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2021 Trafficking in Persons Report: Bulgaria

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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, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore Bulgaria remained on Tier 2. These efforts included allocating more funding per child accommodated in a crisis center, increasing funding for the national anti-trafficking strategy and annual national program, and cooperating with foreign governments on several outreach programs to stem labor trafficking, including developing a brochure informing Bulgarian workers abroad of their labor rights. However, the government did not meet the minimum standards in several key areas. Authorities investigated, prosecuted, and convicted fewer traffickers. Courts continued to issue suspended sentences for most convicted traffickers – only 29 percent received significant sentences

– which weakened deterrence and may have undercut broader efforts to fight trafficking. Victim identification and assistance data remained unreliable, and uncoordinated child protection services persisted. The lack of resources, legal authority to pursue labor trafficking cases, and sufficient training impeded labor officials’ ability to enforce laws effectively. Corruption in law enforcement and the judiciary continued to hinder progress, and alleged complicity in trafficking crimes persisted with impunity.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit government officials. • Sentence convicted traffickers to significant prison terms and ensure they serve those sentences in practice. • Establish and implement a comprehensive data system for collecting and collating victim identification and assistance data and provide comparable annual data that does not include duplications from previous years. • Ensure all child victims receive assistance by significantly increasing cooperation among the various authorities engaged in child protection and the referral of child victims. • Expand labor inspectors’ legal authority to identify and pursue labor trafficking cases and provide training for inspectors on recognizing trafficking indicators. • Proactively identify and refer to assistance potential trafficking victims, especially among vulnerable populations, such as asylum-seekers, individuals in commercial sex, and children in residential care, and provide training for officials on victim identification. • Issue prosecutorial guidelines redirecting more trafficking cases to the National Investigative Service (NIS) to help institute specialization at the pre-trial level. • Introduce a sustainable financial mechanism for victim services and allocate adequate funding for the victim protection program. • Increase the number of police officers and labor inspectors investigating trafficking crimes. • Establish a centralized database with disaggregated information on investigations, prosecutions, convictions, and sentencing. • Enhance efforts to train law enforcement officials, prosecutors, and judges to understand the severity of sex trafficking and labor trafficking crimes and their impact on victims. • Provide additional dedicated shelters for trafficking victims. • Provide qualified 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 (\$1,880 to \$7,530) for offenses involving adult victims, and three to 10 years' imprisonment and a fine of 10,000 to 20,000 lev (\$6,270 to \$12,550) 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. As a result of the pandemic, courts neither reviewed criminal cases, including trafficking cases, nor heard victim testimony from March to May 2020 and operated with limited capacity in November and December 2020. Authorities investigated 74 cases (58 sex trafficking, 16 labor trafficking), compared with 84 in 2019 and 59 cases in 2018. Authorities prosecuted 45 defendants (42 sex trafficking, three labor trafficking), a decrease compared with 73 in 2019 and 68 in 2018. Courts convicted 42 traffickers (41 sex trafficking, one labor trafficking), a decline from 61 in 2019 and 59 in 2018. Only 12 of 42 convicted traffickers (29 percent) received imprisonment; most convicted traffickers received suspended sentences, which did not serve to deter the crime or adequately reflect the nature of the offense. As in previous years, the government did not report the range of prison sentences imposed on convicted traffickers. In 2020, authorities investigated one case involving those allegedly knowingly patronizing or soliciting a trafficking victim for commercial sex acts and, in a separate case, prosecuted two traffickers. Both traffickers agreed to plea bargains and received suspended sentences. In order to clear case backlogs, prosecutors often agreed to plea bargains with traffickers, and courts approved ensuing 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. Cases that did not involve organized crime were handled by regional police, prosecutors, and courts. The Specialized Criminal Court for organized crime and corruption and its prosecutors' office presided over and prosecuted trafficking cases involving organized crime. The General Directorate for Combating Organized Crime (GDBOP) maintained a specialized police unit for investigating trafficking cases involving organized crime, primarily international cases. In 2020, GDBOP participated in one new joint investigation team (one in 2019) with the assistance of Europol and Eurojust as well as other international cases. In one case, Bulgarian and French authorities cooperated on an investigation that led to the

French prosecution of 18 Bulgarians for exploiting handicapped individuals in forced begging. Separately, Bulgarian and French authorities cooperated on a sex trafficking investigation that resulted in 15 convictions of Bulgarian traffickers by French courts. In 2020, authorities extradited eight suspected traffickers, compared with 18 in 2019 and 13 in 2018.

