

## BULGARIA

### Authors

- Ø Assistance Centre for Torture Survivors - ACET
- Ø Bulgarian Gender Research Foundation - BGRF

## BULGARIA

### I. Introduction

The Republic of Bulgaria, located in SE Europe in the Balkan Peninsula, borders with the Black Sea to the East, with Romania to the north, with Serbia, Montenegro and the Former Yugoslav Republic of Macedonia to the west, with Greece to the south and with Turkey to the southeast.

Trafficking in human beings, especially in women, is a serious problem for Bulgaria, which is a country of origin, transit and destination. The problem was recognised as such in the European Commission 2005 *Progress Report towards Bulgaria's accession to the EU*, in the 2005 *Human Rights Report* of the US State Department and by the Bulgarian Government itself. The Report of the U.S. State Department on Trafficking in Persons, issued in June 2006, notes that Bulgaria is an origin, transit, and destination country for women and girls trafficked from Romania, Moldova, Russia, the Ukraine, Armenia, Lebanon, and Central Asia to and through Bulgaria to Germany, France, Italy, the Netherlands, Belgium, the Czech Republic, the Former Yugoslav Republic of Macedonia and the territory of Kosovo, mainly for the purpose of sexual exploitation. According to the *Bulgaria Country Report on Human Rights and on Trafficking in Persons 2005* of the US State Department, based on governmental and NGO sources, most victims are women and girls trafficked for the purposes of sexual exploitation. According to NGO and government sources, young women between the age of 18 and 24, with low level education, and problematic family relations are the most vulnerable group to trafficking. During the last years, despite decreasing percentages of unemployment, most women victims of trafficking did not have the opportunity to find work suitable to their education and skills.

*Roma children* are trafficked within Bulgaria and abroad for purposes of forced begging and petty theft. In 2005 Austrian authorities identified 700 Roma children trafficked from Bulgaria to Austria for forced begging and commercial sexual exploitation. The Ministry of Interior noted an increase in men and boys trafficked for purposes of labour exploitation.

A new tendency is the *baby-trafficking* industry: pregnant women crossing borders to give birth and sell their babies. In its most recent report, INTERPOL says that Bulgarians have become the ring-leaders of the European baby-trading circuit that

is being investigated in Greece, Italy, France and Portugal. It is noted that the main channels for this trade in human beings lead to Greece.

According to data provided by the Specialised Office for Fight against Organised Crime of the Ministry of Interior, there is a strong connection between human trafficking and organised crime. In 2002, the Office identified 42 organised criminal groups involved in the business of trafficking in women for sexual exploitation, 14 organised criminal groups involved in illegal migration, five criminal groups offering work abroad and two involved in false passports, credit cards, etc.

The Government of Bulgaria does not fully comply with the international minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2004, the government adopted a more active stance for the prevention of the phenomenon and the protection of the victims. It stepped up its enforcement efforts and took important preliminary steps to implement its anti-trafficking legislation, including the adoption of a national strategy and comprehensive witness protection legislation.

## II. National Legal Framework

### A. National law

The *Law on combating trafficking in human beings*<sup>9</sup>, adopted in 2003, is the basic anti-trafficking legal document in the Bulgarian legislation, while the *Penal Code* was amended accordingly in 2002.<sup>10</sup> Both texts followed the ratification of the Palermo Protocol.

The *Law on combating trafficking in human beings*, published in the State Gazette on 20.05.2003, entered into force on 01.01.2004 and was revised in October 2005. It regulates the following issues: (a) the powers and competencies of state institutions dealing with trafficking and their interaction; (b) the status and objectives of the shelters, centres and commissions that are established accordingly; (c) preventative measures; (d) measures to protect women and children in particular. One of the main principles of the law is the provision of special protection to victims who collaborate with the investigation authorities.

