



2016 Trafficking in Persons Report - Bulgaria

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BULGARIA: Tier 2 Watch List

Bulgaria is a source and, to a lesser extent, transit and destination country for men, women, and children subjected to sex trafficking and forced labor. Bulgaria remains one of the primary source countries of human trafficking in the EU. Bulgarian women and children are subjected to sex trafficking within the country, as well as in Europe, Russia, the Middle East, and the United States. Several NGOs assert internal trafficking is increasing. Bulgarian men, women, and children are subjected to forced labor in other European states and Israel, predominantly in agriculture, construction, and the service sector. Bulgarian children and adults with disabilities are forced into street begging and petty theft within Bulgaria and in Austria, Greece, Italy, Sweden, and the UK. Romanian girls are subjected to sex trafficking in Bulgaria. Government corruption creates an environment enabling some trafficking crimes, and officials have been investigated for suspected involvement in trafficking.

The Government of Bulgaria does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period; therefore, Bulgaria is placed on Tier 2 Watch List for the second consecutive year. During the reporting period, the government designated a chairperson and appointed an executive secretary for the national anti-trafficking commission that drives the government's anti-trafficking efforts, leading to increased inter-ministerial coordination and policy development. The commission also awarded contracts to re-open two publicly funded shelters and an apartment for female trafficking victims. The country's overall capacity to shelter and provide services was minimal relative to the number of victims identified, and specialized services for child and adult male victims of trafficking were nonexistent, although the government took steps to assess the needs of male victims with a view to offer consultation and other suitable services. Law enforcement investigated fewer trafficking cases, continuing a multi-year decline. Efforts to prosecute traffickers, which declined markedly in 2014, modestly improved in 2015 as prosecutors tried more traffickers. However, courts convicted fewer traffickers and issued suspended sentences for most of those convicted. Law enforcement continued to take action against public officials and police officers complicit in trafficking offenses.

RECOMMENDATIONS FOR BULGARIA:

Enhance efforts to investigate, prosecute, and convict traffickers, particularly for labor trafficking, and hold convicted traffickers accountable with prison terms; increase the capacity of assistance available to women subjected to trafficking; proactively investigate, prosecute, and convict government officials complicit in trafficking, and hold convicted officials accountable with prison terms; provide all male victims with services, including reintegration assistance and legal services; provide specialized assistance to child victims; provide sensitivity training to prosecutors and judges working with sex trafficking victims; implement a comprehensive database of trafficking crimes and victims identified, referred, and assisted; provide knowledgeable legal counsel and courtroom protections for victims assisting prosecutions; and increase the number of traffickers subjected to fines and the number of victims receiving compensation.

PROSECUTION

The government did not make progress in law enforcement efforts, as the government convicted fewer traffickers and issued suspended sentences to the majority of those convicted. Article 159 of the criminal code prohibits all forms of trafficking and prescribes penalties of between two and 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. Authorities launched 71 sex trafficking and seven labor trafficking investigations in 2015, compared with 81 sex trafficking and six labor trafficking investigations in 2014. Authorities charged 55 defendants with sex trafficking and 10 with labor trafficking in 2015, compared with 43 and four, respectively, in 2014. The government convicted 47 sex traffickers and no labor traffickers in 2015, compared with 53 sex traffickers and one labor trafficker convicted in 2014. Only 16 of the 47 convicted sex traffickers – 34 percent – received a prison sentence that was not suspended, a similarly low rate as in the previous two years. As in the previous reporting period, the government was unable to report the range of sentences imposed on convicted traffickers that resulted in imprisonment. Courts issued fines to 23 convicted traffickers in 2015, compared with 31 in 2014. Observers reported judges prescribed lesser penalties to sex traffickers if their victims had initially entered prostitution willingly, despite Bulgarian and international law deeming past experience in prostitution irrelevant when there is subsequent exploitation.

The specialized court for organized crime, established in 2012, continued to review trafficking cases, although the prosecutors at the court reported receiving fewer new investigations from law enforcement agencies as a result of a continuous restructuring of the units responsible for combating organized crime. In February 2015, Parliament reinstated the directorate for combating organized crime under the Ministry of Interior. Observers noted police rarely launched operations against internal trafficking and investigations were too lengthy, giving suspected traffickers time to conceal assets and relocate operations. Bulgarian authorities cooperated with six foreign governments on transnational investigations. The government provided specialized training for police officers, investigators, prosecutors, and judges.