Corruption in law enforcement and the judiciary, lack of meaningful sentences or impunity for complicit officials, and selective prosecution impeded effective progress. NGOs reported alleged complicity in smaller towns by law enforcement officials who were reluctant to investigate trafficking cases because they either knew the traffickers or feared retaliation. Additionally, media outlets reported some police officers took payments to turn a blind eye toward women exploited in commercial sex. Nonetheless, the government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking crimes. At the end of the reporting period, a second and final appeal remained ongoing for a suspended sentence issued to a police officer whom authorities charged for obstructing a 2016 trafficking investigation. Problems persisted within the judicial system, such as a bureaucratic judicial process that resulted in lengthy trials and the absence of specialized trafficking prosecutors. The random assignment of cases in prosecutors' offices inhibited specialization. The NIS, which employed trained and experienced lawyers, retained the resources for specialization, but had limited jurisdiction over trafficking cases. Practitioners reported guidelines from the Prosecutor General could redirect more trafficking cases to the NIS and help institute specialization. NGOs also reported overall prosecutors continued to lack knowledge in handling trafficking cases and sensitivity toward trafficking victims.

In 2020, the government conducted multiple trainings on trafficking to address knowledge gaps. The National Institute of Justice trained five judges, 11 prosecutors, five investigators, and eight clerks on different aspects of international legal assistance in criminal cases, including trafficking, and offered a module on trafficking investigations to 49 newly appointed judges and prosecutors. The National Commission for Combatting Trafficking in Human Beings, the agency that coordinated the government's anti-trafficking efforts, local anti-trafficking commissions, and other organizations conducted a total of 21 trainings for more than 590 practitioners, including eight specialized trainings for 220 investigators, prosecutors, and judges on investigating trafficking cases, confiscating trafficking proceeds, psychological aspects of victim interviews, and victim

protection. Additional trainings focused on victim identification and referral for more than 370 social workers, teachers, and NGO experts.

PROTECTION

The government maintained overall insufficient protection efforts. The prosecution service reported formally identifying 413 potential trafficking victims (336 sex trafficking, 77 labor trafficking), a significant increase from 340 in 2019 and 376 in 2018. Of the 413 identified victims, 30 were child victims (24 sex trafficking, six labor trafficking), compared with 33 in 2019 and 53 in 2018. Authorities identified three foreign victims—one Ukrainian sex trafficking victim and two Kyrgyz labor trafficking victims—compared with one in 2019 and none in 2018. Statistics included victims from investigations and prosecutions initiated in previous years, raising concerns that the data reported did not provide an accurate picture of the trafficking situation. The Commission maintained separate statistics on the number of victims identified and, in 2020, identified 60 potential victims, a striking difference compared with the prosecution service's statistic of 413. Furthermore, the Commission's statistic (60) reflected a multi-year decline from 94 in 2019 and 130 in 2018 and contradicted the multi-year increase indicated by the prosecution service's statistics. While stakeholders held discussions on establishing a single and unified register of victim statistics and as part of a regional project, an international organization developed an electronic register, the government made no progress on implementing a system. As a result, the number of reported victims identified remained unreliable. Moreover, the number of victims assisted remained unclear. In 2020, the Commission reported accommodating 26 adult and child victims, compared with 30 in 2019. The State Agency for Child Protection (SACP), which coordinated different protection measures than the Commission, reported assisting 31 children but did not differentiate how many were victims of sex and labor trafficking or abandoned by their parents, compared with 17 child trafficking victims in 2019.

According to the Commission, authorities did not identify as many victims because of pandemic-related movement restrictions as well as possible reluctance of victims to report exploitation if they anticipated doing so would result in no prospect of income. NGOs alleged some authorities could not effectively identify victims, especially among vulnerable groups such as asylum-seekers, migrants, individuals exploited in commercial

sex, and members of the Roma community. NGOs and international organizations reported cultural issues created extreme difficulties for all practitioners in identifying trafficking crimes among the Roma community. Some law enforcement officials viewed Roma as people who chose a lifestyle that included sexual exploitation and either did not need support or could not be identified as trafficking victims.

