

BULGARIA (Tier 2)

Bulgaria is a source and, to a lesser extent, a transit and destination country for women and children who are subjected to sex trafficking, and men, women, and children subjected to conditions of forced labor. Bulgarian women and children are subjected to sex trafficking within the country, particularly in resort areas and border towns, as well as in the Netherlands, Belgium, France, Austria, Italy, Germany, the United States, the Czech Republic, Finland, Greece, Italy, Spain, Norway, Poland, Portugal, Switzerland, Turkey, and Cyprus. Ethnic Roma men, women, and children are particularly vulnerable to becoming trafficking victims and are overrepresented among identified trafficking victims. Bulgarian men, women, and children are subjected to conditions of forced labor in Greece, Italy, Spain, Denmark, Slovenia, and the United Kingdom. Some Bulgarian children are forced into street begging and petty theft within Bulgaria and also in Greece, Italy, and the United Kingdom.

The Government of Bulgaria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the Government of Bulgaria sustained progress by adopting a national referral mechanism and making greater efforts to ensure that no victims of trafficking were punished. In 2010, the government increased the number of victims identified by law enforcement personnel and increased funding for child victims of trafficking. The government opened a second trafficking shelter for adults in February 2011; bureaucratic problems, however, prevented the shelters from helping more than one victim in total. Although the government increased the number of officials investigated for trafficking-related offenses, they did not convict or criminally punish any officials complicit in trafficking-related crimes and less than 40 percent of trafficking offenders convicted in 2010 served time in prison.

Recommendations for Bulgaria: Continue efforts to investigate, prosecute, and convict government officials complicit in trafficking and ensure that guilty officials receive criminal punishment; continue efforts to investigate, prosecute, and convict trafficking offenders and ensure that a majority of convicted offenders serve time in prison; sustain efforts to ensure that no victims of trafficking are punished for acts committed as a direct result of being trafficked; continue efforts to reduce human trafficking, including extending prevention activities to more schools with a majority of Romani children; continue to increase the number of victims referred by government officials to service providers for assistance; ensure the National Referral Mechanism is fully implemented; and ensure administrative hurdles do not inappropriately prevent victims from receiving assistance.

Prosecution

The Government of Bulgaria demonstrated increased law enforcement efforts during the reporting period; however, they did not take sufficient steps to address public officials' complicity in human trafficking. Bulgaria prohibits trafficking for both sexual exploitation and forced labor through Article 159 (a, b, and d) of its Criminal Code, which prescribes penalties of between two and 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. In 2010, police conducted 160 new trafficking investigations including 11 labor trafficking investigations, compared with 149 sex trafficking and nine labor trafficking investigations conducted in 2009. Authorities

prosecuted 113 individuals for sex trafficking and five for labor trafficking in 2010, compared with 77 persons prosecuted for sex trafficking and four for labor trafficking in 2009. A total of 117 trafficking offenders were convicted in 2010 – 112 for sex trafficking and five for labor trafficking offenses – compared with 80 sex trafficking offenders and three labor trafficking offenders convicted in 2009. Only 43 of the 117 convicted trafficking offenders were sentenced to time in prison, with sentences ranging from one to seven years' imprisonment, compared with 51 of 83 convicted trafficking offenders sentenced to imprisonment in 2009. In March 2011, for the first time the government successfully seized assets from a convicted trafficker; the property was worth \$575,000. In 2010, 400 police officers, 50 diplomats, and 88 judges, prosecutors, and investigators were given anti-trafficking training as part of the standard curriculum of the Police Academy, Foreign Ministry Diplomatic Institute, and the National Institute of Justice. During the year, the government pursued partnerships with NGOs and IOM to provide trafficking-specific training to 72 members of law enforcement and social workers on victim referral and assistance, including a section on prevention, reintegration, and long-term assistance for Roma victims. Bulgarian law enforcement officials also collaborated with law enforcement counterparts in other governments on 17 human trafficking investigations.

