. 1 of the Criminal Code is missing.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

### Ministry of Justice (MoJ):

Under the provisions of the **CVAFCA**, financial compensation from the state can be obtained by victims when they have suffered damage from a number of crimes, including trafficking in human beings.

The financial compensation under the CVAFCA, provided by the State covers, either individually or jointly, the pecuniary damage that is a direct consequence of the crime and is expressed in: 1. medical expenses, except for expenses covered by the budget of the National Health Insurance Fund; 2. lost income; 3. legal fees and litigation costs; 4. lost support to dependants; 5. funeral expenses; 6. other pecuniary damages. The amount of the financial compensation was increased to BGN 10,000 for all persons entitled under the Act, and when it is granted to persons under the age of majority, the compensation will amount to BGN 10,000 per person. All pecuniary damages shall be proved by the victims with supporting documents, according to the provisions of Chapter Four of the Regulations for the application of the CVAFCA.

Financial compensation shall not be awarded when: 1. the victim has been sentenced for a crime referred to in Article 3, Paragraph 3 within the last 5 years prior to applying for financial compensation; 2. the crime was committed in a state of high agitation, provoked by the victim with unlawful action, due to which grave consequences occurred or could have occurred for the culprit or the culprit's next-of-kin; 3. the crime was committed by exceeding the limits of reasonable self-defence; 4. the victim has received compensation by other means; 5. the victim has not reported the crime to the competent authorities, except if the victim has valid reasons for failing to do so.

Where a victim contributed to the occurrence of the criminal consequences, this shall entail a reduction of the financial compensation which the victim could obtain.

### Supreme Court of Cassation:

In determining the amount of compensation, the following shall be taken into account in **criminal proceedings**:

In the criminal proceedings, only damages suffered by the offence subject to the charge may be claimed.

If the victim claims compensation for pecuniary damages, then the maximum amount of the compensation may reach the value of the pecuniary damages caused by the offence subject to the charge. In the indictment, this amount is fixed in and if compensation is awarded for pecuniary damages, the court is obliged to award the corresponding compensation up to that amount. The victim has the option of bringing an action under the **Civil Procedure Code** if they consider they have suffered pecuniary damage not included in the indictment.

Where the victim claims compensation for non-pecuniary damage, they shall, at their discretion, determine the amount they wish to receive; there is no upper limit of the amount that can be claimed as compensation. The court shall award a fair compensation in accordance with Art. 52 of the **OCA**. The ruling judicial body determines the exact amount of the non-pecuniary damage compensation that meets the equity criterion set out in the OCA. If the victim who acts in the criminal proceedings as a civil claimant is dissatisfied with the award, they have the right to appeal before the appellate body requesting an increase in the amount of compensation awarded. Depending on whether the case is considered at three court levels, the civil claimant could also file a cassation complaint requesting that his claim be honoured in full.

When it is established that the victim has contributed to the damage, i.e. their own conduct contributed to the result that justifies their claim for damages, the court may reduce the amount of compensation for damages under Art. 51 of the OCA.

### Dobreva & Bekirska Lawyer Association:

Compensation for moral damages is calculated on the basis of past cases of enforced judicial acts concerning human trafficking or rape. Forced sexual exploitation is an unwanted sexual act, like rape, so rape compensation can serve as a reference to trafficking in human beings. The amount is determined individually in each case and depends on: the period of exploitation; the age of the victim; pregnancy of

the victim; infecting the victim with sexually transmitted diseases; physical violence, etc. The case-law provides the following examples:

- **Judgement No 170 of 13 May 2015 of the Supreme Court of Cassation (SCC)** on criminal case No. 308/2015, I c.d. A civil claim was upheld, for non-pecuniary damages amounting to BGN 20,000, for a human trafficking offence for use in debauchery for a total of six and a half months.
- **Judgement No 91 of 24.03.2009 of the Supreme Court of Cassation** under No. 64/2009, I c.d. Confirmed a verdict of December 16, 2008, under No. 833/2008 of the Pazardzhik Regional Court. A civil claim was upheld for non-pecuniary damage amounting to BGN 10,000 for a human trafficking offence for use in debauchery for 2 years and 2 months.

Information from monitored cases of trafficking in human beings in 2014-2015 and legal analysis (under the project "Assistance to victims of trafficking in Bulgaria, Slovakia and Romania to receive legal aid - a human rights-based approach", with Principal Applicant Dutch Helsinki Committee / HOME / 2011 / ISEC / AG / 4000002581 /):

Case law of the Bulgarian courts regarding awarded compensation payable by traffickers:

1. Judgement of 24.03.2009 of the Supreme Court of Cassation I CD on criminal case No. 64/2009 (confirms a verdict of 16.12.2008 of the Pazardzhik Regional Court under No. 833/2008) - compensation for non-pecuniary damages caused by the offence under Art. (A fact: in March 2002, the defendant coerced two women to prostitution and transported them abroad, where they prostituted for a total of 2 years and 2 months). The SCC notes: "The damaging consequences for the plaintiffs are judged in a fair manner both in terms of the period of their use for debauchery and the reasons that motivated them to follow the defendant abroad and to be subjected to this humiliation without any special advantage for them -poor family and financial situation in their home country, which is obliged to provide their legal protection".

2. Judgement of 29.10.2010 of the Supreme Court of Cassation I CD on criminal case No. 427/2010 (confirms the appeals decision No. 89 of 09.06.2010 on general criminal case 52/2010 of the Burgas Court of Appeals, which amended verdict No 5 of 04.02.2010 on general criminal case No. 6/2010 of Sliven Regional Court) - compensation for non-pecuniary damages from the crime under Art. 159D of the Criminal Code in the amount of BGN 25 000 (the facts: on 27.08.2009 the defendants coerced, concealed and transported a woman for sexual exploitation).

3. Appeal judgement of 10.11.2010 of Razgrad Regional Court on general criminal case No. 180/2010 (final) - compensation for non-pecuniary damages from the crimes under Art. 152 and Art. 159a of the Criminal Code in the amount of BGN 3,000 for each injured person (the facts: between December 3 and 7, 2003, the defendant raped and coerced two underage girls to prostitute; the claim for damages was BGN 3,000 and the court upheld it entirely). In the judgment, the court reasoned: "Due compensation should cover all non-pecuniary damage suffered by them - the fear, horror, shame and all other negative psychological experiences and adverse material consequences. The young age at which the two victims were during the incriminated period, the intensity of coercion imposed on them, the impact that the deeds had on their further psychological development should be taken into account."

4. Verdict of 29.02.2012 of the Varna District Court on general criminal case No1980/2011 (not appealed in the civil part, confirmed in the criminal part of the appeal decision of 14.09.2012 of the Varna Regional Court on general criminal case No. 425/2012 ) - compensation for non-pecuniary damages from the crime under Art. 159b of the Criminal Code at the amount of BGN 2000 Facts: in the period 25.10.2007 to 06.01.2009 the defendant recruited, transported and accepted a person for use in debauchery, the act being performed by promising and receiving benefits, the person being transported through the border of the country. The defendant and the victim lived on a family basis and she gave him all her money earned from prostitution - the defendant explained to her that since they were family, the money was common. In the motives, the court noted: "With regard to non-pecuniary damages, evidence was gathered - the statement of the witness V. [forensic-psychological expertise], which identifies the psychological trauma suffered by the victim after the assaults, as well as the deep negative resonance on the private life the person. Consideration should also be given to the recovery period, her behaviour, characterized by constant fear, inadequacy in dealing with strangers."

5. The verdict of 18.03.2013 of the Varna District Court on general criminal case 104/2013 (not appealed) The facts: Within a year, the defendant raped and coerced into prostitution 3 different girls. Between the end of 2011 and the spring of 2012, the defendant acted in order to excite and satisfy a

sexual desire without intercourse with an 11-year-old girl whom he subsequently raped twice; in May 2012, the defendant raped a 16-year-old girl and persuaded her to prostitute for him, and in the subsequent period until 04.10.2012 he provided a room where she was used for debauchery, the act being committed by unlawful imprisonment, promising, giving and receiving benefits. In the summer of 2012, the defendant raped once a 14-year-old girl. The court shall award compensation for the non-pecuniary damage caused by the crimes under Art. 149, Art. 152 and Art. 159D of the CC, as follows: - BGN 2,000 for the damages from sexual assault, BGN 5,000 for damages from rape and BGN 5,000 for damages from trafficking for sexual exploitation. According to the forensic psychological report, the three girls do not suffer from post-traumatic stress disorder and, according to the court, they have no "lasting harmful consequences for their life and health."

6. Appeal judgement of 11.02.2014 of the Blagoevgrad Regional Court under general criminal case No. 461/2012 (final) Facts: The adult woman is a victim of an organized criminal group. On 19 September 1999 she was kidnapped for the purpose of selling her as a prostitute abroad. Between September 19 and September 21, 1999, she was locked in an apartment in Blagoevgrad where she was raped many times by different men. At night she managed to escape by jumping from the terrace. The court shall award compensation for the non-pecuniary damage caused by the crimes under Art. 152, Art. 142a and Art. 156 of the CC, as follows - BGN 10,000 for damages from rape by each defendant who participated in this act, BGN 5,000 for the damages from unlawful imprisonment from each defendant who participated in this act and BGN 4,000. + BGN 3,000 for damages caused by abduction for debauchery by the defendants who participated in this act. The Court notes that: "In determining [the compensation] the district court took into account the extremely negative experiences during and after the acts, the lasting effects on her personal and mental health. It has to be noted that she has suffered not only physical pain but also negative mental experiences that have obviously been leading in her condition and after the act. In this sense, all the personal feelings of the victim and the way in which she has subjectively suffered the damage are properly compensated as the purpose of the compensation for moral damages is to correct the personal pain and suffering.

7. Appeal judgement of 10.03.2014 of the Burgas Court of Appeal on civil case No. 8/2014 (confirms a decision of 29.11.2013 of the Sliven Regional Court in the city of 172/2013) - compensation for non-pecuniary damages from the crime under Art. 159b CC in the amount of BGN 30,000. Facts: Before the Sliven District Court, by plea, the defendant was found guilty of trafficking in human beings for taking the plaintiff across the border from May 2003 to June 2011 in order for her to be used for debauchery. Following the approval of the agreement, a claim was filed on the grounds of Art. 45 of the Obligations and Contracts Act. The Court of Appeal Burgas notes: "It has been found in the case that, as a direct consequence of the damage suffered by the appellant, she has suffered great stress from the constant constraint on her personal freedom, expressed as controlling her movement and personal contacts, the withdrawal of personal documents - a passport and a deposit book, coercion to work as a prostitute, the fear of physical violence. This has caused her health to deteriorate and necessitated the use of antidepressant medications, but not for treatment, but only to continue working. When determining the amount of compensation, the court shall take into account the duration and intensity of the damage. The active behaviour of the defendant, directed at psychological harassment, and the coercion to endure restrictions on the privacy and physical integrity of the appellant, lasted for eight years, beginning when G. was 18 years old, though an adult, she was still young, without substantial life experience. The appellate court describes the damage caused as particularly severe and with long-lasting consequences for her emotional balance, as the oral evidence collected suggests negative experiences of fear, nightmares, depression, helplessness, shame."

8. Appeal judgement of 30.11.2014 of Ruse District Court on general criminal case No. 555/2010 (final) - compensation for non-pecuniary damages from the crimes under Art. 159a of the Criminal Code in the amount of BGN 60,000 for each injured person (the facts: For the period from 01.08.2012 - until 30.11.2012 in Bulgaria he twice recruited and transported an adult woman in order to be used for debauchery, the act was done by receiving benefits, then for the time of 10.01. 2013 until 26.03.2013, transported the same woman out of the country for the purpose of using her for debauchery, the act being committed by misleading the person that she would be working in a car wash and receiving benefits. The court notes that "the victim has prostituted contrary to her will, but because of her feelings to the defendant she has done so. This activity lasted for a relatively long period of time - over two months. She had sexual contacts with many men, she had to do various non-standard sexual acts. She was upset, she cried and suffered physical and psychological violence. It has lost weight. All this has led to her exhaustion. She was in another country, alone, far from relatives and friends. She was

misled about the actual work she would have to do. Her love for the defendant was abused for the sake of monetary gain. Her honour and dignity are severely affected."

A further example of awarded damages for trafficking victims to the services of the NCCTHB in Varna region, run by SOS-families at risk Foundation, includes:

Case of THB, 2016: Victim of domestic and external trafficking for the purpose of sexual exploitation. The criminal proceedings are being conducted in the Republic of Bulgaria. Within the general criminal case, the victim was constituted as a private prosecutor and a civil claimant. She claims compensation for non-pecuniary damage caused as a result of the crime. Compensation for non-pecuniary damages amounting to BGN 7 500 has been awarded.

Case of THB, 2018 -2019: Victim of internal trafficking for the purpose of sexual exploitation. Pre-trial proceedings were instituted in 2018. In the judicial phase of the proceedings an application was filed for the constitution of the victim as a private prosecutor in the general criminal case with rights under Article 79 of the CrPC. In the same application, a civil claim was filed (within the criminal proceedings) for compensation for the non-pecuniary damage caused as a result of the crime "trafficking in human beings". At this time, the case has not been completed.

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

Ministry of Justice (MoJ):

Pursuant to the provisions of the **CVAFCA**, victims of crime are entitled to a one-off financial compensation under the conditions and by the order of this act. Financial compensation shall be granted after the entry into force of: 1. a guilty verdict, including in cases tried in the defendant's absence; 2. the agreement for resolving the case in the pre-trial proceedings; 3. a prosecutorial or court instrument by which criminal proceedings are discontinued, except in cases where the discontinuation is in pursuance of Article 24, Paragraph 1, Items 1, 7, 9 and 11 of the Criminal Procedure Code ; 4. a prosecutorial or court instrument by which criminal proceedings are dismissed on the grounds of failure to identify the perpetrator of the crime.

The financial compensation is granted after a decision of the National Council for Assistance and Compensation to Victims of Crime, which is not subject to appeal. The payment of the financial compensation shall be made in accordance with Art. 25 of the Regulations for the Implementation of the CVAFCA.

Supreme Court of Cassation:

In the case of a successful **civil claim**, after the sentence enters into force, a writ of execution is issued to the civil claimant, on the basis of which an executive procedure under the **CiPC** is conducted. Guarantees for the payment of the compensation are those provided in the CiPC.

Dobreva & Bekirska Lawyer Association:

In 2018 the Sofia District Court issued a writ of execution in favour of a victim of trafficking for the amount awarded as compensation for moral damages by the perpetrator. The indemnity was to be collected on the territory of Sofia-region. There are 7 competent private enforcement agents (PEAs) in this area. Dobreva & Bekirska Lawyer Association contacted everyone, explaining that the woman had no means to pay the fee for the execution of the enforcement case, that she was a victim of a serious crime, that she would be *pro bono* and so on. Two of these offices agreed to form the enforcement case without an initial fee and collect it only when there were proceeds from the perpetrator's assets. The PEA that I chose first garnished the bank account where the offender received his salary. With this development, the offender sold his house by paying the notary probably an amount equal to half the compensation. At present, the

PEA is making an inventory with a view to publicly selling 3 old vehicles of the perpetrator and the belongings in his house.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

Ministry of Justice (MoJ):

1. Under the provisions of **Directive 2004/80/EC** on the compensation of victims of crime, compensation is paid by the competent authority of the Member State on whose territory the offence was committed. Where the offence is committed on the territory of the Republic of Bulgaria and criminal proceedings are conducted, the victims of trafficking in human beings are entitled to financial compensation from the state under the conditions and by the order of the **CVAFCA**. Victims are entitled to free legal aid under the terms and procedures of the **Legal Aid Act**.

Where the offence is committed on the territory of another EU Member State, victims of trafficking in human beings may submit a claim for compensation to the **National Council for Assistance and Compensation to Victims of Crime**, which, as the assisting authority, sends it to the decision-making authority of the country concerned for consideration and ruling on jurisdiction. According to the National Council for Assistance and Compensation to Victims of Crime, six requests have been forwarded so far to the decision-making authorities of the Member States of the European Union in whose territory the crime was committed, on the grounds of Art. 2 and Art. 6 of Directive 2004/80 / EC on the compensation of victims of crime. In four of these applications, the National Council for Assistance and Compensation to Victims of Crime has received information that victims have been compensated in accordance with the national law of the Member State concerned. On two requests information has not been received as to whether compensation has been provided to the victims by the relevant decision-making body.

2. The legal aid provided under the terms and procedures of the Legal Aid Act and other legal acts in force in the Republic of Bulgaria is to protect the rights of victims of trafficking before the national investigative bodies and courts.

Supreme Court of Cassation:

If the foreign victim has authorized a trustee, they may bring a civil action on their behalf for compensation for the damages suffered. In such a case, despite the absence of the victim, the trustee will represent them and assert their rights in the trial phase.

Examples of compensation received from persons covered by services to the National Council for Assistance and Compensation to Victims of Crime, who have suffered from human trafficking by the countries where the exploitation was carried out:

1. Information related to carers in the Temporary shelter for victims of trafficking and support centre (Varna region) managed by NGO "SOS - Families at Risk":

Case 1 (2010-2016): Criminal and civil cases in the case of two victims of trafficking in human beings (VTHB), sexually exploited within domestic and external traffic for a year and a half. Parallel proceedings were instituted in both countries, and victims were granted special protection status by a prosecutor's decree (in the sense of the CTHBA). One of the perpetrators receives an effective sentence - imprisonment in the country of destination. At the final stage of the case, contacts are established with authorities and NGOs from the destination country who assisted in filing applications for financial compensation at a local level before a state fund. It was necessary to prove with medical documents, opinions of specialists and others. Services, the damages in terms of general health, the extent of mental injuries and their effect on the future functioning of the clients in personal and social terms. All available documents were submitted and additional opinions from professionals working with the victims during their stay at the shelter were

requested. Within two sessions, both victims received financial compensation from the Criminal Injuries Compensation Authority in the UK, at the rate of 16 500 GPB for each victim (equivalent in BGN: 44 530.07)

Nevertheless, in Bulgaria, a civil action has been filed before a competent court for the non-pecuniary damages caused, the pain and suffering resulting from the trafficking of human beings for the purpose of sexual exploitation. By order of 20.09.2016, the court suspended the proceedings on the basis of Article 229 (1), item 5 of the CiPC. The outcome of civil litigation depends on the outcome of the criminal case. As of this date, production is suspended until the PTP is completed.

Case 2 (2015-2016): Victims of external trafficking for the purpose of sexual exploitation. Criminal proceedings are conducted in the country of destination - the Kingdom of Norway. In the framework of the criminal proceedings, the victim was awarded compensation amounting to BGN 20,380. Compensation has been paid out by a state fund of the country of destination.

Case 3 (2015-2016): Victims of trafficking for the purpose of sexual exploitation. Criminal proceedings are conducted in the country of destination - the Kingdom of Norway. In the framework of the criminal proceedings, the victim was awarded compensation amounting to NOK 320,000. Of these, 150,000 NOK were paid from a state fund of the country of destination. The rest of the amount should be paid by the perpetrator. At this time, the latter has not been paid.

From clients who have been victims of human trafficking in the Burgas region managed by NGO Demeter Association, a client has received compensation for non-pecuniary damage from the country where she was exploited- Switzerland. She received compensation through a non-governmental organization which the service managers in Bulgaria contacted. So far, the trafficking investigation is over and the case is in court, and a judgment is expected. The compensation amounts to BGN 8,000. (For the amount of compensation was taken into account that the VTHB does not live in Switzerland but in Bulgaria).

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

Ministry of Justice (MoJ):

Within the framework of criminal and civil proceedings, the provisions of Art. 76, para. 1 and Art. 84, para. 1 of the **Criminal Procedure Code**, respectively of Art. 45 of the **Obligations and Contracts Act** do not give a legal definition of the term "injured person who has suffered pecuniary or non-pecuniary damages from the offence" and accordingly do not restrict the circle of persons who may be constituted as private prosecutors and civil claimants (see **Judgement No 8 of 11.07.2013 of the Supreme Court of Cassation** on , No 2286/2012, III c.d., NC, reported by Judge Sevdalin Mavrov). In this sense, we believe that victims of trafficking in human beings, including for the purpose of labour exploitation, have effective access to compensation.

In view of this, these persons receive financial compensation under the same rules of the **CVAFCA** as victims of other forms of trafficking in human beings (see question 3.2).

GENERAL LABOUR INSPECTORATE EXECUTIVE AGENCY (GLI EA) :

The control bodies of the General Labour Inspection Executive Agency (GLI EA) regularly carry out joint inspections with the MoI authorities for identifying persons carrying out brokering without registration, prevention of trafficking in human beings for labour exploitation, prevention of fraud and etc. The control is also aimed at identifying the forms of trafficking in human beings for labour exploitation and for unregulated work. The inspections shall ensure compliance with the minimum working conditions and pay levels in the host country and the EU-wide posting standards in respect of the established organization for the transport, accommodation and subsistence of posted workers. In cases where the victims of human trafficking for labour exploitation have been working on the basis of an employment contract, there is a legal opportunity for them to seek assistance by reporting a violation of labour law to GLI EA or the respective Labour Inspection Directorate according to the employer's registered office. In the event of non-payment of remuneration or compensation arising from an employment relationship within the stipulated period of time by the employer, the employee has the opportunity to seek their rights within the statutory terms by court order. Claims for labour disputes for unpaid amounts are filed in a 3-year limitation period as from the day on which the claim was due to be paid in due course.

In the event that the victims of trafficking in persons for the purpose of labour exploitation were working but without a contract of employment there is a legal possibility for them to sue for the pecuniary and / or non-pecuniary damages suffered by them under the general civil legislation in court.

#### Administration of NCCTHB:

If the person who is the victim of a labour exploitation has worked under a labour contract, the legal basis of the claim is Art. 245 with Art. 357 of the Labour Code, and if they worked without a labour contract - Art. 55 of the Obligations and Contracts Act.

