

Reintegration of victims of trafficking in Bulgaria: supporting social inclusion and economic empowerment

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Executive Summary

The legal rights of people who have been trafficked to reintegrate into society after their trafficking experience are stipulated in international legal instruments, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (UN Trafficking Protocol), Council of Europe (CoE) Convention on Action against Trafficking in Human Beings and the EU Anti-Trafficking Directive 2011/36, as well as in Bulgarian national legislation.

Many trafficked people face stigma and discrimination in their communities, which directly impacts their social inclusion and economic empowerment, such as having positive social relationships, finding suitable employment or setting up a financial stability, making reintegration even more important. The reintegration process includes living in a safe and stable environment, having access to a reasonable standard of living, enjoying mental and physical well-being, having opportunities for personal, social and economic development and having access to social and psychological support for a long-term period.

This Policy Brief examines current practices on the reintegration of victims of trafficking in Bulgaria and provides a number of potential options for future policy actions. This Brief focuses on reintegration in general and looks at services for adults, while an accompanying Policy Brief specifically examines the reintegration of children. A wide range of reintegration services are provided in Bulgaria for trafficking victims during the reintegration process, such as employment counselling, vocational training, education, medical insurance and family counselling.

Given the complexity of the reintegration process, it is particularly important that efforts are made to systematically monitor these programmes in order to assess whether reintegration has been achieved, as well as how to work more effectively in this regard.

Introduction

Rights and needs of victims of trafficking

Combating trafficking in human beings is a priority for the EU and its Member States, including Bulgaria. In the 2017, in the priorities to step up action on the follow-up to the EU Strategy towards the Eradication of Trafficking in Human Beings, the EU Commission stated that it “*will support the Member States in making comprehensive and accessible protection and help the integration of victims of trafficking, taking account of the specific needs of each gender*” (EU Commission, 2017: 6). *The EU Rights of Victims of Trafficking in Human Beings* (European Commission, 2013) places the victim of trafficking and their human rights at the centre, and emphasises the need for coordinated, multidisciplinary action to grant effective access to these rights. Providing clear and consistent information to victims of trafficking in human beings on

***Trafficked persons
have special needs
and specific rights***

their rights is therefore essential.

These rights range from immediate assistance and healthcare to long-term assistance, such as facilitating access to the labour market, rights regarding access to justice and to legal representation, and on the possibilities for claiming compensation. It is very important to keep in mind that victims are entitled to assistance and support as soon as the competent authorities have reasonable grounds to believe that they might have been trafficked. Furthermore, victims of trafficking are entitled to assistance and support before, during, and for an appropriate time after the conclusion of any criminal proceedings. The assistance and support should not be conditional on the victim's willingness to cooperate in the criminal investigation, prosecution or trial.

Long-term monitoring and assistance in the post-shelter period, which is the main focus of this Policy Brief, is essential for the reintegration process of trafficked people. Therefore, this process should be understood holistically, encompassing all stages and the respective needs of each victim.

Importance and Challenges of Recovery, Social Inclusion and Economic Empowerment of Trafficked People in Bulgaria

Reintegration is the process of recovery, social inclusion and economic empowerment following a trafficking experience. It differs from the direct assistance that is provided immediately after the detection of the case. The reintegration process should be enabled at a later stage – after the trafficking victim has initially recovered and after s/he has taken a decision on how to move on with her/his life. During the reintegration process, the victims should be supported to develop skills, where necessary, toward independence and self-sufficiency. The reintegration may involve returning to the family and/or place of origin. Alternatively, it may involve integration in a new community in Bulgaria, or in some cases, in a different country.

Reintegration of victims of human trafficking is a complex effort and requires a variety of services. The process is long and very often non-linear. Each victim has personal recovery dynamics that must be taken into consideration and the services provided should be adjusted to individual needs for recovery. Surtees (2010) describes three main phases of the reintegration process:

- Phase 1, crisis intervention (0-3 months);
- Phase 2, transition (4-12 months); and
- Phase 3, reintegration.

Very often, the victim's wellbeing is directly connected to the wellbeing of their family members. Thus certain supporting services should be available for member(s) of victims' families. Surtees (2010) identifies many factors leading to successful reintegration of trafficking victims, such as:

- **Safe and affordable accommodation;**
- **Legal status** (including birth registration, citizenship, access to documents, etc.);
- **Professional and employment opportunities;**
- **Education and training opportunities** (including formal and informal education, professional/vocational skills and life skills training);
- **Safety and security** (within the family and community, and vis-à-vis traffickers);
- **Healthy social environment** (including anti-discrimination and anti-marginalisation);
- **Social wellbeing and positive interpersonal relations** (vis-à-vis peers, family, spouses/intimate partner and the community);
- **Economic security** (i.e. the ability to earn money, support family members, etc.);
- **Physical wellbeing;**
- **Mental wellbeing** (including mental health, self-esteem and self-acceptance);
- **Access to services and opportunities** (to recover from trafficking and for personal,