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<sup>9</sup> SG No. 46/2003

<sup>10</sup> SG No. 92/2002

In 2004, two Regulations were issued, based on the new law: the Regulation on *the organization and activities of the National Commission for combating trafficking in human beings* and the *Regulation on the shelters and centres for the protection and support of victims of trafficking in persons*. The centres are created within the local commissions for combating trafficking in human beings. The shelters are established by the National Commission, upon suggestion of the local commissions, or, by individuals and legal entities that registered in the special Registry held by the National Commission. These Regulations have not yet entered into force.

In the *Penal Code*, in addition to the amended definition of what constitutes an *organised criminal group* (Art. 93, item 20), other amendments were introduced, in order to *criminalise* the different forms of trafficking and of acts facilitating trafficking. Such acts, punished with more severe sanctions, may include: rape with intention to inducement into subsequent acts of vice or prostitution (Art. 152 paragraph 3 new item 4); inducement to commit an act of prostitution (amended Art. 155 PC); and abduction with the purpose of subjecting a person to acts of vice or prostitution (Art. 156, not amended).

When the crime of *trafficking* is of transnational nature, the following new articles apply: 159a, 159b, and 159c. The main text of Art.159a encompasses all elements of trafficking included in the Palermo Protocol. Trafficking, notwithstanding the consent of the victim, is punishable by law. The means used to commit the crime are also mentioned: use of force, deceit, abduction, abuse of power, etc. The most severe sanction, that of five to fifteen years imprisonment, applies in cases of dangerous recidivism or when the crime is committed in the context of the operation of an organised criminal group.

A recent legislative development, adopted in response to the increasing incidence of one of the worst forms of trafficking, is the amendment of the Penal Code concerning trafficking in women for the purpose of *baby-trade*. The punishment proposed for this form of trafficking is more severe.

As far as the *Criminal Procedure* is concerned, victims are not enabled to fully present their views during the respective stages of the legal proceedings, as required by the Palermo Protocol. According to the Criminal Procedure Code, the victim is not a party in the investigation phase, and it cannot constitute a private accuser. Thus, it is only at the trial stage that it can bring a compensation claim. These limitations deprive the vic-

tim, (most often the woman) of his/her right to participate fully in the legal proceedings and to claim damages. Furthermore, there is no special protection for women victims. These two factors have a dissuasive effect. As a result, the majority of women refuse to appear in court. This situation benefits the defendant(s) and is the main reason why in many cases of trafficking in women, the punishment imposed does not correspond to the severity of the crime committed. Although victims that collaborate with the investigators are placed under special protection, it still remains difficult for victims to cooperate fully due to the conditions set by the criminal procedure regulations and the lack of effective protection of women's human rights. The witness protection legislation adopted in November 2004 has not been fully implemented yet because of insufficient funding.

#### Comments

- There is no special section referring to the *rights of the victims*.
- The Chapter *Protection and Support to Victims of Trafficking* focuses on administrative and protection measures. Protection and support are provided *only to victims who decide to collaborate* with the investigators, thus placing the majority of the victims in a less favourable position during the criminal proceedings. Protection of victims should not be provided under the condition of giving evidence to, or cooperating with, the criminal justice system and other state authorities.
- There is no separate right to *legal aid*, which would ensure the fair representation of the victim's interests during the criminal procedure.
- The *Employment Promotion Act* should explicitly provide that victims of trafficking belong to the category of vulnerable groups.
- The *one month reflection period*, within which the victim has to decide whether to collaborate with the authorities, is very short for women who suffer severe trauma after being trafficked.
- There is a lack of mechanisms guaranteeing the right to *compensation* of victims of trafficking. It should be regulated in collateral legislation.
- No *gender-mainstreaming approach* is identified in the law. There is no explicit provision on the protection of women victims of trafficking, neither in the very title of the

Law, nor in the *Prevention* chapter or in the chapter regulating the operation of shelters.