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

#### MoI:

Efforts are being made to increase the professional capacity of pre-trial and judicial authorities, and this priority is also enshrined in the National Program for Combating Trafficking in Human Beings and Victim Protection. Multidisciplinary trainings for improving the professional qualification of police officers, judges, prosecutors, social workers, diplomats, journalists and others are carried out in the course of the activities. This is particularly important as the knowledge on emerging trends is upgraded and built up, which also improves the expertise on identification, prevention and protection and increases public intolerance to this criminal activity.

Periodic staff of the MoI **Directorate-General for Combating Organized Crime (DGCO)** organize or participate in lectures as trainers. Part of the trainings were carried out within the framework of projects implemented by the Directorate, while others were included in curricula. The training seminars were attended by police officers, magistrates and representatives of the NGO sector, and lectures included issues related to the identification of victims of trafficking in human beings, co-operation in such cases and work with victims of trafficking, including notification and targeting for the same to receive benefits and legal protection.

#### Administration of NCCTHB:

**The administration of NCCTHB** annually conducts training for investigators and magistrates, set out in the annual National Program for Combating Trafficking in Human Beings and Victims' Protection. Only in 2018 the administration of NCCTHB organized, co-organized or contributed with experts for a total of 25 trainings, which reached over 400 specialists (investigators, magistrates, social workers, employment agents, diplomats, consular officers, migrant officials and refugee agency, , pupils, etc.) The trainings were organized independently by the administration of NCCTHB and in cooperation with the Ministry of Labour and Social Policy (MLSP), the State Agency for Refugees (SAR), UNODC, IOM, NGOs (Animus Association, Council of Refugee Women in Bulgaria, Association "Demeter" SOS "Families at Risk", "Caritas").

In addition, and in accordance with local anti-trafficking and victim protection programs, training and seminars for staff qualification enhancement are also carried out by the 10 Local Anti-Trafficking Committees (LATC) regional preference created for the respective municipalities. The activities of the LATC are funded by the budget of the NCCTHB and the local context and needs of the specialists are taken into account when drawing up the relevant prevention and training activities and the secretaries of the local commissions receive methodological support and guidance from the experts of the administration of the National Commission.

Examples:

- In October 2018, In Veliko Tarnovo there was a multidisciplinary training for magistrates, social workers, investigators and NGOs, organized by two local anti-trafficking committees (LATC in Veliko Tarnovo and Montana).

#### Ministry of Justice (MoJ):

1. Pursuant to the provisions of the **CVAFCA**, the **National Council for Assistance and Compensation to Victims of Crime (NCACVC)** organizes and carries out the training and training of personnel in the field of assistance to victims of crime. In 2018 a meeting and training of the investigative bodies in Bulgaria was held with the participation of the National Police Directorate and representatives of the NCACVC.

2. In 2017-2018, there were trainings of lawyers entered in the National Legal Aid Register (NLAR) on the subject of "Rights of the Victims of Trafficking". The trainings were commissioned by the NLAB to the Krastyu Tsonchev Lawyer Training Centre at the SAC, as a result of which 283 lawyers were trained as follows, by bar associations: BA Sofia - 58, BA Veliko Tarnovo - 50, BA Stara Zagora -47, BA Blagoevgrad - 87, BA Varna - 41. Trainings on the subject were also conducted by non-governmental organizations Animus Association and Centre for the Study of Democracy.

The NLAB has conducted trainings of bar councils and public defenders from nine bar associations on the application of minimum standards for the provision of legal aid to victims of trafficking.

NLAB has been training judges from Plovdiv, Burgas, Haskovo and Sliven district courts for the application of the unified procedures and criteria for the provision of legal aid to victims of trafficking.

#### National Investigation Service - NIS:

The improvement of the qualification and the adoption of new normative resolutions and practical knowledge of the investigators in the **National Investigation Service** are carried out mainly within the framework of the adopted training calendar of the Prosecutor's Office of the Republic of Bulgaria.

Last, but not least, it is necessary to note that training seminars are also carried out by the Chamber of Investigators in Bulgaria, using the opportunities provided in the framework of European projects and programs. Some of their colleagues make their own efforts and take part in workshops and other forums at national or international level.

#### Dobreva & Bekirska Lawyer Association:

On 29.11.2016 training on the rights of victims of trafficking in the Krastyu Tsonchev Lawyer Training Centre was held.

### **4. State compensation (Article 15)**

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

### Ministry of Justice (MoJ):

By virtue of the **CVAFCA**, Bulgarian citizens or citizens of EU Member States as well as foreign citizens can receive assistance and financial compensation in the cases provided for in an international treaty to which the Republic of Bulgaria is a party.

Pursuant to the provisions of the CVAFCA, victims of crime are entitled to a one-off financial compensation under the conditions and by the order of this act. Financial compensation **shall be awarded** after the entry into force of: 1. a guilty verdict, including in cases tried in the defendant's absence; 2. the agreement for resolving the case in the pre-trial proceedings; 3. a prosecutorial or court instrument by which criminal proceedings are discontinued, except in cases where the discontinuation is in pursuance of Article 24, Paragraph 1, Items 1, 7, 9 and 11 of the Criminal Procedure Code ; 4. a prosecutorial or court instrument by which criminal proceedings are dismissed on the grounds of failure to identify the perpetrator of the crime.

Financial compensation **shall not be awarded** when: 1. the victim has been sentenced for a crime referred to in Article 3, Paragraph 3 within the last 5 years prior to applying for financial compensation; 2. the crime was committed in a state of high agitation, provoked by the victim with unlawful action, due to which grave consequences occurred or could have occurred for the culprit or the culprit's next-of-kin; 3. the crime was committed by exceeding the limits of reasonable self-defence; 4. the victim has received compensation by other means; 5. the victim has not reported the crime to the competent authorities, except if the victim has valid reasons for failing to do so.

Where a victim contributed to the occurrence of the criminal consequences, this shall entail a reduction of the financial compensation which the victim could obtain.

### Supreme Court of Cassation:

In the criminal proceedings a claim for damages directed against the perpetrator of the offence is filed. If the action is upheld, the convicted person in the enforceable sentence is required to pay the compensation determined by the court.

### Dobreva & Bekirska Lawyer Association:

If the court awards pecuniary damages to be paid by the perpetrator, this sentence can directly address the Fund to pay them instead of the perpetrator. I.e. the verdict as a document replaces the various expenditure documents that are generally required by the Assistance and Financial Compensation Act.

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

### Ministry of Justice (MoJ):

See question 3.2.

### Supreme Court of Cassation:

The **Crime Victim Assistance and Financial Compensation Act** provides for payment of financial compensation, which concerns only material damages, with a maximum amount of BGN 10,000. This amount is fixed by law and cannot be increased at the discretion of other authorities, at the discretion of the National Support Council, which is the legally designated authority for granting the financial compensation in question.

In the present statement it was pointed out that in the **OCA** there is no upper limit of the claim for non-pecuniary damages, which can be claimed against the perpetrator of the crime, and the amount of indemnity due is determined by the court in fairness.

Dobreva & Bekirska Lawyer Association:

The Fund under the Assistance and Financial Compensation Act does not compensate for moral damages.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

Ministry of Justice (MoJ):

See question 3.4.

Supreme Court of Cassation:

If these persons fall within the scope of the **Crime Victim Assistance and Financial Compensation Act**, there would be no obstacle to receiving support. Limitations in the scope of the law are set out exhaustively and no additional restrictions should be introduced. The SCC does not have more information on the question asked.

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

Ministry of Justice (MoJ):

See questions 3.2. and 3.3.

Dobreva & Bekirska Lawyer Association:

The answer to the second question is - No. Art. 13, para. 1 of the **Personal Income Taxation Act** defines as non-taxable the following income: "10. interest on receivables established through the courts, these receivables not being subject to taxation, and the adjudged compensation for court costs; 11. the adjudged compensation and other payments in the cases of medium and grievous bodily injury, occupational disease or death; 13. compensation for pecuniary and non-pecuniary damages, with the exception of the compensation for loss of profit."

The right to compensation for excessive duration of the criminal process should be added to the issue of state compensation. for the damage caused by the state and not by the perpetrator. This legal basis is contained in the **Judicial System Act**, it is also applicable to the victims, and in 2018 I have used it successfully in practice. The Ministry of Justice paid BGN 1,000 to a woman who was a victim of trafficking due to the almost 5 years total duration of her criminal case, during which she was twice interrogated in a courtroom in the presence of the defendant.

## **5. Sanctions and measures (Article 23)**

5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

Ministry of Justice (MoJ):

According to Art. 159d of the **Criminal Code** when the act under Articles 159a to 159c regulating trafficking in human beings constitutes a dangerous recidivism or is committed on the order or in the execution of a decision of an organized criminal group together with the imprisonment of five to fifteen years and a fine of BGN twenty thousand to one hundred thousand, the court may also order the confiscation of part or all of the property of the perpetrator. The confiscation itself is regulated as a type of punishment in Art. 44 of the Criminal Code and constitutes a compulsory and gratuitous expropriation to the Exchequer of the assets or part of the assets belonging to the culprit, to certain properties of the culprit or to parts of such property.

Also, according to Art. 53 of the Criminal Code, irrespective of the criminal liability the following shall be forfeited to the Exchequer:

- a) objects belonging to the culprit, which were intended or have served for the perpetration of intentional crime; when such objects are missing, their equivalence is awarded;
- b) objects belonging to the culprit, which were subject of intentional crime - in the cases expressly provided in the Special Part of this Code

The following shall also be forfeited to the Exchequer:

- a) Objects that have been subject or means of the crime, the possession of which is forbidden; and
- b) benefits and indirect benefits, acquired through crime, if they are not subject to return or recovery; when the benefits are not available or have been disposed of, an equivalent amount shall be adjudged.

The terms and procedure for seizure of forfeiture of illegally acquired property are regulated by the **Counter Corruption and Forfeiture of Unlawfully Acquired Assets Act (CCFUAAA)**.

The forfeiture of illegally acquired assets is carried out when a reasoned assumption can be made that an asset is unlawfully acquired. A reasoned assumption exists when a check reveals a significant discrepancy in the property of the inspected person. (Article 107 of the CCFUAAA). Such an investigation begins when a person is charged as an accused for a crime under Articles 159a - 159d of the Criminal Code - that is, one of the human trafficking squads.

#### Counter Corruption and Forfeiture of Unlawfully Acquired Assets Commission (CCFUAC):

The **Counter Corruption and Forfeiture of Unlawfully Acquired Assets Act** regulates the procedure for the confiscation of illegally acquired property. The Counter Corruption and Forfeiture of Unlawfully Acquired Assets Commission (CCFUAC) initiates forfeiture proceedings when a reasoned assumption can be made that an asset is unlawfully acquired. The investigation starts with an act of the director of the respective territorial directorate, when a person is charged as accused of a crime, including under Art. 159a - 159d of the Criminal Code, specifically concerning trafficking in human beings. An inspection shall also be carried out where the person has not been charged as a criminal offense on the ground that the criminal proceedings have been refused or the criminal proceedings instituted have been terminated. The inspection begins and continues irrespective of the suspension or termination of criminal proceedings.

On the basis of the results of the verification, within one month of its completion, the Director of the relevant Territorial Directorate shall prepare a reasoned report to the Commission with a conclusion on:

1. Extension of the inspection period;
2. termination of the inspection;
3. initiation of proceedings for forfeiture of illegally acquired assets.

#### **The powers of commission authorities upon conduct of examination for identification of unlawfully acquired assets are as follows:**

In respect of the period under examination the authorities shall gather information on:

1. the assets, the location thereof, the value and the legal grounds for the acquisition thereof;
2. the fair market value of the assets by the time of acquisition;
3. the fair market value of the assets by the time of the examination;
4. transformation of the assets;

5. the revenue and costs of ordinary activities and the extraordinary revenue and costs of the legal person;
6. the customary and extraordinary income and maintenance expenses of the natural person and of the family members thereof;
7. the paid pecuniary obligations at public law to the State and the municipalities;
8. the transactions in the assets of the legal person;
9. the transactions in the assets of the person under examination and of the family members thereof;
10. the trips abroad of the person under examination and of the family members thereof, as well as of the persons who represent the legal person;
11. the injunctions and charges imposed on the assets, as well as the liabilities assumed;
12. any other circumstances relevant to clarifying the source of the assets, the manner of acquisition and of transformation thereof.

Upon the implementation of the examination the authorities shall have the right:

1. to afford the person under examination and the parties related thereto an opportunity to give explanations and to lodge objections.
2. to require information.

The Commission and the directors of territorial directorates may:

- approach the court with a motion for lifting of bank secrecy, of the trade secret referred to in Article 35 (1) of the Markets in Financial Instruments Act and for disclosure of the information covered under Article 133 (2) of the Public Offering of Securities Act, where this is necessary;
- require from insurers to lift the insurance secrecy with regard to the persons under examination.
- require from the National Statistical Institute to provide information on the annual financial statements of the legal persons covered by statistical secrecy.
- receive information from the electronic database of the Central Credit Register and the Register of Bank Accounts and Safe Deposit Boxes.
- approach the revenue authorities with a request for the provision of tax and social-insurance information on the persons under examination.

The Commission shall adopt a decision on **submission to the court of a motion for an injunction securing a future action for forfeiture of assets** on the basis of a report by the director of the territorial directorate concerned where sufficient data have been collected by the examination to make a reasonable assumption that the said assets have been acquired unlawfully. The decision specifies the charges and injunctions imposed on the assets theretofore. The Commission shall submit a motion for an injunction securing a future action for forfeiture of the unlawfully acquired assets to the district court exercising jurisdiction over the permanent address of the person or, respectively, over the registered office of the legal person. Where the assets incorporate a corporeal immovable, the motion shall be submitted to the district court exercising jurisdiction over the situs of the immovable, and where the assets incorporate more than one corporeal immovable, the motion shall be submitted to the district court exercising jurisdiction over the situs of the immovable of the highest tax assessed value.

#### **Property preservation and safeguarding measures are provided as follows:**

Acting on a motion by the Commission or by the director of the territorial directorate concerned, the court may order the sealing of premises, plant and means of transport where there is a risk of the assets kept therein being squandered, destroyed, concealed or disposed of.

**The imposition of preventive attachment on a corporeal immovable** shall be effected at the request of the examination authorities by means of recording of the injunctive order on a direction by the competent recording magistrate.

**Garnishment of a movable thing** shall be imposed forthwith acting at the request of the examination authorities by means of dispatch of a communication by the enforcement agent to the respondent under the injunction

**Garnishment of receivables** which the respondent under the injunction is owed by a natural or legal person shall be imposed by the enforcement agent by means of dispatch of a garnishment communication to the garnishee and to the bank wherewith the said garnishee holds accounts. Garnishment of a participating interest in a commercial corporation shall be imposed by means of dispatch of a garnishment communication by the enforcement agent to the Registry Agency.

#### **Forfeiture to the Exchequer of unlawfully acquired assets**

Where it is not possible to forfeit self-contained assets referred to in Article 141 herein, the cash equivalent thereof, determined at a market price at the time of bringing the action for forfeiture, shall be forfeited.

The assets herein shall include:

1. the personal assets of the person under examination;
2. the assets acquired jointly by the two spouses or by the de facto cohabitants;
3. the assets of the children who have not attained majority, and
4. the assets of the spouse of the person under examination, regardless of the regime of proprietary relations chosen by the spouses;
5. the assets of the de facto cohabitant with the person under examination.

Any transactions effected in unlawfully acquired assets shall be ineffective in respect of the State and the consideration given under any such transactions shall be forfeitable where the said transactions are:

1. gratuitous transactions with natural or legal persons;
2. onerous transactions with third parties, if the said parties knew or could have presumed that the assets had been acquired unlawfully or if the said parties acquired the assets for the purpose of concealing the unlawful source thereof or the actual rights related thereto

Forfeitability shall furthermore apply to:

- any unlawfully acquired assets which the person has transferred during the period under examination to a spouse, to a de facto cohabitant with the person, to a former spouse, to any lineal relatives up to any degree of consanguinity, to any collateral relatives up to the fourth degree of consanguinity, and to any affines up to the second degree of affinity
- any assets which the person under examination has transferred or contributed as a cash asset or a non-cash asset to the capital of a legal person if the persons who manage or control the said legal person knew or, judging from the circumstances, could have presumed that the said assets have been acquired unlawfully.
- any assets unlawfully acquired by a legal person which is controlled by the person under examination or by the persons closely linked therewith, whether independently or jointly.
- any assets which have been acquired by a third party for the account of the person under examination in order to evade the forfeiture of the said assets or to conceal the source of, or the actual rights to, the said assets.

Until otherwise proven, any movable things and cash found on the person of the person under examination, in the dwelling thereof or on other premises, means of transport, strong boxes or safes, whether owned or rented thereby, shall also be considered to belong to the person under examination

The unlawfully acquired assets shall be appraised according to the actual value thereof by the time when said assets were acquired or alienated, as follows:

1. the corporeal immovables and the limited real rights thereto: at fair market value;
2. the foreign currency and precious metals: at the central exchange rate of the Bulgarian National Bank;
3. the securities: at fair market value;
4. the means of transport: at fair market value;
5. any other movable things and rights: at fair market value;
6. undertakings or participating interests in commercial corporations or cooperatives: at fair market value, and where such value cannot be determined, according to accounting data.

In the cases where any unlawfully acquired assets have been transformed, in part or in whole, into other assets, forfeitability shall apply to the assets so transformed.

Any unlawfully acquired assets shall furthermore be forfeited by heirs or legatees up to the portion received thereby.

In case the assets are unavailable or have been alienated, the cash equivalent thereof shall be forfeited. The Commission shall bring an action for forfeiture to the Exchequer of unlawfully acquired assets before the district court within whose jurisdiction the permanent address of the person under examination is located.

The court proceeding under this Chapter shall continue notwithstanding the termination of the criminal proceedings.

After the examination of the case is concluded, the court shall pronounce by judgment which shall be subject to appeal according to the standard procedure.

By the judgement, the court shall award state fee and the costs incurred depending on the outcome of the case. In the proceedings under this Act, the parties may reach a settlement whereby not less than 75 per cent of the assets or the cash equivalent thereof would be forfeited.

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

#### Counter Corruption and Forfeiture of Unlawfully Acquired Assets Commission:

#### **In Section II of the Counter Corruption and Forfeiture of Unlawfully Acquired Assets Act (CCFUAAA) the procedure for management of forfeited assets is established.**

There shall be established an Interdepartmental Board for Management of Forfeited Assets, (the Board), which shall be a collective body which shall consist of deputy ministers designated by the Minister of Justice, the Minister of Finance, the Minister of Economy, the Minister of Labour and Social Policy, and the Minister of Regional Development and Public Works

The Board shall propose to the Council of Ministers to allocate for management the assets forfeited according to the procedure established by this Act to budgetary organisations and municipalities for the performance of the functions thereof or to order the sale of the said assets According to the provisions of CCFUAAA, least 30 per cent of the value of any assets forfeited to the Exchequer shall be used for social purposes, and the terms and procedure for this shall be established by an act of the Council of Ministers.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

#### Supreme Court of Cassation:

Chapter 29 of the **CrPC** "Settlement of the case by plea agreement" sets out in detail the procedure for finalizing criminal proceedings with a plea (Article 381 et seq. of the CrPC), which is also applicable to "trafficking in human beings" offenses. Art. 381, para. (2) of the CrPC lists the offences for which a plea is not allowed, and those under Chapter Two, Section IX of the Criminal Code (Trafficking in Human Beings), are not included in the exhaustively listed exceptions. Beyond the regulation of Chapter 29 of the CrPC, other agreements and pleas are not possible for any of the crimes under the Criminal Code, including "trafficking in human beings."

Measures for protection of the victims under the **Crime Victim Assistance and Financial Compensation Act** are provided regardless of the course of the criminal proceedings, which is why the victims of the crime would not be ill-treated by the eventual termination of the case by agreement.

In addition, protection can be ensured under the terms of **Law of Protection of Persons Threatened in Connection with Criminal Procedure**, which is an additional guarantee that victims' rights will be protected, including when the procedure under Chapter 29 of the CrPC.

The settlement of the case under the differentiated procedure of the plea agreement does not prevent compensation for the damage sustained by the victim in civil proceedings.

Pursuant to Art. 384 of the CrPC, the Court of first instance may approve an agreement on the settlement of the case, reached after the institution of the Court proceedings but before the conclusion of the Court investigation, but only with the consent of all the parties, including the victim constituted in the respective capacity.

The cases involving trafficking in human beings can also be resolved by another differentiated procedure - brief court investigation in the procedure before the first instance (Art. 370 et. Seq. of the CrPC). This procedural order shortens the process of proving: not all or some witnesses and experts are interrogated, and when the sentence is handed down, the contents of the relevant protocols and expert conclusions

from the pre-trial proceedings are immediately used, or in case of confession of the facts on the part of the defendant set out in the circumstantial part of the indictment; no evidence is collected of these facts. Conducting a shortened court investigation does not compromise the right of victims to access to justice and effective remedies, but on the contrary - guarantees the speed of justice.

Dobreva & Bekirska Lawyer Association:

The plea agreement does not compromise access to justice. There are two things to prove in the civil case for damages - the basis of the claim and the amount of the claim. The plea agreement validates the basis of the claim - when there is an agreement, the victim no longer proves the basis. In civil matters, they only have to establish the amount of the claim.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

Supreme Court of Cassation:

Art. 22 of the **Criminal Procedure Code** sets out the requirement to consider cases within a "reasonable time", which applies to all criminal cases, including those under Art. 159a and et. Seq. of the **Criminal Code** ("trafficking in human beings"). The SCC does not have specific statistics on the average duration of this type of case. At first, and at the trial stage, adjournments on procedural grounds are possible (absence of parties, witnesses or experts, etc.) or because of the need to gather evidence. In all cases, in the case of an unjustified delay in their ruling on cases, including cases of "trafficking in human beings", the judges are liable to disciplinary action.

