



# **SUPPORTING VULNERABLE GROUPS BEFORE THE STATE**

**THE ROLE OF CIVIL SOCIETY  
ORGANISATIONS**

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ORGANISATIONS**



**CENTER FOR  
THE STUDY OF  
DEMOCRACY**

The study “Supporting Vulnerable Groups before the State: the Role of Civil Society Organisations” is the main research product of the initiative “Civic organisations: a guarantee for equal rights of vulnerable groups before the State”, funded by the NGO Programme in Bulgaria under the EEA Financial Mechanism 2009 – 2014. This study aims at providing a comprehensive overview of the role civil society organisations play in enhancing the interaction between institutions and four vulnerable groups: persons deprived of liberty; victims of trafficking; survivors of domestic violence; and persons seeking international protection or other vulnerable foreign nationals. The report is meant to serve as an analytical foundation to assist the identification of practical steps for raising awareness and increasing the competent authorities’ and NGOs’ institutional capacity. It is further meant as a point of departure for elaborating specific options and models for cooperation.

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## INTRODUCTION

The study “Supporting Vulnerable Groups before the State: the Role of Civil Society Organisations” is the main research product of the initiative “Civic organisations: a guarantee for equal rights of vulnerable groups before the State”. It aims at providing a comprehensive overview of the role civil society organisations play in enhancing the relations between institutions and four vulnerable groups: persons deprived of liberty; victims of trafficking; domestic violence survivors; and persons seeking international protection or other vulnerable foreign nationals.

The report is based on a social and demographic analysis of the selected vulnerable groups as well as a legal analysis of their relations with institutions. It outlines the profile of authorities and organisations, which are involved with each vulnerable group, and the problems identified in their interaction. Mechanisms whereby institutions and NGOs interact are reviewed in detail in relation to each vulnerable group. In conclusion, recommendations are made to involve civil society in the provision of legal, social and administrative support to the different vulnerable groups. These recommendations are based on the experience and opinions shared by the authorities and civil society, as well as on applicable foreign models and good practices.

The study “Supporting Vulnerable Groups before the State: the Role of Civil Society Organisations” is meant to serve as an analytical foundation assisting the identification of practical steps for raising awareness and increasing the competent authorities’ and NGOs’ institutional capacity. It is further meant as a point of departure for elaborating specific options and models for cooperation. Particularly valuable in this regard are the situation assessment and the recommendations for overcoming the legal and practical difficulties that vulnerable individuals experience in their relations with Bulgarian state institutions.

This publication aims at reaching the largest possible number of representatives of state institutions and civil society organisations, who are involved with the selected vulnerable groups, as well as members of these communities themselves. It is further intended for the use of foreign institutions and organisations working in this field, so as to promote expert discussions and exchange of good practices in the framework of initiatives supporting NGOs in their work with vulnerable groups.



# 1. PERSONS DEPRIVED OF LIBERTY

## 1.1. Introduction

Persons deprived of their liberty are a particularly vulnerable group as far as their interaction with institutions is concerned. Their isolation and other factors relating to their penal sanction make their interaction with public and local government bodies difficult. At the same time such interaction may be provoked by reasons relating to both their sanction and to their life outside of prison. A series of demographic specificities further add to this vulnerability.

The majority of persons deprived of liberty have entered prison for the first time: approximately 65 % of the prison population every year.<sup>1</sup> Many remain for short periods of time of less than a year. They often have no thorough knowledge about the rules they must follow and the rights to which they are entitled. Thus they are less likely to avail themselves of these rights compared to prisoners who have served longer terms or are imprisoned on a regular basis. It is a frequent practice for more experienced prisoners to help newcomers understand the internal procedures and rules.

Education is a relevant factor in relation to one's capacity to effectively communicate with the institutions. In this regard prisoners are particularly vulnerable since, due to their isolation, their contact with institutions outside prison, and often within prison, is restricted mainly to letters. According to data from the social and demographic analysis<sup>2</sup> preceding this report, for 16 % of the prisoners, the average share of illiterate inmates every year, this form of contact is practically impossible. Thus they depend on the help provided by legal representatives, relatives, other prisoners or prison officials. This potentially also applies to prisoners with primary (19 %) and elementary (38 %) education, although these two groups were not put under specific research.

Ethnic and national belonging is another factor that hinders prisoners' communication with institutions. While illiterate prisoners and those with lower

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<sup>1</sup> Mancheva, M., Ilcheva, M. and Doychinova, M. Social and Demographic Analysis of Selected Vulnerable Groups. Sofia, Center for the Study of Democracy, 2014, <<http://www.csd.bg/artShowbg.php?id=17129>>

<sup>2</sup> Mancheva, M., Ilcheva, M. and Doychinova, M. Social and Demographic Analysis of Selected Vulnerable Groups. Sofia, Center for the Study of Democracy, 2014, <<http://www.csd.bg/artShowbg.php?id=17129>>



levels of education experience problems largely in written communication, foreign nationals deprived of liberty and representatives of ethnic minority groups also have difficulties in verbal communication due to their poor or lacking knowledge of the Bulgarian language. This makes them turn for help of dubious quality to other inmates or address representatives of the prison administration to whom they have access.

## 1.2. Institutions and Organisations Involved with Persons Deprived of Liberty

In some of the cases, persons deprived of liberty need to communicate with public authorities on matters concerning their sentence. The law envisages various procedures for changing the penitentiary regime, for being moved from one detention facility to another, lodging complaints, and challenging disciplinary sanctions.<sup>3</sup> Only few of those procedures, however, are set in motion by the prisoners themselves that is in very few cases persons deprived of liberty turn to institutions *proprio motu*. Procedures concerning the sentence are usually set in motion when certain conditions are met. For example, if a prisoner has served a part of his/her term and demonstrates good behaviour, a proposal is made for him/her<sup>4</sup> to serve the remainder of his/her term under a more favourable penitentiary regime. Thus, the inmate can only initiate complaints and appeals of decisions for transfer, sanctions, or changes to the penitentiary regime.

For the rest, interactions with institutions are provoked by issues relating to the prisoners' personal lives and relatives outside prison such as family property and family status cases. Due to their broad scope similar to the typical life situations of people at liberty, they cannot be exhaustively listed here.

Attorneys-at-law and non-governmental organisations may lodge complaints and file applications before prison authorities on behalf of prisoners only insofar as they have a power of attorney in writing to that end.<sup>5</sup>

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<sup>3</sup> More on the procedures concerning persons deprived of liberty may be found in Ilcheva, M. and Markov, D. Analysis of the Legal Framework of Assisting Selected Vulnerable Groups in Their Relations with Institutions. Sofia, Center for the Study of Democracy, 2014, <<http://www.csd.bg/artShowbg.php?id=17131>>

<sup>4</sup> Ministry of Justice, Directorate General "Execution of Penal Sanctions". Rules of Procedure of the Commission under Article 73 of the Execution of Penal Sanctions and Detention in Custody Act. Sofia, 2011, <<http://www.arspbg.org/cgi-bin/e-cms/vis/vis.pl?s=001&p=0028&n=000026&g=>>

<sup>5</sup> Article 90, para 2 of the *Execution of Penal Sanctions and Detention in Custody Act*, State Gazette no. 25 of 3 April 2009, in force as of 1 June 2009, Sofia, National Assembly of the Republic of Bulgaria, 2009.

Due to the specificities of their sentences, persons deprived of liberty communicate mainly with prison authorities representatives, including the head of the prison (or prison hostel or reformatory), the Execution of Penal Sanctions Commission at the respective prison, the director of Directorate General (DG) "Execution of Penal Sanctions" and the Public Enterprise "Prison Work Fund" subordinate to it.

Prisoners are entitled to file complaints before the National Ombudsman and other bodies such as the national equality body, the Commission for Protection against Discrimination. Prisoners may appeal some prison authorities' decisions before the Minister of Justice or the district or regional courts competent in the region where the term is served.

- **The prison director** is the main addressee of prisoners' applications regarding their prison life. S/he imposes disciplinary sanctions, issues orders regarding transfers from the prison to the prison hostel of closed type, and grants awards. His/her decisions are subject to appeal before the DG "Execution of Penal Sanctions" Director. The latter's decisions, in turn, are subject to appeal before the Minister of Justice. Prisoners may challenge sanctions, imposed by the prison director, by lodging a complaint before the DG "Execution of Penal Sanctions" Director indirectly through the prison director who has imposed the sanction.
- **At a system level the DG "Execution of Penal Sanctions" Director** takes decisions concerning transfers from one detention facility to another in cases of accommodation for medical treatment; enrolment in education; change of residence of the inmate's family. Moreover, s/he gives permission for persons deprived of liberty to spend the night outside prison at their working site or to perform additional labour.
- The **Execution of Penal Sanctions Commission** operating at every prison is composed of a chairperson (the head of the prison or correctional facility) and members: the representative of the Monitoring Commission; the deputy prison director in charge of prison security; the head of the social and educational section; and the in-house psychologist. **Other officials designated by the head of the prison or the correctional home may also take part in sessions of the Commission but without the right to vote.** The Commission decides on transfers from a prison or closed-type prison hostel to an open-type prison hostel, acting upon a proposal by the social and correctional activities' inspector; and on changing the penitentiary regime to a lighter or stricter one, within the framework of the general penitentiary regime imposed by the court. The Commission also makes proposals for release on parole to the district court competent in the region where the term is served.

- **Municipal Monitoring Commissions** operate at the Municipal Councils in areas hosting detention facilities. Their composition is approved by the chairperson of the respective Municipal Council who manages their work personally or through a designated representative. These Commissions play a role in the resocialisation of prisoners after their release. They also support the families of inmates while the latter serve their time in prison. Prisoners get in contact with these Commissions in two cases: upon their release and during prison visits by members of the Commission. All information required by the Commission is sent *ex officio* by the detention facility.
- The **Prosecutor's Office** monitors compliance with the law during the execution of penal sanctions.<sup>6</sup> District prosecutors have immediate access to the places of detention and to prisoners. Inmates may signal about violations and/or offences of any type both verbally and in writing. Prosecutors attend sessions of the Execution of Penal Sanctions Commissions. They are notified in any case of violence, use of security equipment or arms,<sup>7</sup> solitary confinement, rejection of food, or signs of violence.
- The refusal of the Execution of Penal Sanctions Commission in the respective prison for transfer from a prison or closed-type prison hostel to an open-type prison hostel is subject to judicial review and may be appealed before the **district court** competent in the area in which the term is served (Article 64, para 4 of the *Execution of Penal Sanctions and Detention in Custody Act*, hereinafter *Executions of Sanctions Act*). The district court also rules on amending the penitentiary regime to one stricter than the initially determined. The procedure is set forth in the *Criminal Procedure Code*. Finally, the district court rules on release on parole upon a proposal by the Execution of Penal Sanctions Commissions.
- **The National Ombudsman** offers citizens protection in cases of violations committed by public and municipal authorities and their administrations, as well as by public service providers.<sup>8</sup> As such, his/her mandate extends to protecting persons deprived of their liberty. The National Preventive Mechanism is an additional protection tool available to prisoners. Citizens communicate with the Ombudsman mostly through complaints and signals. Convicted persons communicate with the Ombudsman personally during his/her visits in his/her capacity of National Preventive Mechanism or by

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<sup>6</sup> Article 5 of the *Execution of Penal Sanctions and Detention in Custody Act*, State Gazette no. 25 of 3 April 2009, in force as of 1 June 2009, Sofia, National Assembly of the Republic of Bulgaria, 2009.

<sup>7</sup> Article 118, para 2 of the *Execution of Penal Sanctions and Detention in Custody Act*, State Gazette no. 25 of 3 April 2009, in force as of 1 June 2009, Sofia, National Assembly of the Republic of Bulgaria, 2009.

<sup>8</sup> Article 2 of the *Ombudsman Act*. State Gazette no. 48 of 23 May 2003, in force as of 1 January 2004. Sofia, National Assembly of the Republic of Bulgaria, 2003.

post. Complaints and signals may also be submitted through a representative, which is convenient for prisoners and allows human rights organisations to provide quality intermediation. There are however no data as to what extent convicted persons avail themselves of this opportunity. Although the *Ombudsman Act* and its *Rules of Procedure*<sup>9</sup> encourage the Ombudsman's cooperation with non-governmental organisations, there is no substantial evidence of the existence of such cooperation in relation to persons deprived of their liberty.

- **The President** reviews requests for clemency. These requests may be written by the convicted person, his/her relative or a third party. A Pardons Committee with advisory functions supports the President in this respect.

A limited number of **non-governmental organisations** work with persons deprived of their liberty. These are most often:

- Organisations providing **psychological and spiritual support** to prisoners and their families. Their activities involve visits, organising religious groups, entertainment, and charitable events in support of the convicted persons' families;
- **Human rights organisations**, which monitor the respect for and observance of human rights in places of detention and offer legal support; and
- Organisations working to **reduce harm related to intravenous drug addictions**.

Advocacy and rehabilitation are very poorly represented. Initiatives in this area are sporadic and have only limited local impact. For example, in 2002 – 2003 the Association for Reintegration of Convicted Persons implemented the project “Chance for a Dignified Life at Liberty” in the Bobov dol prison. For one year 132 prisoners or 25 % of all convicted persons serving time in this detention facility received professional orientation and qualifications.<sup>10</sup> The following similar project in the Bobov dol prison was implemented in 2009 by the Ministry of Labour and Social Policy.<sup>11</sup>

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<sup>9</sup> Article 28e of the *Ombudsman Act*. State Gazette no. 48 of 23 May 2003, in force as of 1 January 2004. Sofia, National Assembly of the Republic of Bulgaria, 2003 and Article 5, para 2 of the *Ombudsman's Rules of Procedure*, State Gazette no. 71 of 18 September 2012, Sofia, National Assembly of the Republic of Bulgaria.