- The penalties provided for traffickers are not heavy enough to be discouraging or dissuasive for organised crime networks. They are rather lenient compared to the pain and harm suffered by the victims of trafficking.
- The solution adopted in relation to baby-trade, punishing the mothers who sell their babies, is debatable. If this is not combined with adequate measures for attacking the root causes of this trade, women will be victimised and as a result they will be much more reluctant to cooperate with the authorities to testify against their traffickers.
- The guarantees for *witness protection*, provided by Art. 97a of the Penal Procedure Code, are not sufficient for the protection of victims of trafficking.
- The amendments in the Penal Code and the adoption of the new Law clearly indicate that the Bulgarian government has changed its approach to trafficking: it does no longer regard this simply as a problem of organised crime, but also as a serious human rights violation. However, the legislation still leaves room for improvement, in order to meet the international standards for the protection of the human rights of the victims of trafficking.

## B. National Action Plan

The *Law on combating trafficking in human beings* establishes a *National Commission*, which reports to the Council of Ministers. It is chaired by the Deputy Prime Minister and two vice-chairs. The National Commission is composed by representatives of Ministries and agencies which are engaged in anti-trafficking activities, such as the Ministries of Interior, Foreign Affairs, Labour and Social Policy, Justice etc. (art. 4 of the Law). Non-governmental organizations dealing with trafficking can also be invited to attend its meetings. The main task of the National Commission is to regulate, coordinate and control the implementation of the national policy on combating trafficking in persons and on victims' protection. Furthermore, according to the Law, *local commissions* should be established under the National Commission. Their mandate includes the implementation of the national policy on local level and the submission of *annual reports* to the National Commission. The National Commission prepares *annual programmes/reports* on the prevention and combat of trafficking in human beings and on

the protection of the victims. It submits them for approval to the Council of Ministers. No annual reports have been made available to the public so far, while there is no official website of the National Commission or any other source publicising its activities on monitoring, research and analysis.

In January 2005, the National Anti-trafficking Commission held its second meeting, formally adopting a *National Anti-trafficking Strategy*. Until the end of the year, however, the Commission had not held regular meetings, had not appointed a functioning secretariat and had not established the regional anti-trafficking commissions foreseen by the national strategy.

In 2005 and in 2006, the Government approved a *National Programme for combating and preventing trafficking in human beings and for protecting victims*. The Programme includes institutional measures, aiming at establishing administrative structures for the prevention and prosecution of human trafficking, as well as, for the protection of victims. Seventeen governmental institutions are responsible for the implementation of the Programme, including eight ministries. Other national and international agencies, such as IOM-Sofia, the Ministries of Labour and Social Policy, Justice and Education and Science, the State Agency for Child Protection, are scheduled to contribute to their work.

The *State Agency for Child Protection* (SACP) is the only institution that undertakes activities against the trafficking of children. The Agency adopted a *National Action Plan against commercial sexual exploitation of children*. Its main objectives include raising awareness of children regarding sexual exploitation and developing prevention mechanisms, raising the qualification of professionals, working directly with children and media policy institutions and alerting the public to the phenomenon of sexual exploitation of children. In the area of protection, the National Action Plan of SACP focuses on the harmonization of domestic legislation with international standards and the better protection of the rights of the child-victim. These objectives are pursued through:

- Amendment of the *Criminal Procedure Code* (CPC);
- Ensuring the confidentiality of witnesses' testimony (records);
- Respecting children's right for housing in a safe place, while interviewed for the investigation;

- Creating mechanisms, including financial ones, for the repatriation of unattended children.

The Plan has special chapters on *information* and *international cooperation* for the establishment of a national information exchange mechanism between responsible institutions and organizations. It also creates the post of a *National Coordinator*, whose activities are implemented jointly by the Minister of Interior and the Chairperson of the SACP.

