

Assessment of the Implementation of the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria

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1. List of Acronyms

AAF	Animus Association Foundation
ASA	Agency for Social Assistance
CoE	Council of Europe
CoE THB Convention	Council of Europe Convention on Action against Trafficking in Human Beings
CDBP	Chief Directorate Border Police
CDCOC	Chief Directorate for Combating Organised Crime
CLE	Chief Labour Inspectorate
CPA	Child Protection Act
CPC	Criminal Procedure Code
CPD-DSP	Child Protection Department - Directorate for Social Protection
CVAFCA	Crime Victim Assistance and Financial Compensation Act
EASO	European Asylum Support Office
EU	European Union
GDBP	General Directorate Border Police
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organization
IOM	International Organisation for Migration
LAR	Law for Asylum and Refugees
LBID	Law for Bulgarian Identification Documents
LCCTHB	Local Commission for Combating Trafficking in Human Beings
LFB	Law for Foreigners in the Republic of Bulgaria
MD	Migration Directorate
MES	Ministry of Education and Science
MFA	Ministry of Foreign Affairs
Moi	Ministry of Interior
MLSP	Ministry of Labour and Social Policy
NGO	Non-Governmental Organisation
NCCTHB	National Commission for Combating Trafficking in Human Beings
NRM	National Mechanism for Referral and Support of Trafficked Persons
OSCE/ODIHR	Organisation for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights
RISAA	Regulations for Implementation of the Social Assistance Act
SAA	Social Assistance Act
SACP	State Agency for Child Protection
SAR	State Agency for Refugees

SOP	Standard Operating Procedure
THB	Trafficking in Human Beings
TRM	Transnational Referral Mechanism for Victims of Human Trafficking
UISCP	Unified Information System on Crime Prevention
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
VoT	Victim of Trafficking

2. Introduction

The present assessment is part of the project *“Bulgarian-Swiss Joint Efforts for providing immediate and unconditional protection of trafficked persons and preventing trafficking in human beings”*, implemented by the Animus Association Foundation (AAF) / LaStrada Bulgaria in the framework of the Swiss-Bulgarian Programme of Cooperation for the Prevention of THB and the Identification, Protection, Support, Return & Reintegration of Victims of Trafficking. As a project partner, the International Centre for Migration Policy Development (ICMPD) had the task of designing and conducting an assessment of the Bulgarian National Mechanism for Referral and Support of Trafficked Persons (NRM).

This report aims to provide a picture of the implementation of the standard operating procedures (SOPs). Based on the findings, it presents a set of recommendations related to the implementation of each SOP in relation to the special cases included in the Mechanism, as well as some general recommendations focused on the Mechanism’s framework and function.

The report acknowledges the recent developments in the field of referral and service provision to victims of human trafficking in Bulgaria – legislative changes and government decisions, new emerging “trends” related to the phenomenon and its victims, new vulnerable groups, new services that need to be adopted and service providers that need to be included in the Bulgarian system of support. The report looks into the challenges in the coordination between different stakeholders on a horizontal level as well as those challenges related to exchanging internal information between the central and local levels of the same institutions; thus it is in line with the recommendations made in May 2016 by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA).¹

We hope that this first assessment will contribute to clarification on many questions raised during the consultations with the anti-trafficking stakeholders and the personal meetings, and provide a basis for insights and initiated changes in line with ensuring the best possible care and assistance for victims of human trafficking in Bulgaria.

¹ Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, Recommendation CP(2016)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria, adopted at the 18th meeting of the Committee of the Parties on 23 May 2016, <https://rm.coe.int/1680654cb5>.

3. Methodology

The main goal of the *Assessment of the Implementation of the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria* is to explore the practices on the ground in regards to implementation of the Bulgarian National Mechanism for Referral and Support of Trafficked Persons.

The NRM was evaluated according to international standards and the requirements of the Council of Europe Convention on Action against Trafficking in Human Beings (CoE THB Convention). Based on analysis of the pre-defined indicators, this assessment describes the successfully implemented procedures by pointing out any positive practices and successes, highlighting gaps hindering effective implementation of the Mechanism and suggesting measures for improvement of the service provision and the surrounding legal and institutional framework.

Thus, this assessment investigates the following questions:

- Which measures/procedures have been successfully implemented as foreseen in the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria?
- What gaps are there hindering effective implementation of the Mechanism?
- What measures for improvement of the NRM service provision and the surrounding legal and institutional framework can be taken?

The applied an interdisciplinary methodology, combining desk and field research with remote consultations with the Bulgarian anti-trafficking stakeholders, as well as analysing qualitative and quantitative sources.

Desk research was carried out and included a review of the relevant legislation, policy documents, reports and a variety of documents provided by the AAF and the Secretariat of the National Commission for Combating Trafficking in Human Beings (NCCTHB). This was then complemented with **field research**, comprised of 21 semi-structured interviews with different NRM stakeholders in Bulgaria. The interviews were carried out according to a standard set of interview guidelines. In addition, ten interviews were conducted with survivors of trafficking in human beings (THB). In parallel, quantitative and qualitative data and information was obtained directly from the state and non-state anti-trafficking stakeholders, such as case studies to be used as illustrations of implementation of the NRM. The assessment interviews were followed by a **consultation with the main NRM stakeholders** in Bulgaria on 24 February 2017, in Sofia. The initial findings from the interviews were presented and discussed. The experts in attendance provided feedback and recommendations for the assessment report.

The findings based on desk and field research have been compiled and analysed for this assessment. Relevant policy conclusions have been drawn and action-oriented recommendations developed in relation to the existing NRM in Bulgaria. The gathered of information was used to put in place the initial frame and the base layers for future research, as well as to highlight significant milestones in the recent development of the NRM.

Data collection and analysis

It was decided that the assessment would follow the structure of the NRM guidelines and look into two areas:

- The *text of the guidelines*: the description of each step of each measure contained in the three SOPs.

- Analysis of the *actual implementation* of the SOPs.

Following the findings of the desk research and deciding the structure of the assessment research, **assessment indicators** for each SOP were developed. We looked into designing quantitative as well as qualitative indicators in order to gather as much information and as many details as possible. The indicators were discussed in advance, during the first official workshop in Sofia (held on 23 October 2015), where the plan and the structure of the future assessment were presented to the NRM stakeholders gathered. Ideas were collected and a detailed list was created. The assessment indicators are enclosed as Annex I to this report.

The next step was the development of an **interview questionnaire** based on the list of assessment indicators. The aim of the questions was to explore the information available on the actual implementation of the NRM and highlight gaps as well as good examples. Besides the information requested through the questionnaire, interviewees could also provide any additional information they thought important, as well as any opinions or recommendations they might have (see Annex II).

Twenty-one semi-structured **interviews with NRM stakeholders** were planned and carried out. Invitation letters were sent to government institutions and a number of active non-government organisations (NGOs) implementing the Mechanism. From the beginning there was an understanding that the assessment cannot cover all stakeholders, especially when it comes to NGOs and international organisations (IOs). Due to this, the institutions and organisations included in the analysis do not cover all NRM implementers, but we have tried to provide as representative a picture as possible of developments in the country during the period 2010-2016(/17). We are aware that there are practices that have not been covered, especially practices linked to human trafficking in relation to the migration flow in the last two years, and there are recent developments that have been left out of the scope of the analysis because the information was gathered during different time periods. However, these disruptions are highlighted in the text and the missing or insufficient information acknowledged.

Communication with the government stakeholders was challenging, especially during the first half of 2016. Eighteen interviews with NRM stakeholders were implemented in the periods February-March 2016 and November 2016-February 2017. Three institutions could not appoint a representative to attend interview. A list of the stakeholders interviewed (see Annex III) and a short summary (snapshot) of the interviews (see Annex IV) are available as attachments to this report.

Meanwhile, service providers were requested to provide prominent **case studies** from their practice that could be used as illustration of implementation of the Mechanism. They were also asked for support in finding people who had been in a human trafficking situation and who were willing to complete a short interview related to their experience in the “system” of support provided to them during their recovery period. Eight case studies were provided by three NGOs and ten **interviews with victims** were conducted by the local researcher. They have been used in the analysis as reflectors of the implemented measures and provided support as well as illustrations of the latest tendencies in human trafficking and the types of persons who become victims.

4. Background

4.1. International legislation

As a member of the European Union (EU), Bulgaria has signed and ratified the major fundamental international instruments to fight and prevent trafficking in human beings:

- UN Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons (2000), ratified in 2001;
- Council of Europe Convention on Action against Trafficking in Human Beings (2005), ratified in 2007;
- Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007);
- UN Convention on the Rights of the Child (1989), ratified in 1991;
- ILO Convention on the Worst Forms of Child Labour (1999), ratified in 2000.

4.2. National legislation and policy documents

The national anti-trafficking legislation is presented below in several categories: codified legislation, special legislation, regulations and policy documents. The lists are not exhaustive, but the most relevant parts of each piece of legislation are highlighted.

Codified legislation

Code	
Criminal Code ²	Section 2, Chapter IX Trafficking in Human Beings, Art. 159a-d, and Section 3, Chapter I, Art. 182a-b
	Interpretative Decision # 2/ 16 July 2009 provided by the Supreme Court of Cassation on Chapter X Trafficking in Human Beings
Criminal Procedure Code ³	Art. 121

Lex Specialis – main specialised regulatory laws for preventing and fighting trafficking in human beings, and support of victims

Law	Year of adoption
Law to Combat Trafficking in Human Beings ⁴	2003

² Наказателен кодекс (Penal Code).

³ Наказателно-процесуален кодекс (Criminal Procedure Code).

⁴ Закон за борба с трафика на хора, 2003.

Child Protection Act ⁵	2000
Social Assistance Act	1998
Crime Victim Assistance and Financial Compensation Act ⁶	2006
Legal Aid Act	2006

Bylaws – regulations related to implementation of the Law to Combat Trafficking in Human Beings and the Social Assistance Act

Bylaw	Related law
Regulations for the Organization and Activity of the NCCTHB ⁷	LCTHB
Regulations for the Operation of the Shelters for Temporary Accommodation and the Centres for Protection and Support of Victims of Human Trafficking ⁸	LCTHB
Regulations for Implementation of the Social Assistance Act ⁹	SAA

Policy documents

Document	Coordinated and issued by
National Annual Programme for Combating THB	Secretariat of the NCCTHB, adopted by the Council of Ministers
National Annual Report on the Implementation of the National Programme	Secretariat of the NCCTHB, adopted by the Council of Ministers
National Strategy to Combat Human Trafficking 2017 – 2021	Secretariat of the NCCTHB, adopted by the Council of Ministers
National Plan Against Sexual Exploitation of Children	National Council for Child Protection
Reports on the Implementation of the National Action Plan against Sexual Exploitation of Children	National Council for Child Protection

⁵ Закон за закрила на детето, 2000.

⁶ Закон за подпомагане и финансова компенсация на пострадали от престъпления 2006.

⁷ Правилник за прилагане на Закона за борба с трафика на хора.

⁸ Правилник за приютите за временно настаняване и центровете за закрила и помощ на жертвите на трафик на хора.

⁹ Правилник за прилагане на Закона за Социално подпомагане, 1998.

Other relevant documents

Minimum Standards for Shelters for Temporary Placement and Centres for Victims of Human Trafficking, operated by the National Commission for Combating Trafficking in Human Beings (internal document) ¹⁰	LCTHB
Order to Validate the Rules for Development, Usage and Archiving of the Documentation in the Shelters for Temporary Accommodation and the Centres for Protection and Support of Victims of Human Trafficking (internal document)	LCTHB
Order to Validate the Minimal Standards for the Number and Professional Qualification of the Personnel in the Shelters for Temporary Accommodation and the Centres for Protection and Support of Victims of Human Trafficking (internal document)	LCTHB

¹⁰ Минимални стандарти за работа: Приюти за временно настаняване и центрове за закрила и помощ на жертви на трафик на хора, към НКБТХ.

5. Implementation of the National Referral Mechanism

The Bulgarian National Mechanism for Referral and Support of Victims of Trafficking in Human Beings has been created as a framework for cooperation between governmental and non-governmental anti-trafficking stakeholders according to the guidelines provided by the Organisation for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR). It regulates the stakeholders' roles and actions in the process of victim support and provision of care. It also defines the main principles of stakeholder cooperation while referring victims and providing the services.

The NRM aims to:

- protect the basic human rights of victims of human trafficking;
- provide adequate referral of victims between institutions and organisations in accordance with the victim's needs;
- ensure adequate support for victims through development and maintenance of relevant services support.

The Mechanism is in compliance with the ten principles of OSCE/ODIHR laid down in their publication "National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook", published in 2004.

1. **Protecting the rights** of trafficked persons should be the first priority of all anti-trafficking measures.
2. An infrastructure to combat human trafficking should work on the basis of a **broad definition of trafficking** in order to have the ability to respond rapidly to different forms of human trafficking.
3. Support and protection services should **be accessible for all categories of trafficked persons**.
4. A protection mechanism should include a wide range of different **specialized services**, addressing the specific needs of each individual.
5. Victim-protection mechanisms based on human rights can help secure **successful prosecution**.
6. Combating trafficking in human beings requires a **multidisciplinary and cross-sector approach**, involving all relevant actors from government and civil society.
7. A structure to combat trafficking in human beings should assess and build on **existing national capacity** in order to foster **ownership and sustainability**.
8. The guiding principles of an NRM should include **transparency** and assignment of **clear responsibilities and competencies** according to the different mandates of all actors involved.
9. NRMs are building blocks of **effective regional and international co-operation** to combat trafficking and assist its victim.

10. The process of implementing an NRM should be embedded in an overall democratization process to ensure accountability and legitimacy.¹¹

Moreover, the Mechanism provides guidelines for implementation of the measures for protection of victims stipulated in the Law to Combat Trafficking in Human Beings, among which are the provision of non-conditional support, provision of a special protection status for victims during the trial proceedings period, ensuring anonymity of the victim and protection of the victim's personal data, etc.¹²

NRM development in Bulgaria

Prior to the development of the National Referral Mechanism, guidelines for developing a **Transnational Referral Mechanism** had been developed in Bulgaria. In addition, the **Coordination Mechanism for Referral and Support of Unaccompanied Bulgarian Children and Children Victims of Human Trafficking Returning from Abroad** had been established.

- **Transnational Referral Mechanism (TRM):** the guidelines for this mechanism were developed by the anti-trafficking team at ICMPD in 2008 and establish SOPs for international cooperation in the process of referral and support of victims of human trafficking.¹³ Bulgaria was one of the countries which supported the development of the guidelines and adopted them according to its needs at that time. The guidelines were the first attempt at systematically coordinated interinstitutional efforts to support and provide protection to victims of human trafficking in Bulgaria.
- **Coordination Mechanism for Referral and Support of Unaccompanied Bulgarian Children and Children Victims of Human Trafficking Returning from Abroad:** the “Coordination Mechanism for Children” was signed in 2005 and aims at coordination of the relevant authorities in order to implement their legal powers and obligations while working together on each case of unaccompanied children, including victims of human trafficking – Bulgarian children exploited abroad, or children of foreign citizens identified on the territory of Bulgaria.¹⁴

The National Referral Mechanism is designed as an entity that is interlinked to the TRM as well as the Coordination Mechanism for Children.

The NRM is a product of the project “Creation of a National Referral Mechanism for Victims of Trafficking in Bulgaria”, implemented by the Animus Association Foundation and LaStrada International, in cooperation with the National Commission for Combating Trafficking in Human Beings and financed by the MATRA programme of the Dutch Ministry of Foreign Affairs for the period 2008-2010.

¹¹ OSCE/ODIHR, National Referral Mechanisms - Joining Efforts to Protect the Rights of Trafficked Persons. A Practical Handbook, Warsaw, 2004.

¹² NCCTHB, National Referral Mechanism for Referral and Support of Trafficked Persons, 2017 Revision (НКБТХ, Национален механизъм за насочване и подпомагане на жертви на трафик, рев. 2017).

¹³ ICMPD, Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe, Vienna, 2009.

¹⁴ Fundamental Rights Agency, Thematic Study on Child Trafficking - Bulgaria, 2008.

The process of developing the Mechanism began with the creation of a core working group comprising the main anti-trafficking stakeholders in Bulgaria and the NRM consultant Ms Baerbel Uhl (at that time Chair of the Expert Group on Trafficking in Human Beings of the European Commission). The task of the group was to develop the structure of the Mechanism according to the Bulgarian legislative situation and the available procedures. The group gathered on a monthly basis in order to develop the document.