<sup>10</sup> Association for Reintegration of Convicted Persons. Report under the project “Chance for a Dignified Life at Liberty”. Sofia, Association for Reintegration of Convicted Persons, 2003, <<http://www.arspbg.org/cgi-bin/e-cms/vis/vis.pl?s=001&p=0019&n=000008&g=>>

<sup>11</sup> Ministry of Labour and Social Policy. Order no. PA01/305 of 24 March 2009 for approving the project “Resocialisation of Convicted Persons through Professional Qualification and Vocational Training” and project overview. Sofia, Ministry of Labour and Social Policy, 2009.

### 1.3. Problems Experienced by Persons Deprived of Their Liberty in Their Interaction with Institutions

Isolation and dependency are the major problems in prisoners' interaction with institutions. **Isolation** is by far the gravest problem restricting communication. Communication with the authorities in relation to the convicted persons' sentence, is usually restricted to the prison director. Contact with external institutions is established in writing and applications and complaints are often submitted to the prison administration which forwards them to the competent authorities. Another problem is the restricted access to specialists other than lawyers who can consult prisoners about their sentence or any other matter.

Prisoners find themselves in an even less favourable position in relation to any issues different from their sentence. In-house procedures take into account the deprivation of liberty. When prisoners' attendance is required at trials, the law provides for their conveying. Conveying is carried out by the prison security staff upon request by the respective court following the procedures set forth in the *Rules on the Administrative Arrangement in Prisons and Closed-type Prison Hostels* and the *Rules on the Administrative Arrangement in Open-type Prison Hostels*.<sup>12</sup> Pursuant to a provision in both sets of Rules, persons deprived of their liberty who appear as plaintiffs in civil proceedings, are only conveyed to court if they pay for their transportation themselves.

Procedures relating to issues falling outside prison and sentence, such as divorce or a real estate matter, are regulated generally for all citizens and do not take into account the special status of persons deprived of their liberty. In such matters, the latter must make use of a representative – a relative or a lawyer, or else depend fully on the will of the prison administration to grant them convoy or leave. With regard to access to information and legal resources (such as the Internet or legal advice on any matter other than sanction), prison isolation makes prisoners completely dependent on their relatives or lawyers, if they can find and afford any at all.

Furthermore, adults deprived of their liberty remain practically outside the scope of the provision of initial legal aid under the *Legal Aid Act*. However minors are entitled to protection under the *Child Protection Act*.

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<sup>12</sup> Ministry of Justice, DG "Execution of Penal Sanctions". Rules on the Administrative Arrangement in Prisons and Closed-type Prison Hostels, No. 2738 of 29 March 2006, and Ministry of Justice, DG "Execution of Penal Sanctions". Rules on the Administrative Arrangement in Open-type Prison Hostels, No. 2740 of 29 March 2006.

## 1.4. Mechanisms for Interaction between Institutions and NGOs in Relation to Persons Deprived of Their Liberty

A recent legal analysis of prisoners' interaction with institutions<sup>13</sup> has demonstrated that there is little legal regulation of non-governmental organisations' involvement in prisoners' relations with state institutions in detention facilities.

The law does not expressly provide for possible involvement of non-governmental organisations in the procedures for transfer of prisoners from one detention facility to another or for change of the penitentiary regime. However, such a possibility exists indirectly through the monitoring commissions. There is no express provision in the law that stipulates NGOs' participation in the commissions (composition regulated in 170, para 2 *Execution of Sanctions Act*). Although this omission is not tantamount to a legal restriction to involving NGO representatives, in most municipalities hosting detention facilities, monitoring commissions include only representatives of the local government and local divisions of public institutions. By exception, in some municipalities (such as Pazardzhik and Lovech, for example) monitoring commissions include representatives of non-governmental organisations.<sup>14</sup>

The only possibility for non-governmental organisations to take part in the Execution of Penal Sanctions Commissions is if they are Monitoring Commissions' representatives. As such they have access to persons deprived of liberty and to the complete prison files.

Furthermore, the law does not provide for any involvement of non-governmental organisations in the procedures for imposing disciplinary sanctions on prisoners. Insofar as neither the Execution of Penal Sanctions Commissions nor the Monitoring Commissions are involved in these procedures, non-governmental organisations are practically prevented from taking any part.<sup>15</sup>

The law provides for two possible forms of NGOs' involvement in the procedure for filing applications and complaints: as addressees or as representatives of

<sup>13</sup> Ilcheva, M. and Markov, D. Analysis of the Legal Framework of Assisting Selected Vulnerable Groups in Their Relations with Institutions. Sofia, Center for the Study of Democracy, 2014, <<http://www.csd.bg/artShowbg.php?id=17131>>

<sup>14</sup> Ilcheva, M. and Markov, D. Analysis of the Legal Framework of Assisting Selected Vulnerable Groups in Their Relations with Institutions. Sofia, Center for the Study of Democracy, 2014, <<http://www.csd.bg/artShowbg.php?id=17131>>

<sup>15</sup> Ilcheva, M. and Markov, D. Analysis of the Legal Framework of Assisting Selected Vulnerable Groups in Their Relations with Institutions. Sofia, Center for the Study of Democracy, 2014, <<http://www.csd.bg/artShowbg.php?id=17131>>

persons deprived of their liberty. Firstly, non-governmental organisations may be the addressees of applications and complaints lodged by persons deprived of their liberty. Civil society organisations are expressly specified among the institutions and organisations with whom prisoners may correspond (Article 76 *Rules on the Implementation of the Execution of Sanctions Act*).

Secondly, non-governmental organisations may file applications and complaints on behalf of persons deprived of their liberty. To this end, the law requires the convicted person to provide express power of attorney in writing (Article 90, para 2 *Execution of Sanctions Act*). Insofar as no other restrictions are specified, it may be assumed that non-governmental organisations may file applications and complaints on behalf of prisoners to the prison administration, the director general of DG “Execution of Penal Sanctions” and other public institutions.

As far as non-governmental organisations’ access to prison is concerned, the law does not envisage any mechanisms to that end. NGOs’ access to detention facilities is mentioned only in relation to juveniles deprived of their liberty under lighter penitentiary regime who are entitled to visits and meetings with volunteers and NGO representatives outside the correctional homes for up to six hours per day.<sup>16</sup> Despite the statutory acknowledgement of the role of non-governmental organisations in achieving the aims of the criminal sanction,<sup>17</sup> in practice their access to detention facilities requires that the DG “Execution of Penal Sanctions” director issues an order, which is however not based on clear access criteria but rather depends on the officials’ discretion.

Clergy people are entitled by law to easier access to detention facilities, including private meetings with detainees.<sup>18</sup> This is one of the possible reasons explaining the high number of religious organisations working in prisons.

Due to the isolation and lack of support, as well as to the fact that convicted persons communicate most frequently with the social workers and psychologists in prisons, most questions regarding the aforementioned issues are directed at them. Thus, they bear the major brunt in compensating for the lack of sufficient mechanisms for support and legal aid.

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<sup>16</sup> Article 192, para 3 of the *Execution of Penal Sanctions and Detention in Custody Act*, State Gazette no. 25 of 3 April 2009, in force as of 1 June 2009, Sofia, National Assembly of the Republic of Bulgaria, 2009.

<sup>17</sup> Article 8, para 1 of the *Execution of Penal Sanctions and Detention in Custody Act*, State Gazette no. 25 of 3 April 2009, in force as of 1 June 2009, Sofia, National Assembly of the Republic of Bulgaria, 2009.

<sup>18</sup> Article 167 of the *Execution of Penal Sanctions and Detention in Custody Act*, State Gazette no. 25 of 3 April 2009, in force as of 1 June 2009, Sofia, National Assembly of the Republic of Bulgaria, 2009.

## 2. VICTIMS OF TRAFFICKING

### 2.1. Introduction

Bulgaria is among the main countries of origin of victims of trafficking in the European Union, together with Romania, Nigeria and China,<sup>19</sup> and to a far lesser extent a country of transit and final destination. There is no centralised database concerning victims of trafficking in Bulgaria, which hinders an in-depth analysis of their profile. Different interested institutions such as the Supreme Prosecutor's Office of Cassation, the National Commission for Combatting Trafficking in Human Beings (NCCTHB), and the State Agency for Child Protection (SACP) maintain separate arrays of information. Despite being incomplete and segmented, these data allow for some analysis on the basis of the number of victims, their gender and the type of exploitation. In addition, the data provided by the major stakeholders reveal the most frequent destination countries for both children and adult victims of trafficking.

In the period 2011 – 2013, some 500 victims of trafficking from Bulgaria were identified every year,<sup>20</sup> which is an increase compared to preceding years (249 victims of trafficking in 2008; 346 in 2009; and 432 in 2010).<sup>21</sup> It should be borne in mind that these data refer to persons who have been officially identified as victims of trafficking. According to expert estimates the number of people in a trafficking situation is considerably higher.<sup>22</sup> On the one hand, the higher number of victims of trafficking is due to the more intensive migration processes following Bulgaria's accession to the European Union and facilitating trafficking in human beings to the major destination countries. On the other hand, this is the result of the negative impacts of the economic crisis. Last but not least, the increased numbers reflect a strengthened capacity for identifying victims of trafficking.

Women constitute more than 90 % of the overall number of identified victims of trafficking for the period 2011 – 2013. The number of identified male victims

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<sup>19</sup> Eurostat. Methodologies and Working Papers. Trafficking in Human Beings. Luxembourg: Publications Office of the European Union. 2013.

<sup>20</sup> According to data of the Supreme Prosecutor's Office of Cassation provided through the National Commission for Combatting Trafficking in Human Beings, 2014.

<sup>21</sup> Eurostat. Methodologies and Working Papers. Trafficking in Human Beings. Luxembourg: Publications Office of the European Union. 2013.

<sup>22</sup> Dimitrova K. and Alexandrova, Y. Trafficking of Children in Vulnerable Communities. Sofia, Center for the Study of Democracy, 2015, p. 10, <<http://www.csd.bg/artShowbg.php?id=17334>>



of trafficking has been slowly growing (from 4 % in 2008 to 17 % in 2011 and 12 % in 2013).<sup>23</sup>

There are only isolated cases of foreign nationals trafficked to Bulgaria: three foreign victims of trafficking up to 2010 (one from Poland and two from Moldova)<sup>24</sup> and one identified victim of trafficking in the period 2011 – 2013 (in 2012, from Poland).<sup>25</sup>

No official data are collected regarding victims' ethnic belonging. However, according to expert assessments and information from the crisis accommodation centres, between 50 % and 80 % of the victims are of Roma origin, and for some specific forms of exploitation, such as begging and pickpocketing, their share is close to 90 %.<sup>26</sup> The analysis of the victims' profiles shows that the key trafficking risk factors are related to extreme socio-economic marginalisation, lack of education, and very low or no professional qualification or employment prospects. Victims originate either from regions experiencing high levels of unemployment, or from marginalised communities living in bigger cities.

With regard to the type of exploitation, as referred to in national legislation, data for 2013 show that the largest number of victims (80 %) were trafficked for the purpose of sexual exploitation; 8 % were trafficked for the purpose of forced labour; and a small number of persons were trafficked for the purpose of involuntary servitude or organ trade. More than 90 % of the people trafficked for the purpose of sexual exploitation are female, while most of the ones trafficked for the purpose of forced labour are male (75 %).<sup>27</sup>

Countries of final destination vary according to the type of exploitation. For the purpose of sexual exploitation persons are usually trafficked to Germany, Greece, the Netherlands, France or Poland; for the purpose of pickpocketing – to Greece, UK and Austria; and for the purpose of labour exploitation – to Greece, Spain, Italy, Germany, Sweden and the Czech Republic. There are cases of trafficked pregnant women for the purpose of selling their newborns in Greece.

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<sup>23</sup> According to data of the Supreme Prosecutor's Office of Cassation provided through the National Commission for Combatting Trafficking in Human Beings, 2014.

<sup>24</sup> GRETA. Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria. Strasbourg, Council of Europe, 2011, p. 36.

<sup>25</sup> National Commission for Combatting Trafficking in Human Beings. 2012 Annual Report. Sofia, NCCTHB 2013, pp. 10-13.