#### Comments

- The *National Commission* has a broad range of competencies, but it is not functioning properly. More specifically, no special budget was allocated for the establishment of shelters, centres and commissions. No support was provided during 2005 for such centres created by NGOs and for the prevention of trafficking. In practice, more than two years after its entry into force, the Law has not yet been implemented, while the National Commission is still an institution on paper.
- The problem of effective coordination, cooperation and sharing of information between all institutions and organizations involved in the *implementation* of the *National Programme* is not yet solved.

### III. General Framework

#### A. Capacity building

Official documents provide a list of measures. *The National Programme* envisages the establishment of *anti-trafficking commissions* at the *local level* within the frame of municipalities. The mayor is responsible for the establishment and operation of the municipality commission. According to the Programme, there are no special funds for municipality commissions and financial resources for local commissions should be raised from projects.

The second Chapter of the Programme aims at prevention and raising public awareness on trafficking in persons. It includes measures, such as special *education* in schools, *training* for *police officers* and *jurists* working in the field of trafficking, as well as for *consular officers* posted at Bulgarian embassies abroad. Dissemination of material and public information campaigns are also envisaged. The third and fourth Chapters of the Programme regulate, respectively, *education*

and *training of personnel* and *protection, rehabilitation and reintegration* of victims of trafficking.

The most successful initiatives for capacity building in the last three years have been carried out by organizations such as IOM, within the framework of a large USAID funded project, NGOs like *Nadya Foundation*, the *Foundation Association Animus*, *Care-Bulgaria*, *Demetra Association-Burgas*, and other local organizations, with the aim of *training the police, the judiciary and local authorities*.

Programmes in *schools* for both *teachers and students*, as well as lectures and discussions among young people have been also organised by the above mentioned organizations and by *Face to Face* and the *Women's Alliance for Development*. During these events, particular emphasis was put on the need for capacity building for the prevention of trafficking in children.

*International cooperation* is one of the main tools for capacity building. *Study visits* and *training seminars* have been organised by USA agencies and organizations, Dutch agencies and NGOs, the Balkan Initiative against Trafficking and Corruption ACTA etc. A variety of *prevention and information material* has been produced by IOM, *Animus*, and other NGOs mentioned above.

#### Comments

- Due to lack of effective coordination and cooperation between all institutions involved in the implementation of the National Programme, effective and full implementation has not yet been achieved.
- The government should take concrete measures to promote the protection of victims by ensuring that anti-trafficking commissions are established and supported.
- A cardinal concern is the lack of financial resources, since all the aforementioned activities are mostly supported by NGO resources.

#### B. Analysis, research and monitoring mechanisms

There is no specific mechanism in place for research, monitoring, analysis and reporting on trafficking in persons yet. The *National Commission for combating trafficking* coordinates and controls the implementation of the national anti-trafficking policy, while local commissions operate at the local level. Both

national and local commissions are required by the Law to submit annual reports.

Reports, prepared by the Ministry of the Interior have mainly focused on combating organised crime. These Reports are not official and have not been made available to the public. Only NGOs, mostly the ones mentioned above, have conducted research, analysis and monitoring, which appear in their reports. A recent research was carried out by the *Bulgarian Gender Research Foundation* and *MBMD polling Agency*. It aimed at identifying the current problems in the prevention of trafficking for sexual exploitation and prostitution by addressing the demand for sexual services. It concluded that the implementation of the law at the prevention level is poor and ineffective. The activities of the state institutions in the field of trafficking were assessed as very unsatisfactory by the respondents.

#### Comments

- The government should ensure the consolidation of comprehensive trafficking data to *segregate alien smuggling and human trafficking statistics*.
- *No annual reports* have been made available to the public so far, while there is no official website of the National Commission or any other source publicising activities on monitoring, research and analysis.

### C. Cooperation and networking at the national and regional levels

Governmental initiatives for regional cooperation in the EU framework mainly focus on combating organised crime and illegal immigration, rather than on protecting victims of trafficking.