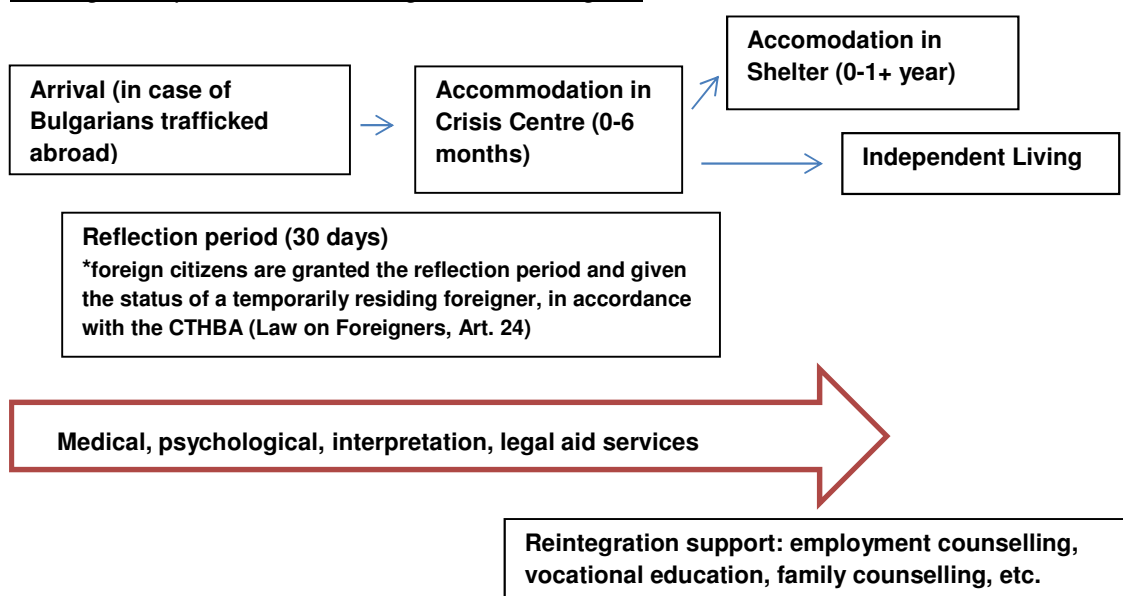
Reintegration differs from direct assistance and can last several years.

social and economic wellbeing generally);

- **Motivation and commitment to the reintegration process;**
- **Resolution of legal issues** (including criminal and civil proceedings).

A wide range of reintegration services are provided in Bulgaria for trafficking victims in the reintegration process, such as employment counselling, vocational training, education, medical insurance, housing supports and family counselling. Given the complexity of the reintegration process, it is particularly important that efforts are made to systematically **monitor** these programmes in order to assess whether reintegration has been achieved as well as how to work more effectively towards the reintegration of trafficked people. Monitoring is the continuous oversight of the implementation of programme activities, assessing progress, identifying operational difficulties and recommending actions.

Reintegration process of trafficking victims in Bulgaria



Each trafficking case is specific. Different people need different plans and services.

Purpose and contents of the policy brief

This document examines current practices on the reintegration of victims of trafficking in Bulgaria. It summarises the key findings and recommendations of the 2017 “Assessment of the Long-Term Reintegration Services and Assistance currently Provided to Children and Adult Victims of Trafficking in Bulgaria” (hereafter: Assessment), conducted by Dr. Radostina Pavlova in the framework of the project “Swiss-Bulgarian cooperation in identification and long-term assistance of children and adult victims of trafficking in human beings” implemented by the National Commission on Combatting Trafficking in Human Beings (NCCTHB).

The Assessment was preceded by desk research on “International Benchmarks for Monitoring and Management of THB Cases during the Post-shelter Period” (ICMPD, 2017), which indicated the areas of reintegration to examine and listed successful practices in several countries, and the “Assessment of the Implementation of the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria” (ICMPD, 2018). As well as these three documents, the Brief draws on other relevant regional and international sources (a full set of References is included at the end of this Policy Brief). The policy recommendations included in the final section of this Policy Brief are based on the assessment of wide range of aspects of the long-term reintegration process in Bulgaria, with the aim of encompassing in a holistic manner the complex process of returning to, or starting for the first time, a secure and independent life.

The project “Swiss-Bulgarian cooperation in identification and long-term assistance of children and adult victims of trafficking in human beings” is one of the three components of the Swiss-Bulgarian Programme of Cooperation for the Prevention of Trafficking in Human Beings (THB) and the Identification, Protection, Support, Return & Reintegration of Victims. The objectives of the project are to contribute to:

- 1) improved identification of victims of THB in Switzerland;
- 2) increased number of child and adult THB victims who are assisted in shelters and crisis centres;
- 3) improved policies and monitoring mechanisms for the post-shelter period of child and adult THB victims.