<sup>26</sup> Dimitrova K. and Alexandrova, Y. Trafficking of Children in Vulnerable Communities. Sofia, Center for the Study of Democracy, 2015, p. 8, <<http://www.csd.bg/artShowbg.php?id=17334>>

<sup>27</sup> Dimitrova K. and Alexandrova, Y. Trafficking of Children in Vulnerable Communities. Sofia, Center for the Study of Democracy, 2015, p. 15, <<http://www.csd.bg/artShowbg.php?id=17334>>

## Child victims of human trafficking

Child victims of trafficking are approximately 15 % of all trafficked persons every year. Data show that minors below 14 years of age are only a small share of the women trafficked for the purpose of sexual exploitation (1.2 %, or five persons in 2013). Juvenile women over the age of 14 are more likely to become victims of trafficking (9 %, or 38 persons in 2013). There are only isolated cases of trafficking for the purpose of forced labour. Likewise, there are isolated cases (between 10 and 14 per year) of boys trafficked for the purpose of sexual exploitation. There are single cases of minors trafficked for the purpose of forced labour.<sup>28</sup>

The analysis of the social and demographic profile of child victims of trafficking encounters problems identical to the analysis of adult victims of trafficking: there is only fragmentary information due to the lack of systemic and coordinated approach in this field on the part of the main stakeholder institutions. According to the Social Assistance Agency (SAA), the profile of child victims of trafficking may be summarised as follows: children aged 5-8 to 17 years, who are most often forced into begging, pickpocketing or sexual exploitation. The most common destination countries are Greece, Spain, Italy, Germany, or Austria. Children are sometimes involved in these activities with the knowledge and/or consent of their relatives.<sup>29</sup>

Data on children in crisis centres for the period 2008 – 2010 show that girls are prevalent, with higher number of victims of internal than international trafficking and higher number of victims trafficked for the purpose of sexual exploitation than for the purpose of forced labour.<sup>30</sup> There are no data concerning boys accommodated in crisis centres despite reported cases,<sup>31</sup> which points to a lacuna in the identification system that deprives boys from help and support. In this regard, NGOs may be involved in the identification of male victims among the risk groups (such as heroin addicts; men who have sex with men (MSM), and sex workers), while health NGOs

<sup>28</sup> Dimitrova K. and Alexandrova, Y. Trafficking of Children in Vulnerable Communities. Sofia, Center for the Study of Democracy, 2015, <<http://www.csd.bg/artShowbg.php?id=17334>>

<sup>29</sup> Letter no. 92-478 of 17 June 2014 of the Social Assistance Agency to the Center for the Study of Democracy.

<sup>30</sup> M. Mancheva, K. Dimitrova, *Assessing the Programmes for Support and Reintegration of Child Victims of Trafficking in Bulgaria*, in Nonchev, A., Mancheva, M. (comp.) *Support and Reintegration of Child Victims of Trafficking. Improving Policy and Practice in the EU Member States*, p. 21. Published data are collected through official inquiries to crisis centres working with child victims of trafficking.

<sup>31</sup> Dimitrova K. and Alexandrova, Y. Trafficking of Children in Vulnerable Communities. Sofia, Center for the Study of Democracy, 2015, p. 15, <<http://www.csd.bg/artShowbg.php?id=17334>>

and social services may distribute information about the risks of trafficking among these groups.

Data on victims of trafficking in the shelters run by the National Commission for Combatting Trafficking in Human Beings for the period 2012 – 2013 reveal that the majority of victims have low levels of education, a third of them being illiterate. A trend is identified of child victims of trafficking suffering from various forms of mental disabilities and/or disorders.<sup>32</sup>

In 2013, the key destination countries for child victims of trafficking are Greece (26 children), Spain (six children), Austria (five children) and Sweden (six children), followed by Germany, Italy, Cyprus, Poland, England, Denmark, Slovakia, the Czech Republic, Belgium and France (between one and three children).

The key regions of origin of Bulgarian child victims of trafficking are Pleven (46 % or 28 children), followed by Sofia (12 % or 7 children), Pazardzhik (8 % or 5 children) and Veliko Tarnovo (7 % or 4 children). Other cities registered as places of origin are Blagoevgrad, Varna, Dobrich, Lovech, Yambol, Russe, Gabrovo and Shumen (between one and three cases).<sup>33</sup>

## 2.2. Institutions and Organisations Involved with Victims of Trafficking

Combatting trafficking in human beings and protecting victims of trafficking are subject to comprehensive regulation in international and EU law. Some of the key standards are set forth in the *UN Convention on Transnational Organised Crime*,<sup>34</sup> the *Protocol to Prevent, Suppress and Punish Trafficking in Persons*,<sup>35</sup> the *Council of Europe Convention on Action against Trafficking in Human Beings*<sup>36</sup> and

<sup>32</sup> Letter no. TX-02-315 of 19 June 2014 of the National Commission for Combatting Trafficking in Human Beings to the Center for the Study of Democracy.

<sup>33</sup> Letter no. 48-05-37 of 21 July 2014 of the State Agency for Child Protection to the Center for the Study of Democracy.

<sup>34</sup> UN Convention on Transnational Organised Crime, ratified by a law adopted by 38<sup>th</sup> National Assembly on 12 April 2001, State Gazette no. 42 of 27 April 2001. Published by the Ministry of Foreign Affairs, promulgated SG no. 98 of 6 December 2005, in force as of 29 September 2003.

<sup>35</sup> Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, ratified by a law adopted by 38<sup>th</sup> National Assembly on 12 April 2001, State Gazette no. 42 of 27 April 2001. Published by the Ministry of Foreign Affairs, promulgated SG no. 98 of 6 December 2005, in force as of 25 December 2003.

<sup>36</sup> Council of Europe Convention on Action against Trafficking in Human Beings, ratified by a law adopted by 40<sup>th</sup> National Assembly on 7 March 2007, SG no. 24/2007, in force as of 18 June 2007.

*Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.*<sup>37</sup> In Bulgaria, the prosecution of offenders and support for victims are regulated by the *Criminal Procedure Code*,<sup>38</sup> the *Combatting Trafficking in Human Beings Act*,<sup>39</sup> and the *Crime Victim Assistance and Financial Compensation Act*.<sup>40</sup>

The main national institutions involved in providing support and protection for victims of trafficking are:

- The **Ministry of the Interior** is one of the key institutions, which is responsible for the identification of victims of trafficking and the investigation of the crime of human trafficking;
- The **Ministry of Foreign Affairs** identifies victims of trafficking abroad, facilitates the issuing of documents in cooperation with the Ministry of the Interior, and assists the return of victims of trafficking to Bulgaria;
- The **Ministry of Labour and Social Policy** is involved with the identification and the reintegration of victims of trafficking. Through the Social Assistance Agency it assists the identification of victims of trafficking and provides services to meet their social needs; through the Employment Agency it provides employment to victims of trafficking in the process of their reintegration;
- The **State Agency for Child Protection** is the key stakeholder as regards child victims of trafficking and the implementation of the Coordination mechanism for referral, care and protection of child victims of trafficking;
- The **Prosecutor's Office** is in charge of the prosecution of traffickers.

All of these institutions sit on the National Commission for Combatting Trafficking in Human Beings, a national body that coordinates the work of all institutions and organisations that provide support and protection to victims of trafficking. The Commission is a specialised entity regarding data collection and analysis, and management and supervision of the local commissions, shelters for temporary accommodation and centres for support and protection of victims of trafficking.

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<sup>37</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ L 101/1, 15 April 2011.

<sup>38</sup> Criminal Procedure Code, SG no. 86 of 28 October 2005, Sofia: National Assembly of the Republic of Bulgaria, 2003. In force as of 29 April 2006.

<sup>39</sup> Combatting Trafficking in Human Beings Act, SG no. 46 of 20 May 2003, Sofia: National Assembly of the Republic of Bulgaria, 2003.

<sup>40</sup> Crime Victim Assistance and Financial Compensation Act, SG no. 105 of 22 December 2006, in force as of 1 January 2007, Sofia: National Assembly of the Republic of Bulgaria, 2007.

A deputy prime minister designated by the Council of Ministers chairs the National Commission, which is composed of a deputy minister of foreign affairs, a deputy minister of labour and social policy, a deputy minister of the interior, a deputy minister of justice, a deputy minister of health, a deputy minister of education and science, a deputy chairperson of the State Agency for National Security, a deputy chairperson of the State Agency for Child Protection, and a deputy chairperson of the Central Committee for Combatting Juvenile Delinquency. These institutions have general powers which also relate to supporting victims of trafficking.

In addition, two international organisations perform essential functions in relation to victims of trafficking:

- The **UN High Commissioner for Refugees** is mandated to monitor Bulgaria's commitments relating to the provision of international protection;
- The **International Organization for Migration** is involved with the identification of victims of trafficking, safe return and access to specialised social and psychological services.

Civil society organisations support victims of trafficking largely through their involvement in the identification process and by providing psychological, social, health and legal services. Their main activity is operating shelters and crisis centres for temporary accommodation of victims of trafficking.

The involvement of civil society organisations and victim support groups in the criminal proceedings against traffickers is not regulated in the law. However, they provide legal assistance and representation to victims of trafficking in the framework of various projects and initiatives. They may also testify in court in relation to the health and psychological state of the victims.<sup>41</sup>

Psychological consultation and support is provided only by victim support organisations, commissioned and funded by the Ministry of Justice. They play an essential role in informing victims of their rights, as they are often the first to identify and establish contact with the victim.

The main NGOs that provide social services to victims of trafficking in Bulgaria are NAYA Association, Women's Association "Ekaterina Karavelova", Children and Adolescents Association, Samaritans Association, SOS – Families in Risk Foundation, A21 Foundation, Animus Association Foundation, P.U.L.S.E Foundation, and Open Door Centre.

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<sup>41</sup> GRETA. Report Concerning the Implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria. Strasbourg, Council of Europe, 2011, § 224.

A small number of non-governmental organisations such as Demetra Association and Crime Prevention Fund – IGA are involved, in addition to those listed above, in the process of developing anti-trafficking policies.

The National Council for Assistance and Compensation of Crime Victims is an interagency unit with the Minister of Justice that is composed of representatives of all bodies involved in the provision of support and compensation to victims.<sup>42</sup> The Council's powers include:

- Drafting compensation application forms for crime victims in Bulgarian, English, French and German;
- Reviewing financial compensation requests through an expert commission;
- Deciding on these requests; and
- Paying compensations.

The Ministry of the Interior and regional governors also support providing crime victims with application forms and submitting applications for compensation.

### 2.3. Problems Experienced by Victims of Trafficking in Their Interaction with Institutions

Unlike the situation in relation to other vulnerable groups, public institutions and non-governmental organisations work in close cooperation in their efforts to combat trafficking in human beings and assist victims. Non-governmental organisations provide the better part of the social services for victims of trafficking and actively participate in the process of identification. Victims of trafficking themselves as well as the foreign organisations which have identified them often turn to NGOs. Nevertheless, victims continue to experience serious problems in their interaction with the administration and institutions.

A major problem in the identification of victims of trafficking is that many of them do not perceive themselves as victims. Sometimes they feel grateful and loyal to their traffickers. This is often the case in labour exploitation

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<sup>42</sup> Pursuant to Article 20, para 2 of the *Crime Victim Assistance and Financial Compensation Act*, the Council is composed of a judge in the Supreme Court of Cassation designated by the Court's president; a prosecutor in the Supreme Prosecutor's Office of Cassation designated by the Prosecutor General; one official from each of the Ministry of Interior, Ministry of Health, Ministry of Labour and Social Policy, Ministry of Finance, Ministry of Justice and Ministry of Foreign Affairs, designated by the respective minister; one representative of the State Agency for Child Protection and the National Commission for Combatting Trafficking in Human Beings (NCCTHB).

cases and in cases where the victims are children and the traffickers are their parents.<sup>43</sup>

One of the reasons why trafficking is hard to detect is the lack of preventive measures and awareness raising campaigns about the risks of trafficking in the regions where potential victims of trafficking tend to live.

One of the major problems in pre-trial proceedings is that victims of trafficking often withdraw their witness testimonies. Reasons for that are either fear in cases where the victim is threatened by the traffickers, or financial considerations in cases where the victim expects to receive their payment from the traffickers.<sup>44</sup> Victims of trafficking are rarely granted the status of protected witness and hence seldom enjoy protection during the pre-trial proceedings and the trial (with the exception of placement in safe houses). This leads to additional trauma for the victims of trafficking who change or ultimately withdraw their witness testimonies.<sup>45</sup>

Many of the social services for victims of trafficking are provided by non-governmental organisations. These social services include placement in safe houses and crisis centres, psychological support and related legal advice. Social services however often appear deficient and access to them, especially outside the capital, is difficult.

Adult victims of trafficking often have restricted access to health care, as they have lost their health insurance rights as a result of having been trafficked abroad or of failing to pay their health insurance because of long-term unemployment. In addition, sometimes the victim cannot be issued with the identity documents necessary for accessing health care due to the impossibility of establishing her/his identity.<sup>46</sup>

Many of the victims of trafficking are long-term unemployed and have no professional qualification. This makes access to the labour market for the reintegrated victims of trafficking extremely difficult.

It should be borne in mind that victims of trafficking are often in grave emotional state, which hinders their labour market integration. Psychological support for post-traumatic stress is therefore required. There is no functioning

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<sup>43</sup> Interview with a representative of NCCTHB, 26 June 2014.

<sup>44</sup> Interview with a representative of the Bulgarian Helsinki Committee, July 2014.

<sup>45</sup> Interview with a representative of P.U.L.S.E. Foundation, Pernik, July 2014.