The government demonstrated efforts to combat trafficking-related complicity of public officials. In May 2015, a court upheld a 10-year sentence of a former municipal councilor charged with leading an organized crime group involved in human trafficking; another appeal was pending at the close of the reporting period. In March 2016, prosecutors issued an arrest warrant for two police officers accused of forcing a university student to sell drugs and recruit his female classmates to prostitute themselves and sell drugs. In August 2015, authorities indicted seven police officers accused of bribery and blackmail, due in part to their alleged soliciting of bribes from pimps. The group was arrested in July 2014 and several members were held in custody during the investigation. At the end of the reporting period, a trial was ongoing against the group members at the specialized court for organized crime. Investigations of other police officers in recent years included allegations of recruiting victims, forcing a woman into prostitution, and warning traffickers of planned police raids. Observers alleged police and prosecutors rarely

pursued high-profile traffickers. In addition, observers alleged some prosecutors arbitrarily dropped charges against defendants.

PROTECTION

The government increased efforts to shelter victims, but decreased efforts in other areas of victim protection. The prosecution service identified 298 victims of sex trafficking and 32 victims of labor trafficking in 2015 from new and ongoing cases at the pre-trial and trial stages, compared with 409 sex trafficking and 27 labor trafficking victims identified in 2014. Thirty of the identified victims were children, compared with 46 in 2014. All victims identified during the year were Bulgarian, whereas two foreign victims were identified in 2014. Observers alleged law enforcement could not effectively identify victims, particularly foreign victims. Reports indicated police did not proactively search for signs of trafficking among women detained for prostitution, and prosecutors and judges lacked sensitivity when interacting with sex trafficking victims. The government has written procedures for authorities to use in referring victims to care facilities, but authorities did not consistently apply them. Local authorities in one region trained 90 social workers, police, and NGO staff on victim identification and assistance. The government funded training for 80 labor inspectors and social workers covering human trafficking. The law permits anonymity for victims during the pre-trial and trial phases, but authorities rarely applied this, resulting in victims changing their statements out of fear, intimidation, and bribery. Authorities did not consistently inform victims of their rights, including the right to legal aid. Observers reported police investigators interviewed victims three to four times during the pre-trial stage, a practice that could retraumatize victims. There were specific cases of police interviewing child victims seven times. Observers reported victims lacked support during criminal cases, as the state reportedly did not provide knowledgeable legal counsel during trials. Victims were often required to give testimony in the presence of the alleged trafficker, and it was common practice for alleged traffickers to confront their victims in court and question them through the judge, including inquiries into victims' previous sexual relationships.

Authorities re-opened two government-owned, NGO-operated shelters that closed in September 2014 and have a capacity of six persons each. The government spent approximately 25,000 lev (\$13,900) to refurbish and provide maintenance for both shelters in 2015. One shelter reopened in January 2016 and accommodated five victims in the first quarter of 2016. Additionally, one victim received services but did not utilize accommodation at the shelter. The government awarded a contract to an NGO in March 2016 to operate the second shelter, as well as a nearby apartment for long-term victim care; no victims were accommodated in this shelter or the apartment during the reporting period. The government allocated approximately 128,000 lev (\$71,200) for shelter operations in 2016, to be disbursed based on the number of victims receiving services during the year. Neither shelter was located in Sofia, the largest city and most common repatriation point for victims exploited abroad. However, the government also operated 16 crisis centers for child victims of violence and five for adults that could provide shelter and generalized psychological and medical assistance to victims of trafficking. The government provided these centers a fixed sum per victim assisted which, according to the State Agency for Child Protection, was insufficient to cover victims' needs, maintain the centers' premises, and attract qualified staff. The government did not offer male victims specialized services, including legal aid, reintegration assistance, or shelter. With assistance from NGOs, the national anti-trafficking commission began conducting a survey to assess the needs of male victims. The law allows foreign victims who cooperate with law enforcement to stay and work in Bulgaria for the duration of criminal proceedings before deportation, although no foreign victims had applied for this status. Foreign victims who choose not to assist in trafficking investigations are permitted to remain in Bulgaria for 40 days for recovery before repatriation; the recovery period for foreign child victims is 70 days. The government did not penalize trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking. No victims received compensation during the

reporting period; observers reported the process for seeking compensation continued to be overly bureaucratic.

PREVENTION

The government increased efforts to prevent trafficking. In June 2015, the government designated a chair for the national anti-trafficking commission and appointed an acting executive secretary; starting in the second half of 2015, the commission improved inter-ministerial coordination and re-energized governmental efforts, including developing long-term strategies and empowering local-level commissions. The national commission and its nine local commissions partnered with NGOs in awareness campaigns in 2015. In January 2016, the commission began developing a national anti-trafficking strategy for 2017-2021. The government continued to adopt annual national action plans accounting for individual activities to occur during the year; the government approved the 2015 plan in August 2015. The commission drafted and started implementation of the 2016 plan, although the government had not formally approved it by the close of the reporting period. The commission also continued to publish an annual report of the government's anti-trafficking activities. Observers noted the need for improved statistics on law enforcement cases, identified victims, and their traffickers; the commission reported work on such a data collection system continued during the reporting period. The government provided anti-trafficking training to its diplomatic personnel. The government demonstrated efforts to reduce the demand for commercial sex.

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