A larger expert group with more representatives from anti-trafficking stakeholders and especially many NGOs and IOs gathered every four months in order to discuss the progress of the core group and provide feedback and suggestions. After drafting the first document in coordination with all the major anti-trafficking stakeholders, an initial agreement was reached. The document was finalised in 2009. The first official presentation and public announcement took place at the end of 2010, at the meeting of the NCCTHB members (held on 23 November 2010), who agreed on its importance. The draft NRM document was passed by the members of the Commission at a regular General Meeting of the Council of Ministers. From the beginning the document has been created as one that is permanently in development. Regular updates have been discussed and suggested by the Secretariat of the NCCTHB to its members, who have the power to officially adopt the requested changes. The document has provoked discussions throughout the years of its existence and implementation. The document underwent its most recent update and was officially adopted by the Council of Ministers as a regulatory document in 2016. Since then, the National Referral Mechanism has had a mandatory power over all NRM actors. Its coordination body is the Secretariat of the Bulgarian National Commission for Combating Trafficking in Human Beings.

NRM structure

Chapter A: Definition of human trafficking according to the international, European and Bulgarian legislation. The difference between human trafficking and human smuggling.

Chapter B: Institutional framework.

Chapter C: Main working principles.

Chapter D: Standard operating procedures.

Annexes:

- Common criteria for identification of victims of THB.
- Criteria and standards for provision of social services for victims of THB.

In the latest updated version of NRM, four new chapters have been added:

- Comparative table between Directive 2011/36/EU and the Bulgarian legislation on human trafficking.
- List of lawyers who are trained to work and protect victims of THB.
- Rights of the victims of THB and applicable legislation in this field.
- Social rights of child victims of THB.

For the purposes of the present assessment, we will look into chapters B, C and D.

5.1. Institutional framework

As mentioned above, the coordinator of the NRM is the Secretariat of the National Commission for Combating Human Trafficking. The ten Local Commissions for Combating Trafficking in Human Beings (LCCTHBs) (coordinators on the regional level) are also part of the implementing organisations. Another 12 governmental bodies are involved as implementers of the NRM measures in the field of prosecution of THB and support of victims. In addition, two international organisations and more than 20 non-governmental organisations form a big part of the service provider actors in the NRM. All NRM stakeholders are listed in the Mechanism with a brief description of their main tasks and detailed contact information: address, phone number, fax number, email address, website.

In the latest update of the NRM document (2016), the list of stakeholders was extended, with three new governmental stakeholders and more than five NGOs being added. The National Bureau for Legal Aid has also been added among the stakeholders, as well as a list of lawyers who are trained to work and protect victims of THB.

5.2. Leading principles of work

NRM stakeholders agree to follow common principles of work in line with international regulations and good practices. These principles are:

<i>Unconditional support to trafficked persons</i>	<i>Provision of objective information</i>
<i>Safety and security</i>	<i>Individual approach</i>
<i>Confidentiality and data protection</i>	<i>Emotional support</i>
<i>Non-discriminatory attitude</i>	<i>Non-victimising attitude</i>
<i>Protection of the interests of the trafficked persons</i>	<i>Respect for suffering</i>
<i>Participation of the trafficked persons in all decisions related to them</i>	<i>Special attention to the interests and well-being of children</i>
<i>Informed consent</i>	

5.3. Standard operating procedures

This section looks at the Mechanism's three standard operating procedures. Each SOP consists of several measures. Each measure is defined by four aspects: **1) Description of the activity** – where the content of the activity is described, as well as the activity goal(s) and implementation guidelines. Each activity consists of several concrete steps; **2) Special cases** – guidelines for the implementation of each measure in relation to specific vulnerable groups. In the initial version of the Mechanism two special groups were defined: children and foreign citizens. Due to the recent developments in the migration flow through Bulgaria, as well as the occurrence of cases of third-country nationals being exploited on the territory of Bulgaria, in the latest update of the Mechanism the special group of foreign citizens is defined in more detail.

The NRM suggests guidelines for dealing with victims originating from non-EU countries who are seeking asylum or have irregular status in Bulgaria; **3) Documentation** – all specific documents required in the course of implementation of each measure are listed; **4) Cooperation** – all actors responsible for implementation of the measure (governmental institutions, IOs and NGOs) are listed. The specific responsibilities of each are also described.

The assessment of the NRM focused mainly on implementation of the measures, but in the course of conducting the interviews there were comments and discussions on the framework of the Mechanism as well as the other two mechanisms organically and logically interconnected. The assessment indicators presented below are the most representative of this. They are also those which provided the most relevant information. One of the types of information hardest to attain was quantitative information. This fact will be discussed separately later in the assessment, but it must be mentioned here as while questions on information related to several quantitative indicators were included, interviewers received only partial or qualitative information in response.

5.3.1. SOP 1: Identification and referral of trafficked persons

Measure 1.1: Identification

Step 1 Identification

Step 2 Contacting the regional/local authorities, confirming the victim's identity

Step 3 Informing the victim about her/his right to have a reflection period

The formal and informal identification of victims of human trafficking is described precisely in the newly adopted updated version of the NRM document. Before that, the difference was not clearly set out and the responsibilities of each stakeholder were not listed in detail. Formal identification is the responsibility of the law enforcement agencies and aims at opening pre-trial proceedings (investigation). Informal identification can be made by any organisation or institution that is in contact with the victim. The aim of informal identification is to provide the victim immediate access to the services and support programmes available within the NRM. Victims whom have returned from abroad have usually already been identified by the authorities there. However, once they are back in the country, they do also have to be identified as victims of human trafficking by the Bulgarian authorities for the purposes of the pre-trial proceedings (formal identification), if they would like to take part in criminal proceedings in Bulgaria and seek compensation. Victims of trafficking identified in the country of destination, however, do not need to undergo an extra identification process in order to obtain access to support and assistance programmes.

An annex to the NRM document provides an official list of indicators for identification that covers the trafficking process as well as the impact on the victim.

During the assessment interviews, several observations were made:

Indicator: Number of victims identified

A general outcome of the interviews conducted is that the provision of quantitative statistical data was the most challenging request. Different organisations and institutions keep their own databases, but rarely, or only when necessary, share these with the other stakeholders. The NCCTHB publishes a national report on an annual basis. The report is published on the NCCTHB website and contains information on the number of human trafficking victims

identified by the state agencies – the Prosecutor’s Office and the Ministry of Interior (Mol) in particular (i.e. formally identified victims), as well as statistical data from the NGOs. The internal statistics of the NCCTHB are also published. Since 2016, the NCCTHB has had access to the Unified Information System on Crime Prevention (UISCP), which is regularly updated by the Prosecutor’s Office, its territorial divisions and the National Investigation Service.

The statistical data which was possible to obtain during the interviews was related mainly to the general number of victims identified. Any attempts to collect quantitative data on more specific details related to the victim or on different steps in the process of support met with great challenges; the information was scattered or specific administrative procedures were required in order to obtain it.

In respect to the abovementioned issues, several aspects might be addressed in order to help the sharing of relevant information: the (need for) trust among NGOs, state institutions, and the coordinator, which would ensure regular reporting to the NCCTHB; the need for a system or methodology that can identify and prevent overlapping cases, follow-up on old, reopened cases, etc. Another challenging aspect is the principle of confidentiality, such as what kind of information is collected, whether it includes personal data and for what purposes – statistics, observation of trends, or other types. An additional issue that always must be kept in mind when discussing the national statistics is the type of information gathered. The first questions must always be “What is the purpose of the gathered information?” and “For what will we be using the data?”. The answers to these questions will shape the type of information the researcher needs; to which can be added the questions “Will personal data be collected or not?”, “Will the institution or organisation share personal information or only aggregated data?” and “Why do the public prosecutor and the other relevant institutions not gather (or maybe gather, but do not share) more detailed information (such as country of exploitation, region and method of recruitment, victim age, number of months/years of exploitation, etc.)?”. Different stakeholders might have different reasons for collecting information – purely for statistical purposes, to analyse trends, or with the development of new regulations and policies in mind. How this information can be combined whilst ensuring personal confidentiality, data consistency and preventing the data from overlapping is one of the major challenges facing the National Coordinator’s Office.

The Bulgarian National Commission for Combating Trafficking in Human Beings is by law the national coordinator for all actions aiming to prevent and fight human trafficking. The Bulgarian Anti-trafficking Act stipulates that one of the functions of the Commission is to promote the research, analysis and statistical reporting of human trafficking data.¹⁵ The Commission is the official body in charge of collecting and coordinating the national database on human trafficking. The NCCTHB receives statistical information from the anti-trafficking stakeholders on an annual basis. These statistics, as well as a comparative analysis with previous years, are published in the Commission’s annual reports. The NCCTHB has the legal and technical capability to maintain a national THB database. Being a collective body, the NCCTHB’s members represent every state institution dealing with human trafficking. In addition, anti-trafficking NGO and IO representatives are part of the permanent expert group affiliated to the

¹⁵ Combating Trafficking In Human Beings Act, Art. 7 (4).

Commission. As well as this, the NCCTHB provides standards for shelters and centres for support of victims of THB and maintains a database with NGOs that fulfils the minimum standards for providing services to victims. Over the course of the past ten years, different database software systems for collection and analysis of the data related to THB cases have been introduced on a trial basis at the Commission. In 2016, the Commission received access to the Prosecutor's Office's UISCP. The process was finalised in 2017 with the creation of two specialised instruments for statistical reference for "victims of human trafficking" and "perpetrators of human trafficking". Via these references, it is possible to follow the information on trial and pre-trial proceedings which has already been created as well as the data (qualitative and quantitative) on victims, perpetrators, forms of trafficking, etc. In addition, the process of creating a unified information system for victims of trafficking containing data for both formally and informally identified victims has also started. This will help form more precise and empirically based policies for combating trafficking in human beings on both the national and regional level.

The fullest and most detailed statistics on cases of human trafficking, including data on victims, perpetrators, type of trafficking, pre-trial proceedings and court decisions is maintained by the Office of the Prosecutor General. Between January 2010 and September 2016, 3 871 victims participated in pre-trial and court proceedings.¹⁶ The Office provides these statistics on an annual basis to the secretariat of the NCCTHB. However, these statistics cannot be used to represent the full picture of victim identification in the country, as they are limited to those persons who agree to assist the investigation and prosecution of their case. All those whom do not wish to inform the law enforcement authorities or whom agree to collaborate with the investigation but later on withdraw their consent never become part of these statistics.

The different directorates of the Ministry of Interior also have separate data and different numbers. The General Directorate on Combating Organised Crime and the General Directorate Border Police (GDBP) keep separate records and provide them to the NCCTHB for their annual report. These two directorates are the main institutions for officially identifying victims of trafficking after they agree to support the pre-trial investigation. The third relevant directorate, the Migration Directorate (MD), has no specific data on human trafficking and during the period 2013-2015 did not identify any victims of THB.

NGOs normally provide higher numbers for identified victims. The difference usually comes from the fact that NGOs perform the informal identification of victims and provide services to these persons regardless of whether or not they will at a later stage be formally identified by the police (i.e. in the case that the person does not want to cooperate with the law enforcement authorities).¹⁷ The Animus Association Foundation reports 300 identified victims of THB for the period January 2010 to September 2017. IOM reports 210 identified victims for the period January 2015 to October 2017. Sometimes the cases reported by these organisations are duplicated, i.e. the same cases are reported by both the AAF and IOM. Both organisations cite difficulties in identification of foreign victims on the territory of Bulgaria.

¹⁶ The Prosecutor's Office does not provide data on the annual number of human trafficking victims. The numbers provided are ACCUMULATED and are in fact A SUM OF ALL VICTIMS in open court cases, i.e. it is not possible to say how many victims there are for each year based on the information provided by the Prosecutor's Office.

¹⁷ Formal identification of victims of human trafficking is performed by the Prosecutor's Office, the pre-trial authorities including the Ministry of Interior.

The reasons for this is the need for formal identification to be carried out only by the police and/or victims' unwillingness to be identified as such due to fear of traffickers, cultural specificities, etc. No informally identified victims of trafficking (VoTs) have been reported by either of these organisations.

A point often highlighted during the interviews with NGO representatives was the failure to identify victims of internal trafficking, especially when it comes to underage victims. The reason for this phenomenon is that very often the human trafficking is just one component of the whole case and the victim is identified and "treated" as a neglected child, a child exhibiting anti-social behaviour, or a person with mental and/or social disabilities, etc. Thus, many victims do not receive the proper services. The risk of re-trafficking and continued abuse is often not properly assessed, and many victims end up in the same downward spiral all over again.

All the anti-trafficking actors (state and non-state) in Bulgaria can initially identify child victims of trafficking as such. One of the key institutions that has a role in the identification of child victims of human trafficking is the State Agency for Child Protection (SACP). They collect all information related to the cases, and provide and request information to/from the other institutions responsible for the protection of children in Bulgaria – the Directorate Social Protection within the Agency for Social Support, the Child Protection Departments spread throughout the country, local police departments, etc. The approach towards child protection data gathering is centralised. Thus, the numbers always go to the same institution – the SACP. This ensures the consistency of the data flow related to trafficked children.

During the interviews with representatives from the three members of the National Anti-trafficking Commission it was stated that there have been no victims of human trafficking identified by employees of the State Agency for Refugees (SAR), the Ministry of Foreign Affairs (MFA) or the Ministry of Health. Each of these institutions has different access to potential victims and the reasons for zero identification reports might differ. The chances of identifying victims of trafficking during routine medical check-ups or intake interviews at mental health facilities are not very high. Employees of the State Agency for Refugees might stand a chance of identifying victims during the initial registration process or later on during the interview at refugee centres. Up until the beginning of 2016, the SAR had not identified any victims of THB. However, in the past two years the agency has received a huge inflow and has already implemented joint actions with the NCCTHB related to the identification of human trafficking victims among refugee groups.

The Ministry of Foreign Affairs does not keep official statistics on victims identified through its diplomatic missions abroad. Usually the consul receives a signal on a particular case involving a Bulgarian citizen from an NGO or an official state representative from the country where the Bulgarian Consulate is situated. The Consulate may also receive telephone calls with requests for help from relatives of the victims. It is very unusual for a person to go to the Bulgarian embassy or consulate service to seek protection because s/he is a victim, although this practice is changing, with cases of THB for labour exploitation and THB for begging being reported directly by the victims. However, this possibility should not be underestimated and embassy personnel must be sensitised on how to actively look for signs of exploitation and trafficking when a Bulgarian citizen is looking for help.

Indicator: Clear and available identification indicators

As mentioned earlier, one of the annexes to the National Referral Mechanism is the List of Indicators for Identification of Victims of Human Trafficking. After the Council of Ministers of Bulgaria officially adopted the NRM, the list became official and mandatory.

All NRM stakeholders have this indicators list available for use. However, some of the stakeholders have adopted their own identification indicators. For example, the Chief Directorate for Combating Organised Crime (CDCOC) within the Ministry of Interior has developed and adopted their own standards for identification of victims of human trafficking. Most of the NGOs also use identification indicators developed in the course of their work before the NRM came into existence.

The Ministry of Foreign Affairs has leaflets containing information provided by the NCCTHB on what human trafficking is and what victims can do, but use of a standard indicators list provided to the Bulgarian diplomatic service was not reported during the interview undertaken with the representative from the MFA.

The State Agency for Refugees also reported no specialised tool for identification of victims of THB. Interviews held with refugees are organised according to the requirements listed in the Law for Asylum and Refugees (LAR) and have no questions specifically targeting possible situation of human trafficking.¹⁸

There are clear procedures when it comes to the identification of child victims of human trafficking. The signal must be sent within 24 hours to the State Agency for Child Protection, the Police and the NCCTHB. The operation procedures of the Coordination Mechanism for Referring and Support of Cases of Unaccompanied Children and Child Victims of Human Trafficking Returning from Abroad are thus triggered and the respective local authorities take over each case in coordination with the SACP.