The principles of "oral procedure" and "immediacy", as set out in Art. 18 and 19 of the Criminal Procedure Code, which presuppose a personal hearing of the witness by the court (the victim of the crime, except as a party - if constituted as a civil claimant and / or a private prosecutor, also participates as a witness in the criminal proceedings. The testimony of a witness at the pre-trial stage may, under certain conditions, be read before the court and without their appearance at a court hearing, which is a prerequisite for alleviating the burden on the witness. Art. 123 of the Criminal Procedure Code provides for a system of measures to protect the witness in the criminal process. Art. 139, para. 10 of the Criminal Procedure Code regulates the procedure for interrogation of a witness with specific protection needs. Art. 140, para. 5 of the Criminal Procedure Code indicates how a minor witness is interrogated, providing for the possibility of interrogation of these persons in specially equipped premises. Art. 141 of the Code of Criminal Procedure regulates the interrogation of a witness with a secret identity, which is also applicable to witnesses who are victims of "trafficking in human beings".

Dobreva & Bekirska Lawyer Association:

The duration is one in the big cities and the other in the small towns; cannot be summed up in general about the country. There is a factor that speeds up the proceedings, but it has nothing to do with the victim's needs - the investigation closes more quickly and court hearings are scheduled more often when the perpetrator is in custody. For the human trafficking offence, the maximum period within which the authorities may hold the trafficker in custody is 8 months. Accordingly, the investigative bodies shall endeavour to complete the investigation within that period.

Upon completion of the criminal case by final judgement, victims are entitled within 6 months to file an application with the Supreme Judicial Council with a complaint that the trial continued for too long seeking compensation for moral damages (long waiting). Moral damages are not proven; they are presumed in this proceeding. As in the Crime Victim Assistance and Financial Compensation Act, here the maximum amount of the compensation is BGN 10,000.

The burden on children in Sofia is diminished as a courtroom with a juvenile interrogation room has been set up in the court building, newly opened in January 2018, of the Sofia District Court - Criminal Department.

## 5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

### Dobreva & Bekirska Lawyer Association:

A change in the **Criminal Code** can be recommended so as to increase the minimum amount of the "imprisonment" penalty for trafficking in human beings. If the lower threshold of the penalty is lifted, no suspended sentencing will be possible. This is the case, for example, in Serbia - there is no suspended sentencing for trafficking in human beings, as the penalty "imprisonment" starts for 5 years and is always effectively executed in prison.

In Bulgaria when giving a suspended sentence, an effective guarantee is the imposition of additional probation penalty - Art. 67, para. 3 of the Criminal Code "Where the suspended imprisonment sentence is not less than six months, the court may order one of the probation measures under Art. 42a, para. 2, item 1-4 during the probation period." The word "may" here means that it is at the discretion of the judge - he is not obliged to impose probation; has the right and reason to do so. It is a recommendation for judges to use their power in this extremely important provision. Probation measures are different types, one of which is a compulsory visit to professional qualification and registration courses at the Labour Office. Learning work habits is, first, an attempt to avoid recidivism, and secondly, works to the benefit of the victim so that she can begin to collect the compensation she is awarded from the perpetrator's salary.

The probation measures are: 1. Compulsory registration at the current address; 2. Mandatory regular appointments with a probation officer; 3. Restrictions on free movement; 4. admission to vocational training courses, public intervention programmes; 5. Corrective labour; 6. Community service Art. 66, para. 4 of the Criminal Code "The convict shall be obliged to work or study during the probation period, unless they have the obligation to undergo medical treatment."

## 6. Ex parte and ex officio applications (Article 27)

### 6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

### Ministry of Justice (MoJ):

Victims of trafficking in human beings, insofar as they are persons who have suffered material or non-material damage from the crime, have the status of a victim in the criminal proceedings. In the pre-trial proceedings, the victim has the following rights: to be informed of their rights in the criminal proceedings; to receive assurance for their safety and that of their relatives; to be informed about the course of criminal proceedings; to participate in the proceedings as set out in this Code; to make requests, remarks and objections; to appeal against acts that lead to the suspension or termination of the criminal proceedings; to have a trustee; to receive a translation of the decree terminating or suspending the criminal proceedings if they do not speak the Bulgarian language.

In 2017, the **Criminal Procedure Code** was amended to introduce the requirements of Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime. An opportunity to appoint an expertise to identify specific needs for the protection of a person in connection with their participation in the criminal proceedings was envisaged. "Specific protection needs" within the meaning of the CrPC are in place when additional means of protection against secondary and re-victimization, intimidation and revenge, emotional or mental suffering, including the preservation of dignity of victims during interrogation, are required.

Firstly, the person with special protection needs is immediately notified if the accused violates the custody measure - home arrest or imprisonment, or that measure is revoked or replaced by a subscription or bail. The person is also notified when the execution of imprisonment and probation penalty imposed on the perpetrator is postponed and when the time when the sentenced person was detained or a home

arrest detention order was taken in respect of him deducted in the execution of custodial sentences or probation.

Secondly, specifically with regard to the questioning, the provision of Art. 118, para. (1) (2) of the CrPC, as an exception, provides the explicit possibility for the victim to be interrogated as a witness (see **Judgment No. 47 of 09.02.2012 of the Supreme Court of Cassation** under Case 3010/2011, II c.d., NC, Judge Yurii Krastev).

The interrogation of a witness with specific protection needs is carried out when measures are taken to avoid contact with the accused, including through videoconference or telephone conference (Article 139 (10) of the CrPC). Also, a witness with specific protection needs who has been questioned in the criminal proceedings shall be questioned again only when their testimony cannot be read under the conditions and by the order of Art. 281 of the CrPC or new interrogation is crucial to revealing the truth. The interrogation shall be conducted when measures are taken to avoid contact with the defendant, including in specially equipped premises.

Thirdly, when examining cases in which the victim is a child, whether there are specific needs for protection or not, there are a number of exceptions to the general rules:

- conducting the interrogation in a specialized room outside the court building (Article 262 of the CrPC);
- conducting the interrogation in closed rooms (Article 263, paragraph 3 of the CrPC);
- an option to read the testimony of a minor witness during the trial, when the accused and their counsel were involved in the interrogation (Article 281 (1) (6) of the CrPC);
- no notice of liability under Art. 290 of the Criminal Code, since, in view of their age, these persons are not criminally liable;
- explicitly clarifying the need to give true testimony;
- mandatory presence of a pedagogue or psychologist and, where necessary, of the parent or guardian. The involvement of a pedagogue or psychologist is necessary in view of the specificity of the personality of the children and the need to ask them questions in consideration of their respective age. The presence of a pedagogue or a psychologist is imperative, and the non-participation of such a person in the questioning is a procedural violation that prevents the deposited testimonies from being taken into account.

In this regard, it should be noted that in 2018 within the framework of the project "Strengthening the Legal and Institutional Capacity of the Judicial System in the Field of Juvenile Justice" under the Thematic Fund "Security" of the Bulgarian-Swiss Cooperation Program 9 specialized rooms were built and equipped for a friendly hearing and questioning of minors in contact with the law, so called "Blue rooms" in the towns: Vratsa, Haskovo, Smolyan, Dobrich, Razgrad, Lovech, Targovishte, Silistra and Kardzhali. Together with the three "blue rooms" built in 2016 and 2017 in Pleven, Varna and Kozloduy, 12 "blue rooms" were built and equipped in total.

The CrPC also provides for the possibility of taking a number of measures to protect the victim. Upon the prosecutor's suggestion, with the consent of the victim or at the request of the victim, the court of first instance may forbid the accused party:

- to approach the victim directly;
- to contact the victim in any form, including by telephone, by electronic or ordinary mail and fax;
- to visit certain settlements, areas or sites in which the victim resides or visits.

The ban shall lapse after the end of the case by a judgment which has the force of res judicata or when the proceedings are terminated on another ground.

Where persons threatened with criminal proceedings and persons directly related to them cannot be protected by the means provided by the CrPC, special protection is provided by the State through the provisions of the Law of Protection of Persons Threatened in Connection with Criminal Procedure. The purpose of this law is to support the fight against serious intentional crimes and organized crime by providing special protection to those whose testimony, explanation or information is essential to the criminal proceedings. Special protection is provided in criminal proceedings for serious intentional crimes of a general nature, such as all forms of trafficking in human beings, and for all crimes committed on the commission or in pursuance of a decision by an organized criminal group.

The **Combating Trafficking in Human Beings Act** determines the responsibility of the state and its organs against the victims of trafficking. The National Commission for Combating Trafficking in Human Beings is responsible for the implementation of the CTHBA. Regulations for the organization and activity of the NCCTHB and Rules for the operation of the centres and shelters for victims of trafficking have been adopted. Specialized services for victims of trafficking in human beings have been identified: resident type (shelters) and advisory.

Within the framework of a project, a process has been launched to investigate the need and build up of additional social services for the victims, as a result of the reported needs, two new social services - for children - victims of trafficking and for adults - victims of trafficking in Sofia.

In the period 2015 - 2016, according to the annual national program for prevention and counteraction to trafficking in human beings, the National Mechanism for Targeting and Assistance of Victims of Human Trafficking was updated.

In our country we see the intensification of the processes of interaction and coordination with the non-governmental sector (from Bulgarian and foreign organizations) providing services for victims of trafficking. There are numerous working meetings with state and non-governmental organizations, coordinating the different channels of communication and exchange of information, in order to coordinate the individual cases more quickly and efficiently and to react promptly on the received signals.

#### SACP:

In fulfilling its international commitments, Bulgaria provides support to victims of trafficking in persons through the **Criminal Procedure Code, the Combating Trafficking in Human Beings Act, and the Crime Victim Assistance and Financial Compensation Act**. The cooperation of institutions and NGOs in support of victims of human trafficking is regulated by the National Mechanism for Referral and Assistance to Victims of Trafficking, established in 2008-2010, officially approved by an act of the Council of Ministers in 2016. It provides standard operational procedures in three stages: identification and referral, including special protection under the CTHBA, and risk assessment, protection and support, including crisis intervention and support during the reflection period, and social inclusion (reintegration), incl. long-term psychological support and empowerment.

The CTHBA provides victims with a number of rights, including special protection status (Article 25). An equivalent to the one-month reflection period is foreseen, which can be extended to two months when the victim of trafficking is a child (Article 26). In the case of a child victim of trafficking in human beings, the SACP should be immediately notified, immediate measures to be taken to search for the child's family and to provide representation (Articles 21 and 24 of the CTHBA).

The CrPC regulates the involvement of victims in the criminal proceedings against perpetrators. The victim may only be a witness (Article 117 et seq. of the CrPC) with limited procedural rights or a party-individual prosecutor (Article 76 et seq.) or a civil claimant (Article 84 et seq.) in the trial. The victim may report the crime committed against them (Article 209), be a witness with a number of rights (Article 22) and have separate rights as a victim in pre-trial proceedings (Article 75), including the right to appeal against the suspension or termination of the criminal proceedings by the prosecutor (Articles 243-244 of the Criminal Procedure Code).

A number of institutions and NGOs are committed to combating trafficking in human beings and supporting victims. The Interinstitutional National Commission for Combating Trafficking in Human Beings coordinates the work of all organizations in the field of victim support. The Ministry of Interior and the Prosecutor's Office are responsible for the investigation and prosecution of trafficking cases, the Ministry of Foreign Affairs is involved in the identification of victims abroad, and the Health, Social and Education Ministry take care of the different needs of the victims. NGOs are primarily engaged as service providers managing shelters, crisis centres, and offering various consultations, but also support the work of the National Commission for Combating Trafficking in Human Beings and its local commissions at expert and policy level.

#### Supreme Court of Cassation:

In criminal proceedings, victims of "trafficking in human beings" have the capacity of witnesses. As such participants, they give testimony, exposing their stance in their narrative about the events that concern

the process. At their discretion, victims can also participate as a party in the process, namely: as a private prosecutor and / or a civil claimant. In their capacity as a party they can be assisted by an attorney. It is possible to appoint a special representative if the conditions of Art. 101 of the **CrPC** are met. There is a special order for interrogation of a minor and minor witness referred to in Art. 140 of the CrPC: the minor witness is interrogated in the presence of a pedagogue or psychologist and, where necessary, in the presence of the parent or guardian. A minor witness shall be interrogated in the presence of the listed persons if the authority considers it necessary.

The CrPC does not provide for the possibility for NGOs to participate in procedural quality in criminal proceedings in order to assist the victim of crime.

#### Dobreva & Bekirska Lawyer Association:

The procedural position of the victim is at their choice. Here, good information is key to being able to make their choices. People from low strata of society, for example, give up the right to claim compensation because they believe that this means they are telling the truth. They believe that if they claim money, their words will not be believed and they will be regarded as liars. Once they have an explanation of what the purpose of the compensation is, they change their position.

A NGO can participate informally in the process by preparing in writing applications on behalf of the victim signed by it. A party in the process, however, is the trustee who is a registered attorney.

#### Administration of NCCTHB:

Those of the victims who have been informed at their informal or formal identification (as human trafficking victims) about being able to obtain aid and support, including from the state and / or NGOs, and seek assistance, have the opportunity to be represented by trained lawyers and be prepared for their participation in criminal proceedings. This participation is described as a specific measure and is part of a standard operating procedure (SOP) of the National Mechanism for Targeting and Supporting Victims of Trafficking (Measure 3.3). Examples of cases in which victims were legally supported by service providers to the NCCTHB are described in question / item 3.4.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

#### Ministry of Justice (MoJ):

A basic right of the victim is to appeal against the acts leading to the suspension or termination of the criminal proceedings (Article 75, paragraph 1 of the **CrPC**). Pursuant to the CrPC (Article 213 (1)), where the prosecutor refuses to initiate pre-trial proceedings, they must notify the victim or their heirs. For their part, the latter may appeal the order of refusal to the higher-level prosecutor's office.

The victim may also appeal against the verdict before an appeals instance if they consider that their rights and legitimate interests, including the civil claim, have been violated. The appellate instance fully verifies the veracity of the verdict, regardless of the grounds stated by the parties. All evidence that can be gathered under the provisions of the CrPC is admissible in this instance and the appellate court may also establish new factual situations. The appellate instance may revoke or amend the verdict in the non-appealed part as well as in respect of those who have not filed a complaint if there are grounds for doing so. By judgment, the appellate court may revoke the sentence and refer the case back to the first instance court; to lift the first instance verdict and to issue a new verdict; to amend the first instance verdict; to cancel the verdict and to terminate criminal proceedings in certain cases; to stop the criminal proceedings or to confirm the first instance verdict.

Unlike the appellate instance, the cassation instance verifies the verdict or the decision only in the appealed part and with respect to the respondents, ruling within a two-month period. However, it shall revoke or amend the verdict or judgment in respect of the defendants who have not appealed, if the

reasons for doing so are in their favour. The verdict and the decision are subject to revocation or amendment by a cassation order when the law is violated; where a material breach of procedural rules has been committed and where the penalty imposed is manifestly unfair.

The victim of trafficking in human beings is entitled to a one-off financial compensation under the conditions and procedure of the Crime Victim Assistance and Financial Compensation Act, not only in the case of a conviction, including in cases where the case was dealt with in the absence of the defendant, but also when there is a cessation or suspension of the criminal proceedings. Financial compensation shall be granted after the entry into force of:

- the prosecutorial or the judicial act in which the criminal proceedings have been discontinued, except in cases where the termination is based on Art. 24, para. 1, items 1, 7, 8a and 9 of the CrPC;
- the prosecutorial or the judicial act in which the criminal proceedings have been suspended due to the failure to disclose the perpetrator of the offence.

#### SACP:

Child victims have the right to a special representative - an attorney, if their interests are in conflict with those of their parents or guardians (Article 101 of the CrPC), their interrogation is subject to special rules regarding the presence of parents / guardians / psychologists (Art. 140 of the CrPC), and in order to avoid contact with the defendant it is permissible to read the testimony of the child in the court (Article 281 (1) (6) of the CrPC). Children should be interrogated in specially equipped rooms - the so-called "Blue rooms".

#### Dobreva & Bekirska Lawyer Association:

Ineffective trafficking investigation is a violation of Article 4 of the **European Convention on Human Rights and Fundamental Freedoms** and the right to complain to the European Court of Human Rights (ECHR) in Strasbourg. To date, there has been no such formal violation found against Bulgaria, although the case S.R. Against Bulgaria is under Article 3 rather than Article 4 only because the act against the girl was committed in 1999 before trafficking was criminalized in 2002. But under this mechanism the victim can be compensated for the omissions and behaviour of the state (procedural offence), unless the offender is an employee of the MoI, mayor or other representative of the State (material offence). Until now, such a violation has not been seen by the ECHR practice against any country (the material aspect of Article 4).

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

#### Ministry of Justice (MoJ) :

According to Art. 72 of the **Ministry of Interior Act** police authorities may detain a person in certain circumstances (e.g. a person who has been indicted for having committed a crime, for failing to establish his identity, or has been ordered to search for detention, as well as on request to another country in connection with his extradition or in execution of a European Arrest Warrant, etc.). The term of detention in these cases may not be longer than 24 hours. The detainee has the right to appeal the lawfulness of the detention to the district court at the seat of the authority. The court shall pronounce on the appeal immediately and its decision shall be subject to a cassation appeal under the **Administrative Procedure Code** before the respective administrative court. Where the detainee does not speak Bulgarian, they shall immediately be informed of the reasons for their detention in a language which they understand.

As far as the criminal process is concerned, it should be taken into account that no one can be detained for more than 24 hours without court permission and that the right to appeal against acts that violate their rights and legitimate interests is a fundamental right of the accused under **the CrPC**. Within the criminal process, the prosecutor may order the accused's detention to bring them to the court - up to 72 hours. Although this ruling on detention by a prosecutor does not provide for a procedural order in

which it can be appealed before a court, it may be appealed under the general rules of Art. 200 of the CrPC - Prosecutor's orders that are not subject to judicial review are appealed to a prosecutor from the higher-level prosecutor's office whose order is not subject to appeal. In addition, the decree may be revoked *ex officio* by a prosecutor from the highest prosecutor's office (Article 46, paragraph 3 of the CrPC).

Where there is a reasonable presumption that the accused has committed a criminal offence punishable by imprisonment or other heavier penalty, and the evidence in the case indicates that there is a real danger that the accused may abscond or commit a crime, the court of first instance, at the request of the prosecutor shall take a detention measure in respect of the accused. The court decides by ruling, which is announced to the parties at the hearing. The ruling is subject to appeal by private appeal and private protest before the appellate court within three days.

The accused or their counsel may, at any time during the pre-trial proceedings, request an amendment of the custody measure taken. The request of the accused or their defence counsel shall be made through the prosecutor, who shall immediately send the case to the court. The court considers all the circumstances surrounding the lawfulness of the detention and makes a ruling, which it declares to the parties at the hearing. By announcing the ruling, the court shall schedule the case before the appellate court within seven days in the case of a private appeal or a private protest.

It should be borne in mind that according to the Bulgarian **Criminal Code**, the act committed by a person who has suffered trafficking in human beings when he was forced to do so directly (Article 16a of the Penal Code) is not culpable.

Therefore, in cases where the accused is acquitted, non-pecuniary damage caused by their illegal detention (up to 24 hours by a police body per person, up to 72 hours by the accused's prosecutor and when the court has imposed a custodial detention measure) is subject to compensation - under the State and Municipality Liability for Damages Act. (see **Judgment No 95 of 8 May 2011 of the Supreme Court of Cassation** on civil case, No 849/2010, III c.d., NC, reported by Judge Sevdalin Mavrov).

#### SAR:

The State Agency for Refugees with the Council of Ministers (SAR) implements the state policy for granting international protection in the Republic of Bulgaria through a set of activities set out in the Agency's objectives. The main functions of the institution are related to the reception, accommodation and administration of foreigners who have filed applications for international protection.

During the registration, the social worker seeking protection from the respective SAR territorial unit makes an assessment to identify any degree of vulnerability. According to the national legislation "Persons from a vulnerable group" are minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with juveniles, victims of trafficking in human beings, people with severe health problems, people with mental disorders and persons who have suffered torture, rape or other serious forms of mental, physical or sexual violence - a rule of law contained in the Additional Provisions of the Asylum and Refugees Act.

Each application for international protection shall be considered on an individual basis. In the course of the proceedings, the refugee's history provided by the foreigner in interviews with them is assessed, and the same is verified according to the information about the country of origin from which the applicant comes.

If during the proceedings it is established that the foreigner was a victim of trafficking, this circumstance will be taken into account when deciding on their application, in accordance with the established vulnerability of the asylum seeker.

The National Commission for Combating Trafficking in Human Beings and the respective regional directorates of the Ministry of Interior shall be notified.

The administrative proceedings of foreigners seeking protection end with the issue of an individual administrative act which, under national law, is subject to judicial review. During the proceedings, as well as in the trial phase, foreigners are entitled to a lawyer.

6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons

acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

Ministry of Justice (MoJ):

Art. 159 and Art. Article 159b of the **Criminal Code** provides for qualified chambers and heavier punishments when the basic staffing is committed by an official in the course of or in connection with the performance of his duties.

Dobreva & Bekirska Lawyer Association:

In the case of the mayor of Tuzha village (reply 5.3), a police officer has been convicted not of trafficking itself but of facilitating and covering the trafficker - a crime under Art. 129 para. 2 of the Criminal Code and Art. 144 para. 3 of the Criminal Code. A sentence of the District Court of Blagoevgrad on May 514/17 of 31.05.2018; not final, appealed to a district court: [http://blagoevgradrc.judiciary-bg.org/Courts/RC/Blagoevgrad/web\\_access\\_rc.nsf/ActionView/B00E3D26ACB126DFC225829F00310D6D](http://blagoevgradrc.judiciary-bg.org/Courts/RC/Blagoevgrad/web_access_rc.nsf/ActionView/B00E3D26ACB126DFC225829F00310D6D)  
In the European case, S.Z. Against Bulgaria a violation is found because of the fact that 2 police officers from the organized crime group for trafficking are not accused and brought to justice.