<sup>46</sup> Interview with a representative of the Bulgarian Helsinki Committee, July 2014.

system for professional qualification of victims of trafficking such as vocational training, for example.<sup>47</sup>

Finding accommodation for victims of trafficking is another element of the reintegration process that creates difficulties. Unemployment, the general low social status, the lack of identity papers, the public prejudice, and the lack of functioning programmes to address these problems make it very difficult for victims of trafficking to find accommodation once they leave the crisis centres. Victims are eligible to apply for municipal housing, but this requires someone (usually NGO representatives) to negotiate with the municipality, so that victims of trafficking are preferentially granted low-rent municipal housing in order to be able to support themselves by the time they find employment.<sup>48</sup>

The integration and reintegration of children and adult victims of trafficking in the education system is crucial for their long-term prospectives in society. A number of problems however persist in this area, most of them related to identifying the level of education of adult victims and referring them to specialised forms of evening classes or vocational training.<sup>49</sup>

With regard to children, the main obstacle to enrolling them in school while they are still accommodated in crisis centres is the difficulty to establish their legal representatives. This difficulty stems from the fact that in some cases children's parents are responsible for or facilitated their trafficking. In these cases, a social worker from the Child Protection Department needs to assume the role of legal representative. Sometimes this coordination may take longer than the six months during which children are accommodated in crisis centres. Another problem is the school budget which is determined in the beginning of the school year in September on the basis of the number of children enrolled. Thus, if a child is enrolled later, for example in November, s/he is not covered by the school budget and poses financial burden.<sup>50</sup>

Children leaving crisis centres encounter a series of obstacles to beginning or continuing their education. In addition to the administrative difficulties described above, juvenile victims experience problems related to their reintegration, by returning to their often marginalised communities of origin where the trafficking risk factors remain high.

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<sup>47</sup> Interview with a representative of Animus Association Foundation, 1 July 2014.

<sup>48</sup> Interview with a representative of P.U.L.S.E. Foundation, Pernik, July 2014.

<sup>49</sup> Interview with a representative of NCCTHB, 26 June 2014.

<sup>50</sup> Interview with a representative of the Bulgarian Helsinki Committee, July 2014.



The lack of long-term care is another substantial problem. After leaving the crisis centres, victims return back to the community where they no longer receive the care and support they used to receive in the centres. This is particularly important in those cases where the family was involved in or facilitated the trafficking.

The problems identified obstruct the successful reintegration of victims (both children and adults) and often lead to re-trafficking.

## **2.4. Mechanisms for Interaction between Institutions and NGOs in Relation to Victims of Trafficking**

A number of public institutions and non-governmental organisations share responsibility for the work with victims of trafficking. Their coordination is regulated in the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria (National Referral Mechanism, NRM).<sup>51</sup> The Mechanism was elaborated in the framework of a project implemented by Animus Association Foundation in collaboration with the National Commission for Combatting Trafficking in Human Beings in 2008 – 2010. It provides guidelines for implementing measures for protection and support to trafficked persons, which include the provision of unconditional support and guaranteeing a reflection period, special protection status for the duration of criminal proceedings, anonymity and data protection.<sup>52</sup> The Mechanism is not legally binding. However, it binds the institutions and organisations involved as it establishes the framework for their cooperation in supporting victims of trafficking.

The NRM provides for three stages of referral and support to victims of trafficking and the respective standard operational procedures: identification and referral; support and protection; and social inclusion (reintegration).

Civil society experts point to yet another form of NGO involvement in some stages of the criminal proceedings or in procedures where NGO representatives

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<sup>51</sup> National Mechanism for Referral and Support of Trafficked Persons in Bulgaria, Sofia, Animus Association Foundation and La Strada International, 2010, <<http://lastradainternational.org/lisdocs/Bulgarian%20NRM.pdf>>

<sup>52</sup> National Mechanism for Referral and Support of Trafficked Persons in Bulgaria, Sofia, Animus Association Foundation and La Strada International, 2010, <<http://lastradainternational.org/lisdocs/Bulgarian%20NRM.pdf>> pp. 8-9.

accompany victims in their first contacts with the police or, with the consent of the court, to trials, including to in-camera trials.<sup>53</sup>

NGOs may also attend meetings of the National Commission for Combatting Trafficking in Human Beings following a special procedure set forth in the *Rules of Procedure and Organisation of the National Commission for Combatting Trafficking in Human Beings* (Article 12).<sup>54</sup> The procedure requires NGOs to submit an application and a number of documents, upon which the chairperson of the National Commission or an authorised person must rule within 30 days. Considering the essential role that civil society plays in the prevention of human trafficking and in the support of victims of trafficking, the procedure is found to be rather complicated.

Unlike the rather complicated procedure for NGOs' involvement in the work of the National Commission, NGOs take part in the local anti-trafficking commissions. However, according to the National Commission's website, only some of the local commissions have availed themselves of this opportunity, mostly in municipalities where well-established NGOs operate crisis centres and provide other social services. Advisory councils on human trafficking have been set up with the mayors or regional governors in many municipalities and regions.<sup>55</sup>

The National Council for Assistance and Compensation of Crime Victims is the main inter-institutional mechanism for providing support and financial compensation to crime victims. It is also the main legal mechanism for interaction with civil society organisations due to the participation of the Association of Organisations Supporting Crime Victims. The Association is supposed to unite the efforts of all organisations supporting crime victims and to serve as a liaison for organisations and victims, especially those who turn to the National Council. However, information about the Association is scarce, and its website is hard to find or completely missing. Therefore, at present civil society organisations do not sufficiently avail themselves of the opportunities to take part in the formulation of policies and practices for the support and financial compensation of victims of trafficking.

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<sup>53</sup> National Mechanism for Referral and Support of Trafficked Persons in Bulgaria, Sofia, Animus Association Foundation and La Strada International, 2010, <<http://lastradainternational.org/lisidocs/Bulgarian%20NRM.pdf>> p. 83.

<sup>54</sup> Rules of Procedure and Organisation of the National Commission for Combatting Trafficking in Human Beings. Adopted by Decree of the Council of Ministers no. 49 of 1 March 2004, SG no. 19 of 9 March 2004, Sofia, Council of Ministers of the Republic of Bulgaria, 2004, Article 25.

<sup>55</sup> Interview with a representative of P.U.L.S.E. Foundation, Pernik, July 2014.

The National Referral Mechanism lays down the practical algorithm of coordination between crisis centre officers and social workers or community centres, in order to ensure long-term support for victims in their reintegration after leaving the crisis centres. This algorithm however is often disrupted, especially when victims go back to marginalised or remote communities. In order to ensure consistent care and support for the difficult process of victims' reintegration, it is necessary to develop new mechanisms and community-based services as well as to strengthen the ties between the crisis centre officers and the social workers who take over the case after the victims leave the centres.

There is no mechanism for monitoring and evaluation of the provided support. This is a major omission and NGOs could play a substantial role in filling the gap.

## 3. DOMESTIC VIOLENCE SURVIVORS

### 3.1. Introduction

The social and demographic profile of domestic violence survivors and their vulnerability characteristics rests upon the least systematic data per harmonised criteria among the vulnerable groups subject to this analysis. Bodies that impose protection measures under the *Protection against Domestic Violence Act*<sup>56</sup> may not act *proprio motu*, while support institutions and organisations collect data about beneficiaries in their own registers and following individual criteria, which does not ensure the data's representability and comparability. Information about specific social or demographic characteristics is either scarce or missing. Sources of information are either institutions or non-governmental organisations and their data are often at variance.

**Court statistics** appear to be the most reliable source of data regarding the scale of domestic violence. They point to a rather invariable number of cases under the *Protection against Domestic Violence Act*, which is indicative of a stable level of awareness about the existing legal opportunities among survivors. According to these data, the number of domestic violence survivors whose cases end up in court varies between 3,000 and 6,000 a year due to cases of multiple victims of violence in a single family, often children.<sup>57</sup> Considering the number of cases per 10,000 residents in terms of regions and against the average numbers for the country, it appears that the largest number of cases are in the bigger cities and in regions where well-established non-governmental organisations are operating such as Pernik or Razgrad. Furthermore, hypotheses can be made about the relationship between the small number of court cases in regions (such as Pazardzhik or Sliven) with compact ethnic minority population and their levels of awareness or readiness to turn to court.

Domestic violence against **children** is hard to measure since the State Agency for Child Protection (SACP) applies a more general definition of violence. Nevertheless, interestingly, SACP data and court statistics correspond since, according to the SACP, parents constitute the largest share – 70 % – of

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<sup>56</sup> Protection against Domestic Violence Act, SG no. 27 of 29 March 2005, title amended SG no. 102 of 22 December 2009. Sofia, National Assembly of the Republic of Bulgaria, 2005.

<sup>57</sup> Mancheva, M., Ilcheva, M. and Doichinova, M. Social and Demographic Analysis of Selected Vulnerable Groups. Sofia, Center for the Study of Democracy, 2014, pp. 18-19, <<http://www.csd.bg/artShowbg.php?id=17129>>

all perpetrators of violence against children. SACP collects data about the **gender** and **age** of children survivors of violence. In 2013, for example, violence was perpetrated predominantly against girls, while the most numerous cases of violence against children involved children aged 11 to 14 years.<sup>58</sup>

**NGOs** often collect data in accordance with the programmes they implement or according to the social and demographic characteristics of persons who have contacted them. Thus, data about cases under the *Protection against Domestic Violence Act* where NGOs support survivors are once again the most concrete.<sup>59</sup>

Since gender and age disaggregated data about survivors of domestic violence are practically missing, hypotheses about the vulnerability and the factors that require active intervention on the part of institutions and non-governmental organisations are rather limited. A decisive factor determining access to protection against domestic violence is the **specific location where survivors reside and the existing NGO infrastructure**. The smaller the city, the smaller the number of organisations supporting survivors and the smaller the chances that they receive legal consultations and protection. The relationship between the small number of court cases and the compact minority groups in some regions of the country requires further study of these communities' attitudes to the phenomenon of domestic violence as well as their trust in justice and law enforcement.

### 3.2. Institutions and Organisations Involved with Survivors of Domestic Violence

**The major stakeholders involved** in providing protection to survivors of domestic violence are as follows:

- The **Ministry of the Interior** and in particular the Prevention Directorate, DG Security Police, the Ministry's Regional Directorates and the regional police units. The Ministry of the Interior is usually the first institution to confront domestic violence. A recent institutional change concerning the

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<sup>58</sup> Mancheva, M., Ilcheva, M. and Doichinova, M. Social and Demographic Analysis of Selected Vulnerable Groups. Sofia, Center for the Study of Democracy, 2014, pp. 20-22, <<http://www.csd.bg/artShowbg.php?id=17129>>

<sup>59</sup> Mancheva, M., Ilcheva, M. and Doichinova, M. Social and Demographic Analysis of Selected Vulnerable Groups. Sofia, Center for the Study of Democracy, 2014, pp. 22-23, <<http://www.csd.bg/artShowbg.php?id=17129>>

work on cases of domestic violence is noteworthy. While previously patrols were in charge of domestic violence cases, now work on domestic violence is entrusted to the Public Private Partnership (PPP) Sector in the new Prevention Directorate with DG Security Police. This change is indicative of the importance that the Ministry of Interior attributes to PPP in the work against domestic violence. A major need identified by Ministry of the Interior officers is domestic violence identification training for effective lawful intervention and interaction with other competent bodies. The Ministry's management on central and local level tries to respond actively to this need;<sup>60</sup> however the lack of specialised training persists, both in relation to police officers and to other involved institutions.<sup>61</sup>

- The **Ministry of Justice** through its legislative work in the framework of various working groups and through the funding of projects on domestic violence implemented by non-governmental organisations. Direct funding of NGOs on a project basis was introduced in 2009 for specialised programmes for survivors and perpetrators, as well as for work with the police and the judiciary, monitoring of the implementation of the *Protection against Domestic Violence Act*, and studies and publications.
- **District and regional courts.** One or a combination of the following protection measures are imposed in the course of proceedings under the *Protection against Domestic Violence Act*: refraining from acts of domestic violence; removing the perpetrator from the cohabited residence for a term set by the court; restraining orders against the perpetrator prohibiting him/her to approach the survivor, his/her place of work, rest and social contacts under terms set by the court; temporarily accommodating the child with the parent surviving domestic violence or the parent who did not commit the act of domestic violence under terms and for a duration set by the court, unless this contradicts the child's interests; attending specialised programmes (for the offender); referring survivors of domestic violence to rehabilitation programmes. First-instance court judgments are subject to appeal before second-instance courts within seven days of being served.

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<sup>60</sup> In the period from 1 January 2011 to 31 August 2014, in the course of 88 projects for prevention and protection against domestic violence, non-governmental organisations and public bodies trained a total of 804 police officers. In addition, 633 trainings on the application of the *Protection against Domestic Violence Act* were held in the framework of the professional training of regional Ministry of the Interior directorates. Source: Letter no. 119370-11180 of 28 October 2014 from DG Security Police Director chief commissioner Todor Grebenarov to Dr Maria Yordanova, Law Program Director at the Center for the Study of Democracy.

<sup>61</sup> Alliance for Protection against Domestic Violence. Problem Areas in the Interaction between Institutions and Social Services Providers in Cases of Domestic Violence. Sofia, Alliance for Protection against Domestic Violence, 2012, p. 5, <[http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshthen\\_doklad.pdf](http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshthen_doklad.pdf)>

- The **Social Assistance Agency** through its local units, as well as other institutions with specific powers in the framework of preventing and combatting domestic violence and supporting its survivors.<sup>62</sup>

**Non-governmental organisations**<sup>63</sup> work with domestic violence survivors in the framework of several major programme areas:

- **Support to victims of trafficking and violence**, including by operating crisis centres. NGOs working in this area include Animus Association Foundation, Social Activities and Practice Institute and a number of regional NGOs that provide comprehensive protection of survivors such as the Open Doors Association, Pleven, and the Samaritans Association, Stara Zagora;
- **Enhancing gender equality** and related counteraction of gender-based and intimate partner violence. NGOs working in this area include the Bulgarian Gender Research Foundation, the Gender Alternatives Foundation, and the Gender Education, Research and Technologies Foundation;
- **Strengthening the general legal and practical situation of children and other vulnerable groups**. The most vocal NGOs working in this area are members of the National Network for Children and other human rights NGOs.

