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2020 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; therefore Bulgaria remained on Tier 2. These efforts included investigating, prosecuting, and convicting more traffickers, extraditing more suspected traffickers, and increasing prevention projects targeting vulnerable groups, such as members of the Roma community and children. However, the government did not meet the minimum standards in several key areas. Courts continued to issue suspended sentences for most convicted traffickers. Officials' lack of knowledge of trafficking indicators hindered effective victim identification, resulting in the government identifying fewer victims. Corruption in law enforcement and the judiciary continued to hinder progress, and investigations into complicit officials rarely led to prison sentences.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict sex trafficking and labor trafficking cases, and sentence traffickers, including complicit government officials, to significant prison terms. • Proactively identify potential trafficking victims, and provide training for officials on victim identification. • Introduce a sustainable financial mechanism for victim services, and allocate adequate funding for anti-trafficking activities and programs, including the implementation of objectives in the national strategy and national program. • 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. • Establish a dedicated unit of prosecutors specializing in trafficking issues. • Increase the number of police officers investigating trafficking crimes. • Establish a database on investigations, prosecutions, and convictions, including prison sentence data categorized by type of trafficking. • Appoint an executive secretary to the National Commission for Combatting Trafficking in Human Beings to lead anti-trafficking efforts, and fill the remaining vacancies in the executive secretariat. • Provide additional dedicated shelters for trafficking victims. • Reform the victim compensation process to make it accessible to trafficking victims, and increase the number of victims receiving compensation.

PROSECUTION

The government increased 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 (\$1,720 to \$6,890) for offenses involving adult victims, and three to 10 years' imprisonment and a fine of 10,000 to 20,000 lev (\$5,740 to \$11,490) 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 84 cases, an increase from 59 cases in 2018 and 81 cases in 2017. Authorities prosecuted 73 defendants, compared with 68 in 2018 and 80 in 2017. Courts convicted 61 traffickers (59 in both 2018 and 2017) and acquitted nine (two in 2018). Of the 61 convicted traffickers, only 28 received a prison sentence that was not suspended. As in previous years, the government did not report the range of prison sentences imposed on convicted traffickers. 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. The General Directorate for Combating Organized Crime (GDBOP) maintained a specialized police unit for investigating international trafficking cases. In 2019, GDBOP investigated eight cases, including via a joint investigation team with Swiss authorities, involving 23 Bulgarian women exploited in sex trafficking in Switzerland; the investigation resulted in six arrests. In 2019, authorities extradited 18 suspected traffickers, compared to 13 in 2018.

Corruption in law enforcement and the judiciary, lack of meaningful sentences for complicit officials, high turnover within the police, and the absence of specialized prosecutors impeded progress. Authorities investigated five officials complicit in trafficking-related crimes, but there were no prosecutions of any complicit officials. Courts issued a suspended sentence to one police officer, whom authorities charged for obstructing a 2016 investigation, and acquitted another officer on the same charges. The government noted that changes to the structure and function of law enforcement caused significant turnover in police staff and a subsequent loss of knowledge and expertise in investigating trafficking cases. Reports indicated prosecutors continued to lack sensitivity toward trafficking victims and expertise in handling trafficking cases.

During the reporting year, the government conducted multiple trainings on trafficking. More than 300 law enforcement officials, prosecutors, social workers, and asylum specialists attended trainings organized by the National Commission for Combatting Trafficking in Human Beings; the trainings covered victim identification, application of the national referral mechanism, and new trends and best practices in trafficking. The National Institute of Justice trained 105 judges, 34 prosecutors, and seven investigators on different aspects of international legal assistance in criminal cases, including trafficking, and offered a module on trafficking investigations to 12 newly appointed investigators.