6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?

Administration of NCCTHB:

See question 3.6.

## **7. Non-punishment provision (Article 26)**

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

Ministry of Justice (MoJ):

In order to implement the provisions of **Directive 2011/36/EU** on preventing and combating trafficking in human beings and protecting its victims and replacing Framework Decision 2002/629 / JHA, a number of amendments and additions to the **Criminal Code CTHBA**. In this regard, a new article 16a was written of the Criminal Code, according to which a person is exempted from criminal liability or no punishment is imposed on a victim of trafficking in human beings because of their participation in the criminal activities they were forced to commit as a direct consequence.

Art. 16a of the Criminal Code should be read in conjunction with Art. 143 CC, which classifies coercion as a crime and Art. 20 CC on complicity. The conclusion is that victims of trafficking in human beings are not punished for participating in illegal activities that they have been forced to do in such capacity. Criminal liability will be borne by the person who has coerced them to commit the crime.

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

Ministry of Justice (MoJ):

In principle, according to Art. 15 of the **CVAFCA**, financial compensation shall not be granted when: 1. the victim has been sentenced for a crime referred to in Article 3, Paragraph 3 within the last 5 years prior to applying for financial compensation; 2. the crime was committed in a state of high agitation, provoked by the victim with unlawful action, due to which grave consequences occurred or could have occurred for the culprit or the culprit's next-of-kin; 3. the crime was committed by exceeding the limits of reasonable self-defence; 4. the victim has received compensation by other means; 5. the victim has not reported the crime to the competent authorities, except if the victim has valid reasons for failing to do so.

Where a victim contributed to the occurrence of the criminal consequences, this shall entail a reduction of the financial compensation which the victim could obtain.

According to Art. 16a of the **Criminal Code**, a victim of trafficking in human beings is exempted from criminal liability or is not punished for having participated in the criminal activities which they were forced to commit as a direct consequence. Such a person will not be convicted of the crimes committed as a victim of trafficking in human beings.

In view of this and Art. 15 of the CVAFCA will not be applicable.

#### Supreme Court of Cassation:

Victims of "trafficking in human beings" have unconditional access to CrPC protection measures.

#### Dobreva & Bekirska Lawyer Association:

There are virtually no obstacles.

## **8. Protection of victims and witnesses (Articles 28 and 30)**

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

#### MoI:

Bulgarian legislation provides for the following protection of victims of trafficking in human beings:

- As a witness (Article 123 of the **CrPC**);
- Protection provided by the **Law of Protection of Persons Threatened in Connection with Criminal Procedure**. This law regulates the conditions and procedures for providing special protection by the state to persons threatened with criminal proceedings and persons directly related to them when they cannot be protected by the means stipulated in the CrPC.

Special protection is provided by the Chief Prosecutor's Office for Protection. The control over the implementation of the special protection is carried out by the Council for the Protection of Threatened Persons.

The special protection is carried out through preliminary protection and **Program for Protection of Threatened Persons** under the conditions of conspiracy in a manner and manner determined by an act of the Prosecutor General. It may also include activities to provide social, medical, psychological, legal and financial assistance to support the integration of the person in the new environment.

- The **Combating Trafficking in Human Beings Act** provides for general and special protection only for victims of trafficking in human beings.

#### Administration of NCCTHB:

Victim protection is the guiding principle of the **National Mechanism for Referral and Support of Victims of Trafficking in Human Beings (NMR)** ([https://antitraffic.government.bg/bg/help#national\\_mechanism](https://antitraffic.government.bg/bg/help#national_mechanism)), whose coordinator is the NCCTHB. The mechanism includes specific and detailed support measures, incl. protection from

intimidation or repression, from the moment of initial contact with the victim until the end of the court proceedings. One of the first steps is to assess the risk and needs of the victim by specialists (psychologists, social workers), with the victim's informed participation. With the victim's consent to use a specialized service and depending on its specific needs (to the NCCTHB or other available in the country), they are accommodated, with security at shelters and crisis centres being guaranteed (see annexed Regulations on the Temporary Accommodation Shelters and Centres for Protection and Assistance to Victims of Trafficking in Human Beings, adopted by Council of Ministers Decree No. 49 of 01.03.2004).

According to NMR, victims of trafficking in human beings, whether formal or informal, and willing or not to cooperate in the detection of the crime, are entitled to unconditional support and access to services within the period of recovery and reflection.

Additionally, Art. 25 of the Combating Trafficking in Human Beings Act regulates the status of special protection for the duration of the criminal proceedings of the persons who are victims of trafficking and they have agreed to cooperate to reveal the perpetrators of the crime.

Applicable provisions for the protection and avoidance of re-victimisation may be Art. 263, para. 2 of the Criminal Procedure Code (closed doors hearing) and Art. 123, para. 1 of the CrPC (protection of the witness due to a real danger to life and health, including the mental health as a result of witnessing), Article 139, para. 7 (videoconference interrogation) and Art. 141 CrPC (interrogation of a witness with a secret identity). As described in Measure 3.3. of the NMR, in accordance with the victim's emotional state, the lawyer asks her to be interviewed in a "blue room", before a judge and in the presence of the accused and his counsel.

#### SACP:

Art. 4 of the CPA provides several general measures for the protection of children at risk, such as police protection, accommodation for relatives or foster parents, adoption, etc. The Social Assistance Act determines the order and types of social services that ensure appropriate and safe accommodation of children victims of trafficking. In the implementation of child protection measures, a victim of trafficking is subject exclusively to the application of the "best interests of the child" principle. According to Art. 11 of the CPA it is guaranteed that the identity and data of a child, particularly in respect of which a protection measure has been taken, is not disclosed.

## 8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

#### MoI:

In order to ensure that victims are provided with information on the progress of the case, the **CrPC** provides the following options:

Under the CrPC, victims of trafficking in human beings have the opportunity to be constituted as victims in criminal proceedings.

Pursuant to Article 74 of the CrPC, the person who has suffered material or non-material harm from the crime has been injured. In the pre-trial proceedings, the victim has the following rights: to be informed of their rights in the criminal proceedings; to receive assurance for their safety and that of their relatives; **to be informed about the course of criminal proceedings**; to participate in the proceedings as set out in this Code; to make requests, remarks and objections; to appeal against acts that lead to the suspension or termination of the criminal proceedings; to have a trustee; to receive a translation of the decree terminating or suspending the criminal proceedings if they do not speak the Bulgarian language.

The victim's rights arise if they expressly request to take part in the pre-trial proceedings and indicate an address for summoning in the country.

#### Dobreva & Bekirska Lawyer Association:

As of 22.02.2019, new provisions are in force in the **Criminal Procedure Code**, which directly affect victims of trafficking. Improvements to the CrPC concern those who cooperate in investigating the crimes they have been victimizing and at risk of intimidation and revenge. It is now mandatory that the prosecutor and the court immediately notify these persons when: 1. the accused violates the custody measure - home arrest or imprisonment, 2 that measure is revoked or replaced by a subscription or bail.; 3. the execution of the penalty of imprisonment and probation shall be postponed.

"Informing the victim with specific protection needs in relation to detention: Art. 67a. (New, SG, No. (2) The prosecutor in the pre-trial proceedings and the court in the court proceedings shall immediately notify the victim of specific protection needs in cases where: 1. the accused violates the custody measure - home arrest or imprisonment, 2 the custody measure - home arrest or imprisonment, is revoked or replaced by a subscription or bail.

### 8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

MoI:

With regard to privacy and confidentiality during court proceedings, the **CrPC** provides for an opportunity to hear the case in camera (Article 263 of the CrPC), according to which:

Art. 263. The hearing of the case or performance of concrete Court procedural actions shall be performed behind closed doors, if is needed for the keeping the state secret and morality, as well as in the cases of Art. 123 Para. 2, Item 2.

(2) The provision of para. 1 may also be applied where necessary in order to prevent the disclosure of facts of the intimate relations of citizens.

(3) A witness of minor age or a juvenile witness having suffered from a crime, may be questioned in camera.

Furthermore, in Art. 198 of the CrPC provides that investigative material cannot be disclosed without the permission of the prosecutor. Where necessary, the pre-trial authority shall warn against signature the persons present at the conduct of the investigation that they cannot disclose the materials in the case without permission and otherwise be liable under Art. 360 of the Criminal Code.

### 8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

Supreme Court of Cassation:

The SCC does not have specific information on the number of cases where such measures have been used. The **Criminal Code**, the **Crime Victim Assistance and Financial Compensation Act**, and the **Law of Protection of Persons Threatened in Connection with Criminal Procedure** do not provide for a restriction to exclude victims of "trafficking in human beings" from the scope of application of the relevant laws. Therefore, there is no regulatory obstacle to measures or programs for the protection of witnesses being applied to victims of "trafficking in human beings".

SACP:

According to the **Criminal Procedure Code**, when a protected witness is interviewed in open court, the defendant and his counsel are brought out of the courtroom in a separate room.

According to Art. 281, para. 1, item 6 of the Criminal Procedure Code, when the witness is a minor and during his interrogation the accused and his defence counsel were present, the statements given in

the same case to a judge in the pre-trial proceedings or before another chamber of the court shall be read.

According to Art. 140, para 1 of the CrPC the minor witness is interrogated in the presence of a pedagogue or psychologist and, where necessary, in the presence of the parent or guardian.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

Agency for Social Assistance:

Annually, with a **decision of the Council of Ministers** to adopt standards for the activities delegated by the state with natural and value indicators, the financial means for maintenance of the state delegated activities funded by the state budget in the organization and provision of public services are determined. Social services are differentiated and the amount of their funding is in line with the type of social service. The financial standard ensures the functioning of the social service as a whole, including the maintenance of the material base and the implementation of the activities related to providing support to consumers.

Art. 18a. of **the Social Assistance Act** regulates that the municipality mayor shall manage the social services within the territory of the relevant municipality, which are State-delegated activities and local activities, and shall be employer of the heads of the said services with the exception of the cases of commissioning of management under Paragraph (3).

The municipality mayor may commission the management of social services, which are State-delegated activities and local activities, to the persons referred to in Article 18 (2) and (3) herein by contest or on a negotiated basis if there is a single candidate.

In most cases, the Crisis Centre, Mother and Baby Unit and Temporary Placement Centre - state-delegated activities where trafficked persons are accommodated are entrusted with NGO competition. Funding for NGOs is based on the financial standard for the service for that year. Other sources of funding may also be used - projects and programs, donations, etc.

MoI:

Regarding police cooperation with NGOs, it should be noted that the same is done on the basis of the long experience and practice developed as well as the provisions of the National Mechanism for Referral and Assistance to Victims of Trafficking in Human Beings. In this regard, after identifying victims of trafficking in human beings, police officers assess the risk to them and assess whether they need any help and support, such as medical, psychological, social, and whether they need to be accommodated in specialized shelters for victims of trafficking in human beings. In the presence of the above-mentioned needs, the victims are directed to appropriate service providers and the interaction in such cases is carried out under the procedures provided for in the National Mechanism for Referral and Assisting Victims of Trafficking in Human Beings. In these cases police officers mainly interact with the NCCTHB, NGOs and ASA at the MLSP, which are providers of the above-mentioned services for victims of trafficking in human beings.

Administration of NCCTHB:

The management of specialized services for the protection and support of trafficked persons to the NCCTHB is delegated to NGOs specializing in the care of injured persons. Funding is provided by the state budget through public procurement, and the control is carried out by the administration of NCCTHB. ANCCTHB's experience in providing services shows that NGOs, in the face of social workers and service psychologists, cooperate well and regularly with the investigators' representatives by mediating and facilitating communication between them and caregivers. About 90% of the accommodated persons in the shelters of the NCCTHB are assisting in the detection of the crime and 2/3 of them are involved in pre-trial proceedings.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

MoI:

There are special provisions for child victims, which are contained in numerous legal acts. For example, the following provisions are laid down in the **CTHBA**:

Art. 21. Upon receipt of information about a child who has become a victim of trafficking, the bodies in Article 2 shall inform immediately the State Agency for Child Protection, which shall take the relevant measures under the Child Protection Act.

Art. 22. Children who have become victims of trafficking shall be accommodated in separate premises from adults.

Art. 23. Children who have become victims of trafficking in human beings and children of victims of trafficking in human beings shall be provided with education in state or municipal schools in the country, in compliance with the Pre-school and School Education Act

Art. 24. (1) The bodies, shelters and centres in Article 2 shall take prompt measures to search the families of the children who have become victims of trafficking.

(2) In the cases in Paragraph 1, the specialised bodies under the Child Protection Act shall take measures to ensure legal representation.

With regard to child victims of trafficking in human beings, Article 26 of the Act provides that, at the proposal of the State Agency for Child Protection, the "reflection period" for them can be extended to two months.

Pursuant to Article 25, Paragraph 1 of the **Asylum and Refugees Act** "An unaccompanied minor or a minor who seeks or has obtained international protection who is on the territory of the Republic of Bulgaria shall be appointed a representative from the municipal administration designated by the mayor of the municipality or by an official empowered by him".

Pursuant to the **Regulations on the Implementation of the Child Protection Act**.

Art. 20. (4) In cases where:

1. contact cannot be established or there is no declared wish on the part of parents, guardians or carers, the use of social services is based on an order of the director of the Social Assistance Directorate;

2. Protection is granted to children victims of violence or victims of trafficking, the director of the Social Assistance Directorate issues an order for accommodation in a crisis centre and / or use of other forms of social services and issues a mandatory prescription to the parents in order to protect the children's rights".

As regards child victims trafficked abroad, special provisions are provided for in the **Coordination mechanism for referral and care of cases of unaccompanied children and children - victims of trafficking returning from abroad**.

Child victims participate in the criminal process through their legal representatives - parents, guardians or trustees.

Pursuant to Article 101 of the **Criminal Procedure Code**, where the interests of the child victim of the offence are contradictory to those of their legal representatives, the respective body appoints a special representative - a lawyer.

The following provisions are provided for the conduct of interviews with children in the CrPC:

Art. Art. 140. (1) A juvenile witness under the age of 14 years shall be interrogated in the presence of a pedagogue or a psychologist, and where necessary, in the presence of the parent or the guardian.

(2) A juvenile witness above the age of 14 years shall be interrogated in the presence of the persons under the Para. 1, if the respective body deems so necessary.

(5) Interrogation of a juvenile witness under and above the age of 14 in the country may take place if relevant also by videoconference.

In order to limit the interrogation of victims of trafficking in human beings, including children, to the National Referral Mechanism, Measure 3.3, the following provision is provided: "It is of the utmost importance for the trial that, in the course of collecting the evidence, the injured person should not be traumatized again with further interrogations. It is important to reduce the interrogations to the required minimum."

In order to avoid additional interrogations of victims of trafficking in human beings, the following provisions of the Penal Code are provided:

Art. 280 (6) Minor witnesses or witnesses with special protection needs, who have been questioned during a penal proceeding shall be questioned again only if their testimonies cannot be read out under the conditions and order of Art. 281 or the second questioning is of significant importance for revealing the truth. The interrogation shall be conducted when measures are taken to avoid contact with the defendant, including in specially equipped premises.

As regards the protection of child victims of trafficking in human beings, it should be noted that the above mentioned provisions for the protection of the victims of trafficking regulated by the Criminal Code, the Law of Protection of Persons Threatened in Connection with Criminal Procedure, and the CTHBA.

#### SACP:

Art. 281, para. 1, item 6 of the **CrPC** stipulates that when the child victim has been questioned before a judge and in the presence of the accused and their attorney, they should not be summoned and questioned again in court. This ensures that the child will not recall the traumatic events again, and that they will not meet face to face with the perpetrator of the crime. In addition, in more and more cities, the so-called "Blue rooms" are opened. Pre-trial interrogation takes place in a "blue room" where only the child and the psychologist are present, and his legal representatives, the judge, the investigator, the accused and his lawyer observe and listen behind the mirror glass. These persons have an audio connection with the psychologist. He hears their questions and rephrases them for the child in a way that the child can understand. The interrogation is recorded and used as evidence in the trial phase.

#### Administration of NCCTHB:

As a result of the project "Building the Legal and Institutional Capacity of the Judicial System in the Field of Juvenile Justice", completed in September 2018, under the "Security" Thematic Fund of the Bulgarian-Swiss Cooperation Program 12 specialized premises were built and equipped for a gentle hearing and questioning of minors in contact with the law, the so-called "Blue rooms" in the towns: Varna, Pleven, Kozloduy, Vratsa, Haskovo, Smolyan, Dobrich, Razgrad, Lovech, Targovishte, Silistra and Kardzhali.

Within the framework of the project, specialized judges have been set up to deal with cases, with the participation of children in 5 pilot courts - the Varna District and Regional Courts, the Plovdiv District and Regional Court, the Kozloduy District Court. A manual for the work of specialized judges has been developed, as well as internal rules for using a "blue room" room for children's hearing.

In total, 107 judges, prosecutors, police officers and social workers from the country for work with children have been trained in the specific Objective 2 aimed at improving the capacity of the specialists. Training modules have been developed and conducted jointly with the International Children's Rights Institute in Sion, Switzerland and the National Institute of Justice.

## **9. Specialised authorities and co-ordinating bodies (Article 29)**

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

#### MoI:

**DGCOC** is a leading structure in the Ministry of Interior with competence to combat trafficking in human beings in all its forms. For this purpose, a specialized sector has been established in the directorate for

Combating Trafficking in Human Beings, and in the territorial units are designated officials who work in priority on the line.

In their work, DGCOC officers are involved in conducting preventive campaigns for risk groups and affected regions, conducting operational-search activities (OSA) on detecting traffickers, conducting criminal investigations, engaging in active international cooperation on cases related to cross-border trafficking people, and provide assistance to victims of trafficking on their return to the country or to their targeting of the necessary service providers for victims of trafficking.

In addition, DGCOC officers are involved in a number of activities and activities related to the training of experts working on the line, updating of regulations regulating the fight against trafficking in human beings, implementation of international projects and conducting of national and international forums to improve cooperation along the line. Also, a representative of the specialized sector Trafficking in Human Beings is a member of the permanent working group of the NCCTHB. An employee of the sector participates in the "**Interinstitutional Coordination Team for Collaboration on Signals for Trafficking in Human Beings**", established within the project "Swiss-Bulgarian Cooperation for Identification and Long-term Assistance of Children and Adult Victims of Human Trafficking" implemented by the NCCTHB.

In its action against trafficking in human beings, the DGCOC actively applies the multidisciplinary approach and actively cooperates with other competent institutions and non-governmental organizations.

In this way, the DGCOC, in accordance with its functional obligations, contributes to the more effective fight against human trafficking, assistance and protection of the victims of this crime.

#### National Investigation Service - NIS:

The **NIS** has independent financial resources to better ensure the operation in cases of human trafficking. The guarantee for precise work on these cases is the internal structuring of the investigators in the Office and the division of cases between them. In particular, cases with such subject matter are assigned (subject to the principle of random distribution) only to investigators in Specialized Division 02 - Criminal, who have extensive practical experience in this field.

In separate rooms in one of the bodies of NSI there is the so-called identification area, the space is organized so as to avoid physical, visual or other contact between the perpetrator and the victim of the crime. One of the cases in which this option is used is precisely those for trafficking in human beings.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

#### MoI:

A specialized money laundering unit has been set up in DGCOC, which is involved in tracking cash flows and identifying property acquired as a result of criminal activity, including trafficking in human beings. Within its powers, the Directorate conducts financial investigations against money-laundering OCGs. In this regard, the specialized unit actively participates in the established Joint Investigation Teams of OCGs dealing with trafficking in human beings.

## **10. International co-operation (Article 32)**

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

#### Ministry of Justice (MoJ):

According to the **CVAFCA**, the NCACVC seeks assistance from the competent authorities of other countries in cases where Bulgarian citizens have been victims of crime abroad and provides assistance to citizens of other countries legally residing in the territory of the Republic of Bulgaria for providing the forms of assistance on the territory of Bulgaria. The central authority for the adoption and resolution of applications for financial compensation by foreign nationals is the Ministry of Justice.

In accordance with the provisions of **Directive 2004/80/EC**, the NCACVC is the deciding authority for the compensation of victims of crimes committed on the territory of Bulgaria and an assisting body for the victims when the offenses are committed on the territory of another EU member state.

#### GENERAL LABOUR INSPECTORATE EXECUTIVE AGENCY (GLI EA):

In the combat against trafficking in human beings for the purpose of labour exploitation, **the GLI EA** implements a series of measures, such as working in close cooperation and joint initiatives with other control bodies, to develop guidelines to unify practices in controlling and countering all forms of labour exploitation.

For example, the joint initiatives with the control authorities of the Republic of France implemented in 2018, in accordance with the "Operational Annex to the Administrative Cooperation Agreement between the Government of the Republic of France and the Government of the Republic of Bulgaria on the Combating of Undeclared Employment and Compliance with the Social Legislation" in cases of cross-border movement of workers and services "were mainly aimed at combating undeclared work and cross-border labour abuses. As a result of these activities, a need has been identified to raise employees' awareness of their rights, including their jobs, better knowledge of the legal framework and methods of action, better understanding of procedures, sanctions, analysis and handling documents in each of the two Member States, from fostering direct exchange based on trust; reciprocal and reciprocal training.

The Inspection refers to cases of signals from Bulgarian citizens and institutions, or when the signals are referred to the Department of Consular Relations at the Ministry of Foreign Affairs or by the Office for Labour and Social Affairs at the Embassies of the Republic of Bulgaria, etc. There is a permanent exchange of information and cooperation with the OLSA leaders on established breaches of the terms and conditions of employment, including mediation and bilateral employment contracts and regulation of labour migration, where established cases of unlawful labour activity and abuse of social rights of Bulgarian citizens on the territory of the respective state, in case of need protection of the interests of Bulgarian citizens or for assistance in the framework of their free movement in the EU.