The policy recommendations in the Policy Brief relate to the third objective: **improving policies and monitoring mechanisms for THB victims in the post-shelter period.**

Current Context

Definition of trafficking

Trafficking in human beings (THB) is a gross violation of human rights. It is a serious crime affecting women, men and children of all nationalities. THB, as per Article 3 of the UN Trafficking Protocol, supplementing the UN Convention against Transnational Organized Crime (adopted in 2000), is:

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

In the case of trafficking in adults, “this can be broken down into a specific **act**, using certain **means**, for the **purpose** of exploitation” (ICMPD, 2015: 16). A person who is subject to the crime of trafficking in human beings is a **victim of trafficking**.

THB is also defined in the European Union (EU) Directive 2011/36, Article 2, as:

“recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

The UN Convention and Protocol were domesticated into Bulgarian law in 2002, when the Criminal Code was amended to add Section IX – Trafficking in Human Beings (Section 2, Art. 159a-d, and Section 3, Chapter I, Art. 182a-b). The Bulgarian Criminal Code explicitly mentions that the presence of consent is irrelevant – for both adult and child victims in a situation of exploitation. Thus, in Bulgarian law, it is impossible to have consensual exploitation and these persons fall within the definition of a victim of trafficking. The national definition, as stipulated in Article 159a (amended in 2009) is:

“(1) An individual, who recruits, transports, hides or admits individuals or groups of people in view of using them for sexual activities, forced labour or begging, dispossession of a body organ, tissue, cell or body fluid or holding them in forceful subjection, regardless of their consent, shall be punished by deprivation of liberty of two to eight years and a fine from BGN three thousand to twelve thousand [...]

The Combating of Trafficking in Human Beings Act (CTHBA), adopted in 2003, is the key piece of legislation that governs the rights of victims of THB in Bulgaria, including the measures for protection and support to which they are entitled, as per Art. 1 (4), and accordingly, their access to reintegration services. It specifically regulates the conditions under which crisis and consultation centres for victims of trafficking are set up and operated (Art. 9 – Art.12). The CTHBA stipulates that the consultation centres should provide specialised psychological and medical help - Art. 11 (2) and should support the family and social reintegration of the victim - Art. 11 (3).

Other laws relevant to the long-term reintegration of victims of trafficking include the Health Act (2004, last amendments effective as of 2014), the Legal Aid Act (2006), the Social Assistance Act (1998, last amendments effective as of 2014), the Labour Code (1986, last amendments effective as of 2018), and others.

The CTHBA designates the **National Commission for Combating Trafficking in Human Beings (NCCTHB)** as the body that defines and leads the implementation of national policy and strategy in the area of combating THB - Art. 7 (2), leads and oversees the activities of the local commissions and the centres for protection and support of victims of trafficking - Art. 7(8) and registers physical and non-profit entities who provide accommodation to victims of trafficking - Art. 7(9). It is through this latter provision that the NCCTHB contracts NGOs to run its shelters. The local commissions coordinate the interaction among the institutions and organisations involved and apply the policy in their respective regions (Art. 8). As of December 2017, there are ten Local Commissions for Combating Trafficking in Human Beings (LCCTHB) in the larger municipalities in the country.

The key instrument for identifying and providing short- and long-term support to victims of trafficking in Bulgaria is the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria (NRM).¹ The NRM describes the roles and responsibilities of each institution, state or non-state, in regards to presumed or identified victims of human trafficking or people at risk. The NRM lists the specific tasks for each actor involved in the process, as well as standards and criteria for providing social services to victims of trafficking. This mechanism is structured along three stages in the “trajectory” of a victim of trafficking: I. Identification and Referral; II. Protection and Support; and III. Social Inclusion (Reintegration).²

The third stage, Social Inclusion (Reintegration), which is of primary interest for this Policy Brief, consists of the following steps:

NRM – Measure 3 – Social Inclusion (Reintegration)³

<p>MEASURE 3.1. Long-term psychological support and empowerment Step 1. Participation of the trafficked person in the process of making decisions and planning his/her (re)integration Step 2. Updating the risk assessment Step 3. Psychotherapeutic work for overcoming the trauma Step 4. Counselling of the victim’s family/relatives Step 5. Development of social skills Step 6. Development of skills for participation in the labour market Step 7. Social counselling and advocacy</p>	<p>Step 3. Contacting a service provider and exchange of Information Step 4. Meeting of the trafficked person by the service provider Step 5. Repatriation of a foreign victim of trafficking</p> <p>MEASURE 3.3. Participation in criminal proceedings Step 1. Receiving the informed consent of the trafficked person Step 2. Provision of legal representation Step 3. Gathering of evidence by the investigation Step 4. Support of the victim who is a</p>
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Long-term monitoring and assistance in the post-shelter period is essential for the reintegration process of trafficked people.

¹ The NRM was developed in 2008-2010 by a range of stakeholders and experts, led by the non-governmental organisation Animus Association Foundation and was updated in 2016 and adopted by the Bulgarian Government at a Council of Ministers meeting in July 2016. The NRM was reviewed again in 2017 under the project component of the Animus Association of the Swiss-Bulgarian Programme of Cooperation for the Prevention of Trafficking in Human Beings (THB) and the Identification, Protection, Support, Return & Reintegration of Victims.