Indicator: Number of trainings on victim identification and number of trained specialists

As a measure of how professional and responsible the work of the anti-trafficking stakeholders regarding victim identification is, we looked into the training curriculums of the main actors. We asked questions like “How often and how many employees undergo training on THB victim identification?”. Many of the anti-trafficking actors in Bulgaria (police officers, prosecutors, social workers, NGO workers, local commission staff etc.) have done training modules that include working with victims of THB and specifically on identification of victims. The volunteers of the national helpline for victims of violence run by the Animus Association Foundation receive extensive incoming training on THB victim identification, including ongoing training, debriefing and supervision. The regular trainings are related to the methodology of working with victims, new methods for empowerment of victims, trainings on working with people with post-traumatic stress disorder and other psychiatric conditions, etc. Demetra Association, Burgas also provides incoming training to recruited personnel at their crisis centre and their consultation centre. All ten persons working there receive monthly supervision, and when needed, they provide ad-hoc trainings on certain “hot” topics. Open Gate, Pleven provides trainings for all nine persons employed at their crisis centre and their consultative centre. The

¹⁸ The interview with the representative of the SAR was conducted on 4 November 2016. Bearing in mind the dynamic changes in the past year(s) and the increased cooperation with the NCCTHB, there might be new procedures targeting human trafficking installed in the interviewing process.

trainings are regular, ongoing, and both internal and external. The ongoing trainings take place every three to six months and are part of an annual programme. Training on THB case identification has also been received by the staff of the A21 Campaign Foundation and the Hotline Against THB.

The same applies to the employees of the state shelters for victims of human trafficking. The shelters and centres under the umbrella of the NCCTHB (currently eight services, operating in Varna, Burgas and Sofia), including one for long-term reintegration and a specialised centre only for children, follow the Regulations and Minimum Standards for the Operation of the Shelters for Temporary Accommodation (internal regulations for the services operated by the Commission).

Within the Ministry of Interior, the situation varies in the different directorates. Representatives of the THB Unit within the CDCOC, as well as representatives of the local divisions of the Unit receive specialised incoming training and annual ongoing training. Some of the employees are also involved as trainers in trainings for colleagues from other police departments, representatives from social services, magistrates, etc.

All recruits of the Directorate Border Police receive training on identification of victims of THB. This is part of their incoming training. In addition, representatives of the Directorate take part in regular trainings, organised by FRONTEX, the European Police College, IOM and various NGOs.

MD recruits do not have regular trainings on THB victim identification. However, some of them have been trained in initiatives led by UNHCR in Bulgaria.

All long-term seconded employees of the Ministry of Foreign Affairs also receive special training that includes a THB module.

In addition, the educational institutions of the Ministry of Interior and the Foreign Ministry – the Academy Mol and the Diplomatic Academy in Sofia – provide THB modules, including on identification of victims, to cadets and consulate representatives as part of the training curriculum.

The SAR does not have an established THB training module for its employees. However, it does follow the obligatory European Asylum Support Office (EASO) instructions and the indicators for THB provided and translated by the EASO. According to information obtained during interview, two or three employees from the refugee centre in Ovcha Kupel, Sofia have received training on identification of victims of human trafficking, as well as some of those employees who conduct the interviews with the refugees. Trainings for social workers and interviewers in the Agency have been included in the annual National anti-THB programme for the last two years. In addition, visual materials have been produced and disseminated.

Indicator: Number of victims informed about their right to have a reflection period upon identification

Looking at the third step of Measure 1.1: Identification, SOP 1 – Informing the victim about her/his right to have a reflection period, the information collected shows that most of the institutions and organisations involved in formal or informal identification of victims have installed procedures on this topic. During the interviews with the victim, the social worker, police officer, etc. is obliged to explain to the victim their situation, their rights and any possible actions that might be taken. Provision of information regarding the reflection period is part of

the instructions and guidelines for assessment/intake interviews within the structures of almost all of the THB stakeholders.

However, at the time the interviews for the present assessment were conducted, there was one methodological problem concerning the reflection period – the definition which appears in the NRM document is not the same as that given in the Anti-trafficking Act. This issue will be further discussed below, in relation to SOP 2.

Measure 1.2: Risk assessment

Step 1: Involving the trafficked person in the process of risk assessment

Step 2: Development of an individual safety plan

Step 3: Revision of the risk assessment and safety plan at every contact with the trafficked person and after any developments in the case

Risk assessment is an ongoing process throughout the course of victim support. Together with the individual safety plan, it is done during the first interview with the victim and periodically reassessed and updated according to the changing circumstances.

The text of the Referral Mechanism provides a detailed description of the process of assessment, including concerning the immediate health needs of the victim as well as the existence of any immediate threats of violence or re-trafficking. The assessment and the safety plan are the result of both the active participation of the victim and the professional assessment of the interviewer.

Indicator: Clear and assessable procedures for risk assessment and development of the safety plan

The stakeholders mainly responsible for the risk assessment during the victim identification phase are the representatives of the Mol and the service providers (whom often receive signals and are the first point of contact – NGOs, IOM, shelters, national helplines), as well as the Secretariat of the NCCTHB.

The Chief Directorate for Combating Organised Crime does not have in place an officially introduced procedure or methodology for conducting risk assessment and developing safety plans with the victims of THB. However, the risk assessment is an inseparable part of the initial interview held by the police officer. The officer is obliged to assess the needs of and type of protection for the victim. This is part of the job description of the police officers. Victims are always informed about possible protection under Bulgarian law:

- Protection according to the measures provided by the Combating Trafficking in Human Beings Act, Art. 25.
- Protection according to the Criminal Procedure Code, Art. 123. The law regulates the process of becoming a (physically) protected or anonymous witness during pre-trial proceedings.
- Protection according to the Law for Protection of Persons, for those threatened in relation to trial proceedings – according to information obtained during the interviews, there have not been any THB victims whom have been provided for using measures under this law, because the measures are extreme (e.g. relocation, identity change, etc.).

The state-funded shelters, centres for support of victims, crisis centres for children and for children and women, and for victims of violence and THB (22 in 2017) have clearly defined standards for their staff. The document Minimum Standards of Work: Shelters for Temporary Placement and Centres for Support of Victims of Human Trafficking¹⁹ provides instructions about the basic principles of working with victims, including how to interview a victim, how to collect information, how to develop trust, how to assess different risks, how to provide security, etc. Each victim accommodated at a state shelter goes through a thorough risk assessment and has an individual safety plan developed for their case. This information is based on interviews with a representative of the state shelter in Burgas, a representative of the Local Commission for Combating Trafficking in Human Beings, also in Burgas, as well as input from the Secretariat of the NCCTHB. When the case is referred by the LCCTHB/NCCTHB, the participation of a Commission representative in the initial risk assessment is possible. The same applies in cases where a multidisciplinary team is formed.

Cases where international and civil organisations are providing support for victims follow a similar structure; the risk assessment and the safety plan is part of the working methodology and the personnel are trained in conducting the interviews. Each victim receives a risk assessment and an individual safety plan.

IOM reports that the risk assessment is developed by the crisis centre where the victim is accommodated. The safety plan is usually done over the telephone and concerns return of the victim and referral to the most appropriate service.

At the AAF transit centre the risk assessment is done during the first meeting with the victim according to a specially developed form. In most of the cases, the risk assessment is conducted while the victim is still in the country of destination by Skype or telephone. The information provided by the sending organisation in advance is very important for the risk assessment. Based on the findings of the assessment, a safety plan is developed and agreed upon with each victim. The security measures are made clear, so that the victim can understand and follow them.

When it comes to child victims, information is gathered by the State Agency for Child Protection and referred to the Child Protection Department within the local Directorate for Social Protection (CPD-DSP) according to the child's registered address. Social workers conduct an assessment interview and assessment research of the family background and the family support available to the child. They also visit the family in order to conduct the risk assessment. This is their obligation.

Bearing in mind that in most cases the child has been brought abroad or to another part of the country by a relative, very often the social workers' risk assessment requires accommodation of the child at the crisis centre under the management of the Social Support Agency (SSA).

A special measure to prevent re-trafficking of child victims abroad was adopted in Bulgaria some years ago. The chairperson of the SACP requests the Minister of Interior to issue an administrative measure under Art. 76a of the Bulgarian Personal Documents Law – prohibition

¹⁹ NCCTHB, Minimum Standards: Shelters for Temporary Placement and Centres for Support of Victims of Human Trafficking.

on leaving the country for a period of two years. The measure has to be approved by the SACP, the Mol and the MFA.

Police liaison officers or consular officers at Bulgarian diplomatic missions also have a role in risk assessment for identified cases of human trafficking. However, the reality is that consular officials do not conduct such risk assessments, or if they do, it is usually a personal decision to do so. There is no specific methodology or instruction to do so when needed. Usually, the consulate official coordinates the case either with the local organisation or the institution which contacted the Bulgarian consulate, or with the authorities in Bulgaria. From the information obtained during the interview with the MFA representatives, we can conclude that very often the risk assessment and the actions that follow depend more on the personal attitude of the consular officer than on a concrete officialised *modus operandi*.

The NRM document provides guidelines for risk assessment in cases of foreign victims identified on the territory of Bulgaria. As already mentioned, the State Agency for Refugees has the obligation to identify victims of THB among refugees, as well as to assess the risk and develop a safety plan. However, they have not yet had this experience.

Illegally residing foreign citizens are targeted by the Migration Directorate and the Chief Directorate Border Police (CDBP) of the Mol. Interviews at the detention centre near Sofia have never resulted in the identifying of a victim of trafficking among persons detained. No information about the other detention centres was provided during the relevant interview. We cannot draw general conclusions, but additional work with interviewers at both the SAR and the MD is needed in order to improve their capacity to identify victims and assess the risk of re-trafficking and further violence.

Measure 1.3: Defining the immediate needs of the victim

Step 1 Interviewing the trafficked person and explaining his/her rights and responsibilities and the possible support available to them

Step 2 Assessment of the victim's immediate needs

Step 3 Development of a safety and support plan

In practice, assessment of the victim's immediate needs runs parallel with the risk assessment carried out during the first interview with the victim. In the structure of the NRM these steps are presented separately and consecutively for the sake of the document structure. In reality, however, these processes take place in parallel. Risk assessment and assessment of the immediate needs of the victim are ongoing processes and are updated regularly in the course of the victim's assistance and recovery.

Indicator: Number of interviews and individual safety plans

Assessment of the victim's immediate needs is part of the overall casework of the representatives of the CDCOC. Normally this assessment and the safety plan is the second part of the interview with the victim. However, in cases where obvious physical or psychological needs are encountered, the immediate support plan becomes a priority.

At the transit centre of the Animus Association Foundation, each victim receives an assessment of their immediate needs. The assessment starts before the arrival of the victim and continues at the centre. The assessment procedure includes two to four interviews. IOM carry out these interviews during the telephone conversation with the victim before her/his

return. At the crisis unit of Demetra, Burgas social workers provide a written document with the needs assessment to each person accommodated. According to the findings of the assessment, an individual work plan is prepared together with the victim. The staff of the state shelter in Burgas implements a minimum of three to four interviews in the course of a victim's support and recovery, in order to prepare and update the safety and support plans according to the changing needs of the victims.

Indicator: Specialists trained in delivering assessment interviews

Every employee of the CDCOC is trained in delivering assessment interviews. This skill is part of the employee's terms of reference.

Similar to this is the situation within the team at the crisis centre of Demetra, Burgas, where all five employees are trained in delivering interviews. The state shelter in Burgas has one trained employee who is responsible for conducting assessment interviews. The transit centre of the AAF has eight employees trained in this area.

Indicators: Clear and available procedures for interviewing, assessment of immediate needs and safety plan development

All procedures are listed in the Minimum Standards for Shelters for Temporary Placement and Centres for Victims of Human Trafficking, operated by the NCCTHB.²⁰ The standards have been developed by the Secretariat of the NCCTHB and follow the good international practices provided by various documents of the United Nations Office on Drugs and Crime (UNODC), IOM and other international organisations. The standards are also aligned with Bulgarian legislation and the respective regulations: the Combating Trafficking in Human Beings Act (CTHBA) and the Regulations for the Operation of the Shelters for Temporary Accommodation and the Centres for Protection and Support of Victims of Human Trafficking.

The document provides a detailed description of the main goals of the first meeting and interview with the victim as well as the guidelines for reaching these goals: ensuring the safety of the trafficked person; provision of information about the shelter/centre; clarifying the rights and duties of the accommodated person; explaining the safety rules; gathering information about the victim: hearing her/his story; assessment of the immediate needs: emergency cases, psychological crises, psychiatric cases, development of the individual support plan. In addition, information about all necessary documentation is provided, together with instructions about the measures for gathering, using and storing personal information.

The state shelters follow these instructions and procedures. The victim's participation at all stages of the process is one of the main working principles. NGOs have developed their own internal procedures.

Obtaining skills for interviewing victims of crime is part of the general incoming training of the police officers of the CDCOC. However, focused trainings related to their specific tasks (provided on an annual basis) are held for officers from different departments and units. The representatives of the Human Trafficking Unit undergo trainings on the specificities of interviewing victims of THB.

²⁰ NCCTHB, Minimum Standards for Shelters for Temporary Placement and Centres for Victims of Human Trafficking, operated by the National Commission for Combating Trafficking in Human Beings, p. 9.

Measure 1.4: Referral

Step 1 Informed consent about the referral to another organisation

Step 2 Contacting the organisation to which the trafficked person has been referred

Step 3 Accompanying the trafficked person to the organisation to which s/he has been referred

Step 4 Feedback from the receiving organisation

Step 5 When referral is not possible

The last measure under SOP 1 is referral of victims. The National Referral Mechanism document provides a description of the so-called “safe referral” which ensures adequate support of the victim. The five steps of the referral process have been developed in order to provide secure assistance and protect the victim’s rights.

Indicator: Number of victims who signed a document of informed consent

During the assessment interviews it was discovered that many stakeholders do not have a procedure or separate document where the victim can state her/his consent to being referred to a certain service or organisation.

In general, the victim’s consent is always obtained during the interview, but among all the stakeholders interviewed only the state shelters have established a written procedure where the victim agrees/disagrees to sign a referral document.

The CDCOC does not have such a procedure installed in its practice. The Animus Association Foundation does not have a specific document, but the procedure is mandatory. In the case that the victim stays longer than a few days, s/he signs an action plan.

Only IOM has a form of consent that the victim signs once the referral is agreed upon with her/him.

Indicator: Number of cases with information exchanged prior to referral

One of the crucial factors for successful referral and victim care is the process of exchanging information between the two organisations/institutions prior to the referral being made. Most of the stakeholders interviewed do not keep statistics on this issue, but could provide detailed descriptions of their referral procedure. In most cases, the answer received was that in every case there is an initial exchange of information with the sending or receiving organisation. In the majority of cases, the referral is done by informal e-mail exchange or telephone call(s). For example, the AAF receives a lot of informal referrals from the police and the network of NGOs abroad. Formal referral (with an official letter usually preceded by several telephone calls) is made to the shelters of the NCCTHB and the SACP. However, the state shelter in Burgas reported five referred cases with only initial exchange of information and one case where referral to the shelter was done without any details being provided in advance.

The Secretariat of the NCCTHB acts as a referral and coordination point for many cases and signals that are referred to them. There has been a strict procedure introduced regarding the type of information and the communication channels used with service providers, police and other state institutions.

The secretaries of the Local Commissions for Combating Trafficking in Human Beings act as a case coordinator on the local level. An example of this coordinating function is the role of the LCCTHB in Burgas. There had been numerous signals from the local unit of the CDCOC about women victims of THB whom had returned to their families with children born during their time in trafficking. The secretary of the LCCTHB immediately informed and referred the case to the State Agency for Child Protection and initiated the procedure for registration of the children, issuing of birth certificates, etc. Similar procedures take place in cases where children whom have been sold abroad are returned by the authorities back to the country.

The CDCOC has a procedure for informing the service provider (NGO, crisis unit or shelter) in advance about the victim and the circumstances involved. According to the interview conducted with the CDCOC, this is done for every person that is referred.

The Ministry of Health receives referrals from the NCCTHB and NGOs that are service providers or work directly with VoTs. At the stage of victim identification and referral, the requests are related mainly to medical emergencies, especially urgent psychiatric help. The information obtained is needed for referral to the proper unit or hospital.