In contrast, NGO networks like *La Strada*, with the Bulgarian focal point Association *Animus*, place strong emphasis on the protection of victims. The NGO-Networks *Coalition against Trafficking in Women* (CATW), and the *European Women's Lobby* (EWL) implement a prevention project, funded by the US and Swedish governments. The Bulgarian Platform of the EWL is coordinated by the Bulgarian Gender Research Foundation.

The *Balkan Human Rights Network* (BHRN), under the coordination of BGRF, is also active in developing and implementing prevention programmes.

The *ARIADNE Network*, a recently established network, coordinated by Human Rights Defence Centre, Greece, develops

activities aimed at enhancing close cooperation, not only among NGOs in the region, but also among NGOs, governments and inter-governmental organizations in the field of prevention and combating trafficking in persons.

#### D. Mobilization of resources

There is *no special budget* allocated to NGOs from the Bulgarian government. However, governmental institutions rely on NGO activities, especially in the field of awareness raising and prevention, as well as on the services NGOs offer to victims. For the most part Bulgarian NGOs are supported financially by foreign donors, such as USAID, the Global Fund for Women, foreign embassies located in Bulgaria and by other small grants.

The *Organization for Security and Cooperation in Europe* (OSCE) and in particular its Office for Democratic Institutions and Human Rights (ODIHR) is at the forefront of international efforts to combat and prevent trafficking in persons. OSCE field missions play a vital role in carrying out anti-trafficking efforts in host countries.

Other active players are the *Council of Europe* and *UN agencies*, including the United Nations Office of the High Commissioner for Human Rights, UNICEF, the United Nations Population Fund, the United Nations High Commissioner for Refugees, the United Nations Development Fund for Women, the United Nations Development Programme, the United Nations Interregional Crime and Justice Research Institute, and the United Nations Office on Drugs and Crime. Other organizations are the International Labour Organization (ILO), the International Centre for Migration Policy Development and Europol. Their role is not so much financial but their influence on policy against trafficking in Bulgaria is very important. The major sponsor for the past 3-4 years has been USAID which also supports IOM-Sofia.

Another financial source is the *Danish Programme against Human Trafficking*, working primarily through international organizations and NGO, mainly in Belarus, Moldova and the Ukraine. The Programme's regional component also includes Bulgaria and Romania. The programme objective is to support national authorities, international organizations and NGOs to combat trafficking through appropriate prevention measures, law enforcement and protection/assistance measures. In addition, for the period 2005-2006, Bulgaria is among the twelve countries which receive assistance in the fight against human

trafficking under a joint US-Swedish initiative. The *US* and the *Swedish* governments contributed financially to a prevention project, led by the Coalition against Trafficking in Women (CATW) and the European Women's Lobby (EWL).

#### Comment

There is a risk that if the government does not provide adequate support from the national budget for NGO activities, the above-mentioned initiatives and good practices will be discontinued and the expertise acquired so far will be lost. The victims of trafficking, who strongly rely on NGO services, will also be disadvantaged.

### IV. Implementation of Anti-Trafficking Laws

#### A. Prevention and awareness

As mentioned earlier, the Bulgarian government adopted in 2005 and 2006 two *National Anti-Trafficking Programmes*. These programmes overlap with each other and the activities envisaged, but not yet implemented, in the 2005 programme were transferred to the 2006 programme. Most activities included in the 2006 Programme are scheduled for December 2006, which will probably allow the government to postpone them (once more) for 2007. Moreover, the government has declared that its prevention initiatives target vulnerable groups. These initiatives include educational and psychological services to street children and placing them in protective custody. However, there is no special strategy for supporting and empowering women in the field of education and economic life.

A number of prevention and awareness raising programmes have been implemented by NGOs. Projects carried out by the *Coalition Against Trafficking in Women* (CATW), and the *European Women's Lobby* (EWL) aim at countering trafficking for sexual exploitation by addressing the problem of violence against women, the demand for services to victims and focusing on the links between prostitution and trafficking. Surveys and special information campaigns were organised in each country from SE Europe involved in the Project. Violations of women's and young girls' basic socio-economic rights emerged as a main reason for trafficking and prostitution.