² In addition, the NRM document includes a definition of THB (and differentiates it from migrant smuggling), defines formal and informal identification, explains what the period of recovery and reflection is and includes annexes with (1) indicators for identification; (2) possible services for victims of trafficking. It also provides information on the network of organisations involved in the overall support.

³ Reproduced from the NRM, short version.

<p>Step 8. Renewal of the trafficked person's health and social insurance status</p>	<p>witness/participant in the criminal proceedings</p>
<p>MEASURE 3.2. Safe return Step 1. Updating the risk assessment Step 2. Ensuring the necessary documents and information</p>	<p>MEASURE 3.4. Provision of financial compensation Step 1. Informing the trafficked person about the legal possibilities to receive compensation Step 2. Support in the communication with the relevant institutions</p>

The NRM is designed as an entity that is interlinked with the Transnational Referral Mechanism (TRM). The TRM Guidelines were developed in 2009 and establish Standard Operating Procedures (SOPs) for international cooperation in the process of referral and support of trafficking victims (ICMPD, 2009).

Trafficking of adults: current trends in Bulgaria

By far the majority of identified trafficked people to whom protection and reintegration services are provided in Bulgaria are Bulgarian citizens. Some of these people were trafficked within Bulgaria while others had been trafficked abroad and subsequently returned to Bulgaria by the authorities of other states, particularly EU Member States.

According to the report of the NCCTHB for 2017, *“Bulgaria is a country of origin for the victims of THB. Given the migratory situation at a global level, the country is also a transit country for the victims. According to the official statistics of the registered pre-trial proceedings, the majority of victims of trafficking continue to be girls and women - nearly 90% of the registered cases by 2017”* (NCCTHB, 2017:3).

The report reveals that trafficking for sexual exploitation is the most commonly identified form in the country. However, there is an increase in the identification of exploitative begging and trafficking for labour exploitation, as well as other, less identifiable forms of trafficking. Potential cases of trafficking among people from outside the EU (originating from Western Asian and West African countries, such as Afghanistan, Iraq, Iran, Syria, Burkina Faso and Sierra Leone) were registered in 2017 (NCCTHB, 2017).

The information provided in the 2017 NCCTHB report largely corresponds with the findings of the Assessment conducted by ICMPD in autumn 2017. The Assessment also found that sexual exploitation of women is the prevailing form of exploitation among Bulgarians who are identified as trafficking victims. Nevertheless, increasing identification of trafficking for labour exploitation, trafficking of pregnant women for the purpose of selling their babies, illegal adoptions, trafficking for forced criminal activity and forced begging have been also reported, as well as forced/servile marriages. A network organising forced begging in EU countries, particularly Sweden, was observed in recent years, where the victims are lured with promises of agricultural work (Pavlova, 2017).

Internal trafficking within Bulgaria is typically from smaller and poorer municipalities towards larger ones and particularly the seaside resorts, or from Varna to Sofia, for labour exploitation, with promises of higher salaries and better living and working conditions. Internal trafficking for sexual exploitation, according to the Assessment, has been observed in the regions of Blagoevgrad, Sandanski, Petrich and Pleven. The identified victims are women between 20 and 35 years. Identified victims of trafficking for labour exploitation tend to be men in the age bracket 20-50 years, and most identified victims of trafficking for forced begging are adult men with visible health problems (Pavlova, 2017).

The Assessment showed that groups who are at risk of trafficking are young people who have grown up in institutional setting, such as orphanages. Men with low levels of education are being exploited in agriculture and animal farming. People with decreased mental capacity are increasingly being recruited into trafficking (NCCTHB, 2016), as well people with long-term physical health issues (Pavlova, 2017).

Good practices, gaps and challenges

The social, economic and personal situation of the victim *prior* to being recruited into trafficking is an important factor that influences the later ability of the victim to reintegrate into society. Because many of them are in a very precarious situation and socially isolated, it should be considered that sometimes the support needed may not be for reintegration as such, but rather for the building of an initial basis for entering into the social and employment for the first time.

Professional/vocational training, job counselling and access to employment

The ability of victims of trafficking to become economically self-sufficient and independent is a key factor for their successful reintegration. Without effective access to the labour market so that they have an income and financial stability, victims are more vulnerable to re-trafficking. GRETA has urged the Bulgarian authorities “to guarantee access to health care for victims of trafficking and facilitate their reintegration by providing them with vocational training and access to the labour market” (GRETA, 2016: 26).

The CTHBA does not specifically provide for educational support or professional/vocational training for trafficking victims. They are thus subject to the generally applicable laws and regulations, such as the Higher Education Act (1995), the Promotion of Employment Act (2002), the Labour Code (1986) etc. Access to the labour market and improved economic opportunities, including through providing educational and professional courses, are an area of focus for the majority of the NGOs working with victims of trafficking, and most of them provide such support as part their programming.

IOM for example, offers reintegration packages that include financial support – an amount determined on the basis of the needs of the victim, which is not given in cash, but is used to pay for the services or goods needed. Orientation for victims on employment opportunities and opportunities to learn trades and to get a certification is offered – for example, for men, working with different tools (in welding, gardening), for women – cooking, hairdressing etc. Victims placed at NCCTHB shelters (in Varna, Burgas and Sofia) also receive support for economic reintegration.