Representatives of the MFA serving at Bulgarian consulates and embassies have clear rules that are followed in cases where they receive a signal that a citizen may be a potential victim of THB. The diplomatic officer contacts the relevant institutions in the country of exploitation (service providers, to meet the immediate needs of the victim – medical, psychological, humanitarian support), as well as the relevant institutions in Bulgaria, the CDCOC (in cases where there is no liaison officer from the Mol appointed to the respective diplomatic mission), service providers (NGOs or IOM), etc. The aim is to ensure safe and adequate referral and return of the person to Bulgaria.

In cases involving foreign citizens on the territory of Bulgaria, MFA officers have the responsibility to inform the relevant diplomatic representation in Bulgaria. The victim's consent is given to the organisations providing shelter and services. The MFA authorities might not be informed or involved in the referral process if the victim does not want to be announced as such and can return safely to their home country.

The observations during the assessment show that NGOs have better developed procedures for exchange of information and the exchange between them often functions more smoothly compared to that with the governmental institutions. NGOs have an understanding of the importance of preliminary information exchange and providing the referring organisation with feedback on the case. The AAF reported that in only 10% of all cases is referral to them done without information being exchanged in advance. The most common reason for this phenomenon is the lack of trust between some state institutions and NGOs. However, the practice and examples shared during the interviews show that once a good working relationship between a particular NGO and a particular institution has been established communication and cooperation become easier. Another reason for the lack of communication during the referral process are the different procedures involved, the authorisation documents needed for sharing information, the different levels of implementation of the Law for Personal Data Protection, etc. However, the adoption of the guidelines of the NRM as a mandatory document will provide the needed ground for a common understanding and provide an opportunity for a unified, or at least simplified, approach to information sharing between all THB stakeholders implementing the Mechanism.

Indicator: Systems available for information exchange between the actors (common templates, feedback forms, etc.)

The NRM document provides guidelines for good practices when it comes to documentation related to referral. However, there is no common template used by all stakeholders. Most of them have their own documentation related to referral and information sharing.

The CDCOC has a well-established mechanism and procedure for cooperation with other organisations. They also receive feedback from the supporting organisations/institutions on the development of the case. There is no specific form/unified document used for victims of THB.

The Migration Directorate of the Mol also has an established mechanism in the case of identification of any type of crime, including THB. Their immediate referral contacts are the local police department (in the jurisdiction where the migration centre is situated) and the Mol Institute of Psychology.

A complication related to referral is likely to occur when a victim of trafficking is identified among the illegal migrants residing in the migration centres whom have been notified of their forced return. In this case, the forced return is put on hold for the period in which the person cooperates with the law enforcement agencies working on the human trafficking case.

The problem is that there is no clear regulation in cases where conflict arises between the measures under the Law for Foreigners in the Republic of Bulgaria (LFB) and those under the Penal Code (in relation the THB case).

When the CDBP provides information on a certain case, it is always collected in two copies and one is kept for a certain time within the Directorate. There is no system for data collection or storage. The information kept concerns a number of open and closed cases.

Referrals to the Ministry of Health often take place over the telephone and no written information is exchanged. When there is a written signal, it is done in a free form. There is no unified document for referral.

Demetra, Burgas, as well as many other NGOs, have a system for internal exchange of case information. This happens during the regular team meetings. Documents are exchanged on a regular basis with the institutions related to each case. When it comes to child victim cases, the referral information is exchanged mainly with the local Department for Child Protection.

SOP 1: Observations and recommendations

Observations

The analysis of SOP 1 (measures that foresee identification and referral of victims of trafficking) has shown that a clear distinction between the formal and informal identification process needs to be made. One of the most challenging issues related to SOP 1 is the provision of quantitative statistical data on the number of THB cases in Bulgaria, as different institutions/organisations maintain separate statistical data on the cases they handle. Thus, there is a need for establishing a centralised database on THB cases in Bulgaria that will be maintained by the NCCTHB, as a national coordinator of all actions to prevent and fight human trafficking. For this purpose, the coordination and cooperation between all the state and non-state organisations/institutions dealing with anti-trafficking issues in the country would need to be enhanced. A specific challenge arising from the latest developments is the collection and

analysis of the data related to trafficking cases among the migrant/refugee population in Bulgaria.

Use of the THB indicators, which are now part of the NRM document, is mandatory for all relevant anti-trafficking stakeholders in the country. As similar tools exist in different versions developed by different organisations, there is a need to align the indicators and make best use of these identification tools.

Although a significant number of trainings have been conducted on THB victim identification, it needs to be ensured that such trainings are organised continuously, in order to guarantee that new staff are trained and have adequate knowledge of the THB phenomenon. It is also very important that the migration authorities (such as the staff responsible at the Directorate for Migration and the State Agency for Refugees) receive these kinds of trainings, in order to be able to recognise THB signs among the migrant/refugee population.

The reflection period of 30 days for THB victims after their initial identification is ensured both within the NRM document and the Bulgarian Anti-trafficking Act, which is in line with the CoE THB Convention and the GRETA recommendations. However, those two instruments would need to be interlinked as far as the reflection period is concerned in order to avoid any confusion among stakeholders needing to officially grant this period to the victim(s).

The analysis has shown that not all relevant institutions in Bulgaria have established clear and assessable procedures for interviewing, risk assessment and the development of a safety plan for trafficking victims, although many of them have clearly established and long-standing practices for conducting risk assessments. For example, defined procedures are lacking at the State Agency for Refugees and the Migration Directorate, as well as the Chief Directorate for Combating Organised Crime (even though at this institution a risk assessment for each case is conducted by police officers). All of these procedures are listed in the Minimum Standards for Shelters for Temporary Placement and Centres for Victims of Human Trafficking, operated by the NCCTHB and are in line with the national legislation. Most of the staff responsible at the CDCOC and the relevant NGOs, according to the information provided, have been trained accordingly and enforce these instructions.

In regards to the referral process, the last step of SOP 1, it was revealed by the assessment that even though the NRM document provides a description of safe referral, the procedure is mostly conducted without any written document containing the informed consent of the victim. Basically, most of the referrals between the relevant institutions are conducted on an informal basis. An additional challenge is information exchange between the stakeholders prior to referral: many of the interviewees stated that this information and the related statistics are not properly stored. Nevertheless, the formal referral process is always conducted when a victim is referred to a shelter of the NCCTHB or the SACP.

It is however expected that adoption of the NRM as a mandatory document will provide the needed ground for effective coordination between the relevant anti-trafficking actors in Bulgaria.

Recommendations:

1. **Formal and informal identification.** Both forms²¹ are to be clearly defined in the text of the NRM. The responsible stakeholders should be listed together with clearly formulated tasks.
2. THB victim identification within the country should be proactive and focus on **broader groups** – marginalised groups, people in mental health facilities, street children, youth in prostitution, migrant groups, etc.
3. Specific services related to the identification and immediate care for **male victims** – adults and children – are to be developed.
4. A **central database on THB cases** should be developed and established, and centralised statistics on victims of THB produced.
5. Where missing, a procedure or **written document** obtaining the victim's **informed consent** should be introduced.
6. A **standard document/form for referral** should be developed and used; it should be a single page and contain the most relevant information on the case: instructions for referral organisations/institutions for referral and contact points, basic information on the case, including the personal data of the person being referred.
7. Continuous **trainings** on THB victim identification and risk assessment, especially for the local units of the state anti-trafficking stakeholders, are to be established, e.g. at the Social Protection Directorates within the Ministry of Labour and Social Protection (MLSP) for employees of the SAR and the Migration Directorate of the Mol. In addition, employees of the local departments of the Chief Labour Inspectorate (CLE) need regular training on identification of victims of labour exploitation on the territory of Bulgaria.

5.3.2. SOP 2: Protection and support

Measure 2.1: Crisis intervention

Step 1 Emergency accommodation at a crisis centre

Step 2 Provision of emergency psychological help

Step 3 Provision of emergency social, medical, and humanitarian help

The measures for crisis intervention are defined and described in the NRM document. The standards are set out therein, as are precise instructions about necessary interventions.

Indicator: Number of existing crisis units/centres for victims of THB

²¹ This topic is tackled by the NCCTHB in the updated version of the NRM. The two forms are presented as well as the connection between them. However, this recommendation still came up in several interviews. The reason could be that the Mechanism needs to be popularised among the stakeholders, especially among those involved in victim identification.

The text of the NRM provides clear criteria for when a victim must be accommodated in a crisis centre/unit. It gives guidelines on the necessary internal procedures as well as on the personal safety regimes that can be granted to the accommodated person; free, semi-free or closed.

Currently, there are 15 crisis centres and units in which child victims of THB can be accommodated. These centres are not only for victims of human trafficking. In 2017, a new crisis centre only for child victims of THB was opened in Sofia.

According to the 2016 Annual Report of the NCCTHB, at the end of that year there were five functioning facilities run by the Commission providing specialised support services to victims of human trafficking. To ensure better support, some services are integrated. There are three residential care facilities (shelters) and two centres providing consultancy services in the regions of Varna and Burgas. By opening such specialised support service facilities that take into account each victim's specific needs and the specificities of each individual case, the Government provided the most substantial funding for specialised services (for victims of human trafficking alone) since the enactment of the Combating Trafficking in Human Beings Act in 2003. The overall capacity of the above facilities is 14 persons.

There are also services funded by the state-delegated budgets. As of January 2017, there are a total of 22 crisis centres for victims of violence, of which 11 are for children, ten are for children and adults, and one is for female victims of domestic violence. These centres include the Animus Association Foundation transit centre, and the crisis centres of Demetra, Burgas, Open Gate, Pleven, and SOS Families at Risk, Varna. The persons accommodated at these facilities form a mixed group (mainly victims of domestic violence and victims of human trafficking). Crisis centres are regulated by the Regulations for the Implementation of the Social Assistance Act (RISAA) and are defined as a set of social services, including residential care, social and psychological support, crisis intervention and legal counselling. Placement at a crisis centre is for a duration of up to six months. In addition, there are three specialised shelters for trafficked persons registered in accordance with the Law on Combating Trafficking in Human Beings. Crisis centres are funded by the Agency for Social Assistance (ASA), which is responsible for the provision of all social services in the country and organises tenders to delegate the running of the centres to civil society organisations.

In addition to the delegated budgets, these centres ensure support to their services by project funding and private fundraising. All facilities have professional standards for delivering crisis services. All shelters and services funded by the NCCTHB are regulated by the Minimum Standards for Shelters for Temporary Placement and Centres for Victims of Human Trafficking, developed by the Secretariat of the NCCTHB.

The crisis centres operated by NGOs and funded by local municipalities and the MLSP (like the crisis centre of SOS Families at Risk, Varna) use the Methodological Guide for the Provision of Social Service "Crisis Centre",²² developed by the Agency for Social Support.

In addition to this, some NGOs have established their own internal regulations and standards for work, e.g. the crisis centre Demetra, Burgas. The Animus Association Foundation has recently developed the Methodology for Transit Centre for Trafficked Persons.

²² АСП, Методическо ръководство за предоставяне на социална услуга "Кризисен център".

When it comes to victims of trafficking whom are foreign citizens, depending on their legal status, they can be accommodated in crisis centres for victims of THB, centres of the State Agency for Refugees, if the person has such status, or the centres for temporary accommodation of foreigners operated by the MoI,²³ if the person is illegally residing in Bulgaria and cannot be returned to their home country.

In the latter two cases all urgent services and care must be provided (according to the NRM SOPs) by the teams of the Migration Directorate of the MoI and the teams of the SAR. From the information obtained during the interviews it appears that such activities do not take place. There were no reported THB cases identified by representatives of either of these two institutions. The availability of trained personnel to provide adequate emergency services to the (potential) victims identified must be further researched and discussed.²⁴

Indicator: Number of victims accommodated in crisis units

Crisis accommodation is one of the most used services when it comes to crisis intervention. Most of the victims need this service after they have been identified by the authorities or an NGO.

The services for crisis and long-term accommodation are precisely defined in the NRM, but in reality the service providers of long-term accommodation are used for crisis accommodation as well. The reason for this is usually a lack of free places at the crisis units/centres and very often the geographical factor also plays a role (in those cases where due to the risk assessment the victim has to be accommodated in a region with no crisis accommodation service provider).

However, all long-term shelters have procedures for provision of crisis accommodation and intervention. The crisis accommodation operates on a 24/7 basis.

SOS families at Risk, Varna: According to the NCCTHB report, in 2016, a total of 17 victims were provided with support and care at the support service facilities run by the NGO – an advisory centre, a crisis centre, a shelter for temporary accommodation, and a centre for the protection of and support for human trafficking victims.

LCCTHB Burgas: 28 victims were accommodated during the period 2011-2014 at the state shelter in Burgas.

At the AAF's crisis centre, 176 victims were accommodated during the period 2010-2017. In relation to child victims, the Child Protection Department within the local Directorate for Social Protection of the Ministry of Labour and Social Protection is responsible for deciding in which of the 15 state-funded crisis centres the child victim must be accommodated. The decision is made by the social worker from the CPD-DSP after the initial case and risk assessment. Depending on this assessment, the child can be accommodated in a crisis centre, returned to their family, or accommodated with a foster family or at a residential centre.²⁵

Indicator: Number of victims who have received urgent psychological, social, medical or humanitarian support

²³ Специален дом за временно настаняване на чужденци (СДВНЧ, МВР).

²⁴ The information obtained during the interviews with the SAR and the MoI Migration Directorate covers the period 2015-2016.

²⁵ Центрове за настаняване от семеен тип (ЦНСТ).

Looking at the quantitative information obtained during the interviews, it is worth noting that nearly all those victims accommodated in the crisis units received some type of psychological crisis intervention, or social, medical or humanitarian aid.

The teams of the crisis units and centres for crisis accommodation are capable of providing these services, or have established professional networks in order to refer the person to a certain service.

The number of victims reported by the Animus Association Foundation as having received psychological or humanitarian support at their crisis centre was 260 for the period January 2010-September 2017.

 D., 30 years old, victim of trafficking for sexual exploitation in Austria. After her return D. is accommodated in the crisis centre. The social worker reports that she is emotionally unstable and confused (as are many victims returning from a THB situation). This makes contact with the institutions difficult. Victims often change their intentions – one moment they want to meet their children, the next they refuse to do so. However, all of them receive information concerning what services they are entitled to use. Often after some time has passed they contact the organisation if they need help.

Medical support

One of the biggest challenges reported by crisis service providers is ensuring urgent medical support for victims.

The NRM document states that the medical needs of the victim must always be a priority. Their urgent medical needs are covered by the state system for urgent medical help. It is provided to each citizen of the country for free. Victims whom are pregnant and whom have no health insurance can use free medical support – examinations, consultations and midwifery care (according to Art. 82 of the Health Care Law). The same law provision stipulates the availability of stationary psychiatric care.

However, the Ministry of Health does not keep statistical data on victims of human trafficking. Such information can be received by NGOs or other service providers which refer victims to health care services.

Problems usually appear when the needs of the victim require long hospitalisation or medical interventions not covered by the urgent medical help. In most cases, the victim has no medical insurance. The NRM suggests two possible steps:

- Recovery of the medical insurance by payment of an instalment defined by the Law for Health Insurance, Art. 40a.
- Applying the Law for Social Support.

The reality is that it is very hard for the crisis centre budget to recover the medical insurance of each victim. State shelters use the budget of the NCCTHB to cover doctor's fees, medication, hospitalisation, medical examinations, etc. However, many victims have chronic health conditions that require constant medical care.

All victims interviewed needed recovery of their health insurance. They are covered by IOM, A21, the shelter where the victim is being accommodated or by the NCCTHB.

Some service providers have established local solutions, such as, for example, the medical support packages provided by IOM. The LCCTHB in Burgas initiated and signed a contract with the General Hospital in Burgas for provision of free medical support for people accommodated at the state shelter for victims of human trafficking in Burgas.

Administrative support

Another challenge that often appears is part of the process of issuing personal documents (ID cards). According to Bulgarian law, the documents can only be issued personally at the person's place of residence. There are several options listed where the person's physical presence is not necessary (Art. 17/5, Law for Personal Documents). For victims of trafficking, travelling to the place they have left often carries a high potential risk. In addition, payment of the administrative fine for losing one's ID and the administrative tax for issuing a new one can also represent a challenge. Such situations require a social worker to accompany the victim. The financial and HR expenses involved are often difficult to cover for some service providers. The state shelters use the budget of the NCCTHB.

The NRM document advises that in cases where there is a high risk involved in the victim travelling to the place of her/his registered permanent address, an escorting person must be appointed or/and the cooperation of the Directorate "Bulgarian Personal Documents" within the Mol sought.