Government complicity in human trafficking remained a problem. There were continued reports of trafficking-related complicity of government officials during the reporting period, including reports of government officials who provided sensitive law enforcement information to traffickers and intentionally hindered the investigations of high-level traffickers. The government did not show appreciable results in combating this complicity. Despite a notable increase in the number of investigations against police officers – 12 police officers were investigated in 2010, compared with four officers investigated in 2009 – no new prosecutions were started or convictions were obtained against government officials complicit in human trafficking. Trials against three police officers and one elected municipal official, however, continued from 2009.

Protection

The Government of Bulgaria made modest progress in identifying and protecting victims of trafficking in 2010. In November 2010, the government adopted a national referral mechanism to coordinate state actors and civil society for the protection and support of trafficking victims. This mechanism divides victim identification into formal and informal stages, allowing victims to be identified and provided with assistance regardless of their readiness to cooperate with police investigations. In 2010, the government identified a total of 558 victims of trafficking, including 89 child victims and one foreign victim. This represented a significant increase from 2009, in which the government identified 289 victims of trafficking, including 44 children. NGOs identified an additional 55 victims in 2010. Victims who did not cooperate with police investigations were not formally identified under the victim referral mechanism in place in 2010; however, some of the potential victims of trafficking not formally identified were still referred to NGOs after declining to participate in an investigation. The government assisted a total of 110 victims of trafficking, referred 17 identified victims to NGOs for assistance, and advised the remaining victims of available NGO services in 2010. The national government, in cooperation with local governments, continued to fund one state-run trafficking shelter for adults and opened a second state-run trafficking shelter for adults in February 2011; however, both shelters experienced administrative problems and only one trafficking victim was assisted by these shelters during the reporting period. Trafficking victims were permitted to enter and leave the shelters freely. No trafficking-specific government or NGO shelters were available to male victims of trafficking.

Government-funded child centers provided shelter assistance to 79 child victims of trafficking in 2010, a significant increase from the 44 children provided with shelter assistance in 2009. The Government of Bulgaria increased funding for child victims of trafficking to \$725,000 through government-funded child crisis centers, which provided rehabilitative, psychological, and medical assistance to identified child victims of trafficking, as well as other children in distress. Foreign victims of trafficking were eligible for all assistance available to Bulgarian victims of trafficking. Although the government did not provide financial assistance to anti-trafficking NGOs, it provided 10 NGOs with limited in-kind assistance. The government encouraged victims to assist in trafficking investigations and prosecutions; all 558 victims identified by the prosecution chose to cooperate with law enforcement in 2010. Foreign victims who cooperated with law enforcement were eligible to stay in Bulgaria for the duration of the criminal proceedings before deportation or mandatory repatriation; however, no foreign victims opted for this status during the reporting period. Although Bulgaria does not expressly prohibit the prosecution of trafficking victims for acts committed as a direct result of their being trafficking, there were no reports of trafficking victims punished for such acts in 2010.

Prevention

The Bulgarian government demonstrated significant efforts to prevent human trafficking during the reporting period. The government sponsored several trafficking awareness campaigns, including training over 300 teachers and distributing 10,000 interactive anti-trafficking CDs to students containing movies, songs, videos, and interviews with trafficking victims. The government, in partnership with local commissions, organized a trafficking awareness campaign entitled "Time for Action." Information events took place across the country, including theater performances, mock trials of trafficking cases, discussions, and anti-trafficking essay and painting competitions. The local government in Varna allocated \$20,000 for trafficking prevention activities, including a "Summer without Risk" campaign which reached over 3,000 students in 2010. The Bulgarian government maintains a website providing potential victims of trafficking with information and published an anti-trafficking handbook. The government also demonstrated efforts to reduce demand for commercial sex acts and to combat child sex tourism by convicting seven offenders for exploiting sex trafficking victims and producing and distributing prevention cards in clubs and bars to raise awareness about trafficking among potential clients. In 2010, the Government of Bulgaria adopted an action plan for combating human trafficking.