Another initiative aimed at preventing trafficking in human beings was implemented by the *Balkan Human Rights Network* (BHRN). The representatives of BHRN members in six

Balkan countries, under the coordination of the BGRF, conducted a survey for the identification of the causes of trafficking of the most vulnerable groups, of the links between trafficking and paid sexual services and the possible ways for strengthening cooperation between NGO and governmental institutions. The Bulgarian survey shows that young Bulgarian women, aged 18 to 24, are motivated to cross the borders by offers for good jobs as waitresses, au-pairs and dancers in Central and Western European countries. Instead, they are forced to perform sexual services for customers. The trend shows that an increasing number of very young girls provide sexual services in Bulgaria. Most cases are related to internal and external trafficking.

#### Comments

- The *National Commission* is not effective and cannot coordinate the implementation of the said programmes.
- *Effective cooperation*, between governmental institutions and NGOs in the field of prevention, education and raising awareness activities has not been established so far.
- The government has to direct its efforts to *improve the economic situation*, especially of vulnerable groups, and to take measures guaranteeing security in the labour market and adequate social protection.
- *Prevention strategies* should be long-term and should aim at reducing poverty, developing social structures, and providing economic opportunities to women and girls.

#### B. Protection and assistance

*IOM-Sofia* is the main *referral agency* that assists Bulgarian victims of trafficking returning to Bulgaria and foreign nationals repatriated from Bulgaria. The organization supports only victims who agree to participate in its repatriation programme. The Bulgarian government has adopted a special provision providing trafficking victims with residency and employment permits, while they participate in criminal proceedings.

Bulgaria has one *crisis-centre* in Sofia, run by the NGO *Animus Association*, with a limited capacity of accommodation for up to eight days, for victims of domestic violence and trafficking. In the countryside, three more shelters, with very limited capacity and sustainability, are also run by NGOs. The only refuge exclusively for trafficking victims is managed by the

IOM-Sofia office. In Sofia, the *Animus Association* runs a 24-hour helpline. Other lines with limited capacity are also run by NGOs.

The helpline is the most popular and accessible programme for survivors of violence. The helpline offers the only opportunity for psychological support and understanding anonymously. This service is appropriate for women who live in a situation of violence, but are not ready yet to take steps to change this, women who have noticed/experienced the first signs of domestic violence and need counselling, and women-victims of violence who need assistance in making a decision. The helpline has a database of specialised assistance structures that women can use to get support. In a crisis situation, following a recent occurrence of violence, helpline consultants develop a security plan and refer the woman to the Crisis Unit or to another appropriate institution. *Animus Association*, *Demetra Association* and other NGOs specialise in capacity-building courses for potential providers of services to victims of trafficking.

### C. Prosecution

According to the 2004 US Department of State Report, the government, during that year, reported seven convictions and 27 indictments for suspected trafficking cases under the new trafficking provisions of the Criminal Code. During the reporting period, the *National Investigation Service* developed a methodology manual for investigating trafficking cases that was also distributed to the police. Furthermore, the government reported almost 900 sentences in 2004 for trafficking related offences, including forced prostitution, inducement to prostitution, and people smuggling. 34 verdicts for trafficking in persons were announced for 2005.<sup>11</sup> There is no available data on special programmes developed to facilitate prosecution.

Although high-level government officials publicly spoke out against trafficking and there is no evidence of government involvement in trafficking, on an institutional level, law enforcement officials<sup>12</sup> have been reported to be involved in trafficking related corruption. Notably, in 2004 the *Prosecution Service* and the *Military Prosecution Service* made a number of anti-corruption indictments resulting in over 100 convictions for corruption. In the same year, the Government of Bulgaria com-

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<sup>11</sup> 2006 Trafficking in Persons Report of the US Government.