However, there are some examples of local solutions being found. These are mainly based on the personal involvement and commitment of the local authorities and not so much on general regulations. The interviews held with stakeholders in Varna showed that there is a simple mechanism established with the local authorities (Ministry of Interior, NGOs, state shelter) regarding the issuance of personal documents to victims. One solution to overcome the gap is to provide victims with a registered address at the shelter/crisis centre. This allows them to apply for new documents in the city where they are being accommodated. This registration happens with the knowledge and agreement of the local police authorities. Another solution is cooperation between the police department in the place where the shelter/crisis centre is located and that with jurisdiction over the area where the victim has their registered address. The victim, supported by a social worker, applies for personal documents at the police department in the region of the shelter/crisis centre. The respective expert gets in contact with the police department in the relevant area and requests the issuance of the documents. When the documents are ready, the victim can pick them up from the police department in the town where s/he is being accommodated.

Foreign citizens who are in the process of seeking asylum have the same rights and access to medical and social care as all Bulgarian citizens.

Illegally residing foreign citizens have restricted rights. In the case that there are any special needs (beyond food, shelter, contacting relatives and diplomatic representation), they are referred to NGOs and other service providers.

Indicator: Multidisciplinary teams

Multidisciplinary teams are formed on every case. They consist of representatives from: the Secretariat of the NCCTHB; the Chief Directorate Border Police and/or the CDCOC; the Agency for Social Support; the Prosecutor's Office; service providers (NGOs); and any other institution related to the case. Sometimes a relative of the victim can be included as well. Besides the main actors, the teams may include local authorities and service providers active

in the particular region relevant to the specificities of the case – for example: regional health inspections, local labour offices, educational institutions, etc.

NGOs are part of these teams as well. The Animus Association Foundation participates in regular multidisciplinary team meetings on complicated cases and high-risk cases where urgent measures are required. IOM is also part of such teams. They can normally organise access for the victim to different services and cover expenses when necessary.

The NCCTHB has recently established a multidisciplinary team (task force) to work on strategic and complicated cases of human trafficking.

In all cases of child victims, the SACP forms a multidisciplinary team. All crisis interventions and measures are assessed and planned according to the specificities of the case. The local CPD-DSP at the child's place of permanent residence is responsible for the implementation of these interventions, and a social worker from that department is appointed as case coordinator/manager. If the child is being accommodated in a crisis centre or with a foster family, the coordination of the case is transferred to the CPD-DSP in whose jurisdiction the child is being accommodated.

Measure 2.2: Support during the reflection period

Step 1 Legal counselling and informing the victim about the possibility of starting criminal proceedings against the traffickers and his/her role in the investigation

Step 2 Protection measures in accordance with Art. 25 of the CTHBA

Step 3 Psychological counselling

Step 4 Organising the safe return of the trafficked person to their country of origin or hometown

The reflection period stipulated in the Bulgarian Anti-trafficking Act (Art. 26) is 30 days from the time the victim is formally identified. The victim receives a number of services during this period aimed at helping them to cope in their crisis functioning, as well as at provision of information regarding the possible steps that the victim can take after the period is over. These services are provided in the phase of pre-trial proceedings, meaning that the victim has to decide if s/he wants to cooperate with the investigative authorities.

In this regard, the NRM document provides guidelines on provision of legal and psychological support as well as on granting special protection for victims and their safe return to their home place or country of origin.

However, due to the short time available for information gathering by the police authorities, often some data gathering and initial conversations with the victim are conducted within the reflection period. The two procedures must be synchronised and the preparations for the pre-trial proceedings should not interfere with the period for recovery, information receiving and decision making.

Article 13 of the CoE THB Convention– Recovery and reflection period

Each Party shall provide in its internal law a recovery and reflection period of at least 30 days, when there are reasonable grounds to believe that the person concerned is a victim. Such a period shall be sufficient for the person concerned to recover and escape the influence of traffickers and/or to take an informed decision on cooperating with the competent authorities.

During this period it shall not be possible to enforce any expulsion order against him or her. This provision is without prejudice to the activities carried out by the competent authorities in all phases of the relevant national proceedings, and in particular when investigating and prosecuting the offences concerned. During this period, the Parties shall authorise the persons concerned to stay in their territory.²⁶

While all major stakeholders are aware what the reflection period is, how important it is for the victim's recovery, and that granting it is part of their internal procedures (including those of the Mol), the fact is that legally the reflection period was presented and described only in the text of the National Referral Mechanism. In the Bulgarian Anti-trafficking Act, there is an explanation about the reflection period, however it is not provided for as a period for reflection. Before July 2016, the NRM had no compulsory nature for the anti-trafficking stakeholders. The document was adopted by the members of the NCCTHB in 2010, but its guidelines "were not necessarily followed by the institutions and organisations working in the area of anti-trafficking".²⁷ In the past year, the NRM has become a document with peremptory character due to its adoption by a decision of the Council of Ministers in Bulgaria. Thus, the reflection period also became an obligatory part of the victim's recovery process. In addition, in 2017 changes in the Bulgarian Anti-trafficking Act were proposed by the NCCTHB and discussed by its members. A definition of the reflection period has been introduced into the text of the law and will become part of the legislation after the suggested amendments have been adopted.

Indicator: Number of victims who received legal support/consultation

Once provided with crisis accommodation and support, in most cases victims have legal consultations with the NGO or state shelter workers. Normally, the shelter/crisis centre employees provide the general consultation and the victims are referred either to legal specialists within the same organisation or a specialised service provider.

The number of victims whom received consultation at the Animus Association Foundation's crisis centre was 194 for the period 2010-2017; Demetra, Burgas was unable to provide exact statistics on behalf of the organisation, but the employee interviewed stated that every person accommodated receives legal consultation. In the state shelter in Burgas in 2016, legal consultation was offered to six victims, of whom three made use of the service.

Almost all victims who received support and counselling during their reflection period agreed to cooperate with the prosecution (according to SOS Families at Risk, Varna).

Indicator: Available training for legal advisors and lawyers

There are a number of NGOs that provide legal support and counselling to victims, as well as training for other legal advisors. Demetra and the Animus Association Foundation have their own legal experts. These experts are trained in the specificities of THB cases as well as on talking and working with victims. In the period 2013-2014, the AAF trained 23 lawyers on how to work on trafficking cases, and consult and represent the victims. Their contact data is available on the NCCTHB website and is also annexed to the updated version of the NRM.

²⁶ Council of Europe Convention on Action against Trafficking in Human Beings, p. 7.

²⁷ NCCTHB, 2016 Annual Report, p. 13.

As of 2016, the National Bureau for Legal Support is a NRM stakeholder. This might lead to increased understanding of the THB phenomenon among a broader number of legal advisors and attorneys and to the provision of better access to legal services for all victims of human trafficking.

Practice: A mobile group for consultations was developed in Burgas in 2015. It responds to signals on cases of violence, including THB. The group consists of a psychologist, a social worker and a legal adviser. If necessary, the victim can be transported to one of the centres in Burgas to receive full support there.

Indicator: Victims who received special protection status

The status of special protection can be granted under Art. 25 of the Anti-trafficking Act to persons whom agree to cooperate with the prosecution. It is granted by a prosecutor and can prolong the period of the shelter accommodation provided to the victim or grant a foreign victim a permit for prolonged residence (for the duration of the pre-trial and trial proceedings).

Coordination of this on the central level is done by the Secretariat of the NCCTHB. In cases where the victim is being accommodated in one of the state shelters, the LCCTHB coordinates the multidisciplinary team and requests when necessary the special protection measure from the district prosecutor's office.

From our research it appears that this measure is not used very often. The Animus Association Foundation reported ten cases for the period 2010-2017.

Indicator: Available standards for provision of psychological support

As stated above, there are well-developed standards for provision of support, including psychological support, through the service providers in Bulgaria.

NGOs and IOs usually use their own developed methodologies based on the international standards. The Animus Association Foundation, SOS Families at Risk, Demetra, IOM, etc. have adopted methodical guidelines for psychological counselling for victims of THB, and ethical and professional codes of practice. The quality of the services provided is ensured by individual and group training of the counsellors as well as regular individual and group supervision and debriefing.

On the other hand, the Secretariat of the NCCTHB has developed the Minimum Standards for Shelters for Temporary Placement and Centres for Victims of Human Trafficking, operated by the NCCTHB (see p. 9). These standards are used by all facilities for provision of support to THB victims funded by the National Commission.

 D. is 40 years old and was trafficked and sexually exploited in Italy. She describes in an interview the first days after she was accommodated in a shelter: **D:** Well, they (the crisis centre employees) knew that it was about human trafficking. When the time came for the police to visit, they explained to me that the officers will come and will ask questions, but that there is no need for me to be worried. The psychologist also talked to me about it. **Interviewer:** Do you remember when this happened? How long was this after you arrived at the crisis centre? **D:** Maybe around two or three weeks after. First, I talked to the psychologist. The second time she came, she told me to prepare myself emotionally because the police officers would be coming to talk to me. After them, the social services also came to meet me.

Indicator: Organising the safe return of victims

The safe return of victims requires good cooperation with the diplomatic services of the respective country in Bulgaria, as well as cooperation with a local service provider in the country of origin in case the victim needs additional support upon her/his return. When it comes to Bulgarian victims returning within the boundaries of the country – from one town to another – the shelter personnel together with the victim develop a plan and contact the relevant LCCTHB and local service providers (NGOs) in the region of return in order to provide a supportive environment for the victim upon her/his return.

The expenses related to the return are usually covered either by the consulate of the respective country in Bulgaria or by IOM's Assisted Return Programme (especially in cases of Bulgarian victims returning from abroad).

The AAF reports 268 assisted returns, mainly of Bulgarian victims to Bulgaria, for the period 2010-2017. IOM reports 210 assisted returns for the period January 2015-October 2017. When reading the numbers provided to the interviewers, it must be taken into consideration that many of the reported cases overlap, since the services for each case may have been provided by several organisations and reported by each of them.

In cases where foreign victims of THB have been identified among asylum seekers in Bulgaria, the SAR is responsible for their overall care. The victim can be referred to a service provider to receive psychological and legal support during the reflection period. However, no such cases were encountered during the assessment interviews or data gathering.

A problem concerning the synchronisation with the legal framework appears when it comes to victims identified among the illegally residing foreign citizens in Bulgaria. The NRM guidelines state that such a person can immediately be transferred from the centres for temporary accommodation operated by the Migration Directorate of the Mol to a specialised shelter more appropriate for the victim's needs. There, the victim can have a 30-day reflection period and if s/he decides to cooperate with the Bulgarian authorities, they will receive special protection under Art. 25 of the Anti-trafficking Act and be granted a resident permit for the duration of the trial proceedings. We did not encounter during the assessment interviews any case that could illustrate this procedure, but the representatives of the Migration Directorate of the Mol expressed concern about the smooth "transfer" of persons from a system for "illegal residents, with restricted rights, forcefully accommodated in centres of the Migration Directorate and granted the measure of forced return" to a system for "(potential) victims of human trafficking, with full rights, accommodated in a shelter for victims (with potential free regime), granted a reflection period and potentially a residence permit for the duration of the trial proceedings". Technically, the measure forced return granted under the Criminal Code conflicts with the Anti-trafficking Act and the special protection measures under Art. 25 of the Act and the Law for Foreigners in Bulgaria, Art. 24/1/17.²⁸

SOP 2: Observations and recommendations

Observations

²⁸ Закон за чужденците в Република България, чл.24, ал.1, т.17.

Taking into consideration the capacities needed for accommodation of VoTs, the analysis shows that the number of facilities for providing protection and support to the trafficking victims in Bulgaria is nearly sufficient (22 crisis centres operating on a 24/7 basis, five shelters specialised for THB victims run by the NCCTHB, 16 crisis centres only for children victims of THB, three residential care facilities and two centres for consultancy services, additional shelters run by NGOs and services funded by the state-delegated budgets). This is in relation to domestic VoTs; there are also facilities available for providing support and protection to foreign VoTs (at crisis centres or centres run by the SAR, or at the Centres for Temporary Accommodation of Foreigners). The assessment shows that although clear procedures have been established, sometimes the long-term accommodation facilities are used as crisis centres due to either a lack of available places at that moment, or because it is safer for the VoT to be accommodated in a specific location. The developed Minimum Standards for Shelters for Temporary Placement and Centres for VoTs operated by the NCCTHB can be identified as a positive step forward. Another positive practice, in line with the NRM, is the functioning of the multidisciplinary teams consisting of representatives of several institutions/organisations that coordinate each THB case.

Except for the need for urgent medical support for victims, it was stated by the interviewees that the other types of support (such as psychological, social, legal and humanitarian) are available and are provided to VoTs on a regular basis in line with the NRM. The problem with providing medical support is based on the financial issues involved, as the cost of medical insurance is usually high. Alternative solutions are usually available (such as IOM packages) in order to satisfy the medical needs of VoTs, however there is a need for a sustainable solution to this problem. In addition, our analysis shows that the procedures for obtaining personal documents for VoTs would need to be simplified, as according to the national legislation these documents can only be issued at the person's place of residence. This requires additional travel and costs, which is difficult for the service providers due to the limited availability of funds and the additional risks involved for the VoT.

The right of the VoT to use the reflection period of 30 days to recover after their formal identification is enforced in practice, however our assessment has shown that often some data gathering and initial conversations with the victim are conducted by the police during the reflection period. As regards the services provided during the reflection period, it is assessed that almost all victims received adequate support and counselling according to the NRM procedures. Another positive step is the NCCTHB initiative for changes in the Anti-trafficking Act in order to define the reflection period in the law in the same way as it is defined in the NRM document. It is also a positive development that a list of lawyers trained on THB is publicly available and included as an annex to the NRM document.

In regards to the safe return procedure, a positive practice in line with the NRM has been established in contacting the receiving organisation, before the return is carried out. This direct contact aims to:

- build up trust between the survivor of trafficking and the Bulgarian counsellor;
- communicate directly in their native language, without the need of (cultural) translation;
- lower fear and expectation levels;
- support the survivor to take an informed decision about their return;

- discuss possibilities for reintegration;
- add important information related to risk assessment;
- support the Bulgarian counsellor in making adequate preparations and starting the risk assessment on the Bulgarian side.

With the recent developments and migrant flows in mind, some challenging issues that should be considered in the NRM are the problems with synchronisation of the legal framework when it comes to VoTs identified among foreign citizens illegally residing in Bulgaria.

Recommendations:

1. The contact between the victim and the receiving organisation prior to the referral must be established as a rule and integrated into concrete procedure.
2. The information gathering process executed by the police authorities should not interfere with the granted reflection period. The two procedures must be operationally synchronised in time.
3. A general solution and instruction should be developed and agreed upon regarding the process of issuance of personal documents without the victim having to travel to their place of permanent residence (registered address).
4. As access to free urgent medical help does not cover caring for a victim's chronic conditions, a general solution on health insurance recovery must be elaborated.
5. The reflection period (30 days from the time of identification) should be synchronised with the regulations and time periods for initial data gathering executed by the police authorities as well as the initiation of pre-trial proceedings by the prosecution.
6. Measures to prolong the reflection period in cases where there is significant evidence that the period of 30 days is not enough for recovery and adequate decision making by the victim should be discussed and elaborated.
7. The granting of special protection under Art. 25 of the Anti-trafficking Act is to be further explored and applied more often by NRM stakeholders, in line with the victim's wishes.
8. The relation between the measures under the Criminal Code, the Criminal Procedure Code and the Anti-trafficking Act and the Law for Foreigners in Bulgaria should be synchronised, based on broader legal analysis.

5.3.3. SOP 3: Social inclusion (Reintegration)

Measure 3.1: Long-term psychological support and empowerment

Step 1 Participation of the trafficked person in the decision-making process and planning his/her (re)integration

Step 2 Updating the risk assessment with respect to the trafficked person's reintegration

Step 3 Psychotherapeutic assistance to overcome symptoms of post-traumatic stress disorder

Step 4 Counselling of the trafficked person's family/relatives and partner

Step 5 Development of social skills

Step 6 Development of skills for participation in the labour market

Step 7 Social counselling and advocacy

Step 8 Renewal of the trafficked person's health and social insurance status

The social inclusion, (re)integration and long-term support of victims of human trafficking is a complex effort and requires a variety of services. These services are described extensively in the NRM guidelines, and most importantly, as an annex to the guidelines, concrete standards and criteria for service implementation are attached.