As a "liaison office" under Art. 4 of Directive 96/71 / EC and "Competent Authority" under Directive 2014/97/EC GLI EA performs electronic information exchange with other EU Member States via the Internal Market Information System (IMI). In 2018, through this system EA GIT processed a total of 207 items. IMI queries (requests), 25 of which were addressed by GLI EA, respectively. 182 inquiries (requests) have been sent to the Inspection from different Member States with a request for information. In the main part, the inquiries refer to a request for verification of circumstances concerning the lawful secondment of workers from Bulgarian companies or for clarification of circumstances with regard to actions of employers who try to avoid the requirements of the labour legislation, attempts at labour exploitation, social dumping, false posting, etc. vicious practices. Inquiries (inquiries) received through IMIS led to carried out inspections of 105 seconding or posting companies in the framework of the provision of services. 15 responses to urgent inquiries (within 2 days) have been prepared with information requests for 13 companies, including the provision of data from the Commercial Register, the Register of the NRA for the registered employment contracts and the issued A1 Certificates, and 2 requests (requests) for requesting information on working conditions in Bulgaria.

Pursuant to Chapter VI of Directive 2014/67 / EC "CROSS-BORDER ENFORCEMENT OF FINANCIAL ADMINISTRATIVE PENALTIES AND/OR FINES " through the above-mentioned system, 3 requests for service of documents were received in GI in 2018; 1 application for notification of a "decision to impose a fine / fines and possibilities and time limits for its appeal" to a service provider from the Republic of Bulgaria and 4 requests for recovery of a fine and / or a fine from Italy, Austria and the Netherlands - 2 , with a total amount of penalties of BGN 1,222,496.60 (EUR 626,921.35), which were provided to the National Revenue Agency for collection by the order of the Tax and Insurance Procedure Code.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

MoI:

In the fight against trafficking in human beings, the DGCOC cooperates actively with foreign police partner services. The Directorate is actively implementing good practices and effective mechanisms for international cooperation. It takes place on the established police cooperation channels such as Europol, Interpol, SELEC, police liaison officers. The subject of this interaction is the issues of victim identification, investigation, prosecution of traffickers, return of victims to their countries of origin and their subsequent support and protection.

One of the successful models for cooperation is the establishment of **Joint Investigation Teams (JITs)**, the capabilities of which are widely used by DGCOC, as they offer a highly effective approach to investigating cross-border organized crime. The DGCOC has extensive experience in implementing this European tool to combat human trafficking as an example of good practice in a number of European forums. Up to now, the DGCOC has been involved in 17 JITs regarding human trafficking, with 6 joint teams working in the past year. Within the JITs, a number of successful operations have been carried out on and off the territory of the country, achieving significant results.

All JITs conducted a parallel money-laundering investigation of criminal assets. Within the framework of the international cooperation, a DGCOC employee participated as a national expert in the European Multidisciplinary Platform against Crime Threats - EMPACT under the Priority Area "Trafficking in Human Beings".

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

N/A

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

SACP:

With the ratification of a number of international instruments, Bulgaria has committed itself both to preventing, countering and punishing trafficking in human beings, especially women and children, and to respecting standards for the protection of the rights of victims of trafficking. The main acts in this respect are:

- Protocol on the prevention, counteraction and punishment of trafficking in persons, especially women and children, supplementing the UN Convention against Transnational Organized Crime (so-called Palermo Protocol), ratified by a law passed by the 38th National Assembly on April 12, 2001;
- The Council of Europe Convention on Action against Trafficking in Human Beings, ratified by law, adopted by the 40th National Assembly on 07.03.2007;
- Directive 2011/36 of the European Union on preventing and combating trafficking in human beings and protecting its victims;
- Directive 2012/29 of the European Union on the establishment of minimum standards on the rights, support and protection of victims of crime.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

Administration of NCCTHB:

Bulgaria is predominantly a country of origin of victims of trafficking in human beings who are Bulgarian citizens, mainly operated in Western Europe and receiving protection and assistance in Bulgaria.

On the one hand, the measures for the return of foreign victims are described in the Standard Operational Procedures (SOPs) to NMR (SOP 2, Measure 2.2 and SOP 3, Measure 3.2), most of which include risk assessment (as involving the victim himself, as well as the investigating authorities and, if possible, the relevant institutions and organizations in the victim's country of origin and informing the relevant diplomatic representation in Bulgaria), preparation of the necessary personal and other documents; contact with appropriate service providers and organizations to support the victim on arrival and coordinate the return process.

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

Ministry of Justice (MoJ):

The interrogation of a witness with specific protection needs is carried out when measures are taken to avoid contact with the accused, including through videoconference or telephone conference (Article 139 (10) of the CrPC). Also, a witness with specific protection needs who has been questioned in the criminal proceedings shall be questioned again only when their testimony cannot be read under the conditions and by the order of Art. 281 The CCP or new interrogation is crucial to revealing the truth. The interrogation shall be conducted when measures are taken to avoid contact with the defendant, including in specially equipped premises.

## **11. Cross-cutting questions**

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

Ministry of Justice (MoJ):

According to Art. 22 of **LAA** legal aid consultation with a view to reaching a settlement prior to litigation or prosecution and for the preparation of documents for filing a lawsuit, is free and is available to all victims of human trafficking, who do not have funds and wish to use lawyer protection.

Legal aid for legal representation is provided in cases where statutory protection, defence counsel or representation is mandatory by law, as well as in cases where the accused, defendant or criminal, civil or administrative case has no means of pay a lawyer, he wants to have a lawyer and the interests of justice demand that.

Administration of NCCTHB:

Through the NRM specialized legal protection, along with any other kind of support (psychological, medical, psychosocial), is offered to the victims of trafficking, who wish accommodation and protection in the services to the NCCTHB regardless of their immigration status and the form of exploitation. Following the updating and adoption of the NRM as a binding document by the Council of Ministers in 2016, the

NMR officially includes the National Legal Aid Bureau and the State Agency for Refugees attached to the Council of Ministers and the Network of Human Rights Lawyers, specializing in the protection of victims of trafficking. As a coordinator of the NMR, the administration of the National Commission, in addition to the SAR Migration Directorate and the Border Police Department of the Ministry of the Interior, further cooperates with the network of organizations working on the protection of the rights of asylum seekers, migrants and refugees.

As part of the National Program for Counteracting Trafficking in Human Beings and Protection of Victims, ANCCTHB also undertakes information activities in the centres where foreign nationals are housed (SAR and Migration Directorate), as well as specialized information materials and trainings identification and referral of TCS who are foreign nationals.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

**Administration of NCCTHB:**

According to the information provided in 2019 in the Report on the Equality of Women and Men in Bulgaria for 2018 (MLSP) under the Norwegian Financial Mechanism (NFM) 2014-2021 program, in line with the July 5th 2018 Agreement on the implementation of the Justice program between the National Coordination Unit (Central Coordination Unit Directorate in the Administration of the Council of Ministers) and the Ministry of Justice, as a Program Operator is provided with a special condition for domestic violence and violence based on gender, including through trainings. In this connection, Output 4 "*Enhancing the Capacity of Bulgarian Institutions in the Field of Domestic Violence and Gender-Based Violence*" is set out in Program area 21 "*Effectiveness and Efficiency of the Judicial System, Strengthening the Rule of Law*", where two pre-defined projects, as well as a small Grant Scheme (SGS) to fund project proposals by non-governmental organizations.

Pre-defined project No 7 "*Prevention and Counteraction of Violence against Women and Domestic Violence*" with Beneficiary the National Institute of Justice (NIJ) and the budget of EUR 250 000 aims at strengthening the capacity of the Bulgarian authorities, in particular the justice sector professionals, institutional practices and European standards in the field of domestic violence and gender-based violence. The project will provide increased competence and better cooperation between relevant authorities. Capacity-building activities are envisaged through the development of training materials, training and the development of a manual for case management in the relevant magistrate area as well as an evaluation of the pilot co-ordination mechanism for cooperation planned in the program.

Pre-defined project No 9 "*Improving access to justice for persons below the poverty line with special focus on women, children and the Roma community*" with beneficiary The National Bureau for Legal Assistance (NLAB), in partnership with the Norwegian judicial administration and budget 750,000 euro to improve access to justice for Bulgarian citizens living below the poverty line. Special attention is paid to three main target groups: victims of domestic violence and gender-based violence, children at risk and Roma communities, especially in remote and isolated rural areas. The project includes activities to provide access to legal assistance for vulnerable groups through the development of a local cooperation mechanism in response to domestic violence and gender-based violence, as well as the creation of mobile legal assistance units.

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

**Ministry of Justice (MoJ):**

See questions 3.2. and 6.1

**SACP:**

Chapter Two of the **CPA** sets out some of the rights of children with regard to their protection against potential trafficking or its consequences if they have already suffered from it. Concerning the hearing of children in administrative and judicial proceedings when their rights or interests are concerned, they must be heard if they are 10 years of age unless this would harm their interests and when the child has not reached 10 years old age, shall be heard according to the degree of its development (Article 15, paragraphs 1 and 2 of the CPA). Before the child is heard, the relevant authority shall provide the necessary information to help him / her form his / her opinion and inform him / her of the possible consequences of his or her wishes and opinions, as well as of any decision of the competent authority (Article 15, paragraph 3 of the CPA). The children are heard in a suitable setting appropriate to their age and in the presence of a social worker from the Social Assistance Directorate or other appropriate specialist; also in the presence of a parent, guardian, trustee, other person taking care of the child or other relative, unless this is not in accordance with the interest of the child (Article 15 (4) and (5) of the CPA). In every case involving a child, the Social Assistance Directorate is notified, which sends a representative who expresses an opinion or provides a report. The Social Assistance Directorate may represent the child in the cases provided for by law (Article 15, paragraphs 6 and 7 of the CPA).

**11.4** What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

**Administration of NCCTHB:**

In line with the EU Strategy on the Elimination of Trafficking in Human Beings, the NCCTHB Secretariat works closely and tries to involve representatives of the private sector in its prevention and victim support programs. Good examples are the established partnerships with the Manpower Group and Manpower Bulgaria (Athens Code of Conduct); support for various preventive activities by Postbank, mobile operators, Metromedia in the Sofia metro, etc .; companies that support shelters for victims and service providers such as IKEA; restaurants and hotels in resorts and more.

The NCCTHB provides for an international forum for cooperation between public authorities and businesses in the fight against trafficking in human beings in October 2019 in Sofia. The event aims to stimulate discussion on the role of business in counteracting trafficking in human beings and to present good practices from abroad in the field of eliminating trafficking in human beings from the business and supply chains.

**11.5** What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

**Counter Corruption and Forfeiture of Unlawfully Acquired Assets Commission (CCFUAC):**

Legal and practical measures, with a view to preventing and detecting situations in which corruption facilitates human trafficking and violates the right of victims of trafficking in persons to access to justice and effective remedies are within the competence of the authorities of the Ministry of the Interior (MoI).

CCFUAC is a body for counteracting corruption against the persons holding senior public positions, explicitly and exhaustively listed in Art. 6, para. 1 of CCFUAAA. At present, there are no cases of corrupt cases with the participation of senior public officials, in which the court has ordered the seizure of illegally acquired property.

**MoI:**

In 2016, as a result of the work of officers of the Domestic Security Directorate of the Ministry of the Interior, pre-trial proceedings were instituted against two employees of the Ministry of Interior - one of the DGCOC, and the other - of the DDMoI-Blagoevgrad, for extortion of persons dealing with prostitution, pimping, and trafficking for prostitution purposes.

Statistics from 2015 to 2018 on the work of the Directorate on human trafficking:

- Number of received alerts containing data on trafficking in persons within the meaning of Art. 159a et seq of the CC: in total - 26 signals, of which 15 were left to work in DSD. On 1 signal there is a pre-trial proceedings in Blagoevgrad OP.

## **Part II – Country-specific follow-up questions**

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);

MoI:

As regards trafficking in human beings, Bulgaria is predominantly a country of origin, a transit country and, to a much lesser extent, a country of final destination. The most common form of trafficking is sexual exploitation, followed by trafficking of pregnant women for the purpose of selling their newborn children and trafficking for forced labour. In recent years, the so-called "Soft methods" are applied when recruiting victims, in contrast to the violent methods used years ago. The loverboy method is widely used, where victim control is based on love affinity and emotional dependence. Violent methods are used more at the stage of exploitation and control of victims in the destination countries. These methods are primarily related to psychological coercion and influence, and to a lesser extent to physical means. In the cross-border trafficking of human beings for sexual exploitation, the countries of destination are the economically developed countries of Western and Central Europe where prostitution is legalized and there is a high demand for sexual services.

With regard to trafficking in human beings for the purpose of forced labour, the main areas of exploitation are agriculture, construction and the service sector, and the destination countries are mainly Western European countries. Criminal groups trafficking human beings for forced labour are targeting socially disadvantaged groups that can easily be deceived to work abroad under vague conditions.

In the trafficking of pregnant women for the purpose of selling their newborn children, the victims are predominantly of Roma origin and the destination countries are Greece and Cyprus. The recruited victims are low educated and easily manipulated, with a low standard of living.

Trafficking in human beings, especially for the purpose of sexual exploitation, reveals the increasing use of the Internet and social networks, both for recruitment and for offering sexual services and victim control.

Administration of NCCTHB:

Over the last few years, there have been several trends in trafficking in human beings, the fight against THB and support for its victims in Bulgaria. The growth in traffic for labour exploitation, which is also evident in previous years, continues. Secondly, there are increasing incidents of trafficking for the purpose of forced begging, mainly of men, to countries in Western Europe such as France and Sweden. Thirdly, the importance of the Internet and ICT is growing for all elements and phases of trafficking - the recruitment of victims by traffickers, the organization of transport, the promotion of "services", the control of victims and the communication between traffickers and organized crime groups (OCGs), but also in the work of detecting and investigating the crime by law enforcement. ICT is becoming an increasingly important factor in both law enforcement and crime prevention work.

There are no significant changes in the established risk profiles of traffickers and trafficked victims in recent years. Still the leading form of trafficking is sexual exploitation (debauchery), with the main victims being young women and girls. Isolated cases of men and boys who are victims of the same crime are reported. Higher standards of living in Western European countries, the high level of demand for services offered, as well as the striving of criminals and victims to quick profits provoke the relative sustainability of crime levels. Unlike trafficking in human beings for the purpose of sexual exploitation, several basic recruitment methods can be found in forced labour trafficking, namely: by using deception, through various promises, deception through half-truths, and deception in terms of degree of exploitation, despite the clarity of conduct and coercion.

In recent years, there have been no significant changes in identified groups of individuals at risk of being trafficked for sexual or labour exploitation. These are women and children, boys and girls of working age, from regions of high unemployment, with low social status, without or with low education and without a particular profession, living in difficult household conditions and with financial difficulties.

There is a tendency to increase the number of people involved in trafficking in human beings for the purpose of begging, and this is often a case of disabled people who are trafficked into Western Europe and forced to beg, as well as people who are homeless, without relatives and in severe financial condition.

Foreign citizens who have been granted refugee or migrant status and are seeking to reach Western European countries where their relatives are already living are also vulnerable to being more easily involved in trafficking and exploitation.

EU countries such as Germany, Austria, the Netherlands, Belgium, Italy, France, Spain, Greece and Sweden are among the preferred destination destinations for organized crime groups related to the recruitment, transportation and subsequent exploitation of victims of trafficking from Bulgaria. Preference is given to countries where prostitution is legalized, there is a demand for services provided by potential trafficked persons, or there is more liberal legislation as regards the factors affecting the areas of exploitation.

Domestic trafficking for sexual exploitation is concentrated in Sofia and the big cities (Stara Zagora, Vratsa, Pleven, Sliven, Shumen, Pazardzhik), while the Black Sea and mountain resorts have a seasonal character. As demand increases, supply also grows.

- the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);

#### Administration of NCCTHB:

#### **Amendments to the Criminal Code from 2015:**

Art. 16A. (1) (New, SG No. 84/2013, Previous text of Article 16a, SG No. 74/2015) An act shall not be considered culpably committed if performed by a person who is a victim of human trafficking and was forced to perform

the act in direct relation to be such victim.

(2) (New, SG No. 74/2015) An act shall not be considered culpably committed if performed by a minor who was a victim of a crime under Article 155, 156, 158a, and 188(2), or by a minor who was used for the production of pornographic material and was forced to perform

the act in direct relation to be such victim.

**Updated NRM, adopted by the Council of Ministers as a binding document:**

In the period 2015-16, the NCCTHB administration carried out a revision and updating of the existing National Mechanism for Referral and Support to Victims of Trafficking (NRM).

The main changes included:

- Introducing a "definition" of human trafficking in the NRM itself, as well as what are the main differences with similar crimes with a focus on "smuggling"; the term "definition" also emphasizes terms such as "holding in forced obedience", etc .;
- Strengthening the coordination role of the ANCCTHB; what does "recovery and reflection period" mean and why is it important? the importance of periodic monitoring and evaluation of NRM;
- In the "Institutional Framework" section, the National Legal Aid Bureau is added as well as existing national helpline;
- 4 additional sections (described at the end of "Introduction" of NMH): (1) "Criteria and Standards for Providing Social Services to Victims of Trafficking"; (2) Comparative analytical table between Directive 2011/36 / EC and the Bulgarian legislation, mainly concerning trafficking in human beings; (3) List of lawyers who have undergone specialized training modules for work and protection of victims of trafficking in human beings under the project "Assistance to victims of trafficking in Bulgaria, Slovakia and Romania to receive legal aid - a human rights based approach" (HOME / 2011 / ISEC / AG / 4000002581), Leading Applicant of the Dutch Helsinki Committee and implemented by the Animus Association Foundation on the Bulgarian side and partners from Romania and Slovakia; (4) Specific rights and applicable law relating to the rights of victims of trafficking in human beings; Social Rights of Children Victims of Trafficking.
- Detailed explanations on formal and informal identification are added, as well as specifics under the CrPC- pre-trial proceedings;
- Some minor changes in the work with children and third-country nationals of the EU seeking international protection (the changes are related to changes in legislation);
- Supplements in Appendix 2 - Social Services - related to the services with the NCCTHB.

Following the revision and update, the Council of Ministers adopted the NRM as a binding document for the institutions and organizations that are part of it at its meeting in June 2016.

**Amendments to the Combating Trafficking in Human Beings Act:**

In 2016, the NCCTHB administration initiated amendments to the Combating Trafficking in Human Beings Act, with the main purpose of specifying the period of recovery and reflection (PRR) for the victims. The changes are in line with the recommendations of GRETA and EU Directive 2011/36/EU. A 30-day recovery and reflection period is included in the NRM after the Council of Ministers adopted an updated version of the NRM with the status of a binding document in June 2016 (see above). In November 2016, the NCCTHB administration provided a concept for the changes to the law to the members of the Permanent Task Force (PTF) to the NCCTHB for the purpose of including the PRR in the act as well. The PGR presented its views on the concept and, at its meeting in December 2016, recommended that the changes be included in the agenda of a meeting of the NCCTHB. In parallel, the NCCTHB administration initiated an external study on the adopted rules on the PRR in other European countries and the compatibility of the changes with the other laws and the institutional framework in Bulgaria. The NCCTHB discussed the purpose, the subject and the scope of the amendments to the CTHBA at its meetings in July 2017, March 2018 and June 2018, the latter taking the decision to include the definition of the 30-day PRR in the CTHBA, reinforcement of the coordination a function of the NCCTHB as a national rapporteur and / or an equivalent mechanism for trafficking in human beings for Bulgaria and the removal of non-functional provisions of the law (such as the participation of the State Agency for National Security in the NCCTHB without it having any powers in the area of anti-trafficking) . In the second half of 2018, the NCCTHB administration took the necessary steps for the introduction of the Law on amendment and supplement to the CTHBA: preparation of the LAS, preparation of a report on the necessity of the changes, conciliation procedure between all the agencies concerned, impact assessment, financial justification and assessment of the link with the EU legislation. Discussion of the documentation by the Council of Ministers is forthcoming, after which the Law on amendment and supplement to the CTHBA will be submitted to the National Assembly.

- the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);

#### Administration of NCCTHB:

The NCCTHB sets and guides the implementation of the national policy and strategy in the field of countering trafficking in human beings. The National Commission, which is a body to the Council of Ministers, is chaired by a Deputy Prime Minister and includes as members 12 Deputy Ministers, Deputy Directors of Agencies and the Deputy Attorney General. It organizes and co-ordinates the interaction between the various departments and law enforcement organizations. It works to prevent trafficking in human beings and to protect, recover and reintegrate victims of trafficking. Annually it develops and presents for approval by the Council of Ministers a National Program for Prevention and Counteraction of Trafficking in Human Beings and Protection of Victims. It establishes an organization for the investigation, analysis and statistical reporting of human trafficking data, and organizes information, awareness and education campaigns for people at risk from trafficking in human beings. It directs and controls the activities of the 10 local anti-trafficking committees and centres for protection and assistance to victims of trafficking in human beings and participates in international cooperation to prevent and counteract trafficking in human beings.

The NCCTHB administration is in constant cooperation with the other institutions and organizations working on trafficking in human beings, most of which are also institutional members of the NCCTHB (MoI, NSI, PTF, SCC, MLSP, ASA, EA, GLI EA, non-governmental and international organizations). The NCCTHB represents Bulgaria in the network of national rapporteurs and / or equivalent mechanisms of the EU Member States, which meets twice a year in Brussels, as well as a member of the Southeast European Anti-Traffic Coordination Network, meeting at least once a year.