The essential role played by non-governmental organisations in domestic violence cases is further demonstrated by a series of initiatives implemented in the framework of the **Alliance for Protection against Domestic Violence**<sup>64</sup> that was set up in 2008. The Alliance is easily distinguished by its active members and as an alliance of all major NGO stakeholders involved in counteracting domestic violence.<sup>65</sup>

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<sup>62</sup> Interagency working group with the Ministry of Justice. Coordination Mechanism for Supporting Survivors of Domestic Violence (draft). Sofia, Interagency working group with the Ministry of Justice, <<http://www.animusassociation.org/wp-content/uploads/2014/03/Koordinacionen.pdf>>

<sup>63</sup> Cf. a brief overview of the major NGOs in “Vade mecum of Institutions and Organisations Working with Selected Vulnerable Groups”, Center for the Study of Democracy, 2014, <<http://www.csd.bg/artShowbg.php?id=17228>>

<sup>64</sup> The following NGOs are members of the Alliance: Bulgarian Gender Research Foundation; Bulgarian Fund for Women; Women’s Association “Ekaterina Karavelova”, Silistra; NAYA Association, Targovishte; P.U.L.S.E. Foundation, Pernik; Open Doors, Pleven; SOS Families in Risk Foundation, Varna; Demetra Association, Burgas; and Dynamics Centre Association, Russe, <<http://www.alliancedv.org/>>

<sup>65</sup> Interview with Ms Zornitsa Shumanova, head of Public Private Partnership Sector in Prevention Directorate, DG Security Police.

### 3.3. Problems Experienced by Survivors of Domestic Violence in Their Interaction with Institutions

In addition to the chronic deficiency of human and financial resources and insufficient levels of coordination between the institutions, which apply to all of the vulnerable groups studied in this analysis, some of the general problems experienced by domestic violence survivors stem from the legal framework and the **lack of ratification of relevant international treaties**. Unlike the substantive criminal legislation and the law regulating the provision of support to victims of trafficking, which have been harmonised with the international law in this area, Bulgaria has not even signed the *Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention)*.<sup>66</sup> Recent public statements on the matter by competent Bulgarian authorities suggest that signing and ratifying this *Convention* will be a long process.<sup>67</sup> Organisations involved in supporting domestic violence survivors consistently advocate for the ratification of the *Istanbul Convention* and for harmonising Bulgarian law, in particular the *Criminal Code*, with its major principles and provisions.<sup>68</sup> Therefore, in the opinion of civil society, failure to ratify the *Istanbul Convention* and to harmonise Bulgarian law accordingly results in weaker criminal law protection for the survivors.

**Healthcare bodies**, which survivors usually contact immediately after the act of violence, play a crucial role in providing evidence. *The Protection against Domestic Violence Act* provides for a special duty of every physician (not just forensic experts) to issue, at the request of the victim, a document certifying injuries or traces of violence (Article 4, para 3 *Protection against Domestic Violence Act*). However, those involved with supporting domestic violence survivors claim that in fact general practitioners are not acquainted with the law and

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<sup>66</sup> Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention). Council of Europe, Treaty Office, CETS No. 210, 11 May 2011, Istanbul, Council of Europe, 2011.

<sup>67</sup> Minister of Foreign Affairs. Opinion of the Ministry of Foreign Affairs on Bulgaria's accession to the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence (Istanbul Convention) (CETS No. 210). Sofia, Ministry of Foreign Affairs, 2014, <<http://parliament.bg/pub/PK/151700otgovor454-05-46.doc>>

<sup>68</sup> According to these NGOs, all forms of domestic violence that have led to bodily injury should be publicly indictable crimes and not privately indictable ones. They suggest further on heavier punishment for bodily injury inflicted on close relatives, for murder of protected persons as referred to in the *Protection against Domestic Violence Act*, and criminalisation of marital rape. NGOs also insist for stronger liability in case of failure to comply with protection orders. Source: Alliance for Protection against Domestic Violence. Proposals under the Draft Criminal Code related to sexual violence and gender-based violence. Sofia: Alliance for Protection against Domestic Violence, <http://bgrf.org/articles/>



do not issue the document in question, while forensic medical certification is expensive, even if it weighs more in court.<sup>69</sup> Likewise the Coordination Mechanism for Supporting Domestic Violence Survivors is also critical of the health care authorities' poor understanding of the survivors' problems and of the "medical officials' distancing from providing support and notifying about domestic violence cases", which "deprives a large number of survivors of domestic violence from the help available".<sup>70</sup>

Some problems are observed in referring survivors to the competent victim support NGOs.<sup>71</sup>

As regards the **proceedings for imposing protection measures**, the lack of proactivity in initiating proceedings under the *Protection against Domestic Violence Act* on the part of Social Assistance Directorates,<sup>72</sup> as well as the shift of focus in the social reports from domestic violence to the living conditions in the family are noteworthy.<sup>73</sup> Social workers are criticised for their failure to inform survivors of their right to social benefits and for poor communication in cases of placing survivors in crisis centres.<sup>74</sup> Social Assistance Directorates have a wide range of duties and powers and their administrative and human resources often appears insufficient in cases of domestic violence.

<sup>69</sup> Alliance for Protection against Domestic Violence. Problem Areas in the Interaction between Institutions and Social Services Providers in the Work on Domestic Violence. Sofia, Alliance for Protection against Domestic Violence, 2012, pp. 9-10, <[http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten\\_doklad.pdf](http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf)>

<sup>70</sup> Interagency working group with the Ministry of Justice. Coordination Mechanism for Supporting Survivors of Domestic Violence (draft). Sofia, Interagency working group with the Ministry of Justice, p. 7, <<http://www.animusassociation.org/wp-content/uploads/2014/03/Koordinacionen.pdf>>

<sup>71</sup> Alliance for Protection against Domestic Violence. Problem Areas in the Interaction between Institutions and Social Services Providers in the Work on Domestic Violence. Sofia, Alliance for Protection against Domestic Violence, 2012, p. 6, <[http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten\\_doklad.pdf](http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf)>

<sup>72</sup> Alliance for Protection against Domestic Violence. Problem Areas in the Interaction between Institutions and Social Services Providers in the Work on Domestic Violence. Sofia, Alliance for Protection against Domestic Violence, 2012, p. 19, <[http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten\\_doklad.pdf](http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf)>

<sup>73</sup> Alliance for Protection against Domestic Violence. Problem Areas in the Interaction between Institutions and Social Services Providers in the Work on Domestic Violence. Sofia, Alliance for Protection against Domestic Violence, 2012, p. 20, <[http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten\\_doklad.pdf](http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf)>

<sup>74</sup> Alliance for Protection against Domestic Violence. Problem Areas in the Interaction between Institutions and Social Services Providers in the Work on Domestic Violence. Sofia, Alliance for Protection against Domestic Violence, 2012, p. 9, <[http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten\\_doklad.pdf](http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf)>

The failure to grasp the legal scope of domestic violence in relation to children is also being discussed,<sup>75</sup> which is indicative of the overall necessity to acknowledge children's specificities as a vulnerable group both in law and in practice.

Available data demonstrate that in cases of psychological abuse, the protection measures imposed are of shorter duration,<sup>76</sup> which also suggests failure to understand the dangerous consequences these acts may have.

Furthermore, documents and certificates issued by legal entities that provide social services to survivors are sometimes not admitted as evidence in court,<sup>77</sup> which is a clear indication of the lack of cooperation between institutions and NGOs on a key issue such as proving domestic violence in court.

### 3.4. Mechanisms for Interaction between Institutions and NGOs in Relation to Domestic Violence Survivors

Support to domestic violence survivors resembles closely that provided to victims of trafficking in terms of the variety of mechanisms for interaction between institutions and NGOs. Competent bodies appreciate and use NGOs' resources in order to extend the support provided and make legislative or practical efforts to encourage civil organisations' participation. The analysis will outline these practices that could, if developed further, improve the situation of survivors in the problem areas identified in the interaction between NGOs and institutions.

NGOs have been **acknowledged in law and in practice as partners in elaborating all policies** for counteracting domestic violence and supporting domestic violence survivors. Pursuant to the *Rules on the Implementation of the*

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<sup>75</sup> Alliance for Protection against Domestic Violence. Problem Areas in the Interaction between Institutions and Social Services Providers in the Work on Domestic Violence. Sofia, Alliance for Protection against Domestic Violence, 2012, p. 19, <[http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten\\_doklad.pdf](http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf)>

<sup>76</sup> Alliance for Protection against Domestic Violence. Problem Areas in the Interaction between Institutions and Social Services Providers in the Work on Domestic Violence. Sofia, Alliance for Protection against Domestic Violence, 2012, p. 21, <[http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten\\_doklad.pdf](http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf)>

<sup>77</sup> Alliance for Protection against Domestic Violence. Problem Areas in the Interaction between Institutions and Social Services Providers in the Work on Domestic Violence. Sofia, Alliance for Protection against Domestic Violence, 2012, p. 20, <[http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten\\_doklad.pdf](http://www.animusassociation.org/wp-content/uploads/2012/03/Obobshten_doklad.pdf)>

*Protection against Violence Act*<sup>78</sup> and the respective programmes, NGOs also take part in the elaboration of the National Programme on Prevention and Protection against Domestic Violence and are involved as partners in all measures envisaged in it. Furthermore, they exchange information with the institutions and perform joint actions for protection against domestic violence. NGOs elaborate specialised programmes in relation to two of the protection measures referred to in the *Protection against Domestic Violence Act*, namely mandatory referral of perpetrators to specialised programmes and referral of victims to rehabilitation programmes. NGOs also submit to courts a list of the services they operate (§4, Final Provisions, *Protection against Domestic Violence Act*). At the same time, however, NGOs' involvement in various legislative working groups, including those for harmonising the national legal framework with the relevant international treaties, is not regulated in sufficient detail and is often subject to the discretion of the respective administration.

In addition, there is no expressly defined connection between the role NGOs play in formulating laws and policies, on the one hand, and extending public funds to projects of civil society organisations, on the other hand.

Similar to the National Mechanism for Referral and Support of Trafficked Persons,<sup>79</sup> a draft **Coordination Mechanism for Supporting Survivors of Domestic Violence** (the Coordination Mechanism) has been developed to serve as an instrument for managing the cooperation between NGOs and institutions.<sup>80</sup> The Coordination Mechanism lays down operational procedures to be followed in cases of imminent danger or a potential risk for the survivors<sup>81</sup> and despite possible practical gaps, it should be an effective instrument since it enjoys the general approval of all stakeholders and tries to envisage all possible scenarios. The Mechanism lays down in detail procedures for interaction between institutions and civil society organisations in the framework

<sup>78</sup> Rules on the Implementation of the Protection against Violence Act, Sofia, Council of Ministers of the Republic of Bulgaria, 2010.

<sup>79</sup> National Mechanism for Referral and Support to Trafficked Persons, Sofia, Animus Association Foundation and La Strada International, 2010.

<sup>80</sup> Interagency working group with the Ministry of Justice. Coordination Mechanism for Supporting Survivors of Domestic Violence (draft). Sofia, Interagency working group with the Ministry of Justice, <<http://www.animusassociation.org/wp-content/uploads/2014/03/Koordinacionen.pdf>> Representatives of the following agencies take part in the working group: Ministry of Interior, Ministry of Labour and Social Policy, Ministry of Education and Science, Ministry of Youth and Sports, Ministry of Health, State Agency for Child Protection and Social Assistance Agency.

<sup>81</sup> Interagency working group with the Ministry of Justice. Coordination Mechanism for Supporting Survivors of Domestic Violence (draft). Sofia, Interagency working group with the Ministry of Justice, Chapter III, p. 12 et seq., <<http://www.animusassociation.org/wp-content/uploads/2014/03/Koordinacionen.pdf>>

of different social services provided by NGOs, in particular crisis centres and social, legal and psychological services.<sup>82</sup> A potential deficiency of the Coordination Mechanism is perhaps the rather limited referral to the procedures set forth in the *Protection against Domestic Violence Act*. Although the protection of domestic violence survivors is not legally conditional on their participation in the proceedings against the perpetrators, as is the case with some aspects of the protection of victims of trafficking, the Coordination Mechanism could serve as an instrument to promote the application of existing legal options in practice by the involved institutions and civil society organisations. It is not yet clear to what extent the involved institutions, NGOs or the survivors of domestic violence are aware of the efforts to develop such a Mechanism.

An effective practice of cooperation between NGOs and institutions, in particular police officers, are the partnerships established in relation to **trainings**. The Ministry of the Interior acknowledges the active involvement of a number of civil society organisations in conferences and seminars organised for police officers.<sup>83</sup> The training of representatives of various institutions is an invariable part of all NGO support initiatives for domestic violence survivors. At the same time, the problems identified in the interaction between survivors and institutions confirm the need for continuing the training of social and health care workers, as well as magistrates in the characteristics of domestic violence and the specific vulnerabilities of survivors, especially children.