The NRM document suggests that long-term support begin after the period of crisis intervention and the victim's reflection period. According to the Bulgarian Anti-trafficking Act this period is one month in duration.

The Law for Social Protection defines periods for "short-term services" as those up to three months in length and "long-term services" as those provided for longer than three months. It is important to set a clear definition of reintegration of victims of human trafficking, including the time period involved, and to look at the Bulgarian national legislation and make sure that this definition is harmonised with all relevant legislative acts. When being offered services, the victim should be made aware of how long s/he is allowed to use these services.

NEXUS Institute findings suggest that the "key to successful re/integration is empowerment – i.e. supporting victims to develop skills toward independence and self-sufficiency and to be actively involved in their re/integration...Rehabilitation can be described in three main phases: phase 1, crisis intervention (0-3 months), phase 2, transition (4-12 months), and phase 3, reintegration".²⁹

The reintegration process is long and non-linear. Different organisations and service providers define the length of the above phases differently. For example, long-term reintegration is defined as lasting between 12 and 36 months by different stakeholders and international organisations. In addition to this "administrative" inconsistency, each victim has their own personal recovery dynamics which must be taken into consideration and the services provided should be adjusted to the victim's individual needs for recovery.

The successful reintegration of a trafficked person requires a combination of short- and long-term services. Very often the victim's wellbeing is directly connected to the wellbeing of their significant others. Thus, it should be taken into consideration that some of the supporting services provided are available to members of the victim's family. An issue often reported during the interviews, and discussed during the stakeholders' consultation in February 2017, is the difficult coordination between the organisations and institutional providers of long-term services. Case development very much depends on the victim's environment (whether it is supportive or not), and their social, educational and emotional status. Long-term support can be offered by providers whose target groups are not necessarily victims of human trafficking.

²⁹ R. Surtees, *Life Beyond Trafficking. Lessons from the King Baudouin Foundation's Trafficking Victims' Re/integration Programme*, NEXUS Institute, Washington, D.C., p. 3.

This expansion of services beyond “human trafficking-focused providers” challenges the case coordination system and raises a very important questions – “How long will a victim of trafficking “hold” this label because it grants her/him access to a certain support network?” and “When does this label become an obstacle to the most important reintegration tool – empowerment?” (and so must be “removed” from the person). These are general services, not specialised for survivors of trafficking, and victims must prove that they satisfy different criteria unrelated to trafficking, such as low income or health problems, in order to make use of these services. Most victims need the support of a social worker to take them through the application procedures for these social services and help them with preparing the required documents. In other words, the victim support system faces the conflict of **confidentiality versus support**.

Indicator: Number of victims receiving reintegration plans

All service providers offering long-term support develop and work with a reintegration plan for each case. This plan is not always formalised as a written document but its goals and steps are agreed upon with the person. The AAF, IOM, as well as the state shelter in Burgas all report cases of victims with a low capacity to follow up on their reintegration plans. Due to their personal history, or their emotional or physical status, their capacity to deal with reality and life challenges is low. For this reason, they need continuous support. If they decide to travel back to their place of abode, the connection with the service provider may be broken. Relying only on themselves and often poor family or community support, the actions and goals set out in the reintegration plan cannot be fulfilled.

In addition to the counselling services, IOM offers reintegration grants – around 500 EUR per person. The amount and the ways it will be spent vary according to the needs assessment of the victim. The money is never given in cash. Rather, it is used to purchase tools, pay for services, and very often to recover the victim’s health insurance.

The long-term services being provided are precisely described in the text of the NRM. Our assessment found that many of the services are available, especially psychological and psychotherapeutic consultation, for both the victim and their family members.

Indicator: Number of victims receiving long-term psychological support

All victims accommodated in shelters receive long-term psychological support. During their interview, the IOM representative stated that better reintegration and adaptation skills, including involvement in the trial proceedings, victim compensation procedures, etc., have been observed in those persons whom have previously received long-term psychological support and have worked on their emotional trauma and coping strategies.

The AAF reports for the period 2010-2017 a figure of 80 persons receiving long-term psychological counselling and therapy for overcoming symptoms of trauma. The state shelter in Burgas provided this service to all persons accommodated (six in 2016). Support of the victims was still ongoing at the time of interview.

Long-term support of trafficking victims often faces challenges posed by the geographical situation and the social environment and circumstances of the persons involved. In cases where the victim is not accommodated in a shelter, s/he has to commute to the consultation centre in order to receive support. This often becomes an obstacle for continuation of the support. Especially when the person comes from a smaller town or village, s/he has to make significant efforts in order to get to a support centre. This often demotivates people and they break the connection with the service providers. Others stay in touch for many years. SOS

Families at Risk, Demetra and IOM all reported cases where victims have stayed in touch and sought communication for several years after using the reintegration services. This proves how basic and important the connection of trust is as well as the building of a space of security and support. Even when they are out of any potential trafficking situation, former victims often look for emotional support and guidance in moments of hardship.

As regards child victims, it is the task of the multidisciplinary team assigned to the case to decide whether the child needs additional psychological support and to recommend appropriate further services. The local directorate Social Support Issues Referral/Indicative document recommends accommodation and long-term support for a period of six months, with two extensions possible. The support can continue after the child leaves the crisis centre and is back accommodated with his/her family or receiving another service.

In the interview conducted with the representative from the SAR it was stated that there are no reintegration programmes for victims of THB. They do have the capacity, however, to offer psychological support through the psychologists working at the refugee centres or by using external services. Such services are usually provided by IOM and various NGOs. The updated version of the NRM document refers also to the **National Programme for Refugees' Integration in Bulgaria**. The programme gives opportunities as a reintegration package for those granted refugee status. They receive access to social support, financial support for housing, health care and insurance, Bulgarian language courses, social and cultural orientation courses, vocational trainings, etc.

A very significant group which requires special attention are victims with special needs – physical and psychological. All NRM stakeholders stress the fact that they tend to receive victims with physical or mental disabilities. This group of people is naturally very vulnerable to becoming victims of exploitation and abuse. In many cases, their conditions worsen during the period of human trafficking.

There are other cases where due to the trauma experienced during the period of trafficking, victims develop psychiatric conditions or the physical trauma experienced causes progressive chronic conditions.



J. is 26 years old. She was trafficked to Greece and forced to work as a prostitute in a bar. She contacts the local police for help after she realises that she is pregnant. After she is referred to a centre in Sofia, her health condition is assessed and a mental disability is found. She had an accident when she was a child and because her parents did not look for help, she begun to slow down in her development. Psychological problems emerged as well as social isolation. According to the psychiatric assessment, this made her vulnerable to becoming the victim of a trafficker. Her condition does not allow her to live a fully independent life. She needs support to take care of herself and her baby. She cannot assess the risk for her and her child.

These persons need special long-term services which have to be established and included in the NRM text.

“According to data provided in the annual reports of the NCCTHB and analyses of the periodic studies, the victims of human trafficking (both females and males) in an increasing number of cases over the period from 2012 to 2016 were persons with specific needs, such as:

+ Longstanding health problems and/or chronic diseases;

- | |
|--|
| <ul style="list-style-type: none">+ Permanent and/or longstanding physical impairments and/or disabilities;+ Mental impairments and/or longstanding mental/psychiatric disorders.”³⁰ |
|--|

Indicator: Services available to the victim’s family

As mentioned above, a significant part of a victim’s support and personal feeling of recovery is the wellbeing of their family members, especially children.

The consultant from the NGO SOS Families at Risk, Varna interviewed confirmed that in all the cases they handle return to one’s family and successful reintegration depends on the supporting environment in the place of return. Those who have no supporting family members or network rarely go back. They rather choose to live independently.

Many NGO service providers offer family consultations and family support during the victim’s period of adaptation. Demetra offers family consultations and therapy at their consultative centre in Burgas, the AAF offers long-term family support and consultations for enhancing parental capacity and family relations. They report 80-100 cases of family support for the period 2010-2017. Separate individual consultations for family members of the victim are also an available service.

Similar to this is the situation in the state-funded shelters – the psychologists and social workers from the teams are available to provide consultations and support to family members of the victim.

At the time the interviews for the present assessment were conducted (early 2017) neither the state shelter nor the shelter for long-term reintegration in Burgas had had any experience with family consultations, but the personnel of both centres are trained in offering such a service.

The facilities of service providers are usually situated in the bigger towns and cities of Bulgaria, which makes access to their services by people living in smaller towns or villages challenging and often impossible.

A good practice to address this issue would be the establishment of mobile teams for support. Such a team could reach more remote areas in the different regions and provide regular support as well as follow up cases. Similar practices, but with different purposes, have already been established – by the NGO Open Gate, Pleven – in order to accompany victims if they need to travel, or to reach them at their place of residence if needed; a mobile group operates in Burgas as well. The NCCTHB has established a mobile team to react to signals of human trafficking and ensure fast and effective identification and referral. However, more effort could be aimed in this direction and more mobile teams or services established.

In child victim cases, while the child is accommodated in a crisis centre, the local CPD-DSP assesses all the available resources, including their (extended) family. Often parental support and facilitation of the family relations is needed. In the case that it is assessed that the child is at risk and there is a plan to reintegrate her/him into a family, it is obligatory for the parents to undergo assessment of their parental capacities. These services are offered by the crisis

³⁰ NCCTHB, 2016, op cit., p. 11.

centre personnel, the CPD-DSP social workers or psychologists, or by local NGOs working in the field of child welfare.

In contrast to the psychological support offered to victims and their families stand the problems in the fields of access to the labour market, social and health insurance, vocational training, etc.

Indicator: Number of victims with steady employment

It is hard to provide information concerning the broader employment status of victims, as it requires a longer period of contact with them.

The Animus Association Foundation reports around 30 persons with steady employment; the state shelter in Burgas, three persons. IOM cannot provide such information. A21 supports this process as well, including the social entrepreneurship initiatives in Bulgaria.



S., 22 years old, victim of trafficking for sexual exploitation in Bulgaria and the UK. After five years of recovery and support she has steady employment with a packing company. Whenever there is an open vacancy with the company, she always contacts the shelter. She wants to stay in contact and help other women.

Indicator: Available mechanisms for access to the labour market

Steady employment is a key indicator for successful reintegration of victims of human trafficking. Thus, the process of victim empowerment comprises a separate step in Measure 3.1 of the NRM document.

SOS Families at Risk, Varna has developed programmes for qualification raising. The organisation also refers victims to the vocational programmes delivered by the Local Employment Bureau (Employment Agency). Registration with the Local Employment Bureau requires a registered address in the same town. Victims being accommodated in the shelters will not have this. The solution for SOS Families at Risk is to register the victims at the shelter's address. This allows them to register at the Employment Bureau and use further state social services (a topic which will be discussed again later in this assessment), but jeopardises the security of the shelter.

Victims find jobs mainly in the low-qualified labour sector (such as seasonal work). Due to their traumatic past and violent experiences, they are often involved in vulnerable situations at work – mistreatment, exploitation, violence, criminal activities. Victims also tend to become more vulnerable once their stories become known to colleagues and employers.

Similar data was reported by IOM as well. The organisation subsidises vocational and qualification trainings for victims. Male victims very often find only seasonal work, mainly due to their low educational level. It is very rare that a male victim has a steady job.

A good example of an institutionalised approach to the long-term employment of victims of human trafficking is that established by the LCCTHB in Burgas. The chairman of the Local Commission is the deputy mayor of Burgas responsible for healthcare, social activities and employment. This ensures that the municipal resources are put to full use to support every victim in the process of seeking employment.

The AAF has for many years been developing a programme for empowerment of victims of human trafficking. They offer individual consultations to stimulate the victim's proactive behaviour and adequate assessment of her/his own abilities and skills in the search for employment. The victim is supported in the process of searching the labour market and applying for jobs. The consultations also focus on enhancing skills for personal presentation and attending job interviews.



I., 25 years old, victim of internal trafficking for sexual exploitation. **Interviewer:** What do you need right now? **I:** I want to start a job. This is my main thought now. If you do not have a job, you cannot live. You must earn your money.

Indicator: Available educational and vocational programmes

In addition to the abovementioned services for access to the labour market, additional educational and vocational programmes are available for victims of human trafficking.

The Ministry of Education and Science (MES) provides educational services through its local inspectorates. It does not offer services directly targeting victims of human trafficking but rather targeting a variety of vulnerable groups. During the interview conducted with the representative from the MES, it was underlined that the principle of non-discrimination is a leading one in their practice. Instead of treating someone as a victim of human trafficking, the educational programmes and support offered are designed to respond to a person's specific needs. The list of available courses and educational programmes within the **programme for adult literacy** can be found on the MES website.

When the victims of trafficking are children, the educational institutions also provide support through school psychologists. In 2016, a new regulation for inclusive education³¹ was adopted by the MES. The regulation defines the creation of supporting teams of professionals within the educational institutions which will support children in need, including child victims of human trafficking. Such teams have been defined for the first time under the Law for Education in Bulgaria.

The practice up until now has been that the Regional Educational Inspectorate, after an assessment of the child's educational level, makes a decision regarding the school grade in which the child must be enrolled. A big risk factor is children dropping out of school. In order to have constant contact with the school authorities, children who have been in a situation of human trafficking are always enrolled in a regular form of schooling. However, there are no separate statistics kept on cases of child victims of human trafficking. The representative from the MES could only provide official information for three or four children who received integration into the educational system during the period 2010-2016

In addition, pedagogic counsellors and teachers are regularly trained on the topic of human trafficking. During the period 2010-2016, around 2 000 specialists from different regions of the country were trained. The trainings are budgeted and organised by the NCCTHB and the MES.

Indicator: (Re)covered social and health insurance

³¹ Наредба за приобщаващо образование, Обн. - ДВ, бр. 89 от 11.11.2016 г., Приета с ПМС № 286 от 04.11.2016 г.

The recovery of the health insurance of adult victims of human trafficking is one of the major obstacles in terms of long-term support and reintegration.

The legislative regulations, stated also in the NRM guidelines, are clear. If a person has been out of the country for more than six months or did not pay his/her health insurance, they have to pay the accumulated amount in order to recover his/her right to receive medical help. In the cases of victims of human trafficking, this period might have been very long, sometimes starting before the human trafficking experience. In addition, in 2015 a change in the Law for Health Insurance increased the length of the period for which health insurance needs to be paid in order for insurance rights to be recovered to five years.

This regulation created a huge financial obstacle for persons recovering from situations of human trafficking. As mentioned before, the health issues of victims are often severe, persistent, and chronic. They cannot be covered by the free emergency medical help available. In order to take care of the victim's health issues – dental, gynaecological, psychiatric, need for hospitalisation, etc., their health insurance must be recovered. The amount that needs to be paid to the National Health Insurance Institute is often high.

For the period of accommodation at state shelters, victims have their health insurance covered by the state budget. However, previously incurred obligations need to be met. Compensation cannot be used for this purpose, because the victim receives it only after the criminal proceedings have finished.

The main reported sources of funding are: the budget of the NCCTHB (state budget), IOM's reintegration packages, used also by other NGOs (the AAF reported more than 100 cases of recovered health insurances, mainly due to the cooperation with IOM). Collection of personal donations is another source of fundraising used by some NGOs to recover the health insurance of victims (reported by Open Gate, Pleven).

A second available option to (re)cover one's health insurance available to victims of human trafficking is to apply for social support to the Social Support Directorate in the area of one's registered address (a provision under the Law for Social Support). If the person complies with all the requirements, s/he will have their health insurance covered by the state budget. However, no such cases were reported by any THB stakeholder.

An obstacle related to the above, as well as to the provision of any state social services (especially community services), is the need for a local registered address. If the person is accommodated in a shelter for a longer period, s/he cannot use the available local services because their registered address is elsewhere. As mentioned before, the shelter in Varna with the support of the local police department makes address registrations for accommodated victims using the shelter's address. This however is not an advisable solution as it puts at risk the anonymity of the shelter as well as that of the victim, their right to not be re-victimised and to be empowered. The person and the service provider find themselves in the conflict **anonymity versus support**.

