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2022 Trafficking in Persons Report: Bulgaria

Bulgaria (Tier 2 Watch List)

The Government of Bulgaria does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included prosecuting significantly more suspected traffickers, ordering restitution, and drafting an annual national program for combating trafficking and victim protection with increased funding to implement the national anti-trafficking strategy. However, the government did not demonstrate overall increasing efforts compared with the previous reporting period, even considering the impact of the COVID-19 pandemic on its anti-trafficking capacity. Authorities investigated and convicted significantly fewer traffickers, marking the lowest number of reported investigations and convictions since the government has been reporting trafficking data. Courts continued to issue suspended sentences for most convicted traffickers, which weakened deterrence, did not adequately reflect the nature of the crime, and undercut broader efforts to fight trafficking. Victim identification and assistance data remained unreliable and unclear and contained duplications from previous years, making it difficult to discern an accurate picture of the trafficking situation and compare annual data. Moreover, uncoordinated child protection services persisted, and although authorities identified 42 child trafficking victims, the government did not report assisting any of them. Furthermore, despite a non-punishment provision, authorities penalized trafficking victims for crimes traffickers compelled them to commit. The lack of resources, legal authority to pursue labor trafficking cases, and sufficient training impeded labor officials' ability to enforce laws effectively. Finally, corruption in law enforcement and the judiciary continued to hinder progress, and alleged complicity in trafficking crimes persisted with impunity. Therefore Bulgaria was downgraded to Tier 2 Watch List.

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.
- Implement the non-punishment provision ensuring trafficking victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts traffickers compelled them to commit and provide guidance to authorities on its application.
- 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, particularly labor trafficking crimes.
- 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 and renew contracts for existing shelters.
- Provide qualified legal counsel and courtroom protections for victims assisting prosecutions.
- Develop and adopt a new 2022-2026 national strategy to combat trafficking and adopt the annual national program to implement the strategy's activities.
- Utilize financial assets seized from convicted traffickers to supplement victim services and victim 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 for crimes involving adult victims and three to 10 years' imprisonment and a fine 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. Overall, legislative and regulatory processes slowed in 2021 due to political instability as the country had a caretaker government for seven months, the absence of a working parliament, and the pandemic. Pandemic-related mitigation procedures and entry requirements hindered law enforcement investigations as many trafficking victims remained in their country of exploitation and traffickers' increasing use of online recruitment and encrypted communications made gathering evidence for successful prosecutions difficult. Furthermore, while courts remained open in 2021, judges routinely rescheduled cases, including trafficking cases, due to pandemic-related illnesses. During the reporting period, authorities investigated 53 cases (42 sex trafficking, seven labor trafficking, four unspecified), marking a multi-year decline from 74 in 2020 and 84 in 2019 and the lowest number of reported investigations since the government has been reporting trafficking data. Authorities prosecuted 77 alleged traffickers (71 sex trafficking, one labor trafficking, five unspecified), a significant increase from 45 in 2020 (73 in 2019). Courts convicted 27 traffickers (26 sex trafficking, one labor trafficking), a significant decrease from 42 in 2020 and 61 in 2019 and the lowest number of reported convictions since the government has been reporting trafficking data. Judges sentenced only 11 of 27 convicted traffickers to imprisonment and suspended most convicted traffickers' sentences, which weakened deterrence, did not adequately reflect the nature of the crime, and undercut broader efforts to fight trafficking. As in previous years, the government did not report the range of prison sentences imposed on convicted traffickers. Regional police, prosecutors, and courts handled cases that did not involve organized crime. 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 2021, GDBOP participated in one new joint investigation team with France and the assistance of EUROPOL and Eurojust as well as other international cases. In one case, authorities from Bulgaria and the United Kingdom (UK) cooperated on a labor trafficking investigation that resulted in the arrest of two Bulgarian traffickers who awaited extradition to the UK. According to observers, authorities regularly seized financial assets from convicted traffickers, but the government did not utilize the proceeds from those assets to supplement victim services or victim compensation.

Corruption in law enforcement and the judiciary, impunity or lack of meaningful sentences 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. In 2021, authorities arrested a police chief and several subordinates for multiple crimes, including protecting traffickers; prosecutors charged the chief and one officer with non-trafficking-related crimes. In another complicity case, Spanish authorities prosecuted the mayor of a Bulgarian town and seven accomplices on sex trafficking charges, but the government did not report taking law enforcement action on the case.

