



Trafficking in Persons Report 2017 - Country Narratives - Bulgaria

BULGARIA: Tier 2 Watch List

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. The government demonstrated significant efforts during the reporting period by investigating more labor trafficking cases, providing shelters with specialized services for adult trafficking victims, updating the national mechanism referring and providing support to trafficking victims and making it compulsory for all government institutions, and approving a national anti-trafficking strategy for 2017-2021. Law enforcement continued to take action against public officials and police officers complicit in trafficking offenses. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Although the total number of investigations and prosecutions of traffickers increased slightly, courts convicted fewer traffickers and issued suspended sentences for most of those convicted. The government's capacity to shelter victims and provide specialized services remained low relative to the number of victims identified, and it did not provide specialized services for child trafficking victims. Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Bulgaria was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Bulgaria remained on Tier 2 Watch List for the third consecutive year.

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 and provide specialized assistance to child victims; proactively investigate, prosecute, and convict government officials complicit in trafficking, and hold convicted officials accountable with prison terms; increase funding for anti-trafficking activities; provide sensitivity training to prosecutors and judges working with sex trafficking victims; provide knowledgeable legal counsel and courtroom protections for victims assisting prosecutions; and increase the number of traffickers subjected to fines, in addition to prison sentences, and the number of victims receiving compensation.

PROSECUTION

The government maintained inadequate law enforcement efforts, as the number of convictions continued to fall and the majority of convicted traffickers avoided time in prison. Article 159 of the criminal code prohibits all forms of trafficking and prescribes penalties of between two and 15

years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Authorities launched 66 sex trafficking and 19 labor trafficking investigations in 2016, compared with 71 sex trafficking and seven labor trafficking investigations in 2015. Authorities prosecuted 72 defendants with sex trafficking and one with labor trafficking in 2016 (55 and 10, respectively, in 2015). The government convicted 34 sex traffickers and one labor trafficker in 2016 (47 sex traffickers and no labor traffickers convicted in 2015). Only 12 of the 35 convicted traffickers—34 percent—received a prison sentence that was not suspended, a similarly low rate as in the previous three years. As in 2015, the government was unable to report the range of sentences imposed on convicted traffickers who were sentenced to prison. Courts issued fines to eight convicted traffickers in 2016, compared with 23 in 2015. 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 continued to have jurisdiction over trafficking cases. Observers noted police rarely launched operations against internal trafficking and investigations were lengthy, giving suspected traffickers time to conceal assets and relocate operations. Authorities cooperated with nine 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 2016, the prosecution service opened proceedings in a case involving two police officers who allegedly supported criminals involved in prostitution and human trafficking. 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 engage in prostitution and sell drugs. Subsequently, the two officers' supervisors were also charged and currently five police officers are facing trial. In August 2015, authorities charged seven police officers with bribery and blackmail, due in part to their alleged soliciting of bribes from pimps. Four of them were indicted, and a trial was ongoing 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 and some prosecutors arbitrarily dropped charges against defendants.

PROTECTION

The government maintained efforts to identify victims, but increased efforts to counsel and shelter victims. The prosecution service, based on open pre-trial investigations in 2016, identified 329 victims of sex trafficking, 31 victims of labor trafficking, and five victims of both sex and labor trafficking, compared with 298 sex trafficking and 32 labor trafficking victims identified in 2015. Twenty-one of the identified victims were children (30 in 2015). One victim identified during the year was from Burkina Faso, whereas no foreign victims were identified in 2015. 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 updated its written procedures for referring victims to care facilities, making it compulsory for all government institutions. Local authorities in one region trained more than 130 police and government officials on victim identification and assistance. Throughout the reporting period, the government jointly conducted training on identification, protection, assistance,

and prosecution for judiciary officials, law enforcement, and social workers, holding more than 30 events with more than 1,000 attendees. The law accords victims anonymity during the pre-trial and trial phases, but authorities rarely implemented this provision, resulting in victims changing their statements out of fear, intimidation, and bribery. Observers noted many victims did not cooperate with law enforcement because they did not believe the judicial system would effectively administer justice and perpetrators would serve meaningful sentences. 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 re-traumatize victims. Observers also 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.

The government spent approximately 83,100 lev (\$44,774) for services and implementation of the annual national anti-trafficking and victim protection program. Observers urged more state funding for anti-trafficking activities, reporting most of the funding came from NGOs and international donors. The government provided two NGO-operated centers offering consultative services for trafficking victims, and three NGO-operated shelters offering residential-type services to female victims with a total capacity of up to 16 people. None of the shelters were located in Sofia, the largest city and most common repatriation point for victims exploited abroad. In 2016, 22 crisis centers offered social services to children and women victims of violence, including trafficking, up from 16 in 2015. The centers provided support, counseling, and accommodations to nearly 60 trafficking victims, including 36 minors. Several NGOs asserted, however, child trafficking victims did not receive support separately from victims of violence at the centers, despite their different needs. The national commission drafted mandatory social services standards for protecting and assisting trafficking victims, and adopted guidelines for crisis center workers caring for minors. The government provided crisis 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. In 2016, an international organization and the commission provided humanitarian, healthcare, social, counseling, and legal services to 44 adult male trafficking victims. Foreign partner organizations referred three of the victims to authorities; eight received accommodations in specialized protected healthcare facilities, private lodgings, or hotels. The commission noted male trafficking victims mainly benefited from and applied for counseling services and were reluctant to make use of residential accommodation services. 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 and discouraged victims from making claims.

PREVENTION

The government maintained efforts to prevent trafficking. The commission approved a national anti-trafficking strategy for 2017-2021. The national commission and its nine local commissions

implemented nation-wide awareness campaigns, focusing on labor trafficking, third-country nationals, trafficking trends, and improving investigation coordination. Observers reported labor regulation and oversight improved in 2016. The government conducted 585 inspections of labor recruitment firms and identified various violations; it referred to law enforcement one case concerning a Czech company that left employees without personal documents and forced them to work for inadequate payment. The government continued to adopt annual national action plans accounting for individual activities to occur during the year; the government approved its 2016 and 2017 plans during the reporting period. The commission continued to publish an annual report of the government's anti-trafficking activities. Civil society called for more information sharing on government anti-trafficking efforts, especially non-commission activities. The government provided anti-trafficking training to its diplomatic personnel. The government demonstrated efforts to reduce the demand for commercial sex and forced labor.

TRAFFICKING PROFILE

As reported over the past five years, 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. The government and NGOs report a steady rise in Bulgarian men subjected to labor trafficking. Bulgarian women and children are subjected to sex trafficking within the country, as well as in Europe, and the Middle East. 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 Greece, Italy, Slovenia, Sweden, and the United Kingdom. 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.