Concerning the support framework for trafficking victims, by December 2018 the country has the largest number of specialized services for victims of trafficking compared to previous years. The services only for this target group, funded by the National Commission and run by non-governmental organizations, are 8 in number. In 2017 another 3 specialized / profiled services for victims of trafficking in human beings were opened at the NCCTHB, namely the Shelter and Centre for Temporary Accommodation of Adults, Victims of Trafficking in Human Beings and the Crisis Centre for Children Victims of Trafficking in Human Beings. The three services were launched on the territory of Sofia and by December 2018 have a capacity of 20 seats. The NCCTHB manages 5 functioning services in the towns of Varna and Burgas (two shelters for temporary accommodation, two counselling centres and one shelter for subsequent reintegration). While securing their work, the state, by 2018, had the highest capacity to assist victims of the crime since the creation of the Anti-Trafficking Act and the National Commission itself. The services can accommodate both women and men (minors and adults), victims of trafficking in human beings (formally and informally identified) regardless of their nationality, ethnicity and religion.

In 2019, the Bulgarian-Swiss anti-trafficking program was concluded, which funded the services for victims of trafficking in Sofia. In order to ensure the sustainability of the services revealed in the framework of the Bulgarian-Swiss program, the Ministry of Defence provided a building fund for the functioning of the services. By order of the Director of Social Assistance, a competition was launched for the launching of the Crisis Centre for Child Victims of Trafficking as a State-Delegated Activity. The Crisis Centre will be managed under an agreement between the Sofia Municipality, the NCCTHB and the service provider.

The NCCTHB has taken a number of steps to secure state funding for the continuation of the functioning and the other service on the territory of the city of Sofia - Shelter and Centre for temporary accommodation of adult victims of trafficking in human beings. The renovation of the premises provided by the Ministry of Defence for the purposes of the Shelter and Centre for Temporary Accommodation of Adults, Victims of Trafficking in Human Beings, Sofia. Financing from the state budget for 2019 is not foreseen.

- the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);

#### Administration of NCCTHB:

Countering trafficking in human beings and protecting victims is a national priority, the achievement of which requires the development of a system of specific measures in areas such as prevention, prosecution and punishment, interdepartmental communication, protection and reintegration of victims. In July 2017, the Council of Ministers adopted the National Strategy for Combating Trafficking in Human Beings 2017-2021 (see attached). It is a policy document that sets out the priorities and objectives related to the effective and long-term response to trafficking in human beings - both the crime itself and its consequences.

The document was written by the NCCTHB administration following a series of consultative and working meetings: With the members of the National Commission, members of the Permanent Task Force to the NCCTHB, representatives of NGOs at national and regional level working in the field of trafficking in human beings and victims' protection, including representatives of NGOs managing the shelters of the Commission. Victims of trafficking were interviewed regarding the quality of state services.

The main objectives, challenges and measures laid down in the Strategy are in line with both professional recommendations of the experts and those addressing their overall vision of national policy in the field. Additionally, they undertake a thorough analysis of valid trends and leading challenges at European and national level.

The discussions with key stakeholders as well as the analysis of the statistical and reporting information submitted to the NCCTHB outline several main groups of challenges, according to which the main measures have been developed:

- Challenges related to the dynamic profile of victims of trafficking in human beings, their timely identification (formal and informal) and the provision of assistance and support that is comprehensive and relevant to their needs;
- Challenges related to enhancing the efficiency, effectiveness and scope of prevention activities and practices at institutional and interinstitutional level aimed at preventing trafficking in human beings and re-trafficking;
- Challenges related to the knowledge of the human trafficking offense and the conduct of an effective, yet victim-oriented human rights investigation, prosecution and punishment;
- Challenges related to the migration crisis.

The strategic objectives and priorities set in the document are in line with those outlined in the EU Strategy on the Eradication of Human Trafficking 2012-2016 as well as with the objectives and priorities outlined in the overall European legislation regulating and regulating the targeted work on the issue. At the same time, they also take into account regional and national specificities in the forms of trafficking in human beings and the profile of the victims involved in the crime.

Each year, the NCCTHB administration, in cooperation with all stakeholders in the fight against trafficking in human beings (institutions, international organizations and NGOs), prepares and the Council of Ministers adopts a National Program for Counteracting Trafficking in Human Beings and Victims' Protection (see the attached programs 2018-19). The program follows the priorities set out in the National Strategy and includes activities and measures in seven main sections: institutional and administrative measures; prevention; training and capacity building; support and protection of victims of trafficking; collection and analysis of statistics; international cooperation; and legislative measures. The activities are carried out by all designated institutions, and the NCCTHB administration prepares a report on the implementation of the Program after the end of the calendar year. The funding of the activities is from the budget of the responsible institutions / organizations. The National Program and its implementation report shall be agreed between the members of the NCCTHB.

- recent case law concerning THB for different forms of exploitation.

#### Supreme Court of Cassation:

The **Interpretative Judgment No 2 of 16.07.2009** of the General Assembly of the Criminal Department of the Supreme Court of Cassation under Interpretative Case No 2/2009, which unified the case law on "trafficking in human beings" is fundamental.

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:

- increase efforts to proactively identify victims of trafficking for the purpose of labour exploitation, by reinforcing the capacity of labour inspectors and providing the Labour Inspectorate with the resources required as well as training to effectively prevent and combat human trafficking;

#### Administration of NCCTHB:

Please refer to the information provided by the NCCTHB administration in response to the Committee's recommendations on 23 May 2017. The information concerns the period 2015-2016.

#### GENERAL LABOUR INSPECTORATE EXECUTIVE AGENCY (GLI EA):

In fulfilment of its commitments set out in the National Program for Counteraction to Trafficking in Human Beings and Protection of Victims for 2018 GLI EA carried out specialized training of inspectors from all 28 regional structures on the following topics:

- "Measures and tools for counteraction in cases of violations with the character of labour exploitation. Identifying the concepts: "Labour violation", "labour exploitation" and "trafficking in persons for the purpose of labour exploitation", and

- "Cross-border manifestations of forms of labour exploitation: Identifying victims of labour exploitation and interacting with competent authorities in cases of trafficking in persons for the purpose of forced labour."

The result of this training was the development and upgrading of the capacity and expertise of the inspectors in the field of counteracting trafficking in human beings and protection of victims, in particular by enhancing their competence in identifying concepts in the field of labour exploitation with a view to achieving commitment the actions of all stakeholders to counteract labour exploitation and / or trafficking.

- pay increased attention to detecting victims of trafficking among foreign workers, asylum seekers and persons placed in immigration detention centres, including by providing training to relevant officials on the identification of victims of human trafficking and their rights;

#### Administration of NCCTHB:

Please refer to the information provided by the NCCTHB administration in response to the Committee's recommendations on 23 May 2017. The information concerns the period 2015-2016.

Although Bulgaria is predominantly the transit state for migrants from the Middle East and North Africa, whose ultimate goal is the Western European countries, in 2017-18 the NCCTHB continued to work on specialized information and prevention activities, which alert the risks of irregular migration and getting into human trafficking. The NCCTHB has included in its National Programs activities for the development of specialized and specific prevention materials as well as information targeting sessions with migrants and seekers of protection in the centres of the Ministry of Interior and SAR - projection of preventive videos, followed by focus groups and open discussions. There were trainings for specialists from the Migration Directorate of MoI and SAR working with these target groups.

#### MoI:

In 2017 an international campaign coordinated by the DGCOC in priority area "Trafficking in Human Beings" - EMPACT with Europol - "Joint Days of Action Against Trafficking in Human Beings", an information campaign was carried out jointly with the NCCTHB, IOM and SAR against trafficking in human beings in the refugees' accommodation centres of SAR in Sofia.

In 2017 a DGCOC employee participated in a training seminar organized by IOM - Bulgaria, during which issues related to human trafficking among immigrants and refugees were discussed.

#### SAR:

The SAR with the Council of Ministers works actively to increase the effectiveness and mechanisms of interaction in dealing with cases of trafficked victims among third-country nationals, by increasing staff capacity for identification, risk assessment, targeting and supporting trafficked trafficking of people.

The SAR Experts with the Council of Ministers shall identify, assess the needs and guide the vulnerable persons in a timely manner, and victims of human trafficking to specialized care and services to prevent subsequent negative events for victims.

The State Agency for Refugees works on established mechanisms of interaction between the institutions and organizations guaranteeing the rights of unaccompanied children seeking international protection in the Republic of Bulgaria. In this regard, the Agency's efforts are primarily aimed at creating an appropriate environment for the protection of children seeking international protection from physical, psychological and sexual abuse.

At this stage, the unaccompanied minors are accommodated in separate premises in the ROC - Sofia, Ovcha Kupel district. The first "Safe Zone" for accommodation of unaccompanied minors in ROC - Sofia, "Voenna Rampa" Quarter, which was put into operation on May 29, 2019, has been built and furnished. By the end of the year, the second ""Safe zone" for unaccompanied minors in Ovcha Kupel district should be complete.

The Methodology for the conditions and organization of social support in the Safe Zone for unaccompanied minors and minors seeking international protection will apply in the Zone.

Since 2017, the State Agency for Refugees has implemented current tools for assessing the best interests of the child, which include: Form to quickly assess the best interest for child protection; Full evaluation form; Case Transfer Form and Case Termination Form). A Risk Assessment Guide for Children seeking International Protection has been prepared and approved.

The staff of the agency have been trained to work with victims of trafficking in human beings, organized by the National Commission for Combating Trafficking in Human Beings, ANIMUS Foundation and others.

- ensure adequate funding and staff to work with victims of human trafficking and facilitate the reintegration of victims of trafficking into society by providing them with vocational training and access to the labour market;

#### Administration of NCCTHB:

Please refer to the information provided by the NCCTHB administration in response to the Committee's recommendations on 23 May 2017.

All services to the NCCTHB are working on the reintegration of victims of trafficking into society, and a specialized service for long-term reintegration is also in operation in Burgas. All service clients are advised to stay in touch after leaving the service, and in many cases they are successful in the labour market or continue their education. As of May 2019 4 of the 9 clients of the shelters in Burgas and Varna are in employment. The figures for 2018 are as follows:

- Varna shelter - cared for in 2018 - 8 persons. At the end of 2018, 3 of them worked with employment contract. Two of them are in the restaurant sector (one woman works as a chef, the other is a "kitchen assistant" and both have passed a qualification course "Production of culinary products and beverages" and a qualification course "Chef". One of the people works as a manicurist (she previously worked as a sales consultant). Qualified courses completed - 1 for "Master in Manicure, Pedicure and Artificial nails";
- Burgas shelter - cared for in 2018 - 7 persons. Three of the individuals currently work on employment contracts (2 persons pack salt, 1 man works as an operator of a sugar packing machine. Two people are currently unemployed, but they have worked on an employment contract (1 as a restaurant janitor and 1 in the manufacture of hand-made filo dough). One of the persons is included in "Evening High School";
- Sofia shelter - cared for in 2018 - 8 persons. Two persons have done domestic work under the A21 Foundation program, one person was accepted to study in a university and worked part-time in a café, and another person was accepted in another university.

The expenditures of the NCCTHB for direct support of the victims (including psychological, health, social assistance and daily needs) for 2018 total BGN 233 970. (€ 120,000). The amount does not include the maintenance and running costs of the separate spaces where the services are provided.

#### MLSP:

Social services are an important part of measures to protect and support victims of trafficking in human beings. Specialized support for victims of violence and trafficking occurs mainly in the Social Services Crisis Centre (CC). The CC is a complex of social services for children and / or victims of violence,

trafficking or other forms of exploitation that are provided for a period of up to 6 months and are aimed at providing individual support, meeting daily needs and legal advice to consumers or socio-psychological assistance when immediate intervention is required, including through mobile crisis intervention teams. At the end of February 2019 25 crisis centres with a total capacity of 270 places (including 19 children's centres with a capacity of 206 places and 6 CC for adults) were established and functioned as state- with a capacity of 64 places). The staff working in the CC social service includes social workers, psychologists, educators and others. specialists who are attracted by the specifics and profile of each particular case.

For children victims of violence and victims of trafficking, apart from being accommodated in a CC, a protective measure is also a placement in a foster family. Persons with disabilities, victims of violence and trafficking in human beings also receive support at the CC. Besides CCs whose activities are directly aimed at urgent protection of the victims through crisis accommodation and stay to eliminate the risky circumstances, disabled persons who have suffered violence and trafficking could also use other community-based services for people with disabilities. Such are the residential forms of care (Protected housing and family-type accommodation) and accompanying support in the consultative and daily forms of social services such as Day Care Centres for children / adults with disabilities and Centre for Social Rehabilitation and Integration. These services provide a variety of counselling, therapeutic and rehabilitation activities aimed at creating, maintaining and expanding social skills, as well as lifelong learning. Other community advisory services targeted at people and children who have experienced violence or victims of trafficking in human beings as well as members of their families are the Centres for Public Support and the Mother and Baby Unit. The Street Children Centre social service is also a resource in working to protect street children from all forms of exploitation, violence and trafficking.

As of the end of February 2019, the number of social services providing support to victims of violence and their capacity (number of seats) is as follows:

Social Service (SS)	Number	Capacity
Crisis Centre*	25	270
Community Support Centre	136	5,408
Centre for Social Rehabilitation and Integration **	154	4,939
Centre for working with street children	21	409
Mother and Baby Unit	13	85
<b>Total number of SS</b>	<b>349</b>	<b>11,111</b>

\* Information includes CCs for children and adults.

\*\* Information includes CSRs for children and adults.

The main preconditions for guaranteeing the rights of victims of violence, trafficking in human beings or other forms of exploitation are related both to the development of quality, affordable and appropriate support services, and to the enhancement of the professional capacity of all practitioners dealing with injured parties and implementing policy at local level. In this respect and within the framework of its competence, the MLSP shall take appropriate actions to strengthen the capacity and enhance the status of both the ministry's executive agencies and the social services specialists and teams. Efforts are primarily focused on providing training, additional support and continuous improvement of the employees' qualification in the social system. In addition, it is important to bear in mind that municipalities as providers of social services have a statutory commitment to provide training and opportunities for staff development by using both own and external resources.

The financing of social services that are delegated by the state is regulated by the Law on the State Budget of the Republic of Bulgaria for the respective year, the Decree on its implementation and the Public

Finance Act. The funds for social services delegated by the state are provided by the state budget through the budgets of the municipalities according to the standards determined by the Council of Ministers with natural and value indicators for each calendar year and are allocated on the basis of the total capacity of the service. By decision of the Council of Ministers №277 of 24.04.2018, amended and supplemented by Decree №776 of 30.10.2018, the norms for the financing of the social services, delegated by the state activities through the municipal budgets in 2019. Greater standards for the provision of all social services have been approved. It is important to note that there has been a steady tendency in recent years to raise funds to support social services, including the CC social service:

	<b>2016 standard In BGN</b>	<b>2017 standard In BGN</b>	<b>2018 standard In BGN</b>	<b>2019 standard In BGN</b>
Crisis Centre	8,500	8,755	9,180	10,060

#### Employment Agency:

The activity of the Employment Agency (EA) is aimed at supporting the labour market integration of registered jobseekers, incl. victims of trafficking.

Victims of trafficking can use all the services provided to job-seekers by the territorial divisions of the Employment Agency - Labour Office Directorates, under the Employment Promotion Act:

- informing about vacancies;
- informing about programs and measures to preserve and promote employment;
- mediation of information and recruitment;
- psychological support;
- professional orientation;
- inclusion in adult education;
- motivation for active labour market behaviour and inclusion in employment and training programs and measures;
- training scholarship, means of transport and accommodation for the duration of the training.

The Employment Agency participates in the implementation of the National Program for Counteracting Trafficking in Human Beings and Victim Protection by implementing activities aimed at raising awareness, preventing and counteracting trafficking in human beings through the following specific activities:

- Participation in awareness campaigns on the prevention of trafficking in human beings organized by the National Commission for Combating Trafficking in Human Beings, NGOs and other organizations.
- Participation in "Conducting an awareness campaign on the prevention of trafficking in human beings on the occasion of the 18th of October - the European Day for Combating Trafficking in Human Beings". In this connection, the Animus Foundation provides the EA with information materials (posters and brochures) to counteract trafficking in human beings. These are sent to all labour bureaus for the purpose of distribution and are displayed in the self-information zones of the Labour Office clients.
- Training for the employees of the labour offices - labour mediators, psychologists and case managers, conducted by the Employment Agency, together with representatives of the National Commission for Combating Trafficking in Human Beings, as a result of which the EA has trained specialists. All new employees in the Employment Agency's divisions are instructed by their direct managers to identify potential victims and counteract trafficking in human beings.
- Distribution of short and usable information materials - available to the unemployed are stickers, posters with direct texts for contact, short electronic materials and others.
- Holding of information days and information meetings, both with registered jobseekers and with non-registered youth workers for raising awareness of trafficking in human beings for labour exploitation.
- Co-operation at the regional level between the labour offices and local committees to combat trafficking in human beings.

The activity of the Employment Agency to counteract the labour exploitation as well as to support the labour market integration of persons at risk includes:

- increasing the motivation of discouraged people for more active labour market behaviour and the acquisition of self-employment skills;

- provision of professional information, guidance and counselling services from the existing Job Centres and Career Centres to the Agency's Territorial Units;
- Professional support by psychologists and case managers of individuals who have experienced problems of a various nature that hinder their job placement.

For each unemployed person registered at the Labour Office Directorate, an action plan is drawn up, an agreement between the unemployed person, the jobseeker and the labour mediator from the labour office for a joint activity during the registration period. It includes specific steps to achieve employment and is related to the fulfilment of commitments by both parties. In the process of implementation of the individual action plan, the labour mediator actively assists the unemployed to make contacts with employers. A priority step in the unemployed person's plan is to target a vacancy - suitable or alternative, in compliance with labour law. In addition to the primary market, persons belonging to vulnerable groups on the labour market, are provided with a subsidized form of employment funded by the state budget as well as with funds from European and other international funds.

The Employment Agency implements the "Face-to-face" project in the Human Resources Development Operational Program (HRD OP) 2014-2020 in the Centres for Employment and Social Assistance (CESA). The project is implemented within the framework of a tripartite partnership between the Ministry of Labour and Social Policy - a specific beneficiary and the EA and the Social Assistance Agency (ASA) - project partners. The Employment and Social Assistance Centres provide a new integrated service model through a joint approach and interaction between the territorial divisions of the Employment Agency and the Agency for Social Assistance. Joint integrated service meets the needs of citizens from vulnerable groups and improves their quality of life.

In pursuance of the labour migration policy, the Employment Agency works actively with the network of labour and social issue offices (LSIO), established by the Ministry of Labour and Social Policy, at the Embassies of the Republic of Bulgaria abroad. LSIO provide assistance to Bulgarian nationals working in the country concerned to resolve any difficulties encountered. At present, such offices have been set up at the embassies in Berlin, Vienna (servicing the Embassy in Bern-Switzerland), Madrid (and Lisbon), Athens (and Nicosia), London (and Dublin).

The Employment Agency disseminates prepared (alone or in co-operation with other institutions) in its units, incl. and on its website [www.az.government.bg/pages/rabota-v-chuzhbina/](http://www.az.government.bg/pages/rabota-v-chuzhbina/):

- Tips for looking for a job abroad to avoid abuse and fraud.
- Information on workers' rights in Norway.
- Information in Bulgarian from the Ministry of Social Affairs and Employment of the Netherlands on living and working conditions in the country and possible abuse in this area.
- Information on changes in UK labour market access for citizens of Bulgaria.
- Extensive information on access to the labour market in Germany under the heading "Knowledge is Protection".
- Specificities of the United Arab Emirates legislation related to the labour market and the hiring of foreign workers.
- Job search tips in Slovenia.
- Avoiding seasonal work risks in the Kingdom of Sweden for picking fruit.
- Information on new restrictive labour market measures under the Foreigners Act in Switzerland.

Through the Employment Agency in the European Employment Services - EURES network, any jobseeker can also apply for a vacancy in the countries of the European Economic Area. For this purpose, specially trained EURES Advisers and EURES Assistants work in the structures of the Employment Agency. The efforts of the Employment Agency staff, together with the experts from the other employment offices in the EEA countries, are aimed at preventing illegal employment.

Under the heading "Living and working conditions", detailed information on EU and EEA countries is published on the site [www.eures.bg](http://www.eures.bg), incl. contacts of local institutions that check the employment conditions. In the information materials distributed to the labour offices attention is paid to persons interested in working abroad, to respect the laws and regulations of the state concerned, to avoid doubtful contacts, to keep their personal documents. Guidance is provided on how to react if they come across an unusual situation and which institutions they can contact (addresses and telephones of local labour offices and labour inspectorates, police, social services). A brief directory of the Bulgarian institutions with which the Employment Agency is actively working and which are related to the prevention of trafficking in human

beings (NCCTHB, General Labour Inspectorate, Campaign A21 Bulgaria Foundation, Animus Association, Ministry of Foreign Affairs, etc.).

In order to prevent trafficking in human beings and labour exploitation, the Employment Agency publishes information on the website of the Employment Agency in the section "International Activities" on the access of Bulgarian citizens to the labour market in the Kingdom of the Netherlands, United Kingdom, Germany, UAE, Slovenia, Sweden and Switzerland. The UK information states that individuals should be particularly careful about self-employment and work as "AU PAIR", as these are not mediation and, in the case of possible fraud, do not have protection under Bulgarian law. In the context of raising awareness among potential labour migrants about the risks of trafficking in human beings, the ceiling on employment fees or their rights abroad, information is published on "Tips for looking for a job abroad to avoid violations and frauds".

- guarantee access to health care to all victims of human trafficking;

#### Ministry of Health (MH):

Victims of trafficking use the services of the healthcare system under the law and order of the other citizens according to the current legislation for the provision of healthcare activities outside the scope of compulsory health insurance.