However, access to economic opportunities for victims can be difficult in practice and successful long-term integration into the labour market is a very uncertain prospect. One reason for this difficulty is that many victims have very low levels of education and are sometimes illiterate, and may lack workplace skills or professional abilities. They enrol in vocational courses offered by the supporting organisations or in state-provided courses, but find them too challenging and rarely complete them; passing exams to obtain a school diploma is also an extremely difficult undertaking due to the victims’ traumatic experience (Pavlova, 2017).

Widespread stigmatisation and intolerance by society and by employers and colleagues, for reasons of the trafficking experience and/or belonging to an ethnic minority, reduces the chances of successful integration into the work market even for those victims of trafficking who have the required skills and motivation. However, although the successful labour market integration is difficult both in larger cities (where there is a lot of competition and little demand for low-skilled employees with little or no experience) and in small municipalities (where the economic opportunities are limited), the likelihood of a victim finding a job is still possible. According to NCCTHB, there are number of former trafficking victims that have been successfully integrated in the Bulgarian society.

Accordingly, the following is recommended:

- *Offer educational and vocational courses to victims of trafficking that are flexible and geared towards their learning, psychological and personal abilities at that stage;*

- *Prioritise the economic reintegration of the victims in programming, specifically, to secure employment depending on their skills gained;*
- *Explore options for opening state-sponsored work positions for victims of trafficking; Develop such programmes with support of the employment agencies and labour offices across the country, covering the rural areas and small towns;*
- *Conduct sensitisation and awareness-raising campaigns targeted at employers and the general public on accepting and supporting victims of trafficking; work proactively with employers prior to/in view of their hiring victims of trafficking;*
- *Take measures to address instances of discrimination of victims of trafficking, including through the Commission for Protection from Discrimination and the Ombudsman of Bulgaria.*

Secure and affordable accommodation

The main long-term accommodation options for adult victims of trafficking are the NCCTHB shelters in Sofia, Varna and Burgas, with a combined capacity of 26 persons. The victims are referred to be placed in the shelters by the respective institutions/organisations included in the NRM. The reopening of the shelters of the NCCTHB in Varna and Burgas in 2016, which had previously closed for a period of time, was one of the issues of concern in the 2016 GRETA Report (2016). The opening of a new shelter in Sofia in 2017 should alleviate to a certain extent the issue of scarcity of long-term accommodation spaces (Pavlova, 2017). In addition, the specialisation of these shelters to serve only victims of trafficking responds to their specific needs and also provides an opportunity to conduct monitoring on the reintegration of the victims.

However, the Assessment found that aside from the issue of limited availability of accommodation spaces, especially in the smaller municipalities, there are groups who are underserved in this respect: men, families and victims with special needs, such as mental disabilities. The issue of having a small number of spaces for men, also raised in the GRETA report (2016) is related to the fact that victims of trafficking in Bulgaria accessing these services have traditionally been female. In addition, as the Bulgarian government pointed out in its response to the GRETA Report (BG Council of Ministers, 2017), men who are victims of labour exploitation typically do not want or need residential-type services and opt for using other type of services, such as consultations. This means that it is important to have programming in place that effectively serves men who are victims of trafficking to ensure that the services typically provided at the accommodation centre are known and accessible to them.

- *Study the need for and feasibility of further specialisation of the accommodation options – by profile of the victims (gender, age, etc.) and possibly by form of exploitation;*
- *Enable assistance adapted to the specific needs of men who are victims of trafficking, including safe accommodation.*

Legal status and legal assistance

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 anti-trafficking Convention and the GRETA recommendations. However, there is a problem concerning the reflection period, as the definition that appears in the NRM document is not the same as that given in the CTHBA (ICMPD, 2017). Accordingly, those two definitions would need to be harmonised as far as the reflection period is concerned in order to avoid any confusion among stakeholders needing to officially grant this period to victims.

In 2017, changes in the CTHBA for introducing the definition of the reflection period were proposed by the NCCTHB and discussed by its members. The legal amendments process is still ongoing. As regards to the victims identified among irregularly 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 Interior Ministry to a specialised shelter more appropriate for the victim's needs. There, the victim can have a 30-day reflection period and if they decide to cooperate with the Bulgarian authorities, they will receive special protection under Art. 26 of the CTHBA and be granted a residence permit for the duration of the trial proceedings.

Access to legal assistance for victims of trafficking in Bulgaria is stipulated in the CTHBA, and access to legal aid more generally is regulated by the 2006 Legal Assistance Act (LAA), where the official provider of such services is the National Legal Aid Bureau (NLAB). Legal assistance to victims of trafficking is an area where the question of specialisation of professionals arises, as it appears that there are a low number of lawyers specialised in the area of THB. For example, the lawyers assigned to work with the trafficking victims are not aware of the specific rights, such as, for example, the right to a reflection period. Neither are the victims, in most cases, aware of their legal rights (Pavlova, 2017). Often, the legal needs of the victim are related to the criminal proceedings for the trafficking offense.