Victims with special needs – physical or mental disabilities – are even more vulnerable. They need long-term constant support in the community – accommodation at a safe house, use of

daycentre services, a GP, a medical decision on the level of their incapacity to work,³² a pension, recovery of their health insurance. This requires that a suitable solution be made on the central level regarding victims with special needs.

Care for children is free and they receive support according to the reintegration plan developed by the Local Department for Child Protection.

Foreign citizens who are applying for asylum have the same right to health insurance and social services as Bulgarian citizens. In addition, they have access to the labour market if for reasons unrelated to the applicant the asylum decision is not made within one year.

After protection is granted, the person can receive medical, social, financial and integrational support under the National Programme for Integration of Refugees in Bulgaria, implemented by the State Agency for Refugees and local institutions. No cases of victims of human trafficking with humanitarian status being supported by the SAR had been reported at the time of conducting our interviews.

Important elements of the long-term reintegration process are case follow-up and the monitoring of case development. These two components are not included in the NRM guidelines as separate steps. However, questions aimed at exploring the implementation of these two practices by Bulgarian THB stakeholders were included in the interview questionnaire.

Indicator: System for case follow-up and assessment of victim progress

Observation and the information collected during the interviews show that in most cases there is no established rule for follow-up of cases. All professionals recognise the importance of this step, but it is often very hard to maintain contact with every victim who has used the provider's services. Experts are also concerned about the victim's anonymity and do not contact them because they tend not to want to be associated with their trafficking experience. This behaviour often leaves the service providers with scarce or no information about the victim's progress and development in general after the end of service provision.

It seems that the person who dictates the level of contact with the THB stakeholders is the victim themselves. If they would like to stay in contact, they do so, and there are reported cases of over five years of subsequent contact.

SOS Families at Risk, Varna do not have an established rule, but the common practice that their representative shared is that they act on a case-by-case basis. They try to follow up the case for at least six months. The most common practice is to agree with the person before they leave the shelter that regular contact will be maintained. Another approach is to stay in contact with the service providers to which the victim is referred after the shelter. In some cases, the case manager makes personal visits to the victim. The general experience is that if the victim would like to stay in contact, then this contact continues for one to two years.

³² Решение от ТЕЛК.



V. was involved in human trafficking by her boyfriend. She was exploited in Bulgaria and later moved to the UK. In 2010, she was accommodated in a shelter for a period of six months. After the shelter, she moved into an apartment and started work. For the past few years, she has been travelling to the Netherlands, where she works as a waitress. She has never been re-trafficked. She is still in contact with the shelter personnel.

The practice also shows that it is much easier to follow up cases that are located in a municipality where a LCCTHB has been established. The person who stays in touch is often the secretary of the commission, the employee best able to offer the different reintegration services in line with the person's actual needs, etc.

The LCCTHB in Burgas confirmed that it is easier to remain in contact with those women who were accommodated in shelters for longer periods, e.g. those with whom a relationship of trust has been built.

IOM have established their own system for case follow-up. It is part of the general case management described in the organisation's internal regulations.³³

Before a child victim of THB leaves the crisis centre, the Local Department for Child Protection prepares instructions for the parents regarding the health of and social support for the child, their education needs, etc. The Agency for Social Support follows up cases for up to one and a half years and provides all collected information to the State Agency for Child Protection, which has a monitoring function.

Indicator: System for case monitoring

The second important element in ensuring the successful long-term (re)integration of victims is monitoring of the services provided. There are different approaches to monitoring but the most common are supervision, regular internal and external control of the services provided, and getting feedback from service users and partner organisations.

The NCCTHB has established rules for monitoring the services provided at the shelters and centres under their management in the Regulations for the Operation of the Shelters for Temporary Accommodation and the Centres for Protection and Support of Victims of Human Trafficking and the Minimal Working Standards: Shelters for Temporary Accommodation and the Centres for Protection and Support of Victims of Human Trafficking. These standards set the rules as:

- **Supervision** of the personnel of the shelters – individual meetings to support the consultants through instruction, guidance, provision of feedback, and regulation of the consultant's behaviour; weekly and monthly meetings to coordinate the cases in order to follow up on case development, cope with current problems, assess the shelter's procedures, etc.
- **Internal control and monitoring** of the work executed by the shelter's manager upon his/her initiative.

³³ IOM, Handbook on Direct Assistance for Victims of Trafficking.

- **External control and monitoring** on a biannual basis of the work executed by the NCCTHB.
- **Exchange of experience** and good practices with other service providers offering similar services.³⁴

Most NGOs have their own internal rules for monitoring their services. The Animus Association Foundation reported the establishment of such internal regulations, as did IOM.

Measure 3.2: Safe return

Step 1 Updating the risk assessment with respect to a safe return

Step 2 Ensuring the necessary documents and information for the trafficked person's travel

Step 3 Contacting a service provider for exchange of information and coordination of the return

Step 4 Meeting of the trafficked person by the service provider

Step 5 Repatriation of a foreign victim of trafficking to their country of origin

The safe return of victims of human trafficking to their countries or regions of origin has already been discussed in SOP 2: Protection and Support, Measure 2.2: Support during the reflection period, Step 4 Organising the safe return of the trafficked person to their country of origin or hometown. However, there are a few more facts that require attention.

Indicator: Clear and available procedures for the victim's return

Bulgaria enforces the **Transnational Referral Mechanism for Victims of Human Trafficking**.³⁵ The Mechanism refers to procedures designed for the comprehensive assistance and support of victims of trafficking, by integrating the process of referral from initial identification, through return and assistance between Bulgaria and the other countries of origin, transit and destination.

The nature of the document is to serve as a guideline and not a mandatory tool. Nevertheless, the recommended steps are used to produce instructions for the actions of the personnel of the state shelters for victims of trafficking and the centres for protection and support of victims managed by the NCCTHB.

The General Directorate Combating Organised Crime within the Mol also has their own established procedures for return of victims in the three possible scenarios: the victim is a foreign citizen, identified in Bulgaria – to be returned to their country of origin; the victim is Bulgarian, identified abroad – to be returned to Bulgaria; the victim is a Bulgarian returned to or identified in Bulgaria – to be supported in their return to their place of residence.

³⁴ NCCTHB, Minimal Working Standards: Shelters for Temporary Accommodation and the Centres for Protection and Support of Victims of Human Trafficking, pp. 35, 41.

³⁵ ICMPD, 2009, op. cit.

The International Organisation for Migration usually assists the return to Bulgaria of Bulgarian victims identified abroad. Their employees usually conduct a telephone interview with the victim and identify her/his needs and the services necessary.

The Animus Association Foundation has their own internal instructions on how to refer victims of human trafficking in cases of return – both for Bulgarian victims returning from abroad or travelling within the country and for victims who are foreign citizens wishing to return back to their home countries. In 2017, the AAF developed the **Bilateral Swiss-Bulgarian Guidelines for Identification, Protection and Referral of Trafficked Persons**.

A relatively new and contradictory situation (in terms of the legal status and legal rights of the victim) occurs when the victim originated from a non-EU country and is identified in Bulgaria among a group of asylum seekers or illegally residing migrants.

Indicator: Established protocols/communication channels between service providers during the return process

Protocols for communication between service providers during the return process exist within the procedures of most of the NRM stakeholders involved in victim referral and return.

The MoI has an established network of liaison officers at many Bulgarian embassies abroad. Thus, information regarding a Bulgarian victim identified abroad can be easily referred to the authorities in Bulgaria. The General Directorate Border Police within the MoI reports the establishment of multidisciplinary teams with representatives from the NCCTHB or the LCCTHB, IOM, the diplomatic representation of the victim's country of origin and the GDBP.

The NGOs involved, especially those that offer accommodation services, have also established protocols for liaising with foreign diplomatic missions in Bulgaria and NGOs in the victim's country of origin. This has been reported by the AAF (the newly developed Bilateral Swiss-Bulgarian Guidelines for Identification, Protection and Referral of Trafficked Persons), Demetra, Burgas, and SOS Families at Risk, Varna.

IOM facilitate their return procedures mainly through the network of IOM missions abroad.



V., admitted to a shelter after a situation of re-trafficking for sexual exploitation in Italy. **V:** I think that there must be somebody in Italy, a Bulgarian person, who is responsible (for such human trafficking situations), because there are many Bulgarian girls there. They are in the same situation as I was. There is a need for a Bulgarian consular or organisation...this would make things faster and better...also as regards documents...

Measure 3.3: Participation in criminal proceedings

Step 1 Informed consent of the trafficked person about his/her participation in the criminal proceedings

Step 2 Provision of legal representation

Step 3 Gathering of evidence by the investigation with the help of the trafficked person

Step 4 Support of the victim who is a witness/participant in the criminal trial before, during, and after the trial

Indicator: Number of victims informed about the possibility of assisting criminal proceedings

Usually, contact with the victim from the law enforcement side is done by the police. When a representative of the Mol approaches the victim and consults with the prosecutor, they are guided by the engagements related to the Bulgarian Criminal Code, the Criminal Procedure Code, the Anti-trafficking Act and the Crime Victim Assistance and Financial Compensation Act (CVAFCA). It is a prime obligation of the investigation and the observing prosecutor to inform the victims of their rights according to these pieces of legislation. The Mol representative fills in a protocol and it is the prosecutor's duty to observe whether the information was provided accordingly. The second level of monitoring is the court. The judge observes whether the prosecutor has fulfilled their duties and monitored the actions of the investigation. Exact statistics on the number of victims informed cannot be obtained however.

The information obtained from the NGOs is similar – all victims who are in contact with them receive information on their possible involvement in the trial proceedings as well as on their rights.

Two problems were highlighted by THB stakeholders:

- **The length of the criminal proceedings** – very often the proceedings take a long time, in some cases several years, and this has a negative effect on the victim's motivation to participate. This results in a drop-off in the involvement of victims during the pre-trial phase or during the court proceedings themselves. Pre-trial proceedings cancelled due to lack of evidence despite the victim providing witness testimonials, or trial proceedings ending in a suspended sentence or with the minimum effective sentence (which is often changed to a suspended sentence upon appeal) leave the victim discouraged and disappointed in the justice system and their right to receive retribution for their experience.
- Many pre-trial proceedings for **cases of trafficking of children** have been closed before reaching court due to lack of evidence. According to the SACP representative interviewed, this happens because often the information is taken mainly from the witness statements of the child victim.



I., 25 years old, victim of internal trafficking for sexual exploitation. **Interviewer:** What did you know about participation in the court proceedings? **I:** They asked me if I want to see these people, but I said...(no)...because when I see them, I will remember everything again. It was very hard to forget them... **Interviewer:** If you could, would you change something now about the trial? **I:** I would want to put them in jail. This would be a good thing, because other girls might suffer like me because of them...



G., 28 years old, trafficked for sexual exploitation to Switzerland, and exposed to severe physical violence and substance abuse. **G:** ...and what benefit has come from the fact that I testified against them? I am accommodated in an institution and they are free...sometimes I regret that I testified....they (the police) always ask the women to testify, but the trials are not effective. They said that there is an international search warrant, but all of them are still out there, free...

Indicator: Specific court practices towards victims of THB

On the central level, the Supreme Prosecutor's Office of Cassation has three experts in the field of human trafficking. On the operational level, such specialisation is not possible due to the universal principle of random distribution of cases adopted by the Bulgarian court system. For this reason, the best approach to inform magistrates about the specificities of human trafficking cases and working with victims is to provide basic training for as many investigators and prosecutors as possible.

Victims of human trafficking have access to some of the court practices available for victims of heavy crimes:

- securing a witness identity;
- interviewing the victim during the pre-trial proceedings;
- recording victim statements before the trial and reading the statements in front of the judge;
- giving witness testimonials via video- or tele-conference;
- receiving physical protection from representatives of the Mol, etc.

During the period January 2010 to September 2016, there were 12 witnesses protected under the Criminal Procedure Code.

There are special methodological instructions regarding cases of human trafficking uploaded on the internal website of the Supreme Prosecutor's Office of Cassation. They are available to any prosecutor who receives a THB case. In addition, on 6 October 2016 the Prosecutor General of Bulgaria issued an instruction letter for filling a protocol and a special form developed by the Ministry of Justice for each human trafficking case.

Despite the procedures available and the vast number of options for special care of victims and for ensuring the non-re-victimisation approach towards them, implementation of these procedures is often not smooth. The coordination between the investigation and the organisations providing care for the victims can be challenging. Often the victims are not prepared for what awaits them during the process of giving witness testimonials. These measures can be effective in cases where the victim has a lawyer appointed.

SOS Families at Risk, Varna reports only three cases of special protection under the Anti-trafficking Act for the period 2010-2015. Demetra, Burgas has an agreement with the local investigation authorities to take testimonials at their crisis centre. Open Gate, Pleven also has an agreement with the local prosecution and the court to have testimonials from child victims taken at their crisis centre.

In some municipalities there are blue rooms installed and used by the investigation and the court in child victim cases.

Indicator: Available and systematic training for prosecutors and judges

Regular trainings for prosecutors and judges are part of the annual programme of the NCCTHB. For 2016 alone the Commission reports seven trainings for prosecutors, organised within different initiatives and projects, with 139 prosecutors and 25 investigators trained on different topics related to human trafficking. The Supreme Prosecutor's Office of Cassation reports 11 trainings for magistrates during the period 2013-2016.

The Ministry of Justice organises the trainings for judges and prosecutors. Their observations are that it is hard to change the attitudes of some magistrates. The international legal instruments in the field of human trafficking are not well known. More systematic educational efforts are needed.

Similar observations were shared by the State Agency for Child Protection. The court authorities do not have the practice of seeking out the instruments for international cooperation at EU level. These instruments, as well as EUROJUST cooperation, can be used by the judges to request additional information from courts in other countries.

The conclusion of all THB stakeholders is that a greater number of (more regular) trainings for prosecutors and judges is needed.

In addition, the topic of human trafficking must become part of the curricula of several education institutions. The Academy of the Ministry of Interior already has the topic included in their regular curriculum. There are ongoing attempts for the same action to take place within several universities providing law education. Another institution that could adopt the topic of human trafficking in its curriculum is the National Institute of Justice.

Indicator: Number of victims supported during and after trial

The victim must receive emotional support before, during and after trial proceedings. The main goal of this support is to avoid the re-traumatisation of the victim. They must be prepared for what lies in front of them, to be escorted to the court, to receive emotional support after the witness testimonials, etc. In addition, the victim needs a person to provide an expert opinion when requested by the court, a person to liaise with the legal representative and the court authorities regarding their psychological state and the best approach towards her/him, etc.

Service providers have established appropriate procedures in order to accommodate these needs.

SOS Families at Risk support the victim during the preparations for the trial – providing psychological counselling and social support, contact with experienced lawyers, and accompanying the victim to the courtroom (including ensuring transportation if the trial is being held in a different city).

Demetra, Burgas provide similar services, including to victims who testify abroad. They have a legal expert whose services are used by the state shelter in Burgas as well.

IOM provides funding for an external court representative when needed.

The Animus Association Foundation also offers a package of services related to emotional support of the victim, emotional preparation for the court proceedings, liaising with the law enforcement authorities, provision of expert statements, escorting the victim to court, etc.

Official statistics from the Supreme Prosecutor's Office of Cassation for the period January 2010-September 2016³⁶
+Number of trial proceedings: 852

³⁶ This information was presented during the interview with the representative of the Office of the Prosecutor General.

+Number of convicted persons: 658

Convictions:

+Imprisonment – effective: 204 persons

+Imprisonment – conditional: 350 persons

+Fine: 253 persons, total amount of fines: 473 000.00 BGN

+Probation: 9 persons

+Convictions entered into force: 561

In child victim cases, the procedures established by the Child Protection Act are followed.

Foreign victims of human trafficking have the same rights within trial proceedings as Bulgarian citizens. In addition, a court translator is provided for them. Those who are in the process of attaining a special form of protection or have already been granted one can exercise all their rights. Illegally residing foreign citizens have the same rights as well, but if they appear in court they might be detained by the law enforcement authorities. This possibility once again highlights the need for coordination between the anti-trafficking legislation, the migration legislation and the Criminal Code. Victims of human trafficking (even presumed ones) must receive support and not be treated like criminals until their circumstances are cleared up by the law enforcement authorities.

Measure 3.4: Provision of financial compensation

Step 1 Informing the trafficked person about the legal possibilities to receive compensation in accordance with the CVAFCA.

Step 2 Supporting the communication with the relevant institutions during the application procedure.

