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USDOS – US Department of State

2019 Trafficking in Persons Report: Bulgaria

BULGARIA: Tier 2

The Government of Bulgaria does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Bulgaria remained on Tier 2. These efforts included convicting two complicit officials and extraditing another, allocating more funding for victim services, and participating in more international investigations. However, the government did not meet the minimum standards in several key areas. Authorities investigated and prosecuted fewer trafficking cases. Courts continued to issue suspended sentences for most convicted traffickers. Officials' lack of knowledge of trafficking indicators hindered effective victim identification. Corruption in law enforcement and the judiciary continued to hinder progress, and investigations into complicit officials rarely led to prison sentences.

PRIORITIZED RECOMMENDATIONS

Sentence convicted traffickers to significant prison terms. • Increase efforts to investigate and prosecute sex and labor trafficking cases. • Vigorously investigate, prosecute, and convict government officials complicit in trafficking, and hold convicted officials accountable with prison terms. • Proactively identify potential trafficking victims. • Introduce a sustainable financial mechanism for victim services, such as supporting shelters and repatriation. • Allocate sufficient funding for anti-trafficking activities, including the implementation of objectives in the national strategy and national program. • Train more officials on victim identification. • Reopen the two NGO-operated shelters for trafficking victims in Sofia. • Enhance efforts to train law enforcement officials, prosecutors, and judges to understand the severity of sex and labor trafficking crimes and its impact on victims. • Provide knowledgeable legal counsel and courtroom protections for victims assisting prosecutions. • Reform the victim compensation process to make it accessible to trafficking victims and increase the number of victims receiving compensation.

PROSECUTION

The government decreased law enforcement efforts. Articles 159a-159d of the criminal code criminalized sex trafficking and labor trafficking and prescribed penalties of two to eight years' imprisonment and a fine of 3,000 to 12,000 *lev* (\$1,760 to \$7,030) for offenses involving adult victims and three to 10 years' imprisonment and a fine of 10,000 to 20,000 *lev* (\$5,860 to \$11,720) for those involving child victims. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Authorities investigated 59 cases, prosecuted 68 defendants, and convicted 59 traffickers, compared with 81 investigations, 80 prosecutions, and 59 convictions in 2017. Of the 59 convicted traffickers, only 15 (25 percent) received a prison sentence that was not suspended, a similarly low rate as in the previous five years. As in 2017, the government did not report the range of prison sentences imposed on convicted traffickers but reported a 12-year prison sentence imposed on a trafficker with an extensive criminal record. Courts issued fines to 21 convicted traffickers, compared with 29 in 2017. In order to clear case backlogs, prosecutors often agreed to plea bargains with traffickers, and courts approved subsequent settlements as a cost-effective alternative to a full trial. Guilty pleas reduced traffickers' sentences by one-third and led to a majority of lenient or suspended sentences. The General Directorate for Combating Organized Crime (GDBOP) maintained a specialized police unit for trafficking cases. In 2018, GDBOP and the Border Police investigated 25 international cases. In 2018, authorities extradited at least 13 suspected traffickers.

Corruption in law enforcement and the judiciary, lack of meaningful sentences for complicit officials, and long trials continued to impede progress. Despite multiple NGO and media reports of complicity, particularly regarding police accepting bribes from persons in prostitution for protection, authorities investigated only three officers for trafficking-related crimes and did not prosecute any complicit officials. A court issued suspended sentences to two police officers, who authorities arrested in 2016, for assisting a trafficker by withholding information and obstructing an investigation. Separately, in January 2018 a court suspended from office the mayor of a local village, who authorities extradited to Spain in July 2017, along with six other individuals, on charges of running a sex trafficking ring involving 51 Bulgarian female victims; the mayor was released on bail in October 2017, but the prosecution against the group remained ongoing in Spain. Observers reported police and prosecutors often believed trafficking victims chose the life of exploitation, and prosecutors and judges lacked sensitivity when interacting with sex trafficking victims. The Prosecution Service hosted two trainings for more than 50 prosecutors and investigators on understanding the victim-centered approach to trafficking. More than 400 law enforcement officials, prosecutors, labor inspectors, and refugee and migration officials attended 25 trainings organized by the government and NGOs; the trainings covered warning signs and identification of trafficking, application of the national referral mechanism and victim assistance opportunities, new trends and challenges with an emphasis on the use of internet for recruitment, and working with vulnerable groups, particularly children.