Authorities, NGOs, and the Commission referred victims to services. The government provided counseling, shelter, and reintegration assistance to domestic and foreign victims. In 2020, the government paid 117,560 lev (\$73,750) to NGO service providers for victim health care and psychological and social assistance, compared with 117,400 lev (\$73,650) in 2019 and 234,000 lev (\$146,800) in 2018. Experts noted the victim protection program was chronically underfunded and hampered implementation of a fully-fledged victim-centered approach. The government continued contracting NGOs to operate crisis centers and shelters. The government provided 25 crisis centers for victims of violence and trafficking, but observers noted limited dedicated shelters for trafficking victims remained problematic with only three throughout the country (two in Burgas and one in Varna). In 2020, the Commission received an EU grant for 450,000 lev (\$282,310), 25 percent of which the government co-funded, to reopen an adult shelter that closed in 2019 due to lack of funding. However, concerns remained about the sustainability of the shelter beyond the duration of the EU-funded project. Observers noted an increased challenge finding accommodation for victims in Sofia that the pandemic exacerbated.

During the reporting period, the government temporarily closed the crisis center for child trafficking victims in Sofia after several incidents at the center, including attempted arson by a victim compelled by their trafficker. Child victims could stay in centers for up to six months at which point SACP could place them with relatives, a foster family, or another residential care institution. An underdeveloped foster care system often resulted in SACP placing children in shelters for victims of trafficking or domestic violence. SACP assisted child victims for 12 months with the option to extend. A 2020 UN Special Rapporteur report found child sex exploitation prevalent among children in residential care, particularly children from marginalized communities. The report acknowledged there was a lack of systematic and reliable data on the scope of the problem citing evidence from child protection stakeholders. The report also identified insufficient cooperation among the various authorities engaged in child protection inhibited provision of assistance to

child victims. NGOs also reported challenges in the coordination and referral of child victims due to an overly bureaucratic approach of child protection officials who sometimes prioritized paperwork over children's needs. The government allocated 11,570 lev (\$7,260) annually per child accommodated in a crisis center and increased funding to 12,730 lev (\$7,980) during the middle of the reporting period, compared with 9,870 lev (\$6,190) in 2019. The increase in funding was due to new legislation on social services updating the minimum wage in the country; the law also allowed municipalities to co-fund services and seek co-funding from private entities. SACP operated the 24-hour hotline for children and, in 2020, added more operators and online services. The National Council on Child Protection maintained referral services and accommodation for unaccompanied children.

During the reporting period, a 2020 amendment to the law reduced the length of stay in registration centers for asylum-seekers from six months to two weeks. NGOs noted the new law decreased asylum-seekers' prospects for successful integration and increased their risk of exploitation. Bulgarian 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 investigations, the government provided a 40-day recovery period (70 days for foreign child victims) before repatriation. 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. The law exempted trafficking victims from punishment for unlawful acts traffickers compelled them to commit; however, practitioners noted this law did not provide full exemption as force was not always applied. Some experts said police generally did not understand that people in commercial sex were vulnerable to trafficking or that the non-punishment provision for crime victims could apply to them. The government provided repatriation assistance to Bulgarian citizens but had no designated funds, relying on an international organization or institutions in the destination countries to cover costs. While the law provided free legal assistance to victims, qualified legal aid was difficult to access, especially when victims were outside of the jurisdiction of the court reviewing the case. The process for seeking reparation from the government's victim fund remained overly bureaucratic and discouraged victims from making claims; as a result, no victims received restitution or compensation in 2020.

PREVENTION

The government increased prevention efforts. The government continued to implement the 2017-2021 national anti-trafficking strategy and adopted the annual national program for combating trafficking and victim protection for implementing strategy activities with a budget of 440,400 lev (\$276,290), an increase from 401,000 lev (\$251,570) in 2019. The Commission published an annual report of the government's anti-trafficking efforts, monitored the activities of the 10 local anti-trafficking commissions, and assessed the quality of services provided at the specialized government-run shelters and crisis centers. NGOs expressed concerns about the lack of high-level government support and public commitment to combating trafficking and the future of the Commission. The Commission struggled with limited financial and human resources and uneven levels of cooperation from leadership. Nevertheless, in 2020, the Commission conducted multiple national awareness campaigns, including campaigns on labor trafficking involving information sessions and workshops with vulnerable groups and on sex trafficking targeting students and children. Local anti-trafficking commissions executed more than 50 prevention projects (70 in 2019), reaching more than 30,000 people, including vulnerable groups such as members of the Roma community. Additionally, GDBOP officers held trafficking awareness discussions with 80 school students in Sofia. The government continued to support an NGO-run hotline for victims of violence, including trafficking, allocating 65,000 lev (\$40,780), the same amount as in 2019 and 2018. Separately, the government supported a dedicated NGO-run hotline through burden sharing, such as transportation costs, and consultative services, including advise on assistance and identification. The hotline received 43 trafficking-related calls and referred 19 cases to police. The government did not make efforts to reduce the demand for commercial sex acts.