Outside the scope of the HIA:

By the order of Art. 82. (1) of the Health Act, beyond the scope of the mandatory health insurance of Bulgarian citizens, medical services shall be provided in relation to: medical aid in emergency cases; intensive treatment of uninsured persons; preventive examinations and research, and obstetric care for all uninsured women, regardless of the method of delivery; stationary psychiatric assistance within which they can also receive psychological support; comprehensive outpatient (outpatient) surveillance of uninsured persons with mental illness; treatment with methadone substitution and maintenance programs and daily mental rehabilitation programs; provision of blood and blood products; mandatory treatment and/or mandatory isolation; comprehensive outpatient (outpatient) surveillance of uninsured persons with skin-venereal diseases; assisted reproduction and more.

Every Bulgarian citizen can use vaccinations for compulsory immunizations and re-immunizations, vaccines under special indications and in extraordinary circumstances; full volume of anti-epidemic activities; access to health activities included in national, regional and municipal health programs. The MH provides medicinal products under Ordinance № 34 of 25.11.2005 on the procedure for payment from the state budget for the treatment of Bulgarian citizens for diseases not covered by the compulsory health insurance for treatment of the following diseases for all patients regardless of their health insurance status :

- HIV / AIDS;
- Tuberculosis - to support the care of patients with resistant tuberculosis,
- For mental and behavioural disorders due to the use of uploads, methadone hydrochloride is a dependence syndrome.

#### **Implementation of activities under national programs relevant to victims of trafficking:**

- National Program for the Prevention and Control of HIV and Sexually Transmitted Infections - consultation and testing for HIV / AIDS and STIs;
- National Tuberculosis Prevention and Control Program - diagnosis, treatment and prevention of tuberculosis are free for all who need, regardless of their health insurance status.
- National Program for the Improvement of Maternity and Child Health - health services with significant health effects related to the early diagnosis and the complex treatment of certain diseases are provided. The program launched 31 Healthcare and Consultation Centres for Maternity and Child Health in which medical and non-medical specialists - doctors, psychologists and social workers provide specialized counselling and psychological support to pregnant women born with pregnancy pathology, research and consultations within biochemical screening for pregnant women.
- National Roma Integration Strategy - Improving access to healthcare and preventive programs of disadvantaged persons belonging to ethnic minorities / mobile offices - vaccines, laboratory tests, fluorographic, gynecological, pediatric, ultrasound, etc. /.

An opportunity for treatment is envisaged under Decree № 17 of the Council of Ministers of 2007 laying down the conditions and procedure for spending the targeted funds for diagnosis and treatment in medical institutions for hospital care to persons who have no income and / or personal property to provide them with a personal contribution to the health insurance process through the budget of the Ministry of Labour and Social Policy, which pays the value of the provided medical care and of persons granted asylum, refugee status or humanitarian status and persons enjoying temporary protection.

In accordance with the Health Insurance Act, medical services are provided - activities and services included in the package of health activities, guaranteed by the budget of NHIF.

In addition to the above-mentioned systemic mechanisms, the Ministry of Health through the Regional Health Inspectorates / Territorial Structures on the sites for health policy implementation supports the activities of the LATCs, in view of the specifics and needs of victims of trafficking from medical and psychological assistance, consultancy and support activities are undertaken in accordance with the regulatory requirements.

#### Administration of NCCTHB:

Please refer to the information provided by the NCCTHB administration in response to the Committee's recommendations on 23 May 2017.

After accommodating the victims of trafficking in a service to the NCCTHB, they receive a complex of health services, described in the service methodologies - primary examinations, specialized medical care, psychological counselling. Together and with the support of humanitarian organizations, NCCTHB has in recent years provided a number of specialized operations (including dental) related to the health of the clients. Together with NGOs, the NCCTHB works to restore the health rights of shelter clients, which are often interrupted by paying unpaid social security contributions. These efforts are key to the further social reintegration of victims.

- ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of human trafficking for different forms of exploitation by paying particular attention to children in care institutions, Roma children and unaccompanied foreign minors;

#### Administration of NCCTHB:

Please refer to the information provided by the NCCTHB administration in response to the Committee's recommendations on 23 May 2017.

The NCCTHB administration regularly conducts trainings for social workers, including the Child Protection Departments of the ASA in the country, to identify child victims of trafficking among children at risk. Health mediators are also being trained within the NCCTHB administration's partnership with the National Network of Health Mediators (The Health Mediator is a bridge between vulnerable minority communities and health and social services. It has the respect and trust of community and institutional people and has the necessary knowledge, skills and competence. In Bulgaria there are 130 health mediators paid by the state budget in about 70 municipalities.)

At the Annual Volunteer Academy of the NCCTHB - a national effort for prevention and training among students from all over the country, one of the priorities is the inclusion of children from the Roma community. Many of the Local Anti-Trafficking Committees (LATCs), in whose areas there is a compact Roma population (Burgas, Varna, Veliko Tarnovo, Montana, Sliven), focus many of their preventive activities on the vulnerable group of Roma children. At national level, in 2018, the NCCTHB administration conducted a campaign against trafficking for labour exploitation with a focus on Roma children in partnership with the Amalipe Foundation and the British Embassy in Sofia.

In 2016-17, in the framework of an initiative of the NCCTHB to map vulnerable communities with regard to trafficking in human beings in Bulgaria with a view to more targeted prevention, a field study was conducted in Roma neighbourhoods in southern Bulgaria. Some of the questions in the poll and the interviews focused on the children. The NCCTHB administration relies on mapping the results for more precise and locally targeted prevention activities, with the aim of sharing this experience and monitoring with all stakeholders (partner institutions and anti-trafficking organizations) locally.

**MoI:**

The existing "Coordination mechanism for referral and care of cases of unaccompanied Bulgarian children and children who are victims of trafficking returning from abroad" is a system for interinstitutional cooperation and facilitates the work on cases reported from the country and abroad.

In the identification, transportation, rehabilitation and reintegration of the child various state institutions are involved - MoI, SACP, ASA, NCCTHB, NGOs, etc. Within the framework of child protection departments, multidisciplinary teams are created on a case-by-case basis.

To support the children - victims of trafficking after their repatriation in the country there are Crisis Centres for children, victims of violence and trafficking in human beings, which are financed with funds from the state budget. The placement of children in them is for up to six months and is carried out by the Court. Until the Court decides, the Social Assistance Directorate of the place of residence of the child carries out temporary placement by administrative order. The main services provided at the Crisis Centres are providing shelter and food, meeting health needs, providing psychological support, mastering vital and social skills, educational services, preparing the child for reintegration into the family, and if that is not possible, other child protection measures are taken in accordance with the Child Protection Act.

As an option for crisis accommodation of minors, the Homes for Temporary Placement of Minors (HTPM), which are subordinated to the Ministry of Interior, are used. The stay in these children's homes cannot be longer than 15 days. More than 24 hours is allowed by a prosecutor.

The social and psychological work and support of this group of children begins upon their arrival in the country - at the respective border crossing point. Child victims of trafficking are welcomed by a staff member of the DGBP and a representative of the Social Assistance Directorate who attends the initial conversations with the child and monitors the observance of his / her rights and legitimate interests.

In some cases, the involvement and exploitation of children occurs with the knowledge, consent, action / inaction of the family and relatives, which is why the child's return to the family or the placement of the child with relatives is not in their interest. In this case, the child is necessarily placed outside the family and other alternative forms of social services - foster families, resident-type services, etc. are sought.

Parents who have been reported to engage the child in activities that adversely affect their development or in their actions or inactions put the child at risk are brought to justice. The Prosecutor's Office and the Court are advised to take action in competence.

Cases of child victims of trafficking and violence are actively monitored by Child Protection Departments (CPDs) for a period of one year in order to provide the necessary support and prevent new children from being trafficked and to prevent other children of the family to be involved in this process. If necessary, the monitoring period may be extended depending on the specificity of the case. A "Methodological guide for providing Crisis Centre social service" has been developed and there is a clear distinction between services for child victims of violence and child victims of trafficking.

Measures have been taken in the DGBP to activate the preventive activity with persons from vulnerable social groups, with priority being given to the prevention of law-breaking and antisocial actions by and against minors.

The necessary organization was established with regard to the border checks of the border checkpoints when leaving Bulgaria for minor Bulgarian citizens. Particular attention is being paid to border checks of minors who are travelling with one parent, accompanied by a third person or an escort, in order to prevent the child from leaving the country against the will of their parent / parents. If any doubts arise on the identity of the person and / or accompanying persons at the border checkpoint, as well as with regard to the purpose of the journey, additional checks are carried out.

**SACP:**

Regarding the work of the Bulgarian social authorities on the cases related to the sexual and labour exploitation of children, all legal mechanisms related to active work with child victims are used, thorough investigation by the police and social authorities of the circumstances that led to the involvement of the minors in detrimental to their development activities.

An important point in the work of social workers is to prioritize these cases, to make an adequate assessment of the child's needs and to provide a safe place for accommodation, as well as access to health, education, social services and legal protection of victims.

That is why child victims are initially placed in specialized services for children - Crisis Centres, where they receive comprehensive care from the specialists working there, receiving comprehensive care, in accordance with the Child Protection Act and its Implementing Regulations. The law is very clear: It protects every child on the territory of our country, including child victims of labour or sexual exploitation, and unaccompanied minors and minors from abroad. By taking a measure of protection against this group of children, it is ensured that the rights of these children apply to all children as well. Priority is given to shelter, food, personal belongings, access to healthcare, access to education and all other rights regulated by the UN Convention on the Rights of the Child, based on their individual needs.

- provide adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training, and ensure long-term monitoring of the reintegration of child victims of trafficking;

#### Administration of NCCTHB:

Please refer to the information provided by the NCCTHB administration in response to the Committee's recommendations on 23 May 2017.

In the summer of 2017, in Sofia the first Crisis Centre for Children Victims of Trafficking in Human Beings opened in Sofia - an adapted, specialized service of the NCCTHB, financed under the Bulgarian-Swiss cooperation program. The Crisis Centre is run by NGOs as a service provider after a public tender. In 2018, a total of 7 children were cared for, out of 29 victims of trafficking in all services of the NCCTHB. With the completion of the Bulgarian-Swiss Cooperation Program in 2019, action was taken to continue the operation of the service. By order of the Director of Social Assistance a competition was launched for the launching of the Crisis Centre for Child Victims of Trafficking as a State-Delegated Activity. The Crisis Centre will be managed under an agreement between the Sofia Municipality, the NCCTHB and the service provider.

#### Agency for Social Assistance:

Violence against children is a matter of extreme social significance, defined both by its spread and by the severe consequences it can have on the physical, mental, moral and educational development of the child. Children are a vulnerable social group that requires specific and complex cross-sectoral actions. Violence against children occurs in the family, at school, on the street, in public places, in the conditions of organized crime in the country and abroad. They are among the most frequent victims of violence and exploitation, as well as trafficking in human beings.

In order to counteract these negative trends and to prevent crimes against children and to prevent the risk of victimizing or re-entering the victim in a risky and criminal environment, the ASA and its territorial units apply well-established procedures and standards of work. At the core of the processes to ensure effective protection and defence of children at risk is the application of a multidisciplinary approach to work and interaction with all involved state and local authorities, institutions and organizations with child protection activities.

The main tool for counteracting and preventing violence against children is the implementation of a Coordination mechanism for referral and care of unaccompanied children and child victims of trafficking returning from abroad and the implementation of the Coordination Mechanism for interaction at work in cases of child victims or at risk of violence.

The ASA administers data on the observed cases of child victims of trafficking under the Coordination mechanism for referral and care of unaccompanied children and child victims of trafficking returning from abroad. The cases of child victims of trafficking are actively monitored by the Child Protection Department for a period of one year. By decision of the social worker, the monitoring period may be extended depending on the specificity of the case.

In 2018, the following statistics are available in the ASA for child victims of trafficking, monitored by the CPD:

- first quarter of 2018 - 12 children were monitored;
- Second quarter of 2018 - 10 children were monitored;
- third quarter of 2018 - 11 children were monitored;
- Fourth quarter of 2018 – 11 children were monitored.

According to the "Methodological guide for providing Crisis Centre social service" , which is recommended and not mandatory as legislation, "the CC is a complex of social services for children and / or victims of violence, trafficking or other forms of exploitation that are provided for a period of up to 6 months and are aimed at providing individual support, meeting daily needs and legal advice to consumers or socio-psychological assistance, access to education, when immediate intervention is required, including through mobile crisis intervention teams. Regardless of the statutory period of use of the service (up to 6 months), the recommended period, given its nature, purpose and philosophy, is 3 months. The Crisis Centre (CC) as a social service is not, by itself, a social service for a long-term stay. Its objectives are to identify the problem and to work in the right direction, according to the specificity of the concrete case of achieving successful social inclusion and social cohesion.

Analysis of the data in the dynamics of the development of the social service for children Crisis Centre in the last few years shows a lasting tendency to increase the necessity of functioning of the service. In response to the emerging needs, the number of Children's Crisis Centres on the territory of the country, which are state-delegated activity, is increasing, compared to 14 CCs in 2012 and at 31 December 2018 their number is 18, or the number of CCs for children in the period 2012 - 2018 has increased by 22%.

As of December 31, 2018 on the territory of the country 18 Crisis Centres (CCs) for children function as delegated state activity. The capacity of the Crisis Centres for Children is 196 places with 114 employees.

The funding of the Crisis Centres, delegated by the state, is provided by the state budget and the annual amount of the standard of living in the service is determined annually by a decision of the Council of Ministers. For comparison in 2017, the single costing standard is BGN 8 755, in 2018 it is BGN 9 180 and in 2019 it is BGN 10 060.

Children and persons accommodated in the service can also use social support services in the community, according to their individual needs.

#### SACP:

In addition to police officers, social workers from the Agency for Social Assistance and SACP also have the opportunity to ensure the safety of child victims. Priority in the work of social workers in ensuring that every child victim of trafficking is provided with a secure environment. The ASA prepares an assessment of the child's needs and an action plan along with the social workers at the shelter. The plan may include measures to support parents to reduce the risk of re-trafficking. When drafting the plan, authorities should hear from the child if they are over 10 years of age. The Chairperson of SACP may submit a proposal to the Minister of Interior for imposing the measure under Art. 76a of the Bulgarian Personal Documents Act (withdrawal of passport). In the "Protection Measures" section, Art. 4, para. Article 11 of the CPA provides for legal assistance from the state for each child. In cases where there is a lack of adequate supportive family environment, insufficient family capacity or conditions do not ensure compliance with the principle of best interest of the child, special measures are taken to protect children. Art. Article 4 of the CPA lays down protection measures in order to ensure their security, to prevent the consequences of trafficking and to provide conditions for their reintegration and social adaptation. In support of the process of rehabilitation and reintegration of children, different programs and a system of social services have been developed in Bulgaria. Measures suggest priority accommodation in a family of relatives. Usually in 90% of the cases of child victims of trafficking, an initial protection measure takes place in a crisis centre.

Children who have become victims of trafficking shall be accommodated in separate premises from adults (Art. 22 of the CTHBA).

Children who have become victims of trafficking in human beings and children of victims of trafficking in human beings shall be provided with education in state or municipal schools. (Article 23 of the CTHBA).

- address the problem of unaccompanied minors disappearing by providing suitable safe accommodation and adequately trained supervisors or foster parents;

#### Administration of NCCTHB:

Please refer to the information provided by the NCCTHB administration in response to the Committee's recommendations on 23 May 2017.

#### SACP:

Under the **Law for the Foreigners in the Republic of Bulgaria (LFRB)**, the SACP temporarily provides unaccompanied foreign children with the necessary material support and care for their basic needs, medical assistance and duly custody, including legal assistance and representation.

- review the legislation in order to ensure that the recovery and reflection period is specifically defined in law.

#### Administration of NCCTHB:

Please see the NCCTHB administration's reply to question 12, "**Amendments to the Anti-Trafficking in Human Beings Act**".

## **Part III - Statistics on THB**

14. Please provide the following statistics, **per year starting with 2015**, where available disaggregated as indicated below:

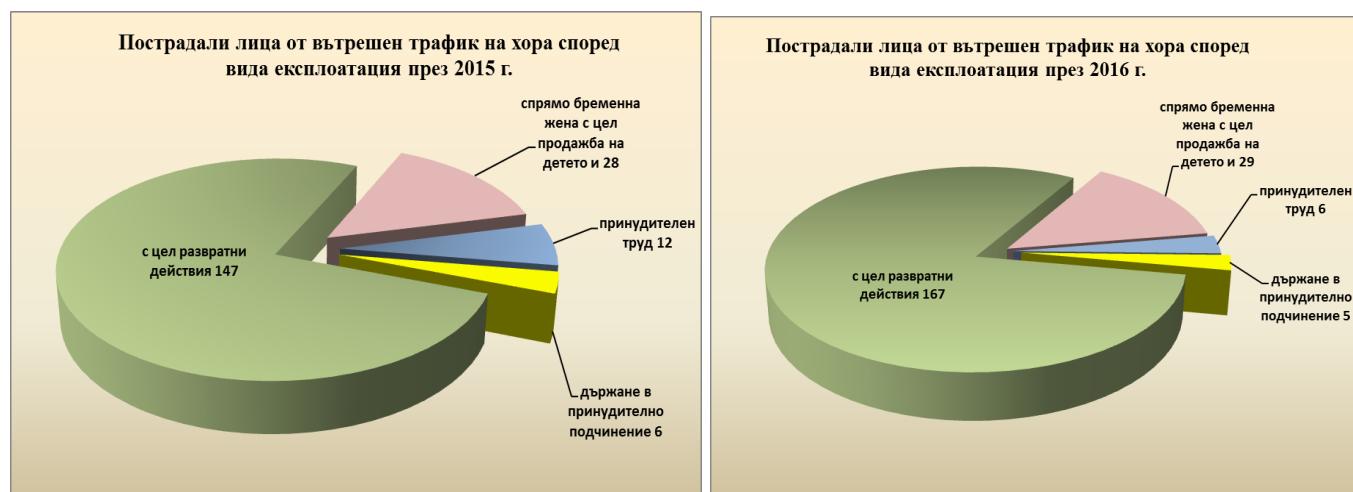
- Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking,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

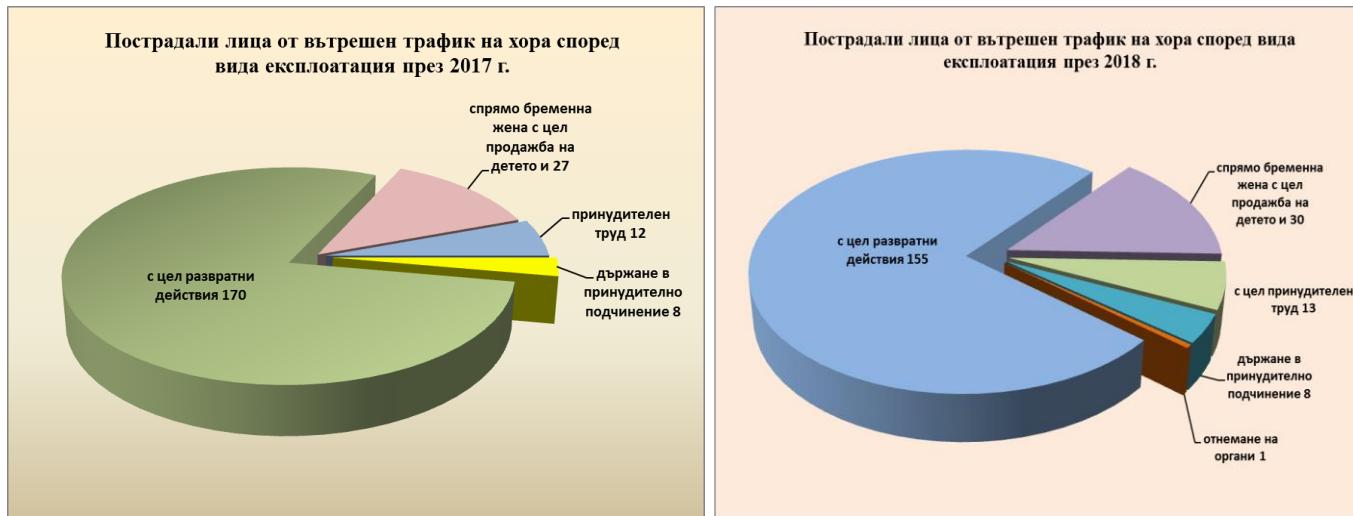
#### Supreme Prosecutor's Office of Cassation:

The following is data provided by the Supreme Prosecutor's Office of Cassation for formally identified trafficking victims in Bulgaria. The number of victims is cumulative (including injuries related to productions continuing from previous years).

<b>Victims</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
<b>Total number of victims</b>	<b>409</b>	<b>447</b>	<b>508</b>	<b>443</b>
<b>Women, of them</b>	381	409	444	389
minors (14-18 years)	27	20	36	51
minors (under 14 years)	1	1	1	2

<b>Men, of them</b>	28	38	64	54
minors (14-18 years)	0	1	0	3
minors (under 14 years)	5	3	5	1
<b>Distribution of victims according to traffic purposes</b>				
<b>for debauchery</b>	314	329	323	309
<b>Women, of them</b>	311	318	316	307
minors	24	19	32	48
minors	2	1	0	1
<b>Men, of them</b>	3	11	7	2
minors	0	1	0	0
minors	1	0	0	0
<b>for the purpose of forced labour</b>	26	31	67	59
Women	4	8	16	12
Men	22	23	51	47
<b>For organ removal.</b>	1	1	1	2
Women	0	0	0	0
Men	1	1	1	2
<b>for the purpose of servitude</b>	6	5	17	8
Women	6	3	14	5
Men	0	2	3	3
<b>against a pregnant woman for the purpose of selling her child</b>	59	80	97	64
<b>Victims under Art. 182B of the Criminal Code</b>	3	1	3	1





#### Administration of NCCTHB:

As a coordinator of the National Mechanism for Referral and Support to Victims of Trafficking (NMH), the NCCTHB Administration receives alerts on potential cases of trafficking in human beings and takes action to support and protect victims, formally or informally identified, as well as on persons deemed to be at increased risk of trafficking. Alerts are submitted by partner Bulgarian and foreign institutions, intergovernmental organizations, NGOs, the media and citizens of the NCCTHB Administration telephone lines, on the Commission's social networking websites, by e-mail or on-site administration. **Some of the cases of victims of trafficking listed below may also be included in SCP statistics**, depending on whether pre-trial or prosecution measures have been taken.