There are a number of problematic areas in this respect. Firstly, very often frontline workers identify victims of trafficking using the indicators from the NRM (adopted by a decision of the Council of Ministers), but when it comes to the criminal proceedings stage, it turns out that the elements of the offense are not in evidence and the prosecution decides to start prosecuting for a lesser crime, with the possibility of changing the charges to trafficking later. This is a problem not so much for accessing services, as, under the NRM, a victim can benefit from them even if not officially identified through the criminal proceedings; the problem is that the victim seeks justice and wants to see the perpetrators duly convicted, which does not happen if the crime is not qualified as human trafficking. Accordingly, the Assessment found that the investigative prosecutors on human trafficking do not understand the crime well, and fear it is too complicated and try to avoid qualifying the offence as THB.

A serious deficiency in access to justice for victims of human trafficking is the difficulty in receiving compensation. Currently, they need to seek such compensation from the trafficker, if s/he is convicted, which means lengthy proceedings with an uncertain result, and a low likelihood that the money will actually be collected. The State Fund for Compensating Victims of Crime has not been used thus far by victims of trafficking, which is a major gap and a recurrent point for criticism by GRETA (2016). It is explained in some part by the inability of the victims to provide documentation to prove material losses (court fees, medical expenses) resulting from the crime (GRETA, 2016). The only avenue is to sue the trafficker and to ask for compensation and there are some positive court decisions in this respect (Pavlova, 2017).

Based on these observations, the following are the recommendations related to the legal status and legal assistance of victims of trafficking in Bulgaria:

- *Review the legislation in order to ensure that the reflection period is specifically defined in the CTHBA and “the authorities performing identification should be issued with clear instructions stressing the need to offer the reflection period as defined in the CoE Convention, i.e. not making it conditional on the victims’ cooperation and offering it to victims before formal statements are made to investigators” (GRETA, 2016: 34);*
- *Establish regular trainings for prosecutors, judiciary and other members of the legal professions on the CTHBA (through the Bar Associations or Judicial Councils);*
- *Increase the number of specialised lawyers by training additional ones and*

Effective reintegration programmes and compensation solutions are crucial.

negotiate with the National Legal Aid Bureau for a formal or informal “matching” mechanism;

- *Conduct a dedicated study among prosecutors and front-line police on their practices in qualifying and charging with the offense of human trafficking in order to discover and address reasons for the tendency to charge with a lesser crime;*
- *Conduct an individual assessment of the overall legal needs of each trafficking victim (beyond the criminal proceedings and financial compensation), as part of their reintegration plan; ensure the accompanying services needed (such as translation or interpretation) are funded and provided;*
- *Review in view of amending the Support and Financial Compensation of Victims of Crime Act and/or accompanying regulations for its application to make the State Fund for Compensation of Victims of Crime more accessible to trafficking victims;*
- *Review the Criminal Code and the Criminal Procedure Code to consider amendments that would help streamline the process for pre-trial investigation and trial, so that there would be no need for the victim give testimony multiple times or to travel to a different city to be interrogated.*

Medical and psychological assistance

Both medical and psychological assistance are essential for the recovery and subsequent reintegration of victims of trafficking. Victims of THB are not granted special rights to mainstream medical care because of their status of victims, but are subject to the provisions of the Health Act on the same grounds as Bulgarian citizens. The medical needs of victims of trafficking are usually extensive and multiple, and often urgent help is required. Access to medical care can be difficult, especially in smaller municipalities, and many NGOs helping victims with their medical needs need to resort to using personal connections to find and convince a medical specialist to provide the service. Furthermore, the loss of healthcare access rights due to unpaid insurance for the period during which the victim has been abroad is a serious issue. Another problem is a reported lack of understanding of the needs of the victims and lack of sympathy for them among some medical professionals (Pavlova, 2017).

Psychological assistance, on the other hand, appears to be available and sufficiently accessible for victims, especially for those who are placed in a crisis centre or shelter. Overall, no serious problems with victims of human trafficking accessing psychological help were identified, both short-term and long-term (Pavlova, 2017). Under the CTHBA, victims of human trafficking receive emergency psychological assistance at the crisis centres (Art. 10) and specialised psychological counselling at the centres for protection and support at the LCCTHB (Art. 11). A lot of information material is distributed and many organisations offer such help to victims for free, though a shortage of psychotherapy services has been noted. One group that has different needs and requires a different approach is adult men who are victims of trafficking, as they often have different coping mechanisms from women and a different type of trauma. Their needs remain unmet, as they are not accommodated in shelters, and consequently do not receive psychological support (Pavlova, 2017).