Experts noted systemic issues, such as the lack of resources, limited legal authority to identify and pursue labor trafficking cases, and insufficient training impeded labor officials' ability to enforce laws effectively. Bulgarian labor laws prohibited employers and labor agents from charging recruitment fees, withholding identity documents, unilaterally changing employment contracts, and delaying payment of workers' wages. NGOs criticized the government for failing to identify and prosecute cases of severe labor exploitation, alleging the government focused instead on labor law violations that carried administrative sanctions. In 2020, the General Labor Inspectorate (GLI) conducted 742

inspections of labor recruitment firms, temporary employment agencies, overseas companies, employers sending “posted workers” to EU countries, and cases involving foreign workers in Bulgaria; it identified 1,080 violations and imposed 371 fines. Additionally, the GLI investigated a potential labor trafficking case involving 80 Bulgarian seasonal workers hired to pick fruit in France and found numerous violations by the Bulgarian recruitment agency that recruited the workers. The GLI initiated a process to revoke the agency’s license.

During the reporting period, the government continued outreach work on labor trafficking, including partnering with an NGO to conduct an online discussion on ways to combat trafficking in supply chains. The GLI published information for seasonal workers on labor trafficking risks with a special focus on pandemic-related challenges. The Ministry of Labor and Social Policy maintained labor offices in EU countries with large Bulgarian communities and considered high-risk trafficking destinations; the offices provided information and advice to job seekers on trafficking and reported cases to the Commission for repatriation. The Bulgarian labor attaché located at the Bulgarian embassy in Austria reported a labor trafficking case involving two child victims and subsequently facilitated their repatriation. In 2020, media outlets reported a potential labor trafficking case involving Bulgarian workers in a meat processing plant in Germany, which led to the Bulgarian and German governments developing a program to increase cooperation on potential labor trafficking cases and provide workers with information about labor exploitation. Consequently, GLI and the Berlin Center for Migration and Decent Labor developed a brochure informing Bulgarian workers of their labor rights in Germany. In another international program, the government examined labor trafficking cases, particularly cases combining economic crime and illicit financial flows, and developed guidelines for authorities to use in identifying cases. Furthermore, Bulgaria and Moldova established a bilateral work agreement allowing Moldovan workers to be recruited under a government-sponsored framework to perform migrant labor.

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. Traffickers exploit

Bulgarian women and children in 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 account for most of the sex trafficking victims identified in Bulgaria. Authorities report an uptick in internal sex trafficking, which they attribute to international travel restrictions resulting from the pandemic. Also due to the pandemic, traffickers increasingly use the internet and social media to recruit victims. Traffickers typically recruit and exploit women and girls from poorer regions of the country. Family- or clan-based organizations and independent traffickers are overwhelmingly of Roma ethnicity and usually know the victims, who are also Roma. According to authorities, sex trafficking rings typically consist of Bulgarian traffickers who cooperate with foreign nationals in destination countries but have no direct ties to foreign organized crime groups. Reports indicate a rise in the number of cases of women and girls from marginalized communities forced to marry third-country nationals. Reports also indicate a growing number of international labor trafficking cases. Traffickers exploit Bulgarian men and boys in forced labor across Europe, predominantly in agriculture, construction, and the service sector. Traffickers exploit Romani children in forced labor, particularly begging and pickpocketing in Austria, France, and Sweden. The majority of labor trafficking victims are of Roma origin or come from poor regions of the country with high levels of unemployment. Traffickers force Bulgarian men with disabilities into street begging abroad. Reports indicate an increase in child trafficking cases. NGOs report the exploitation of children in small family-owned shops, textile production, restaurants, and construction businesses. A UN special rapporteur report found child sex exploitation prevalent among children living in government-run institutions, particularly children from marginalized communities. Asylum-seekers and migrants from Afghanistan, Syria, and Iraq, some of whom may be or may become trafficking victims, transit Bulgaria en route to Western Europe. Government corruption in law enforcement and the judiciary continues to enable some trafficking crimes, and officials have been investigated for suspected involvement in trafficking.

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