Generally, the framework for anti-trafficking legislation was weak, contributed to ineffective investigations, and resulted in few convictions or convictions with lenient sentences. In 2021, the government proposed a reform that would dissolve the specialized courts and prosecutors' offices, whose mandate included trafficking cases involving organized crime. Experts were split on the merits of the closure of the specialized court system, but at least one expert prosecutor criticized the reform and lack of political will to address ways to support prosecuting trafficking cases and assisting victims, such as amending legislation to lower the burden of proof required to prosecute trafficking crimes and allow seized assets from traffickers to fund victim services. NGOs attributed the decline in prosecutions and convictions to decreased outbound migration and socioeconomic conditions as well as the pandemic. Furthermore, 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 regional 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 that overall prosecutors continued to lack knowledge in handling trafficking cases and sensitivity toward trafficking victims. According to an NGO, a major challenge to investigating and prosecuting labor trafficking cases was the lack of a common understanding among law enforcement and judges about what constituted forced labor. In 2021, the National Commission for Combatting Trafficking in Human Beings (NCCTHB), the agency that coordinated the government's anti trafficking efforts, addressed knowledge gaps by training investigators, prosecutors, judges, and civil society and trade union representatives throughout the year on various topics, such as approaches to investigations and prosecutions, detecting labor trafficking cases, and victim identification, referral, and assistance.

PROTECTION

The government decreased protection efforts. The prosecution service was responsible for formally identifying potential trafficking victims and, in 2021, reported identifying 416 victims (282 sex trafficking, 107 labor trafficking, 27 unspecified), compared with 413 in 2020. Of the 416 identified victims, 42 were child victims (18 sex trafficking, three labor trafficking, 21 unspecified), compared with 30 in 2020. Authorities identified one foreign victim (three in 2020). Statistics included victims from investigations and prosecutions initiated in previous years and remained ongoing, raising concerns that the data reported did not provide an accurate picture of the trafficking situation. The Council of Europe also noted difficulty assessing the scope of the trafficking problem as the victim data collection system was not comprehensive or coherent. The NCCTHB also informally collected data on potential victims and, in 2021, reported the same statistics as the prosecution service contrary to previous years. In the past, the NCCTHB's statistics significantly differed, calling into question why the NCCTHB changed its methodology. For instance, in 2020, the NCCTHB identified 60 potential victims, compared with 413 identified by the prosecution service, and the NCCTHB's statistics reflected a multi year decline (94 in 2019 and 130 in 2018), which directly contradicted the increase indicated by the prosecution service's statistics (340 in 2019 and 376 in 2018). Moreover, the number of victims assisted remained unclear as some victims received assistance from multiple agencies, possibly leading to double counting, and the government did not report whether the numbers were cumulative, like the statistics for identified victims, thus further complicating data consistency. In 2021, the government reported 42 adult victims out of 416 identified victims (approximately 10 percent) received assistance, compared with 26 adult and child victims in 2020. The State Agency for Child Protection (SACP) did not report assisting any child trafficking victims in 2021 despite authorities identifying 42.

The national referral mechanism (NRM) outlined the procedures for identification, referral, and victim assistance. NGOs alleged some authorities did not proactively look for trafficking indicators and could not effectively identify victims, especially among vulnerable groups such as asylum-seekers, migrants, children in residential care, individuals exploited in commercial sex, and members of the Romani community. NGOs and international organizations reported stigma and fear of isolation among migrants and cultural issues among the Romani community created extreme difficulties for all practitioners in identifying trafficking crimes. 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 NCCTHB referred victims to services. While NGOs and international organizations reported greater NRM awareness and generally good coordination, some NGOs remarked the referral process was inflexible and bureaucratic, citing different agencies' multiple and overlapping requirements. The government provided counseling, shelter, and reintegration assistance to domestic and foreign victims. In 2021, the government paid 184,357 lev (\$106,940) to NGO service providers for victim health care and psychological and social assistance, compared with 117,560 lev (\$68,190). Experts noted the victim protection program was chronically underfunded, hampering implementation of a fully-fledged victim-centered approach, and the financial resources invested did not correspond with the actual needs. The government continued contracting NGOs to operate crisis centers and shelters. The government provided 27 crisis centers (eight for adults and 19 for children) for victims of violence, including trafficking. Observers noted the limited number of dedicated shelters for trafficking victims remained problematic with only three throughout the country in Burgas, Sofia, and Varna. The Burgas shelter remained open after the government extended the contract for another 12 months. The Sofia shelter contract was set to expire in November 2022. Child victims could stay in crisis 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 monitored child victims for 12 months with the option to extend. A UN special rapporteur report found sexual exploitation prevalent among children in residential care, particularly children from marginalized communities, and a lack of systematic and reliable data on the scope of the problem. 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. SACP operated the 24-hour hotline for children. The National Council on Child Protection maintained referral services and accommodation for unaccompanied children.

Bulgarian law allowed foreign victims who cooperated with law enforcement to stay and work in Bulgaria for the duration of criminal proceedings before deportation. 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. According to media outlets, authorities prosecuted at least two trafficking victims for commercial sex crimes in 2021. 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. In 2021, the international organization repatriated 41 victims; it was unclear if any of them received government-funded services following their return to Bulgaria. 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 compensation remained overly bureaucratic and discouraged victims from filing civil suits. In 2021, a court ordered a trafficker to pay 20,000 lev (\$11,600) in restitution.