On local level, a number of practical forms of cooperation between institutions and NGOs have been observed. One particularly good practice is the joint establishment of **Prevention centres** by the Ministry of Interior, municipalities and local NGOs.<sup>84</sup> There are two such centres operating in Sofia and one in Burgas and Targovishte.<sup>85</sup> These centres work in the area of road safety

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<sup>82</sup> Interagency working group with the Ministry of Justice. Coordination Mechanism for Supporting Survivors of Domestic Violence (draft). Sofia, Interagency working group with the Ministry of Justice, pp. 9-10, <<http://www.animusassociation.org/wp-content/uploads/2014/03/Koordinacionen.pdf>>

<sup>83</sup> Bulgarian Gender Research Foundation; Diva Foundation for Community Service, Plovdiv; Demetra Association, Burgas; Nadya Centre; Open Society Institute and other non-governmental organisations. Source: Letter no. 119370-11180 of 28 October 2014 from DG Security Police Director chief commissioner Todor Grebenarov to Dr Maria Yordanova, Law Program Director at the Center for the Study of Democracy.

<sup>84</sup> Interview with Ms Zornitsa Shumanova, head of Public Private Partnership Sector in Prevention Directorate, DG Security Police.

<sup>85</sup> For more information, please visit the website of the Burgas Prevention Centre at <http://www.centarzaprevencia.org/>. Further information is also contained in relevant documents of the Ministry of Interior.

and for the prevention of various unlawful actions. In the area of domestic violence, police officers and NGO representatives work together to consult survivors and implement specialised programmes, awareness campaigns and other prevention activities. The establishment of local structures is a very positive step in light of the institutional and organisational measure “Creating a national structure (a council) for the coordination of policies for the prevention and protection against domestic violence”<sup>86</sup> with the participation of public institutions and NGOs set forth in the National Programmes for Prevention and Protection against Domestic Violence.<sup>87</sup> A good example of such a local structure is found in Pernik where different advisory councils are set up with the mayor and the regional governor on issues such as domestic violence and trafficking in human beings. Local NGOs are active participants in the work of these advisory councils and are often called upon to provide expert opinions.<sup>88</sup> These local structures have huge potential to contribute to better coordination between institutions and NGOs in the regions and to formulating effective targeted policies for counteracting domestic violence and supporting survivors.

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<sup>86</sup> There are no publicly accessible data about the implementation of that measure.

<sup>87</sup> Silistra Regional Governor’s Office. Public institutions in Silistra set up an Expert Council against Domestic Violence. Silistra Regional Governor’s Office, 2014, <<http://silistra.government.bg/OA-SILISTRA/home.nsf/pages/bg/NT00008F82?OpenDocument>>

<sup>88</sup> Interview with a representative of P.U.L.S.E. Foundation, Pernik.

## 4. PERSONS SEEKING INTERNATIONAL PROTECTION AND OTHER VULNERABLE FOREIGN NATIONALS

### 4.1. Introduction

This part of the analysis focuses on persons seeking international protection and foreign nationals who have been granted refugee or humanitarian status. Their numbers keep growing while the issue of their integration is becoming increasingly pressing. The institutions involved consider integration in a most comprehensive manner in the framework of the existing national asylum system.<sup>89</sup> The conclusions regarding the legal regulation and practice of protection against discrimination and integration of refugees and asylum-seekers may potentially be applied more generally to third country nationals who are residing in the country. Problems experienced by foreign nationals in proceedings for granting international protection are indicative of the problems encountered by other vulnerable foreigners in their participation in judicial or administrative proceedings.

Special attention will be given to unaccompanied minors whose number has been growing recently and who are in a particularly vulnerable situation due to a missing legal regulation of guardianship.

Bulgaria started receiving refugee applications in 1993 when it ratified the 1951 *UN Convention relating to the Status of Refugees* and the 1967 *Protocol relating to the Status of Refugees*. The main countries of origin of asylum-seekers in Bulgaria are Afghanistan, Iraq, Armenia and Iran before 2012 and Syria and some African states after 2013. In 2013 and 2014, the number of applications for international protection was 7,144 and 11,081 respectively, or several times the number of applications submitted in 2012 (1,387).<sup>90</sup> The substantial increase of asylum-seekers has strained the existing infrastructure of reception centres and the mechanisms for reviewing applications for international protection in a situation of limited or no resources.

Data provided by the State Agency for Refugees (SAR) allow for a more detailed overview of the social and demographic profile of asylum-seekers and

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<sup>89</sup> Center for the Study of Democracy. ASSESS Integration of Vulnerable Migrant Groups: National Report on Bulgaria. Sofia, Centre for the Study of Democracy, 2014.

<sup>90</sup> State Agency for Refugees. Statistics and reports, <<http://www.aref.government.bg/?cat=8>>

persons who have been granted refugee or humanitarian status.<sup>91</sup> In the period 1993 – 2010, the refugee flow consisted mostly of males above the age of 18 (86.5 %) who arrived on their own (70 %).<sup>92</sup> However, in 2013 and 2014, the refugee flow profile changed to include a growing number of families, women and children.<sup>93</sup>

The educational background of asylum-seekers and persons who have been granted refugee or humanitarian status is identical. Data about it are collected on the basis of the information provided to the SAR by asylum-seekers, refugees and humanitarian status holders themselves. Most of the persons seeking international protection have elementary (30 %) and primary education (24.6 %), followed by people with secondary (22 %) and higher education (7 %). Men tend to have slightly higher levels of education than women. The educational background of people who have been granted international protection in the country in 2013 is identical.

Asylum-seekers who arrived in Bulgaria before 2012 – 2013 usually did not have substantial financial resources and unlike legally residing third-country nationals often could not start their own business. They usually work as low-wage workers, salespersons, movers or porters in shops and restaurants run by their compatriots, or at construction sites. They are usually employed semi-legally or illegally, with oral arrangements of labour conditions, working hours and payment. These arrangements are often neglected by the employers.

In the period 1989 – 2014, the migrant flow to Bulgaria was relatively low. The number of third country nationals residing in the country<sup>94</sup> gradually started growing and in 2013 it almost doubled that in 2009 (43,215 and 21,477 respectively). Russian Federation nationals constitute the largest share of third country nationals (41 % in 2009 and 35 % in 2013), followed by Ukraine (10.2 % in 2009 and 8.2 % in 2013) and Turkey (10 % in 2011 and 17 % in 2013). Other third country nationals with shares from 2 % to 3 % of all third country nationals are from Macedonia, Moldova and Armenia. People

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<sup>91</sup> Letter no. 02-3628 of 19 June 2014 from the State Agency for Refugees to the Centre for the Study of Democracy.

<sup>92</sup> Mancheva, M. Country Report: Bulgaria in Nonchev, A. and N. Tagarov (eds.) Integrating Refugee and Asylum-Seeking Children in the Educational Systems of EU Member States. Sofia, Center for the Study of Democracy, pp. 110-111 according to data provided by the State Agency for Refugees.

<sup>93</sup> State Agency for Refugees. Statistics and reports, <<http://www.aref.government.bg/?cat=8>>

<sup>94</sup> Third-country nationals, migrants and foreign nationals are being used interchangeably in this report.

from South and North America, Australia and New Zealand are an insignificant number, only up to several hundred.

Migrants residing in Bulgaria live in the bigger cities. Five cities host the majority of foreign nationals: Sofia (31 %), Varna (10.5 %), Plovdiv (9.2 %), Burgas (6.8 %) and Blagoevgrad (4.2 %).<sup>95</sup>

The social and demographic profile of migrants has not been the subject of comprehensive studies so far. According to a 2009 poll, the majority of migrants in Bulgaria are economically active. Almost a third of the interviewed migrants had a monthly household income of more than BGN 1,800, while the share of poor households with monthly income below BGN 600 was 8.2 %, most of them originating from African states. More than half of the interviewees considered their financial status as average (54.7 %), while 20 % considered themselves rather well off. More than 25 % of the interviewed migrants declared they had their own business.<sup>96</sup> A specific vulnerability of this group is the lack of information provided by public authorities in a language different from Bulgarian.

### **Unaccompanied minors**

The number of unaccompanied minors seeking protection in Bulgaria in the period 1993 – 2012 was low. A growing trend was observed in 2013 following the influx of Syrian refugees.

The number of registered children also grew to 2,270 in 2013 (of whom 183 unaccompanied minors), or eight times the number of children registered in 2012 (a total of 269, of whom 63 unaccompanied minors).<sup>97</sup>

According to official State Agency for Child Protection data, in 2013 the Agency monitored and coordinated the work of institutions in relation to 204 unaccompanied foreign minors, most of whom boys aged 14 to 18 years. Children arrive in Bulgaria from a total of 20 countries of origin, the majority from Syria (33 % or 67 children), Afghanistan (24.5 % or 50 children), Mali

<sup>95</sup> National Statistical Institute. Data from 2011 census published on SEEMIG project website at <<http://www.seemig.eu/downloads/newsletters/SEEMIGNewsletter1BG.pdf>>

<sup>96</sup> A survey of migrants in Bulgaria conducted in 2009 as part of the research project “National Identity and Economic Migration in Bulgaria”, funded by the Research Fund with the Ministry of Education and Science and led by Prof. K. Petkov. The survey targeted migrants living for at least six months in Bulgaria in six of the larger cities in the country: Sofia, Plovdiv, Varna, Burgas, Ruse, and Blagoevgrad.

<sup>97</sup> Letter no. 02-3628 of 19 June 2014 from the State Agency for Refugees to the Center for the Study of Democracy.



(11 % or 23 children), Côte d'Ivoire (6 % or 12 children) and Iraq and Algeria (5.4 %, or 11 children, from each of the countries).<sup>98</sup>

Summarising available data, it may be concluded that one of the major contributing factors to refugees' and migrants' vulnerability in Bulgaria is the lack of accessible information provided by the administrative authorities in a language different from Bulgarian. Following the five-fold increase of asylum-seekers in the country in 2013 – 2014, the low institutional preparedness to receive a higher number of refugees placed asylum-seekers in a situation of vulnerability and insecurity characterised by limited opportunities for accommodation, and poor living conditions and unknown length of stay in the reception centres. In addition to the increased numbers, the changing profile of asylum-seekers from adult males to families, women and unaccompanied children exacerbated the need for adequate accommodation. Those who find employment often work without service or labour contracts and fall prey to frauds by employers without having access to protection.

## 4.2. Institutions and Organisations Involved with Persons Seeking International Protection and Other Groups of Vulnerable Foreign Nationals

The **State Agency for Refugees (SAR)** is the body in charge of reviewing and deciding upon applications for international protection. It manages the reception, temporary accommodation and integration of foreign nationals seeking protection in Bulgaria. Furthermore, it studies and clarifies facts and circumstances in relation to asylum applications at the request of the President of Bulgaria and issues certifying documents.<sup>99</sup>

The **Ministry of the Interior**, through its Border Police and Migration Directorates, has substantial general powers in relation to all types of migration, management of migration flows and border control, including in respect of persons seeking international protection. Police officers are often the first ones to establish contact with members of this vulnerable group.

The **State Agency for Child Protection (SACP)** is the principal public authority in charge of elaborating child protection policies and supervising their implementation. Protection measures are applied in relation to any

<sup>98</sup> Letter no. 48-05-37 of 21 July 2014 from the State Agency for Child Protection to the Center for the Study of Democracy.

<sup>99</sup> Asylum and Refugees Act. SG no. 54 of 31 May 2002, in force as of 1 December 2002, Sofia: National Assembly of the Republic of Bulgaria, 2002, Article 53.

child residing in the country, regardless of his or her nationality or legal status.<sup>100</sup> SACP has powers in the context of child refugees and asylum-seekers, including unaccompanied minors. The two groups of children practically fall in the category of children at risk who are entitled to special protection.

Cooperation with national and international non-governmental organisations as well as with international organisations and institutions falls within the powers of the State Agency for Refugees Chair. The **Office of the United Nations High Commissioner for Refugees (UNHCR)** plays an important role in accordance with its international mandate. Through its representative in Bulgaria, UNHCR has access to information and to every stage of the refugee status determination procedure. Moreover, it can examine and give an opinion on every particular case.

Foreign nationals seeking or granted international protection may receive help and support from UNHCR or other governmental or non-governmental organisations at every stage during and after the refugee status determination procedure.<sup>101</sup>

Given their very limited legislative role, civil society organisations participate above all as observers and critics of the migration policies and management. Some of the activities of the major NGOs and civil society organisations are a case in point:

- **The Bulgarian Red Cross Refugee-Migrant Service** supports foreign nationals during refugee status determination proceedings, persons seeking international protection in detention in Bulgaria's border area and migrants detained in Special Homes for Temporary Placement of Foreigners. Furthermore, it supports the institutional strengthening and work of refugee or migrant non-governmental organisations and monitors the conditions in the reception and registration centres and the transit centre operated by the State Agency for Refugees.
- **Caritas Bulgaria** provides social consultations, health and educational care and services, humanitarian assistance and specialised services for migrants and refugees.

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<sup>100</sup> Protection measures under the *Child Protection Act* include the following: placement in foster care or in the family of close relatives; placement in a home for children deprived of parental care; or placement in alternative residence (with fewer children and closer to family environment); or support and monitoring the child's family. Cf. Mancheva, M., Ivanova, S. and Dimitrova, K. *Assessing the Integration of Vulnerable Migrants in Bulgaria*. Sofia, Center for the Study of Democracy, 2014.

<sup>101</sup> Asylum and Refugees Act. SG no. 54 of 31 May 2002, in force as of 1 December 2002, Sofia: National Assembly of the Republic of Bulgaria, 2002, Article 23.