Access to state compensation is one of the weakest measures in terms of implementation of the NRM procedures. The model of applying for compensation under the Crime Victim Assistance and Financial Compensation Act is well described in the NRM guidelines. All the conditions and application procedures are listed.

Requirements for financial compensation:

- Guilty court verdict.
- Prosecutor's or court's ruling to stop the proceedings.

The victim must submit the application in person to the National Council for Assistance and Compensation to Crime Victims or to the governor of the region where the victim's registered current address is located no later than two months after the verdict or the ruling enters into force. All documents proving material (pecuniary) damages and losses must be attached to the application form. Material damages are defined by the CVAFCA as expenses for medical treatment, lost income, legal and litigation fees, lost support for dependants, funeral expenses, etc.

However, there are several crucial gaps:

- **Providing information to the victims** about the possibility of claiming state compensation – the victim must be informed during the reflection period (SOP 2, Measure 2.2, Step 2) about the possibility to request state compensation for material damages. The information must be provided either by the pre-trial proceedings

authorities, by legal consultants or by the social workers at the crisis centre or shelter where the victim is being accommodated. Information gathered during the interview phase of the assessment suggests that this information is not always provided (according to Open Gate, Pleven).

- **Need for the support of a legal representative** – the application process is often difficult and victims need legal support. Besides their case manager and perhaps the available legal adviser, each victim needs a legal representative during the procedure. However, the Law for Legal Aid does not provide payment for legal representation during state compensation procedure (in contrast to criminal proceedings). Thus, the victim must secure the payment of a legal representative if they wish to have one.
- **The essence of the compensation** – no compensation for moral damages. The requirements are hard to meet for victims of human trafficking – SOS Families at Risk, Varna as well as other service providers state that the CVAFCA is ineffective when it comes to victims of human trafficking because it covers only material damages. For THB victims it is hardly possible to have/keep receipts and financial documents from their time of exploitation so as to prove material losses.

In the new updated text of the NRM guidelines, the National Council for Assistance and Compensation to Crime Victims has been added as an implementing institution.

Indicator: Number of victims who have requested and received financial compensation

All the problems mentioned above impact the findings regarding the number of victims compensated. At the time of the interviews, only one case had been reported by the state shelter in Burgas and Demetra, Burgas. The decision had not yet been made. The expected amount was 15 000 BGN. IOM also shared information about one case of financial compensation being granted, but it remains unclear if this is the same case or a different one.

IOM, SOS Families at Risk, Varna, and the Animus Association Foundation shared their experience that most of the financial compensation comes from proceedings held abroad, in the countries of exploitation. In some of these countries, there is an operational system for “measuring” emotional damages according to the experience that the victims has had.

In 2016, a change in the Law for Support and Compensation of Victims of Crimes was adopted. Victims of human trafficking were added as a group eligible to receive compensation (Art. 3/1).³⁷ The change allows compensation to be granted not only contrary to the official verdict of the court in the criminal proceedings, but also contrary to any agreement for decision making during the pre-trial phase of the proceedings. The maximum amount of financial compensation was also increased, from 5 000 BGN to 10 000 BGN.

However, the main obstacle facing victims of trafficking remains untouched – their inability to claim material damages and receive financial compensation.

The low rate of granted financial state compensation is reflected in the GRETA recommendations to Bulgaria on the implementation of the CoE THB Convention: the

³⁷ Закон за подпомагане и финансова компенсация на пострадали от престъпления (Изм. - ДВ, бр. 51 от 2016 г., в сила от 06.10.2016 г.).

Bulgarian authorities should “...adopt measures to facilitate and guarantee access to compensation to victims of trafficking including by:

- Ensuring that all victims of human trafficking, regardless of nationality and residential status, are eligible to State compensation;
- Enabling victims of trafficking to exercise their right to compensation by building the capacity of legal practitioners to support victims to claim compensation....”³⁸

During discussion at the stakeholders’ consultations in February 2017, the need for the creation of a state fund for victims of trafficking using the forfeiture of traffickers’ assets to support victim recovery (in line with another GRETA recommendation) was also mentioned.



D., 31 years old, victim of internal trafficking for sexual exploitation. The criminal proceedings took four years. In January 2017, the sentence was announced – three years conditional imprisonment, 8 000 BGN compensation for moral damages. For the first time, probation was used in a human trafficking trial – the offender is obliged to attend courses for social influence and professional qualification. The lawyer Ms Natsha Dobрева expects to follow up the way in which the probation will be monitored and what effect this measure will have.

SOP 3: Observations and recommendations

Observations

As the social inclusion, reintegration and long-term support of VoTs is a complex issue, these services are extensively described and enforced in line with the NRM document. The long-term reintegration services, according to the Bulgarian Law on Social Protection, can start three months after the initial identification. Therefore, there is a need to set out a clear definition of reintegration of VoTs, which should include a time frame, as well as to harmonise this definition with all the relevant legislative acts in the country.

It is important to mention that the reintegration process, in its later phases, requires services from other (non-trafficking actors). Since many actors are included in the reintegration process, it is of the utmost importance to establish effective coordination and cooperation between all relevant stakeholders. This is very important for the creation of the reintegration plan, which is not always formalised as a written document. However, the assessment has shown that its goals and steps are always agreed with the VoT (according to the NRM), except in cases where the person is not mentally capable to take decisions concerning their reintegration. A gap identified during the assessment process is related to the migrant/refugee population. Namely, the responsible institutions, such as the SAR, do not enforce reintegration services for VoTs among these categories of people. Accordingly, there is a need to explore the possibilities for enforcing the programmes included in the National Programme for Refugees’ Integration in Bulgaria (which is mentioned in the updated NRM). In addition, specialised long-term services would need to be developed for victims with mental disabilities, which is a significant group among the VoTs identified in Bulgaria. Male victims of human trafficking are

³⁸ Committee of the Parties, 2016, op. cit.

another group that require special attention in terms of support, especially in terms of safe accommodation. The need for specialised accommodation for victims of THB in general also comes into focus. The accommodation facilities are often open to a mixed group of people – victims of THB, domestic violence, sexual violence, etc. One positive observation is that different long-term services are available and provided to the families of VoTs. Mobile teams for support that are established in line with the NRM can also be mentioned here as a good practice.

Educational and vocational programmes, as well as specific mechanisms for VoTs to access the labour market are foreseen in the NRM and are available in Bulgaria. However, some challenges have been identified, such as complicated registration procedures at the local Employment Bureaus. One of the obstacles identified in terms of long-term support, however, is the recovery of the social and health insurance of VoTs. This is mainly because of the lack of financial means available to service providers. Durable solutions to these issues would need to be identified with the support of the State and in line with the NRM.

Case follow-up and the monitoring of case development are important parts of the long-term reintegration process, however these processes are done mainly on a case-by-case basis, without the guidance of established specific procedures. Nor is monitoring of the provided services unified: while the NCCTHB have established specific rules for case monitoring, most NGOs, in practice, enforce their own.

As regards the safe return measures, an example of good practice are the established guidelines of the Transnational Referral Mechanism (used to produce instructions to allow stakeholders to take the necessary steps for the safe return of VoTs). However, as the assessment has shown, there is a need to align these procedures with those enforced by the other institutions/organisations (the CDCOC, IOM, the AAF). An example of good practice identified are the established protocols for liaising with foreign diplomatic missions in Bulgaria and NGOs in the countries of origin.

Regarding the participation of VoTs in criminal proceedings, two major issues have been identified throughout the assessment:

- The length of the criminal proceedings (which often take a very long time, resulting in a drop-off in victim involvement).
- Child VoTs appear as main witnesses at court (as a result, pre-trial cases of trafficked children have been closed before reaching to court, due to lack of evidence).

Thus, there is a need to clearly describe the measures and procedures relevant for criminal proceedings, indicating also the timeline for finalising the processes.

Regular trainings for judges and prosecutors are conducted as part of the annual NCCTHB programme, as well as within the Ministry of Justice framework. However, the assessment has shown that these trainings are not sufficient in either number or content, since there is still a significant lack of knowledge about the THB phenomenon and how to process these kinds of cases. Therefore, it is observed that more trainings need to be organised, on a regular basis. In addition, the specific court practices for VoTs (support of VoTs before, during and after trial, separate rooms, distance testimony, etc.) have only been partially established.

It was observed during the assessment that access to state compensation is one of the weakest measures in terms of NRM implementation. This conclusion has been made due to the significantly low number of VoTs who manage to receive compensation (only one such

case reported by interviewees). Although the model for applying for compensation under the Crime Victim Assistance and Financial Compensation Act is well described in the NRM Guidelines, some essential gaps have been identified, such as: the victim is not always provided with the information that s/he can claim compensation; a lack of mechanisms/funds for engaging a legal representative to handle the application process; no compensation foreseen for moral damages, etc. The creation of a state fund for VoTs is identified as an essential need and is also in line with the GRETA recommendations.

Recommendations:

1. Specialised **long-term services for male victims** of trafficking should be established and developed.³⁹
2. Victims are to be accommodated only (or primarily) in the **specialised shelters for victims of human trafficking**. The services provided by the MLSP – crisis centres, daycentres, etc. – and by NGOs supporting victims of domestic violence, etc. must be used only in cases where there are no specialised places for accommodation available.
3. **Continuous training for the social workers** from the local Directorates for Social Support – on interviewing and consulting victims, etc.
4. **Mobile teams for provision of long-term support/consultation and case follow-up** in the more remote parts of the country are to be established.
5. **Case monitoring** should be formalised as a necessary step in the NRM guidelines and a case monitoring template/report introduced.
6. Provision of a detailed description and practical solutions regarding the long-term support of **victims with special health needs**, especially those with chronic diseases, psychiatric conditions, and physical and mental disabilities.
7. Ensure regular ongoing **trainings for judges, prosecutors and investigators** on the specificities of human trafficking cases.
8. Make changes to the Crime Victim Assistance and Financial Compensation Act in order to accommodate THB victims' needs, or develop another **instrument for financial compensation** – a state fund specifically for victims of human trafficking where the money is collected from the sale of property seized from human traffickers.

Special cases: Recommendations

A third category, “**Victims with special needs**”, should be added to the special categories “Children” and “Foreign citizens”. Appropriate procedures should be developed in accordance to EU Directive 36/2011, Art. 11/7.

This was one of the recommendations discussed during the THB stakeholders meeting in February 2017. This group was added to the updated version of the NRM adopted in 2017.

Children

³⁹ In 2017, the first service related to male victims was established in Sofia by the NCCTHB.

The coordination between the State Agency for Child Protection and the National Commission for Combating Trafficking in Human Beings is good. The measures of the two coordination mechanisms are well aligned.

However, there are several weak points that were discussed during the assessment period and which have not been mentioned, or have only been partially mentioned, in the above text:

1. **Long-term support of child victims** after they leave the crisis centre. The recommendation is to look into the already existing opportunities under the Law for Social Protection because implementation of these services will be faster and easier compared to establishing new services. It is important to make the service long enough in duration to respond to the child's needs, but not too long, because it might turn into institutional care. A good example are the family centres for accommodation.⁴⁰ They offer individual care for 12 to 14 children.
2. Better monitoring of the **Coordination Mechanism for Children** and the **Coordination Mechanism for Interaction in Cases of Children Victims of Violence (or Children at risk of Becoming Victims of Violence)**. The SACP do not receive information regarding potential victims of human trafficking – for example, children who are involved in prostitution on the territory of Bulgaria. These children become part of the system under the Law for Combating the Anti-social Behaviour of Minors. A reporting procedure must be established.
3. International cooperation on cases of **children on the move** – the experts reported difficult coordination between the different countries and on the approach to these types of cases. The Ministry of Justice has recommended European Council Regulation 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, repealing Regulation (EC) No 1347/2000, to be used as a tool for protection of children on the move.

Foreign citizens

1. **Synchronisation of the measures under the Law for Foreigners, the Criminal Code and the Anti-trafficking Act** on participation of foreign victims granted forced return in court proceedings related to the human trafficking crime. The prosecutor of the THB proceedings might sign a restrictive order forbidding the victim from leaving the country. This will automatically conflict with the measure of forced return granted to the victim, before s/he was identified as a victim of human trafficking.
2. The need for **ongoing training** of all employees of the **State Agency for Refugees** on THB victim identification, interviewing techniques, referral skills, etc.
3. In general, the **procedures related to foreign victims** of trafficking on the territory of Bulgaria seem to be slower, the institutions' response more difficult. More effort must be put into training the respective first responders at the MoI, the Migration Directorate and the SAR in relation to victim identification, law enforcement in terms of interviewing

⁴⁰ Център за настаняване от семеен тип (ЦНСТ).

techniques, cultural specificities, language barriers, etc., in order to support providers in terms of organising the safe return of victims.

6. General Conclusions and Recommendations

The SOPs and the steps therein describe fully the process of referral and support of victims. All the major processes are clearly presented. As many guidelines as possible are provided in order to unify and facilitate the common and coordinated response of the stakeholders towards victim recovery and support. During the interviews and consultations with NRM stakeholders, the following general recommendations have crystallised:

1. There must be a **state budget** attached to the National Referral Mechanism. The lack of steady financing is visible, especially in the implementation of the measures under SOP 3.
2. The NRM must stay an **open document** and be regularly updated with new THB stakeholders – institutions and civil society organisations.
3. The implementation of the NRM must be **regularly assessed** and its measures **adjusted** according to the legislative changes and the latest observations in relation to victim profiles.
4. The **Mechanism is still not well recognised** by all governmental stakeholders. Observation during the interview phase showed that there is still a lack of knowledge **on the central level** about the existence of the Mechanism, its purpose and the responsibilities of the respective institutions involved. Besides the lack of information and awareness on the NRM, the reason for this could also be that a representative not yet adequately trained on the NRM procedures was appointed to give the interview, or the interviewee appointed may have been a new specialist due to the unavailability of the main expert; turnover in staff at the particular institution may also have played a role.
5. A similar lack of awareness of NRM procedures can be observed **on the local level** as well. The coordination is often challenging and time consuming, especially that between the service providers and the law enforcement authorities. Very often successful practices are established through local initiatives and stakeholders finding local solutions, rather than by following the NRM guidance.
6. The **institutional framework** needs to be updated with new actors in order to respond to the latest trends in human trafficking and the latest victim profiles. One of the institutions discussed – the Bureau for Legal Support – has been added to the latest update of the NRM, adopted in 2017.
7. The **role of the MFA** in the Mechanism needs to be further clarified. The feedback received during the interview with the representative from the MFA was that the MFA's functions lie outside of the national territory and thus they cannot be part of the NRM. The only responsibility that they have on Bulgarian territory is to contact diplomatic representatives in cases where foreign victims of trafficking have been identified within the country.
8. There must be further efforts made in terms of the relation between the NRM and the various different **legislative acts**:
 - The available standards promoted by the NRM (especially those for new services) should be carefully aligned with the available state standards for similar services

under the **Law for Social Protection** and the **Regulation for Implementation of the Law for Social Protection**.

- As the **international contracts and agreements** have supremacy over the national legislation (Constitution of Republic of Bulgaria, Art. 5/4), an existing consular convention and its rulings would have superiority over the SOPs of the NRM or any law related to victim referral and support.
 - **A law for consular protection** will be adopted by April 2018 in order to reflect the EU Directive on unrepresented citizens in the EU. Victims of human trafficking will be a category affected by this law. Once approved, the NRM measures must be aligned with the new regulations and the role of the MFA.
 - Aligning the NRM measures with the **Anti-trafficking Law**, the **Law for Foreigners and the Criminal Code** in connection with the legal status of foreign victims identified in Bulgaria – applicants for special protection, those granted special protection or refugee status (illegal residents as opposed to victims of human trafficking) – is necessary. Clear definitions of the categories and synchronisation/coordination of the definitions that appear in the texts of the two main laws are needed.
9. A broader spectrum of institutions and NGOs related to the **long-term reintegration** and support of victims needs to be added to the NRM framework.
10. There is a manifest need for constant **ongoing training** (including institutionalised educational programmes) of government representatives and NGO employees – due to staff turnover, legislative changes, new trends and cases, NRM updates, etc.

7. Annexes

Annex I. Assessment indicators

Annex II. Assessment questionnaire

Annex III. List of agencies and organisations interviewed

Annex IV. Working tables – overview of information collected during interviews with Bulgarian anti-trafficking stakeholders

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