**For the period 01.01. - 31.12.2018** a total of 97 alerts were received in the NCCTHB administration for 155 persons.

- informally identified - 63 persons;
- formally identified - 67 persons;
- 25 alerts are in the "Other" category and concern other or similar offenses - pornographic material alerts, violated labour rights, threats on the Internet, suspicious job alerts, people smuggling, domestic violence
- 130 persons of the total number of persons (155) are formally and informally identified as victims of the trafficking in human beings crime - 67 persons are formally identified and, by form of exploitation, are formally identified respectively:
  - Sexual exploitation - 5 persons;
  - Labour exploitation - 1 person;
  - Begging - 61 persons.

#### Type of traffic:

- External - 108 persons (sexual exploitation - 2 persons, begging - 65 persons, labour - 7 persons)
- Domestic - 22 persons (sexual exploitation - 9 persons, begging - 2 persons, labour - 2 persons)

The statistics on the form of exploitation of the signals received (signals for potential victims of trafficking) are as follows:

- 31 persons for sexual exploitation (28 women, 3 underage girls)
- 9 persons for labour exploitation (6 men, 3 women)
- 11 begging alerts for 67 persons (52 men, 9 women, 5 boys and 1 girl)
- 18 alerts for people at risk of trafficking in human beings (9 women, 3 men, 5 girls, 1 missing data for people at risk)
- 1 trafficked signal for fake / forced marriage (1 female)

- 2 alerts concerning 2 persons victims of trafficking for the purpose of servitude (1 underage girl, 1 woman forced to prostitute and marry a foreigner);
- 2 alerts
- 1 alert for suspicion in selling a minor girl;
- 25 alerts are in the "Other" category (pornographic material alerts, violated labour rights, threats on the Internet, suspicious job alerts, people smuggling, domestic violence).

For the period **01.01. - 31.12.2017** a total of 104 alerts were received in the NCCTHB administration for 142 persons. For 131 of the persons there is information on one or more indicators of trafficking in human beings, 11 cases do not concern trafficking (142 in total, 131 of which are trafficking cases); 13 of the received alerts are not trafficking, but for people suffering from mental illness and / or victims of another type of crime (labour fraud, domestic violence, etc.). One alert for a potentially risky job ad.

A summarized statistic of the signals received (signals for potential victims of trafficking) as follows:

- 52 cases of sexual exploitation (40 women, 2 men, 110 underage girls);
- 19 cases of sexual exploitation (9 men, 7 women, 3 underage persons);
- 4 cases of fake/forced marriage (1 men, 1 woman, 2 underage girls);
- 8 cases of forced custody (8 women, 5 of which for marriage);
- 24 cases of begging (22 men, 2 girls);
- 1 case of newborn sale (1 woman);
- 20 cases of people at high risk of trafficking (8 women, 8 girls and 4 boys);
- 3 victims for whom there is no information about the type of traffic (2 women, 1 man).

The NCCTHB administration has received an alert for a third-country national, an adult woman, a potential victim of labour exploitation / exploitation in the household.

For the period **01.01. - 31.12.2016** a total of 105 alerts were received in the NCCTHB administration for 136 persons. For the one-year period, 8 cases of juvenile trafficked victims (7 girls and 1 boy) were reported in the NCCTHB administration.

Very important for the work, as noted by representatives of international and non-governmental organizations, are the first alerts for alleged victims of human trafficking among those seeking protection from third countries.

For the 2016 alerts on women, a total of 49 victims of trafficking were reported. 27 of them were for sexual exploitation, 11 were fake marriage, 7 were labour exploitation, 2 are begging, 1 of begging and sexual exploitation, 1 case of sexual exploitation and fake marriage. The alerts regarding men were twice less. The total number of victims from them was 29. 22 were victims of labour exploitation, 6 for begging, and 1 for sexual exploitation.

Summarized statistics would look as follows:

- 43 - labour exploitation (2 children, 22 men, 7 women, 12 unknown)
- 31 - sexual exploitation (2 girls 27 women, 1 man, 1 unknown)
- 11 - fake / forced marriage (11 women)
- 8 - begging (2 women, 6 men)
- 3 - fake/ forced marriage / sexual exploitation (2 girls, 1 woman)
- 1 - newborn sale (1 girl)
- 1 - begging / prostitution (1 girl)
- 1 - begging + sexual exploitation (1 woman)
- 9 victims for whom there is no information about the type of traffic (8 women, 1 unknown)

**In 2015**, the signals received by the administration of the NCCTHB are a total of 67, with 200 persons being targeted. For the most part, alerts cover trafficking for sexual exploitation and forced prostitution (around 70% of alerts), and some of the victims of this type of exploitation are also exploited in other ways - for begging, theft, sometimes labour. About 15% of the alerts relate to trafficking for the purpose of forced labour and labour exploitation. It is noticeable that the Czech Republic appears as a destination country for the victims only in connection with this type of exploitation.

SACP:

The following is information provided by the State Agency for Child Protection in respect of children who are victims of trafficking.

**Data on registered cases of children,  
involved in trafficking in human beings in the period 2015-2018.**

Year	Total number	Gender	Type of exploitation	Countries by destination	Number repatriated	Number of measures under Art. 76a of the Bulgarian Identity Documents Act
2015	34 children	27 girls 7 boys	Sexual exploitation - 12 girls Begging - 19 12 boys and 7 girls Stealing -4 girls	Sweden, Austria, UK, Germany, Slovakia, the Czech Republic and Serbia.	<b>25 children</b> UK - 5 Sweden 10 Austria 5, Germany 2 Spain 2 Cyprus 1	34 children
2016	26 children	18 girls 8 boys	Sexual exploitation ( 8 girls) Begging -7 children (4 boys and 6 girls) Stealing - 9 children 7 girls 2 boys	Germany-2, Italy -3, Sweden-3, Switzerland-1, England-2, Netherlands-1, Poland-1, Greece-2, Austria - 2, Denmark - 1, Spain-3, France-1, Slovakia-1, Hungary -1, Bosnia and Herzegovina - 1, Bulgaria -3.	<b>16 children</b> Sweden-3, Austria-2, Italy-3, Denmark-1, Spain-2, England-1, Bosnia and Herzegovina - 1, Switzerland -1, Germany - 2	<b>17 children</b>
2017	18 children	15 girls 3 boys	pickpockets and begging - 11 children; Sexual exploitation children -4 Labour exploitation children -3	Sweden, England, Italy, Belgium, the Netherlands, Hungary, Greece, Germany	15 children England – 6 children Sweden-4 children Netherlands-2 children Italy-1 child Belgium -1 child Hungary 1 child	13 children

2018	23 cases	15 girls 8 boys	Sexual exploitation -12 girls; Begging -2 girls and 7 boys; Pickpocketing - 1 girl; Labour exploitation 1 boy	Sweden - 7, Austria - 3, France - 2, Cyprus - 1 Italy -1 Hungary -1 Germany -1	16 children	23 children
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In the last 10 years, amendments have been made to a number of laws to ensure better care for children at risk, such as children who are victims of labour and sexual exploitation, and it can be said that they are better protected. They are given access to education and health care, legal protection, active monitoring of their development by social workers from the Child Protection Departments. The implementation of the Coordination mechanism for referral and care of cases of unaccompanied children and child victims of trafficking returning from abroad has introduced a procedure that facilitates the day-to-day work of specialists with child victims.

Social workers from the Child Protection Departments are involved and involved at all stages related to working with child victims from their initial establishment on the territory of our country to providing a durable and long-term solution that guarantees their maximum rights and interests.

- Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).

#### SAR:

The State Agency for Refugees with the Council of Ministers does not maintain statistical information on the number of international protection seekers identified as victims of trafficking in human beings. Under the additional provisions of the Asylum and Refugees Act, foreigners who are victims of trafficking in human beings are considered to be vulnerable and this is taken into account when examining the facts and circumstances surrounding the person's refugee history.

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

#### Administration of NCCTHB:

At the end of 2018, eight state-funded specialized services for support of victims of trafficking in human beings administered by NGOs operate with the NCCTHB: three shelters for temporary accommodation in Burgas, Varna and Sofia; a crisis centre for children, victims of trafficking in Sofia; a shelter for subsequent reintegration in Burgas; and three consultative centres in Burgas, Varna and Sofia. The total capacity of the services is 34 persons (24 adults and 10 children).

**In 2018 the** specialized services to the NCCTHB covered a total of 29 persons: 22 adults (20 women and 2 men) and 7 children. As of 31.12.2018 there are 11 accommodated persons in all shelters.

**In 2017, the** number of people in the shelters of the NCCTHB in the cities is 22 persons. Eleven of them are adult women and were placed in 2017. Three of these women are also accommodated with their children (3 in number). Separately at the Crisis Centre for Children Victims of Trafficking at the NCCTHB, functioning since September 2017, 2 minors who are formally identified as victims and one child at high risk of trafficking are placed. Additionally:

- 5 of the adult women accommodated in the Shelters with the NCCTHB in previous years continue to be cared for and supported in 2017.
- 1 of the accommodated women in Burgas, informally identified as a victim of trafficking in human beings for labour exploitation, is a citizen of a non-EU country (Sierra Leone).

Agency for Social Assistance:

Identified victims of trafficking from the territorial units of the Agency for Social Assistance for 2018:

- Sexual exploitation - 1 child, 4 adults;
- Labour exploitation including begging and pickpocketing - 5 children, 1 adult.

Territorial structures of the ASA carried out a social survey of 23 persons, victims of labour exploitation in France. Going back to Bulgaria only one person has wished and used the social service "Temporary accommodation centre" in Sofia overnight. In 2018, 2 adults - victims of trafficking were accommodated in social services of a resident type - a state delegated activity.

- Number of child victims of THB who were appointed legal guardians.

N/A

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

Administration of NCCTHB:

Almost all victims of trafficking who have been granted formal protection under the CTHBA and are accommodated in the state shelters of the NCCTHB have received the support provided under the reflection period (health, psychological, social, legal, humanitarian, etc.) for period of more than one month. Exceptions are only those victims who have voluntarily stopped using the service in less than one month. According to the data for the period 31.01.2018 - 31.05.2019, the average length of stay for one person in the specialized services to the NCCTHB is 6.25 months; 3 people were staying less than a month.

- Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).

Administration of NCCTHB:

There are no applications for residence permits from potential victims of trafficking in human beings.

- Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).

SAR:

The State Agency for Refugees with the Council of Ministers does not support aggregated statistical information on the grounds on which decisions on applications for international protection are made. As required by national law, any application for international protection is considered individually, objectively and impartially, taking into account all relevant facts and circumstances and evidence in support of the refugee's refugee history. When foreigners' requests meet the substantive prerequisites referred to in the Asylum and Refugees Act, they are granted international protection. All European and international standards in the field of asylum have been transposed and applied in the law.

Administration of NCCTHB:

There are no applications for refugee status or additional protection from potential victims of trafficking in human beings.

- Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (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).

Ministry of Justice (MoJ):

In 2018, the NCACVC has provided compensation to 1 victim of a crime under Art. 159a, para. 2, item 4 and item 6, with par. 1, propos. 1 of the Criminal Code, which falls within the scope of the offenses referred to in Art. 3, para. 3 of the CVAFCA.

The victim is a woman born in 1985, a Bulgarian citizen who, by using a state of dependence and by promising, giving or receiving benefits, was used for debauchery.

Taking into consideration the presented facts, circumstances and documents on the claim for financial compensation, based on Art. 3, para. 3, Art. 12, para. 2, Item 1, Art. 13, para. 1 and Art. 14, para. 1, item 3 of the CVAFCA, the NCACVC has allowed financial compensation of the person in the amount of 7 400 BGN for expenses incurred in court and depository expenses.

- Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.

N/A

- Number of victims of THB who received free legal aid.

N/A

- Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).

MFA:

YEAR	COUNTRY	NUMBER	FORMS OF EXPLOITATION	VICTIM GENDER	VICTIM AGE
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2015					
	<b>Switzerland</b> - country of exploitation <b>Republic of Slovenia</b> - a country where the alert is registered and repatriation assistance has been provided in cooperation with NGO Caritas	1	Sexual exploitation (lover boy case)	woman	24
	<b>Republic of Slovenia</b>	1	Alleged coercion to begging before the Ministry of Interior of Slovenia	man	
	<b>Austria</b> Provided support by NGO LEFÖ-IBF and NGO "MEN VIA" for the recovery of victims. They are returned to Bulgaria	40 women 5 men	Sexual exploitation	women men	Women over 15 y.o. men over 18 y.o.
		3	Trafficking in human beings (no specific form) They have remained in Austria	Boys	Below 18 y.o.
		37	Art. 104a of the Criminal Code of Austria (TBH)		
		19	Art. 217 of the Criminal Code of Austria (international trade in prostitutes)		
	<b>Republic of Poland</b>	2	Sexual exploitation	women	19 to 32 years old
	<b>Republic of France</b>	2	sexual exploitation / forcibly taken abroad for the purpose of begging /;	women	
		7	labour exploitation for forced begging	men	
	<b>Republic of Greece</b>	1	Sexual exploitation	girl	14-18 y.o.
		11	Sexual exploitation	women	Over 18 y.o.
2016					
	<b>Kingdom of Spain</b> The information is submitted to the police by the competent authorities in Spain after the cases have been closed. They are	36	Labour exploitation		

	investigated with police cooperation between the Ministry of Interior of Spain and the Ministry of Interior of Bulgaria. The information does not include sex and age of the victims				
	<b>Austria</b> Provided support by NGO LEFÖ-IBF and NGO "MEN VIA" for the recovery of victims. They are returned to Bulgaria	33 women 8 men	Sexual exploitation	women men	Women over 15 y.o. men over 18 y.o.
		1	Trafficking in human beings (no specific form). The girl was returned to Bulgaria	girl	Below 18 y.o.
		1	Art. 104a of the Criminal Code of Austria (THB)		
		4	Art. 217 of the Criminal Code of Austria (international trade in prostitutes)		
	<b>Republic of Poland</b>	6	Sexual exploitation	women	19 to 32 years old
		1	Labour exploitation	man	19 to 32 years old
	<b>Republic of Greece</b>	1	Sexual exploitation	girl	14-18 y.o.
		3	Sexual exploitation	women	Over 18 y.o.
		1	Labour exploitation	man	Over 18 y.o.
2017					
	<b>Austria</b> Provided support by NGO LEFÖ-IBF and NGO "MEN VIA" for the recovery of victims. They are returned to Bulgaria	12 women 15 men	Sexual exploitation	women men	Women over 15 y.o. men over 18 y.o.
		3	Trafficking in human beings (no specific form). The boys are returned to Bulgaria.	Boys	Below 18 y.o.

		7	Art. 104a of the Criminal Code of Austria (THB)		
		1	Art. 217 of the Criminal Code of Austria (international trade in prostitutes)		
	<b>Republic of Poland</b>	7	Sexual exploitation	women	19 to 32 years old
	<b>Republic of France</b>	3	labour exploitation for forced begging	men	
	<b>Republic of Greece</b>	1	labour exploitation for forced begging	girl	14-18 y.o.
		2	labour exploitation for forced begging	boy	14-18 y.o.
		2	labour exploitation (for forced begging)	men	Over 18 y.o.
		1	labour exploitation (for forced begging)	women	Over 18 y.o.
		3	Sexual exploitation	women	Over 18 y.o.
2018					
	<b>Austria</b> <i>Provided support by NGO LEFÖ-IBF and NGO "MEN VIA" for the recovery of victims. They are returned to Bulgaria</i>	12 women 7 men	Sexual exploitation	women men	Women over 15 y.o. men over 18 y.o.
		1	Trafficking in human beings (no specific form). The girl was not returned to Bulgaria.	girl	Below 18 y.o.
		3	Art. 104a of the Criminal Code of Austria (THB)		
		2	Art. 217 of the Criminal Code of Austria (international trade in prostitutes)		
	<b>Republic of South Africa</b>	1	Trafficking in human beings (no specific form).	woman	25
	<b>Republic of Poland</b>	3	Sexual exploitation	women	19 to 32 years old

	<b>Republic of France</b>	37	labour exploitation for forced begging;	men	20 to 70 years old
		1	sexual exploitation and forced begging	woman	17
		1	trafficking in human beings for forced begging;	man	
	<b>Republic of Serbia</b>	2	Sexual exploitation	girls	16
		1	Sexual exploitation	woman	42
	<b>Republic of Greece</b>	5	Sexual exploitation	girl	14-18 y.o.

Number of trafficked persons who have been returned or repatriated to Bulgaria in the period 2015-2018  
- statistical information

**Data are aggregated for the period 2015-2018:**

**Kingdom of Norway**

Trafficking in human beings for the purpose of sexual exploitation during the specified period has the following quantitative parameters:

Female persons up to 30 years of age - 7 Bulgarian citizens;

Female persons over 30 years of age - 2 Bulgarian citizens;

Male persons up to 30 years of age - 1 Bulgarian citizen;

Trafficking in human beings for forced labour exploitation:

Female persons up to 30 years of age - 12 Bulgarian citizens;

Female persons over 30 years of age - 4 Bulgarian citizens;

Male persons up to 30 years of age - 15 Bulgarian citizens;

Male persons over 30 years of age - 8 Bulgarian citizens;

Trafficking in people for the purpose of begging, pickpocketing, drug trafficking and other illegal activities:

Female persons up to 30 years of age - 10 Bulgarian citizens;

Female persons over 30 years of age - 2 Bulgarian citizens

Male persons up to 30 years of age - 6 Bulgarian citizens;

Male persons over 30 years of age - 3 Bulgarian citizens.

**United Kingdom of Great Britain and Northern Ireland:**

For the period from January 1, 2015 to today, 12 victims of trafficking in human beings have been repatriated to Bulgaria without reporting their gender, age or form of exploitation.

**Swiss Confederation:**

For the period 2011-2016, 27 cases of "trafficking in human beings", mostly for the purpose of sexual exploitation, are known for Bulgaria.

In 2017, a Swiss cleaning company was identified, which hired people from Bulgaria, but forced them to work in general between 1 and 3 months on the black market, after which the Bulgarian owner did not pay the money earned and forced them to return to Bulgaria. More than 15 alerts from Bulgarian nationals employed by this company have been received and they do not identify themselves as "victims of trafficking", but can be said to have similar characteristics as "victims of labour exploitation".

- Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).

**Supreme Prosecutor's Office of Cassation:**

Here is a summary of the current and next three questions, provided by the Supreme Prosecutor's Office of Cassation.

Indicators	2015	2016	2017	2018
Monitored pre-trial proceedings (PTP)	294	312	325	295
Newly formed PTP	85	104	86	60
Resolved PTP	166	160	183	176
Prosecution acts filed in court	51	45	65	53
Persons under the prosecution acts filed in court	99	80	88	68
Persons convicted with effective judicial act	49	36	62	58
Persons exonerated with effective judicial act	4	2	0	2

- Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).

N/A

- Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).

N/A

- Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.

N/A

- Number of judgments in THB cases resulting in the confiscation of assets.

**Counter Corruption and Forfeiture of Unlawfully Acquired Assets Commission:**

- For the period 2009 - 2011, a total of 5 (five) claims were approved, with enforceable decisions for the forfeiture of assets amounting to 1 677 949. 27 / one million six hundred seventy-seven thousand nine hundred and forty-nine point twenty-seven/ BGN;
- For the period 2012, a total of 3 (three) claims were approved, with enforceable decisions for the forfeiture of assets amounting to 472 007. 88 / four hundred seventy-two thousand and seven point eighty eight/ BGN;
- For the period 2013, a total of 4 (four) claims were approved, with enforceable decisions for the forfeiture of assets amounting to 2 062 770.00 / two million sixty-two thousand seven hundred and seventy/ BGN;
- For the period 2014, a total of 1 (one) claim was approved, with enforceable decision for the forfeiture of assets amounting to 304 671.00 / three hundred and four thousand six hundred and seventy-one/ BGN;

- For the period 2015, a total of 2 (two) claims were approved, with enforceable decisions for the forfeiture of assets amounting to 602 894.50 / six hundred and two thousand eight hundred and ninety four point fifty/ BGN;
- For the period 2016, a total of 3 (three) claims were approved, with enforceable decisions for the forfeiture of assets amounting to 560 338. 80 / five hundred and sixty thousand three hundred thirty-eight point eighty / BGN;
- For the period 2017, a total of 3 (three) claims were approved, with enforceable decisions for the forfeiture of assets amounting to 2 816 775.62 / two million eight hundred and twelve thousand seven hundred and seventy five point sixty two/ BGN;
- For the period 2018 - 30.04.2019 there are no effective decisions on claims for forfeiture of unlawfully acquired assets for crimes under Art. 159a - 159g of the Criminal Code for trafficking in human beings

**Total: 21 / twenty-one / pronounced decisions on court cases, which granted the claims of the Counter Corruption and Forfeiture of Unlawfully Acquired Assets Commission with total amount of forfeited assets 8 497 407. 07 / eight million four hundred ninety-seven thousand four hundred and seven point seven / BGN.**

Supreme Court of Cassation:

The SCC does not have such statistics.

The confiscation penalty is provided in Art. 159d of the Criminal Code, together with imprisonment and fine. Under this provision, the court may impose confiscation of part or all of the property of the perpetrator.

- Number of convictions of legal entities for THB.

Supreme Court of Cassation:

Under Bulgarian criminal law, criminal liability is personal and is carried only by natural persons. Therefore, convictions of "trafficking in human beings" against legal entities cannot be pronounced.