PROTECTION

The government decreased protection efforts. The prosecution service identified 340 victims (270 sex trafficking, 70 labor trafficking and forced begging), a decrease from 376 victims in 2018 and 407 victims in 2017. The government identified 33 child trafficking

victims (53 in 2018, 42 in 2017). Authorities identified one potential trafficking victim from Ukraine in 2019 (none in 2018, one in 2017). Experts alleged some law enforcement could not effectively identify victims, especially among vulnerable groups such as asylum-seekers, migrants, 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 viewed Romani as people who chose that lifestyle and either did not need support or could not be identified as trafficking victims. 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 (\$224,010) for services and implementation of the annual national anti-trafficking and victim protection program, the same as in 2018, and spent 149,170 lev (\$85,680) on health care and psychological and social assistance, compared to 234,000 lev (\$134,410) in 2018. Experts noted the victim protection program was chronically underfunded and with the exception of a small increase in 2014, the government failed to update the anti-trafficking commission's budget in the past decade, hampering implementation of a fully-fledged victim-centered approach.

Observers noted limited residential care offered to victims remained problematic with only four dedicated shelters for trafficking victims in the country. In 2019, the government reopened the crisis center for child victims of trafficking in Sofia, with funding allocated by the Ministry of Labor and Social Policy and managed by the municipality of Sofia. The government continued contracting NGOs to operate shelters and crisis centers. 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. Observers noted an underdeveloped foster care system often resulted in child protective services placing children in shelters for victims of trafficking or domestic violence. In 2019, child protective services assisted 17 minors who were exploited abroad (11 for sex trafficking and six for labor trafficking, including forced begging and criminality). The government allocated 9,870 lev (\$5,670) annually per child accommodated in a crisis center, an increase from 9,180 lev (\$5,270) in 2018, and 33 lev (\$19) monthly per child attending school. The National Council on Child Protection maintained referral services and accommodation for unaccompanied minors.

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. The process for seeking compensation remained overly bureaucratic and discouraged victims from making claims; as a result, no victims received compensation.

PREVENTION

The government maintained 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. The anti-trafficking commission struggled to maintain its traditional active prevention and protection programs, hire qualified and experienced candidates as three vacancies remained unfilled during the reporting period, and retain personnel—the commission's executive secretary, who was the incumbent since 2015, stepped down amid concerns over the lack of government support and funding. Nonetheless, the commission conducted anti-trafficking activities, including a national awareness campaign on the prevention of sex trafficking, which targeted students and youth and included more than 30 focus group discussions. Additionally, local anti-trafficking commissions executed more than 70 prevention projects, reaching more than 40,000 people, including vulnerable groups such as members of the Roma community and children. In conjunction with the UK embassy, the government hosted an international conference on public-private partnership in combating trafficking in supply chains; the conference highlighted the need to map the most vulnerable sectors to exploitation and educate businesses on trafficking indicators. Bulgarian and French authorities continued to cooperate to counter illegal employment and prevent labor trafficking by conducting a series of meetings with Bulgarian nationals working in the French agriculture sector. The General Labor Inspectorate (GLI) conducted 1,099 inspections of labor recruitment firms, temporary employment agencies, employers

sending “posted workers” to EU countries, and cases involving foreign workers in Bulgaria; it identified 1,625 violations and imposed 351 fines. GLI along with the Belgian Labor Inspectorate conducted checks in construction companies employing Bulgarian workers. The government did not make efforts to reduce the demand for commercial sex acts. In 2019, the government allocated 65,000 lev (\$37,330), the same amount as in 2018, 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. 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 traffickers have established networks in and typically recruit and exploit women and girls from particular regions of the country. Reports indicate a rise in the number of cases of women and girls from marginalized communities forced to marry third-country nationals. Traffickers exploit Bulgarian men and boys in forced labor across Europe, predominantly in agriculture, construction, and the service sector. Traffickers force Bulgarian men with disabilities into street begging abroad. Traffickers exploit Romani children in forced labor, particularly begging and pickpocketing. The government reports a steady increase in the number of exploited women and men in forced labor in Western Europe and in the number of men forced to beg in France and Sweden. 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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