<sup>12</sup> *Id.*

mendably expanded an anti-corruption campaign and heightened its focus on high-level corruption.

In November 2004, the Government of Bulgaria adopted *witness protection legislation* that also covers victims of trafficking. This legislation provides special protection measures for victims and their families who cooperate with the authorities on the investigation and the prosecution of traffickers. The government reported some cases where these protection measures were implemented. The Ministry of Interior reportedly identified and assisted 474 victims of trafficking in 2004.

#### Comments

- The government should demonstrate proactively the will to counter all trafficking related complicity through vigorous prosecutions and convictions.
- Clear signs of corruption have been identified. Some law enforcement officers or other government authorities, including local authorities and customs officials, allegedly facilitated human trafficking, although there was no evidence of a pattern of official complicity. Officials often accepted bribes to ignore trafficking, although some officers may have been more involved. Those involved in facilitating trafficking were, in their majority, low-level, low-paid officials in the rural and border regions.<sup>13</sup>

## V. BEST PRACTICES

The initiatives, undertaken mainly by NGOs aim not only at organizing successful campaigns and activities, but also at establishing effective cooperation between national and local authorities for the development of common actions and common strategies. Among the most successful public awareness and prevention activities are:

- *Public-Private Cooperation in the Prevention of Trafficking and Sexual Exploitation of Minors in Travel and Tourism Industry*. The project is implemented as a common effort by *Animus Association Foundation*, the State Agency for Child Protection, the Austrian NGO *Respect-Institute for Integrative Tourism and Development* and the Organization for Security and Cooperation in Europe

<sup>13</sup> *Ibid*. The representatives of the *BGRF* have serious doubts on the isolation of the low-level from the higher level corruption.

(OSCE)/Office of Economic and Environmental Activities (OCEEA). It aims at introducing a new approach in combating trafficking and sexual exploitation of children by introducing the *Code of Conduct* for Prevention of Trafficking and Sexual Exploitation of Children in Tourism, to the travel and tourism industry in Bulgaria. The Bulgarian Code is part of a worldwide effort. It has been based on the original Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, elaborated by *End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes* (ECPAT) International, which is supported by UNICEF and the World Tourism Organization. Representatives of the government, the non-governmental sector and the private sector took part in the process.

- The Minister of Internal Affairs and some MPs from the 40<sup>th</sup> National Assembly publicly proposed the *legalization of prostitution*. The Bulgarian Gender Research Foundation objected this idea and took the initiative to send an open letter to the Minister, disseminated by the media. In this letter, endorsed by the Bulgarian Platform of the European Women's Lobby, it exposed arguments against the legalization of prostitution. In 2006, an international conference and several meetings with MPs and representatives of institutions were also organised by NGOs aiming at motivating a public debate about the results from an eventual legalization of prostitution. The majority of Bulgarian women's NGOs noted that legalization of prostitution is a gift to pimps, traffickers and the sex industry, because their "business" under the regime of legalization will be transformed into legitimate commercial activity. Legalization of prostitution and the sex industry promotes trafficking for sexual purposes. In this context, the Bulgarian women's NGOs managed, for the first time, to provoke a *public debate* on the problem of *prostitution*, on the links between prostitution and trafficking, on the eventual consequences of the increase in trafficking as a result of the legalisation of prostitution etc. Consequently, public institutions were prevented from taking any decision on prostitution, while their attention focused on the need for real and effective implementation of the legislation on trafficking in persons.