PREVENTION

The government marginally increased prevention efforts. The NCCTHB continued to implement the 2017-2021 national anti-trafficking strategy and drafted the accompanying annual national program for combating trafficking and victim protection with a budget of 461,600 lev (\$267,750), an increase from 440,400 lev (\$255,450) in 2020. Political instability negatively impacted the work of the NCCTHB, which did not convene for more than a year under the two caretaker governments and did not execute critical functions, such as extending and renewing contracts for victim shelters. Furthermore, the NCCTHB struggled with limited financial and human resources and multiple rotations at the deputy minister level for most of 2021. NGOs expressed concerns about the lack of high-level government support and public commitment to combating trafficking and the negative impact it had on the NCCTHB staff. Despite the setbacks, in 2021, the NCCTHB funded an academic institute to assess the implementation of the 2017-2021 national strategy. Experts interviewed government officials, NGOs, and independent observers and prepared a report with recommendations for the 2022-2026 national strategy. Additionally, the NCCTHB 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. In 2021, the NCCTHB conducted multiple national awareness campaigns, including a campaign on sex trafficking targeting students and children. The government also participated in an international campaign led by EUROPOL and Slovakia, raising awareness of sex trafficking. The NCCTHB maintained a phone line, email, and website for the public to inquire about or report trafficking-related crimes through which it identified 129 potential trafficking victims. The Ministry of Justice continued to support an NGO-run hotline for victims of violence, including trafficking, allocating 64,980 lev (\$37,690), compared with 65,000 lev (\$37,700) in 2020. Separately, the government supported a dedicated NGO-run hotline through burden sharing, such as transportation costs, and consultative services, including advice on assistance and identification, and promoted the hotline through social media. The hotline referred 21 trafficking-related cases to authorities who identified 29 potential victims. The government made efforts to reduce the demand for commercial sex acts by conducting an awareness campaign aimed at buyers of commercial sex. In 2021, UNHCR reported cases of violent pushbacks of asylum-seekers and migrants along the borders with Greece and Turkey—an illegal practice under international and EU human rights laws as well as a practice that potentially increased a persons' vulnerability to trafficking, exacerbated distrust of foreign officials, and disallowed for the reporting of any exploitation experienced.

Experts noted systemic issues, such as the lack of resources, limited legal authority to identify and pursue labor trafficking cases, and insufficient training that 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 2021, the General Labor Inspectorate (GLI) conducted 1,035 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 3,657 violations and imposed 266 fines. In addition, GDBOP

participated in international operations to combat labor trafficking, including joint days for action targeting exploitation in the agricultural industry. During the reporting period, the government continued outreach work on labor trafficking, including information sessions and workshops with vulnerable groups and the development and distribution of information brochures to foreign seasonal workers hired at Bulgarian resorts. 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 NCCTHB for repatriation.

Since the start of Russia's full-scale invasion of Ukraine, more than 200,000 Ukrainian refugees arrived in Bulgaria and nearly 100,000 remained in country. The government set up a taskforce to process Ukrainian refugees and launched a website with information on legal status, employment, medical assistance, human trafficking, and temporary protection, among others. As of April 2022, the government granted temporary protection to 51,291 refugees who, in turn, received access to free emergency medical services and access to the labor market. The Ministry of Health directed the regional health administrations and the emergency centers to organize and coordinate access to healthcare for all Ukrainian refugees arriving in Bulgaria. The Ministry of Justice extended free legal aid service to Ukrainian asylum-seekers available in all regional counseling centers and presented an accelerated naturalization procedure for Ukrainians of Bulgarian heritage. With the assistance of an international organization, the government created anti-trafficking information and prevention materials targeted at Ukrainian refugees and distributed these through local anti-trafficking coordinators, partner institutions and organizations, and the NCCTHB. In coordination with an international organization, the government trained state and non-state frontline responders on victim identification. While experts commended the government for its efforts to register and accommodate refugees, they noted the need to focus on long-term contingency planning and to include comprehensive budgeting that matches resources to needs.

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. Vulnerable groups include the unemployed, children in residential care, individuals in commercial sex, and members of the Romani community. According to the NCCTHB and shelter staff, most victims are individuals with disabilities and those with mental health conditions. 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 increase 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 Romani 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 cross-border 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 Romani origin or come from poor regions of the country with high levels of unemployment. Traffickers force Bulgarian men with disabilities into street begging abroad. Media outlets reported trafficking-related abuses in the public procurement process, including non-payment or late payment to workers hired by subcontracting companies in the agriculture, construction, and service sectors. According to NGOs, some traffickers use legitimate business structures and employ various methods for evasion, such as fake self-employment and posted work frauds. 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 sexual 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. Thousands of Ukrainian refugees, predominantly women and children, who are fleeing Russia's full-scale invasion of Ukraine and seeking sanctuary in Bulgaria, are highly vulnerable to trafficking. 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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