The following is recommended according to the observations:

- *Through regulation, create the possibility of immediate restoration of healthcare access rights to victims of trafficking with unpaid insurance and delayed repayment;*
- *Conduct awareness-raising campaigns among healthcare professionals on the specific needs of victims of trafficking;*
- *Continue to provide psychological help from the very early stage and throughout the entire reintegration process of victims of trafficking;*

- *Investigate and address the issue of adult men who are victims of trafficking not accessing psychological support services;*
- *Provide the services needed continuously, beyond the period for which the victims are accommodated.*

Information sharing, case management, case monitoring and follow up

Upon identification of a potential trafficked person and in the later stages, it is very important to ensure that the trafficked person is able to exercise their rights. The first requirement, accordingly, is that the victim is informed about them – thus the need for information channels that are accessible and understandable to the victims, in addition to the officials and NGO workers at all levels being able to provide them with accurate, full and consistent information. Accordingly, there is a need to equip the LCCTHBs with sufficient financial and material resources, as pointed out in the GRETA report (2016), in order for the referrals to be effective. Regarding coordination, one of the good practices identified in the Assessment is offsetting up long-term or ad-hoc multidisciplinary teams around a case, with clear division of responsibilities – a practice that should be replicated, particularly in smaller municipalities, where the referral mechanisms were seen as working less well. An individual plan should be prepared and should be monitored for each trafficking case, also in the post-shelter period. The plan is drawn up upon the placement of the victim in a shelter and after referrals is made to the suppliers of the needed services. Furthermore, at the level of case management, follow-up and monitoring, some effective case planning and collaboration/coordination of the interventions appears to be taking place in Bulgaria. Reintegration plans are adopted as a standard by all stakeholders working with victims of trafficking.

However, one of the gaps appears to be a lack of consistent monitoring of the case development in the long term, and, consequently, no evidence base on which to base any recommendations for policy change and improvement (Pavlova, 2017). The Assessment found that there are difficulties in monitoring cases, as there is no mechanism for providing clear and consistent information on a case-by-case basis on the part of the institutions (border police, prosecution) so when numbers are provided on the victims who have been serviced by them, it is not clear whether there is double counting. In general, there are no statistics kept on reintegration of the trafficked people.

Accordingly, the following is recommended:

- *Provide regular, ongoing training to state institution officials (including migration and labour authorities) and NGO workers on adequate referral and reintegration opportunities of victims of trafficking, including in smaller municipalities and not just in Sofia and the larger cities;*
- *Based on the already established NRM/TRM procedures, explore options for streamlined information collection on all ongoing trafficking cases (including in the long-term reintegration phase), accessible by all the relevant state and non-state actors, and where applicable, by the service providers, while respecting data protection and privacy regulations;*
- *Establish data collection and information exchange standards for trafficking cases, taking into consideration the personal data protection of the victims. The data collection and information exchange standards should be based on the Handbook on Anti-Trafficking Data Collection in South-Eastern Europe, Developing Regional Criteria (ICMPD, 2010);*
- *Based on the existing NRM, establish mechanism for case follow-up in the post-shelter period, by developing a case monitoring template to be used by all relevant stakeholders as well as by all involved service providers;*
- *Conduct long-term monitoring of the reintegration of victims of trafficking, by*

implementing consistent data collection standards, with NCCTHB as a coordinating body;

- Encourage all the relevant stakeholders, as well as the service providers that are not part of the NRM but are included in the reintegration process at a later stage, to use standardised and effective means of communication in order to follow up the case effectively.

The policy recommendations set out in this Policy Brief are to be used for future policy action, as well as in advocacy campaigns at the national and EU levels, particularly in connection with Bulgaria's Presidency of the Council of the European Union in the first half of 2018, with the goal of effecting policy changes that improve the services and conditions for the long-term reintegration of victims of THB in Bulgaria.

References

Combating Trafficking in Human Beings Act, R. Bulgaria (2003). State Gazette, No. 46/20.05.2003. Retrieved from

www.unodc.org/cld/en/legislation/bgr/combating_trafficking_in_human_beings_act/chapter_one-five/article_1-31/combating_trafficking_in_human_beings_act.html;

Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (23 May 2017). *Report submitted by the Bulgarian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2016)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings*. Retrieved from: <https://rm.coe.int/cp-2017-15-rr2-bgr-en/1680726bfa>;

Council of Europe (CoE), (2005). *Council of Europe Convention on Action against Trafficking in Human Beings*. Retrieved from: <https://rm.coe.int/168008371d>;

Crime Victim Assistance and Financial Compensation Act, R. Bulgaria (2006). State Gazette, No. 105/22. Retrieved from:

http://antitraffic.government.bg/images/documents/Polezna_informacia/EN/1259575569.pdf;

Criminal Code of R. Bulgaria (1968, last amended 2017). Retrieved from www.legislationline.org/documents/section/criminal-codes/country/39;

European Commission (2012b). *The EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016*. Retrieved from https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_strategy_towards_the_eradication_of_trafficking_in_human_beings_2012-2016_1.pdf;

European Commission (2013). *The EU rights of victims of trafficking in human beings*. Luxembourg: Publications Office of the European Union. Retrieved from https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/eu_rights_of_victims_of_trafficking_en_1.pdf;

European Commission (2017). *Communication from the Commission to the European Parliament and the Council. Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions*. Retrieved from https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/docs/20171204_communication_reporting_on_follow-up_to_the_eu_strategy_towards_the_eradication_of_trafficking_in_human_beings.pdf;