## VI. DEFICIENCIES

- *Lack of information.* Official information (data, trends, research and results from analyses) is not available to the public. The only public source is the Country Report on Human Rights and on Trafficking in Persons of the US State Department. Even IOM–Bulgaria does not provide statistics to the public. This situation further confuses the situation and hampers the work of NGOs.
- *Lack of sustainable governmental support* to the work of NGOs against trafficking in persons. Bulgarian institutions are beginning to work towards a sustainable cooperation with NGOs, acknowledging the fact that, without sustainable support no substantial results can be achieved; without long-term objectives and agreements, NGO work will only be fragmented and lacking long-term vision.
- *Absence of effective cooperation* between governmental and non-governmental institutions/organizations and lack of coordination between these governmental institutions and NGOs themselves.
- *Lack of education in schools* concerning trafficking in human beings.
- Lack of special *training* for journalists. Mass media are not efficiently used for combating trafficking.
- *Lack of efficient monitoring procedures* at the level of prevention, prosecution and protection.
- *Lack of a national network* of mass media, governmental and non-governmental organizations working against human trafficking.
- Lack of web sites and electronic *fora* for *exchanging professional expertise, information and advice* to victims.
- *Lack of opportunities* for young women and girls in the labour market.
- *Lack of reintegration* strategies and programmes.

## VII. NEEDS ASSESSMENT

Taking into account the deficiencies and comments contained in this report and the need for improvement of the situation, a list of recommendations is provided below.

## RECOMMENDATIONS

1. The *implementation of legislation*, in particular during 2005, can be assessed as *poor*, in spite of its formal compliance with international standards and the governmental mechanism for combating trafficking in human beings. The newly introduced structures provide broad opportunities to NGOs to participate in the prevention of trafficking and in the support and rehabilitation of victims. Thus, NGOs can develop a stronger human rights approach. In that context, consistent policy should be proposed by the government.
2. Joint and separate specialised *training sessions* for *police, prosecutors and NGOs* should be organised in order to implement effective common actions and promote strong cooperation. Specialised training on victims' rights for police officers is also of high importance. An *interdisciplinary* and *multi-stakeholder* approach has to be applied and NGOs have to assume an equal role along with governmental institutions.
3. It is important to *train members of military and peace missions* on issues human trafficking.
4. *Research and surveys* should be conducted, aiming at elaborating an effective preventive strategy against trafficking, as well as at analyzing mechanisms for trafficking and sexual exploitation used by organised criminal groups.
5. Special surveys should be conducted, focusing on aspects of *demand and supply*.
6. *Exchange of information and best practices* among NGOs, social workers and other organizations working with victims from countries of origin, of destination and transit should be developed.
7. The central *role* of *NGOs* needs to be recognised and supported, financially and otherwise, to help them in their awareness-raising efforts. Moreover, NGOs should be further mandated to undertake other activities related to trafficking.
8. *Financial support* for all organizations working in the area of trafficking should be ensured.
9. In the field of *prevention*, a comprehensive national strategy should be elaborated with emphasis on social-economic rights, education, employment, health, labour market and economic opportunities, poverty eradication, etc.

10. *Public awareness campaigns* must be a national ongoing activity, not activities organised from time to time in some areas.
11. Victims of trafficking need to be recognised as victims of serious crimes and gain *access* to a wide range of *services*, such as, shelters, health care and legal support. Specific needs of children and women need to be addressed.
12. More *helplines* should operate and used as an independent source of information, counselling and advice to victims of trafficking.

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## LIST OF ABBREVIATIONS

ACTA	Balkan Initiative against Trafficking and Corruption
ARIADNE	NGO network against Human Trafficking in SE and E. Europe
BHRN	Balkan Human Rights Network
BGRF	Bulgarian Research Development Foundation
Care-Bulgaria	International NGO
CATW	Coalition against Trafficking in Women
CPC	Criminal Procedure Code
ECPAT	End Child Prostitution, Child Pornography and International Trafficking of children for Sexual Purposes
EWL	European Women's Lobby
IOM	International Organization for Migration
MBMD	Polling agency
MP	Member of Parliament
OCEEA	OSCE's Office of Economic and Environmental Activities
ODIHR	OSCE's Office for Democratic Institutions and Human Rights
OSCE	Organization for the Security and Cooperation in Europe
PC	Penal Code
SACP	State Agency for Child Protection
SG	State Gazette
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development