PROTECTION

The government maintained protection efforts. Based on open pre-trial investigations in 2018, the prosecution service identified 376 victims (309 of sex trafficking, 59 of labor trafficking, and eight of servitude), compared with 407 victims (323 of sex trafficking, 67 of labor trafficking, and eight of servitude) in 2017. Fifty-three of the identified victims were children (42 in 2017). Authorities did not identify foreign victims of trafficking during the year, compared to one potential victim of labor trafficking from Thailand in 2017. Experts alleged law enforcement could not effectively identify victims, due to insufficient knowledge and understanding of trafficking crimes. Pre-trial authorities formally identified trafficking victims, and the anti-trafficking commission, which coordinated the government's efforts, referred victims to services. The government allocated 390,000 *lev* (\$228,470) for services and implementation of the annual national anti-trafficking and victim protection program with an additional 557,000 *lev* (\$326,300) from a Swiss grant, compared with 376,000 *lev* (\$220,270) and 254,000 *lev* (\$148,800), respectively, in 2017. Experts noted the victim protection program was chronically underfunded, which hampered implementation of a fully-fledged victim-centered approach, and with the conclusion of the Swiss grant in 2018, expressed concern for its sustainability. Experts also expressed disappointment in the lack of high-level political support, particularly vis-a-vis redirecting some of the money seized by traffickers toward victim assistance. Additionally, insufficient funding forced the two newly opened, NGO-operated shelters for victims in Sofia to suspend operations, further raising concerns with the government's ability to financially support victim services. The government continued contracting NGOs to operate an additional three centers offering consultative services for trafficking victims and three shelters offering residential services. Twenty-four publicly-run crisis centers offered social services to children and women victims of violence, including trafficking; the centers provided support, counseling, and accommodations to 119 trafficking victims. Child victims could stay in centers for up to six months at which point child protection services could place them with relatives, a foster family, or another residential care institution. The government allocated 9,180 *lev* (\$5,380) annually per child accommodated in a crisis center and 33 *lev* (\$19) monthly per child attending school. The National Council on Child Protection maintained referral services and accommodation for unaccompanied minors. Child protection coordinated the repatriation of 15 child victims; however, the government did not allocate funds for repatriation and relied either on the sending country or the Swiss grant to cover the cost.

The law allowed foreign victims who cooperated 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. For foreign victims who chose not to assist in trafficking investigations, the government provided a 40-day recovery period (70 days for foreign child victims) before repatriation. The law accorded victims anonymity during the pre-trial and trial phases, but authorities rarely implemented this provision, resulting in victims facing intimidation and threats to change their statements. Observers noted many victims did not cooperate with law enforcement because they did not believe the judicial system would protect them, effectively administer justice, or convict perpetrators with meaningful sentences. Observers also noted some judges exhibited more concern with the rights of the traffickers than the rights and needs of the victims. Although in general victims lacked support during criminal cases, such as the state not providing knowledgeable legal counsel during trials, an increasing number

of prosecutors from rural areas worked with NGOs and social workers to prepare victims for trial. The process for seeking compensation remained overly bureaucratic and discouraged victims from making claims; as a result, no victims received compensation.

PREVENTION

The government increased prevention efforts. The government continued to implement its 2017-2021 national anti-trafficking strategy and adopted its annual national program for combating trafficking and victim protection, focusing on prevention among at-risk populations, victim identification, and assistance. The commission in conjunction with an international organization conducted a study that analyzed the national referral mechanism and victim services, identified gaps in criminal cases, policy development, and victim reintegration, and prepared recommendations. The government organized a conference for Western Balkan countries focused on the anti-trafficking situation in the region and strengthening regional anti-crime capacity. Multiple government agencies conducted anti-trafficking activities, including a national awareness campaign on the risks of labor trafficking, which targeted students and included meetings with trade unions and social workers. Additionally, local anti-trafficking commissions ran more than 40 prevention projects, reaching more than 30,000 people, including vulnerable groups such as members of the Roma community and children. In conjunction with Finland, Estonia, and Latvia, the government contributed to a multi-year project profiling trafficking in regional supply chains. Bulgarian and French authorities cooperated to counter illegal employment by conducting six inspections of temporary employment agencies offering work to Bulgarians in France. The General Labor Inspectorate (GLI) conducted 1,415 inspections of labor recruitment firms, temporary employment agencies, employers sending “posted workers” to EU countries, and cases involving foreign workers in Bulgaria; it identified 5,561 violations and imposed 536 fines. GLI trained inspectors from each of its regions to identify labor trafficking victims and cooperate with authorities. The government did not make efforts to reduce the demand for commercial sex acts. The government allocated 65,000 *lev* (\$38,080) to an NGO-run hotline for victims of violence, including trafficking.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Bulgaria, and traffickers exploit victims from Bulgaria abroad. Bulgaria remains one of the primary source countries of human trafficking in the EU. Bulgarian women and children are subjected to sex trafficking throughout Western Europe and in Bulgaria, particularly in the capital, resort areas, and border towns. Bulgarians of Turkish ethnicity and Romani women and girls, some as young as 13 years old, account for most of the sex trafficking victims identified in Bulgaria. NGOs report domestic servitude as an increasing form of exploitation, affecting Roma and ethnic-Bulgarian victims. Traffickers subject Bulgarian men and boys to forced labor across Europe, predominantly in agriculture, construction, and the service sector. Traffickers force Bulgarian adults and children with disabilities into street begging and petty theft within

Bulgaria and abroad. Traffickers subject Romani children to forced labor, particularly begging and pickpocketing. The government reports an increase in the number of exploited children and in the number of victims, primarily men, forced to beg in France and Sweden. Bulgaria has been a destination country for a limited number of foreign trafficking victims, including from Southeast Asia. Government corruption in law enforcement and the judiciary continues to enable some trafficking crimes, and officials have been investigated for suspected involvement in trafficking.

ecoi.net summary:

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