- **The Bulgarian Helsinki Committee** monitors and assesses refugee status determination proceedings in Bulgaria (under an agreement with UNHCR); carries out border monitoring and monitoring of the administrative detention centres for foreigners; supports the elaboration of legal standards for protection of refugees and respect for migrants' fundamental rights; and monitors the observance of children's rights in crisis centres.
- **Association for Refugees and Migrants** provides legal protection to refugees and migrants; contributes to fair and fast refugee procedures; protects refugees' right to apply for judicial review of specialised administration acts; provides expertise, consultancy and training; and works on research programmes and initiatives.
- **Center for Legal Aid – Voice in Bulgaria** provides legal counselling to refugees and migrants; is involved in litigation to protect the rights of foreign nationals and other persons in need; organises seminars and trainings for different target groups (public administration and judiciary); advocates for legislative amendments and compliance with European and international legal standards.
- There are also organisations set up by different migrant communities in Bulgaria such as the **Council of Refugee Women in Bulgaria**, which supports newly recognised refugees by helping them in their contacts with the institutions; provides counselling regarding refugees' initial adaptation and integration, with special focus on refugee women; provides information about refugees' rights and duties in Bulgaria; represents refugees before different institutions; and celebrates different cultural and traditional holidays.
- **Friends of Refugees** and the **Refugee Project** are new volunteer groups that carry out various fundraising activities initially organised through social media; offer medical examinations, Bulgarian language courses and activities for children; accompany refugees; and provide interpreters.<sup>102</sup>

### 4.3. Problems Experienced by Persons Seeking International Protection and Other Vulnerable Groups of Foreign Nationals

Not knowing the Bulgarian language appears to be a major problem that foreigners in Bulgaria experience in every aspect of their interaction with public institutions – from the residence permit procedure, or the refugee status determination procedure to access to education or health care. In

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<sup>102</sup> Center for the Study of Democracy. Vade mecum of Institutions and Organisations Working with Refugees and Migrants, Center for the Study of Democracy, 2015, <<http://www.csd.bg/artShowbg.php?id=17228>>

general, public institutions in Bulgaria provide information only in Bulgarian. An exception to this rule is the State Agency for Refugees, which offers information regarding asylum procedures in different languages. Furthermore, the SAR provides interpreters, although access to them is rather limited.

One of the priorities of the *National Strategy in the Area of Migration, Asylum and Integration* (the Migration Strategy) is strengthening and expanding the network of information centres for migrants.<sup>103</sup> On policy level, the most attention to the need for information in foreign languages is paid in relation to refugees. The *National Strategy for the Integration of Beneficiaries of International Protection in Bulgaria* (the Integration Strategy) envisages that immediately after persons have been granted international protection, they should have access to information in their own language or in a language they understand.<sup>104</sup> However, providing information to third-country nationals in their own language is not a standard practice in Bulgaria yet. Creating and distributing information materials in other languages is done in the framework of donor-funded projects and is thus not sustainable practice. There are no standard procedures for providing information materials in the native languages of third-country nationals in the main institutions in contact with migrants such as the Employment Agency, the Social Assistance Agency and the labour bureaus. Information materials in Bulgarian, Russian and English are drawn up and distributed by the information centres for integration of migrants run by the International Organization for Migration. Following the influx of asylum-seekers in 2013, the Employment Agency together with the State Agency for Refugees started issuing a brochure in Arabic, French and English with information about the services provided by the labour bureaus. In the opinion of experts working in this area who provide legal aid and counselling to refugees and migrants, in their communication with public officials third-country nationals usually rely on the help of Bulgarian acquaintances who accompany them and help them with interpretation or translation.<sup>105</sup> In some cases, organisations providing services to migrants such as the Red Cross or the Council of Refugee Women in Bulgaria provide interpretation for their clients. However, these services are not sustainable and depend on available human resources and project-based funding.

Asylum-seekers in Bulgaria may encounter problems at every stage of the refugee status determination procedure: from registering their application, through the

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<sup>103</sup> National Strategy in the Area of Migration, Asylum and Integration (the Migration Strategy), p. 40, <<http://www.strategy.bg/FileHandler.ashx?fileId=1415>>

<sup>104</sup> National Strategy for Integration of Persons Who Have Been Granted International Protection in Bulgaria (the Integration Strategy), p. 16, <<http://www.strategy.bg/FileHandler.ashx?fileId=4765>>

<sup>105</sup> Interview with the chairperson of the Management Board of the Foundation for Access to Rights, 2 January 2015.

course of the proceedings, possible appeals, and subsequent integration. As of mid-2015, the statutory period for registering an application for international protection is not established yet. This, in the opinion of a representative of the Foundation for Access to Rights (FAR), puts asylum-seekers in a legal vacuum for an undefined period of time.<sup>106</sup>

A number of problems are identified in the course of the refugee status determination proceedings. Access to legal aid is one of them. Asylum-seekers have access to legal aid and in general make use of this opportunity, but access to adequate legal aid is often impeded due to the lack of established mechanisms and deadlines for scheduling interviews.<sup>107</sup>

There are certain problems with appealing rejected applications due to the lack of quality legal aid. Foreigners' appeals are often referred to the National Bureau for Legal Aid to be assigned legal assistance. However, the Bureau does not have lawyers specialised in migration law and the designated lawyers have been described as low-paid and poorly motivated.<sup>108</sup>

Asylum-seekers' individual circumstances such as the traumatic journey to Bulgaria, or traumas sustained in the country of origin are often not accounted for in the course of the refugee status determination proceedings. Sometimes these might pose obstacles to being granted international protection.

Another problem experienced by foreign nationals in the reception centres run by the State Agency for Refugees and in the detention centres run by the Ministry of the Interior's Migration Directorate are the material conditions. Some improvements and reconstructions have indeed been made but the conditions are of inadequate quality. Overcrowding and lack of privacy is another problem which NGO experts identify.

Problems in these centres arise also in the relations between foreigners and the administration. These are attributed to the inadequately qualified and motivated personnel. Moreover, access to certain services such as education, legal aid, health care and psychological support is difficult outside the capital. Other problems in the detention centres that could lead to anxiety and conflicts are the restrictions to which the foreigners are subjected, the unclear future prospects and the monotonous daily routine.<sup>109</sup>

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<sup>106</sup> Interview with a member of the FAR, 30 June 2014.

<sup>107</sup> Interview with a member of the FAR, 30 June 2014.

<sup>108</sup> Interview with a member of the FAR, 30 June 2014.

<sup>109</sup> Interview with a representative of the Bulgarian Red Cross, 2 July 2014.

Many of the foreigners who have already been granted refugee or humanitarian status encounter difficulties in finding a place to live. The State Agency for Refugees often allows refugees to stay in the reception centres for a while even after they have been granted international protection but this is a temporary solution.

Although asylum-seekers and beneficiaries of international protection are entitled to health care, in practice their access to such services is often denied. This could be due to insufficient financial resources, not knowing the Bulgarian language, or to physicians' unwillingness to treat foreigners. These problems are sometimes partially solved with the intermediary of civil society organisations and volunteers who accompany foreigners to health care centres and help them find medicines.<sup>110</sup>

Child refugees and asylum-seekers as well as migrant children are specific groups with particular problems and needs. The law however does not always take into account their specificities and there are certain legal gaps, in particular as regards unaccompanied minors and the education of migrant children. Child refugees are entitled by law to the same rights as all Bulgarian citizens and children, but often they cannot enjoy them in practice due to their specific needs.<sup>111</sup>

Unaccompanied minors are a particularly vulnerable group. They encounter particular problems in relation to their legal status, education, and psychological support.

Children with different types of legal status or no status encounter a series of problems with exercising their right to education. This right is best regulated in relation to children who are permanently residing in the country: they have all the rights of Bulgarian citizens and often speak Bulgarian quite well. According to case law of the Supreme Administrative Court from 2014 in this regard,<sup>112</sup> children who are long term residents in the country are now entitled to free education and should pay no fees,<sup>113</sup> although by mid-2015 the *Public Education Act* has not yet been amended to that end.

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<sup>110</sup> Interview with a representative of the Bulgarian Red Cross, 2 July 2014.

<sup>111</sup> Interview with a SACP official, 4 July 2014.

<sup>112</sup> Supreme Administrative Court. Decision no. 8703 of 24 June 2014 in case no. 4144/2014, <<http://www.sac.government.bg/court22.nsf/d038edcf49190344c2256b7600367606/7b9d378b57e34c0dc2257cfe006a307b?OpenDocument>> and Supreme Administrative Court. Ruling no. 8610 of 23 June 2014 in case no. 7418/2014, <<http://www.sac.government.bg/court22.nsf/d6397429a99ee2afc225661e00383a86/c9f52c228f3507b0c2257cfc00577c09?OpenDocument>>

<sup>113</sup> Statement made by an expert at the Ministry of Education and Science made during the national seminar in the framework of ASSESS explaining that third-country children will no longer have to pay a fee for their education, 16 April 2015.

However, there is a substantial problem with child refugees' and asylum-seekers' access to school. Many of the children who have attended school in their country of origin do not have any documents to certify their level of education. Where documents are not a problem, many of the children do not attend school because of their very poor command of the Bulgarian language, even after attending Bulgarian language courses. Teachers, too, are not qualified to work with children with no command of the Bulgarian language.

Thus, children whose legal status is not yet resolved, or have no identity papers or lack the documents required to enrol in school are in practice left outside of the educational system. In some cases, depending on the good will of the school management, children without documents are allowed to attend classes as "listeners".<sup>114</sup>

Integration policies for child migrants and refugees in the area of education have to be developed so as to respond to the needs of this vulnerable group. Support should be provided in order to ensure free access to school, quality education in the Bulgarian language, as well as additional help in mixed classes and training for teachers to work in a multicultural environment.<sup>115</sup>

The analysis of existing migrant integration policy measures and programmes demonstrates that the latter are targeted at both genders. However, results in the integration of migrant women indicate the need for a gender-differentiated approach, especially in areas such as employment and social assistance. In relation to child migrants, the analysis reveals a rather partial approach to this target group. Strategic migration and asylum policies do not treat child migrants as an individual target group with specific needs.<sup>116</sup>

As far as the **integration** of persons seeking international protection is concerned, on practical level the integration measures are laid down in the *National Programme for the Integration of Refugees in Bulgaria*. However, the last such programme ran in the period 2011 – 2013 and its measures reached only a limited number of persons. In 2015, an interagency working group is expected to start drafting a single up-to-date strategy on the basis of the *National Strategy in the Area of Migration, Asylum and Integration* (2011 – 2020) and incorporating the *National Strategy for the Integration of Persons Who Have Been Granted International Protection in Bulgaria* (2014 – 2020). This new document

<sup>114</sup> Interview with a SACP official, 4 July 2014.

<sup>115</sup> Center for the Study of Democracy. ASSESS Integration of Vulnerable Migrant Groups: National Report for Bulgaria. Sofia, Center for the Study of Democracy, 2014, p. 2.

<sup>116</sup> Center for the Study of Democracy. ASSESS Integration of Vulnerable Migrant Groups: National Report for Bulgaria. Sofia, Center for the Study of Democracy, 2014, p. 1.

is expected to outline the national integration strategy and the role of non-governmental organisations, and to include clear financial parameters.

In addition to granting refugee status, the State Agency for Refugees is the principal authority involved in the integration of beneficiaries of international protection. Other public institutions in charge of particular aspects of their integration are the Ministry of Labour and Social Policy, the Ministry of Education and Science, the Ministry of Health, the Ministry of the Interior, the State Agency for Child Protection, the Employment Agency, and the Social Assistance Agency.<sup>117</sup>

The *National Strategy for the Integration of Beneficiaries of International Protection in Bulgaria* (2014 – 2020) envisages specific activities to be performed by NGOs such as providing legal counselling, cultural orientation, health care and psychological support, education, accommodation, employment, social assistance and social services, including for people with special needs, family reunification, volunteering, fundraising campaigns and awareness campaigns among refugees and the general public.<sup>118</sup>

Due to their race, nationality, ethnic origin, citizenship, religion or beliefs, which tend to be different from the ones of the majority population, foreign nationals seeking and beneficiaries of international protection constitute a group highly vulnerable to **discrimination**.

The bodies directly involved in migrant protection against discrimination are the Commission for the Protection against Discrimination (the Anti-discrimination Commission), with special powers in relation to victims of discrimination, and the courts where acts of the Anti-discrimination Commission are appealed and actions under the *Protection against Discrimination Act* are brought.

Non-governmental organisations play a substantial role in the area of protection against discrimination. They give opinions and take part in the elaboration of bills and exchange of information.<sup>119</sup>

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<sup>117</sup> Council of Ministers of the Republic of Bulgaria. National Strategy for the Integration of Persons Who Have Been Granted International Protection in Bulgaria (2014-2020), Sofia: Council of Ministers of the Republic of Bulgaria, 2014, p. 12, <[http://pris.government.bg/prin/document\\_view.aspx?DocumentID=CBwyO4oF1m6a2E1xb1V8yQ==](http://pris.government.bg/prin/document_view.aspx?DocumentID=CBwyO4oF1m6a2E1xb1V8yQ==)>

<sup>118</sup> Council of Ministers of the Republic of Bulgaria. National Strategy for the Integration of Persons Who Have Been Granted International Protection in Bulgaria (2014-2020), Sofia: Council of Ministers of the Republic of Bulgaria, 2014, p. 31, <[http://pris.government.bg/prin/document\\_view.aspx?DocumentID=CBwyO4oF1m6a2E1xb1V8yQ==](http://pris.government.bg/prin/document_view.aspx?DocumentID=CBwyO4oF1m6a2E1xb1V8yQ==)>

<sup>119</sup> Commission for the Protection against Discrimination, Rules of Procedure of the Commission for the Protection against Discrimination. SG no. 57 of 12 July 2005, Sofia, Commission for the Protection against Discrimination, 2005.