European Union (2011). *Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*. Retrieved from <http://eur->

lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32011L0036;

Health Act, R. Bulgaria (2004). State Gazette 46/03.06.2005. Retrieved from <https://gnssn.iaea.org/CSN/School%20of%20Drafting%20Regulations%20Nov%202014/School%20of%20drafting%20Nov%202014%20Background%20information/Participants%27%20materials/Bulgaria%20-Health%20Act-2014-en.pdf>;

Higher Education Act, R. Bulgaria (1995). State Gazette No. 112/27.12.1995. Retrieved from http://lll.mon.bg/uploaded_files/zkn_visseto_obr_01.03.2016_EN.pdf;

International Centre for Migration Policy Development (ICMPD) (2015). *Targeting Vulnerabilities: The Impact of the Syrian War and Refugee Situation on Trafficking in Persons - A Study of Syria, Turkey, Lebanon, Jordan and Iraq*. Vienna: ICMPD. Retrieved from www.icmpd.org/fileadmin/ICMPD-Website/Anti-Trafficking/Targeting_Vulnerabilities_EN_SOFT_.pdf;

International Centre for Migration Policy Development (ICMPD) (2010). *Handbook on Anti-Trafficking Data Collection in South-Eastern Europe. Developing Regional Criteria*. Retrieved from: www.icmpd.org/our-work/capacity-building/thb-and-related-forms-of-exploitation/publications/handbook-on-anti-trafficking-data-collection-in-south-eastern-europe-developing-regional-criteria/;

International Centre for Migration Policy Development (ICMPD) (2009). *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons: South-Eastern Europe*. Retrieved from www.icmpd.org/fileadmin/ICMPD-Website/ICMPD-Website_2011/Capacity_building/THB/Publications/TRM_Guidelines.pdf;

International Centre for Migration Policy Development (ICMPD) (2018). *Assessment of the Implementation of the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria*. Unpublished;

International Centre for Migration Policy Development (ICMPD) (2017). *International Benchmarks for Monitoring and Management of THB Cases during the Post-shelter Period (Cases of adult and child victims): Desk-based research*. Unpublished;

Labour Code, R. Bulgaria (1986). State Gazette No. 26/01.04.1986. Retrieved from <http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN016079.pdf>;

Law for The Foreigners in the Republic of Bulgaria (1998). State Gazette 153/23. Retrieved from https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/law_on_foreigners_in_bulgaria_en_1.pdf;

Law on Legal Aid, R. Bulgaria (2005). State Gazette 04.04.2005;

National Commission for Combating Trafficking in Human Beings (NCCTHB), R. Bulgaria (2016). *Annual Report on the Activities of the National Commission for Combating Trafficking in Human Beings to Counter Human Trafficking and Protect Victims of Trafficking in Bulgaria*. Retrieved from: <http://antitraffic.government.bg/en/национален-доклад-2016/> (in Bulgarian);

National Commission for Combating Trafficking in Human Beings (NCCTHB), R. Bulgaria (2017). *Annual Report on the Activities of the National Commission for Combating Trafficking in Human Beings to Counter Human Trafficking and Protect Victims of Trafficking in Bulgaria*. Retrieved from: <http://antitraffic.government.bg/en/национален-доклад-2017/> (in Bulgarian);

Pavlova, R. for ICMPD (2017). *Assessment of the Implementation of the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria*. Unpublished;

Secretariat of the Council of Europe Convention on Action against Trafficking in Human Beings (GRETA and Committee of the Parties), (2015)32, 28 January 2016, *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria*, Second Evaluation Round. Retrieved from: <https://rm.coe.int/1680630d6c>;

Social Assistance Act, R. Bulgaria (1998). State Gazette 56/19.05.1998. Retrieved from: www.refworld.org/docid/44ae614c4.html;

Surtees, R. (2014). *Re/integration of trafficked persons. Working with trafficked children and youth*, NEXUS Institute. Retrieved from:

https://nexushumantrafficking.files.wordpress.com/2015/03/pub_3268_reintegrationoftraffickedchildren.pdf;

Surtees, R. (2015). *Beyond trafficking. The re/integration of trafficking victims in the Balkans, 2007 to 2014. Final review report*. King Baudouin Foundation; NEXUS Institute. Retrieved from <https://nexushumantrafficking.files.wordpress.com/2015/06/beyond-trafficking-final-report.pdf>;

United Nations General Assembly (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. Retrieved from https://treaties.un.org/pages/viewdetails.aspx?src=ind&mtdsg_no=xviii-12-a&chapter=18&lang=en;

Vassileva, A., Georgieva, I., Bliznashka, L., Boeva, D., Rangelova, O.... Mancheva, Z. (2010). *National Mechanism for Referral and Support of Trafficked persons in Bulgaria (NRM)*, Retrieved from: www.animusassociation.org/wp-content/uploads/2014/03/National-referral-mechanism-for-trafficked-persons-En.pdf.

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