Pursuant to the *Protection against Discrimination Act*, civil society may launch proceedings,<sup>120</sup> file actions in cases where the rights of a number of individuals have been violated,<sup>121</sup> as well as join proceedings. These legal opportunities are an important achievement given the limited procedural role of NGOs in relation to the other vulnerable groups studied in this analysis.

The number of applications is too small to allow an analysis of the trends in the discriminatory or anti-discriminatory practices of the Bulgarian institutions in relation to third-country nationals. According to data from 2013, applications filed by third-country nationals reflect the nationality and gender of migrants in the country. The main areas where women migrants appear to suffer discrimination are access to social benefits and education and treatment at the workplace.<sup>122</sup>

#### **4.4. Mechanisms for Interaction between Public Institutions and NGOs in Relation to Persons Seeking International Protection and Other Vulnerable Foreign Nationals**

The legal regulations assign civil society only a minor role in the formulation of policies aimed at refugees and migrants. In the newly set up National Migration and Integration Council<sup>123</sup> NGO representatives may be invited to attend particular meetings but they may not sit on the Council. Currently, there are no mechanisms for consulting or taking into account the opinion of different migrant groups, their associations or NGOs in the formulation of integration policies.

As described above, NGOs or newly set up volunteer organisations provide a large number of services to the group of persons seeking international protection and to third-country nationals. However, the provision of the majority of these services is part of public institutions' statutory duties, and the role of civil society organisations is to monitor, not to perform these duties.

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<sup>120</sup> Protection against Discrimination Act. SG no. 86 of 30 September 2003, in force as of 1 January 2004, Sofia, National Assembly of the Republic of Bulgaria, 2003, Article 50.

<sup>121</sup> Protection against Discrimination Act. SG no. 86 of 30 September 2003, in force as of 1 January 2004, Sofia, National Assembly of the Republic of Bulgaria, 2003, Article 71, para 3.

<sup>122</sup> Center for the Study of Democracy. ASSESS Integration of Vulnerable Migrant Groups: National Report for Bulgaria. Sofia, Center for the Study of Democracy, 2014, p. 32.

<sup>123</sup> Decree of the Council of Ministers no. 21 of 5 February 2015 for setting up a National Migration and Integration Council, promulgated SG no. 12 of 13 February 2015, Sofia, Council of Ministers of the Republic of Bulgaria, 2015.

The areas of cooperation between public institutions and NGOs outlined in the new *National Strategy for the Integration of Beneficiaries of International Protection in Bulgaria* (2014 – 2020) are information, coordination and joint implementation.<sup>124</sup>

According to information provided by NGOs, a Coordination Mechanism for Child Refugees is soon to be set up. This will be an important step in improving the interaction between public institutions and NGOs working with refugees and migrants, just as the Coordination Mechanisms established for victims of trafficking and child victims of abuse have been.<sup>125</sup> A similar coordination/referral mechanism could also be endorsed in relation to adults seeking international protection in Bulgaria.

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<sup>124</sup> Council of Ministers of the Republic of Bulgaria. *National Strategy for the Integration of Persons Who Have Been Granted International Protection in Bulgaria (2014-2020)*, Sofia, Council of Ministers of the Republic of Bulgaria, 2014, p. 31, <[http://pris.government.bg/prin/document\\_view.aspx?DocumentID=CBwyO4oF1m6a2E1xb1V8yQ==](http://pris.government.bg/prin/document_view.aspx?DocumentID=CBwyO4oF1m6a2E1xb1V8yQ==)>

<sup>125</sup> National Network for Children. A Coordination Mechanism for work with child refugees will be elaborated. Sofia: National Network for Children, 2014, <<http://nmd.bg/shte-bade-razraboten-koordinatsionen-mehanizam-za-rabota-s-detsa-bezhantsi/>>



## 5. CONCLUSIONS AND RECOMMENDATIONS

The analysis of the interaction mechanisms between public institutions and NGOs supporting four selected vulnerable groups – namely persons deprived of their liberty, victims of trafficking in human beings, domestic violence survivors and persons seeking international protection and other vulnerable foreign nationals – outlines clear trends in the cooperation dynamics between the two target groups.

Most actively involved are the organisations working with **victims of human trafficking** where cooperation is steered by the National Referral Mechanism, which regulates established models of cooperation with the National Commission for Combatting Trafficking in Human Beings and its member institutions, and covers the largest number of social services provided by NGOs.

Since many NGOs' portfolios cover both victims of human trafficking and **domestic violence survivors**, work with the latter vulnerable group follows the successful models of interaction in supporting victims of trafficking, including the establishment of a Coordination Mechanism involving all stakeholders. Trafficking in human beings is a criminal offence while domestic violence survivors have protection under civil law. At the same time, the system in support of domestic violence survivors very often overlaps with the system in place for crime victims. A comprehensive approach is required to improve the legal protection of victims. This approach should rest on a thorough analysis of cases under the *Protection against Domestic Violence Act* in civil courts, of criminal cases for failure to comply with protection orders, as well as of cases concerning bodily injuries and murder of intimate partners. An important but insufficiently used resource for cooperation in developing policies for counteracting domestic violence is the Ministry of Justice funding for NGO projects.

Interaction between public institutions and NGOs is somewhat more problematic in relation to **vulnerable foreigners** and **persons deprived of their liberty**. The increased migration flow to Bulgaria requires stronger capacity of the public institutions for the reception and integration of foreign nationals, as well as better awareness of the importance of working with NGOs, which currently have only a marginal role in the elaboration of laws and formulation of policies. The intensive support that civil society provides to persons seeking international protection should soon be acknowledged in law and in practice

by regulating the interaction between public institutions and NGOs working with this vulnerable group.

The conditions of imprisonment and the substantial dependency of **prisoners** on prison authorities makes this group particularly vulnerable. At the same time, the law does not envisage mechanisms for direct intermediation by NGOs, while the required power of attorney for the purpose of representation before the authorities makes the process of filing applications and complaints excessively cumbersome even in cases where this may be done in writing. The poorly regulated access of NGOs to prisoners deprives them of services which could facilitate communication with public institutions both inside and outside the execution of penal sanctions system, and reduce the workload of prison personnel.

## General recommendations

The successful model of the National Referral Mechanism for Victims of Trafficking and the Coordination Mechanism for Domestic Violence Survivors that is currently being elaborated underscores the need for establishing similar **coordination instruments for interaction between public institutions and NGOs** in relation to every vulnerable group studied in this analysis.

The existing mechanisms should not only facilitate civil society's involvement in practice but **expand its role in policy formulation** as well.

Existing and planned coordination instruments for cooperation between public institutions and NGOs should focus on **data collection** from all stakeholders using **universal criteria**. Deciding bodies such as the State Agency for Refugees or supporting agencies such as the State Agency for Child Protection and the Social Assistance Agency, interagency structures such as the National Commission for Combatting Trafficking in Human Beings, the Ministry of the Interior, the judiciary and NGOs should all reach an agreement on the most important criteria and harmonised data regarding vulnerable persons to be collected and summarised annually. This will help outline more clearly the profile of vulnerable groups and will assist legislative changes and policy formulation for overcoming their specific vulnerabilities.

Regarding non-governmental organisations' involvement in legislation and policy formulation, **NGO participation in legislative working groups** should be better regulated in law in order to reduce the discretion of the administration. Civil society could be particularly instrumental in the harmonisation of the national

legal framework with relevant international treaties and in the more adequate transposition of EU law.

## Recommendations regarding persons deprived of their liberty

- Ensuring NGOs' direct access to persons deprived of their liberty: drafting a statutory access mechanism, in addition to the *ad hoc* permissions, for monitoring of places of detention and for long-term work in prisons. This mechanism should be elaborated together with non-governmental organisations and should take into account the prisoners' opinions. It should contain clear criteria for providing access to prisons for all parties involved. Permissions granting access to prisons should not be issued *ad hoc* and should not depend on the will of DG "Execution of Penal Sanctions" for co-operation or the discretion of the competent authority. This would allow NGOs to share the burden of social workers in dealing with prisoners' personal issues and to respond to the variety of personal situations of prisoners, which are currently addressed at random. NGOs can be precisely of help to particularly vulnerable groups of prisoners such as drug addicts, foreign-national inmates, elderly persons, etc.<sup>126</sup>
- Promoting legal regulation of NGOs' work in prisons before the decision-making institutions in charge of imprisonment: prison authority accountability mechanism and possibilities for setting up an advisory body involving civil society.
- Providing for a statutory procedure for involving representatives of non-governmental organisations in the Execution of Penal Sanctions Commissions operating in prisons and in the Monitoring Commissions.
- Providing social orientation courses for prisoners in active coordination with prison authorities and non-governmental organisations. These courses may teach prisoners how to write applications and complaints, which institution to address and other social skills. Foreign nationals may also be provided with Bulgarian language courses. Modules may be taught by prisoners with longer or life sentences in order to offer the latter career development and add meaning to their stay in prison, and to reduce the workload of the prison staff.

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<sup>126</sup> More on these groups of prisoners can be found in: Cuéllar, A. F., et al. *Vulnerable Groups of Prisoners: A Handbook*. Sofia, Center for the Study of Democracy, 2015.

## Recommendations regarding victims of trafficking

- Continue elaborating targeted awareness and prevention campaigns together with NGOs in communities or regions posing high risk of trafficking.
- Elaborate new mechanisms with NGOs to support the reintegration of victims of trafficking in several directions:
  - Community-based services for reintegration, in particular reintegration of child victims, by providing comprehensive support to victims and families;
  - Mechanisms for improving the access of victims of trafficking to services supporting their lasting reintegration: finding and securing accommodation, access to health care, access to education for children and adults, finding a job;
  - Mechanisms for monitoring and assessing the social services provided to victims of trafficking.
- Enhance the role of NGOs in training and raising the sensitivity of the police and the judiciary to the traumatic experiences of victims of trafficking, in particular by introducing further tailored interrogation techniques, especially child-friendly ones.
- Increase the public visibility of the National Council for Assistance and Compensation of Crime Victims and wider use of the statutory possibilities for civil society organisations' involvement in the formulation of policies for assistance and financial compensation of victims of trafficking.
- Strengthen the capacity for identification of male child victims of trafficking and developing services and mechanisms to support them in cooperation with NGOs.

## Recommendations regarding survivors of domestic violence

- Involve members of the judiciary in the further elaboration of a Coordination Mechanism and related instruments for domestic violence survivors. Involving magistrates would strengthen the procedures for seeking and obtaining protection under the *Protection against Domestic Violence Act* and involving the criminal liability of the perpetrators.
- Expand the scope of awareness-raising trainings for different categories of professionals and institutions in cooperation with NGOs and using public funding. Social workers and physicians need to be trained about the specificities of domestic violence and the most effective ways for assisting domestic violence survivors. Established health mediators could be particularly instrumental in cases concerning minority communities. In line

with European best practice, domestic violence awareness raising could also be streamlined into abuse prevention programmes at school.

- Focus on the specificities of child survivors of domestic violence in trainings of magistrates, in line with the overall reform of the Bulgarian judiciary as regards this particular vulnerable group.
- Raise magistrates' awareness of the statutory and practical role of NGOs as social service providers and of their respective role in judicial proceedings.
- Encourage and develop joint initiatives between public institutions and NGOs on local level and in regions where civil society is less active in supporting survivors of violence. Such initiatives can help resolve specific practical problems and often appear long before legal regulation on national level.
- More direct link between the public project funding of NGOs working in the field and the use of their experience and project results in elaborating laws and policies aimed at combating domestic violence.

## **Recommendations regarding persons seeking protection and other vulnerable foreigners**

- Set up a Coordination Mechanism that will guarantee and support NGOs' assistance to persons seeking international protection and other vulnerable groups of foreigners in areas such as legal protection, integration, access to services, information and orientation.
- Enhance the role of NGOs in the training and awareness raising of the competent authorities in relation to refugees and persons seeking international protection in Bulgaria.
- Enhance the role of NGOs in order to facilitate the access to health care of persons seeking and beneficiaries of international protection by conducting information campaigns about their right to access and treatment; inform physicians of the rights and needs of persons seeking protection; provide information in a language understandable for patients.
- Involve NGOs in addressing problems regarding access to education for child refugees, children seeking international protection and without a legal status, as well as in preparing teachers to meet the educational needs of children who are not proficient in Bulgarian.
- Reinstate NGO programmes for assisting beneficiaries of international protection in finding accommodation.





This study analyses the mechanisms for interaction between public institutions and NGOs in supporting four vulnerable groups: persons deprived of their liberty, victims of trafficking in human beings, domestic violence survivors, and persons seeking international protection and other vulnerable foreign nationals. Furthermore, it identifies trends in the cooperation between institutions and NGOs in assisting these communities. The report sums up the profile of the bodies and organisations involved and identifies problems in their interaction. Instruments for cooperation between public institutions and NGOs in relation to each vulnerable group are reviewed in detail, both on legislative and practical level. Correlations between identified problems and aspects of the interaction between public institutions and NGOs that could help resolve these problems are highlighted. In conclusion, recommendations are made to involve civil society in providing comprehensive support, in particular legal, social and administrative assistance, to vulnerable persons. These recommendations rest on the shared experience and opinions by public authorities and civil society, as well as on applicable foreign models and good practices.

