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# **National Referral Mechanism for Support of Trafficked Persons**

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## LIST OF ACRONYMS

<b>EA</b> .....	Employment Agency
<b>NCCTHBA</b> ...	Administration of the National Commission for Combating Trafficking in Human Beings
<b>SAA</b> .....	Social Assistance Agency
<b>UNHCHR</b> ...	UN High Commissioner for Refugees
<b>CDCOC</b> .....	Chief Directorate for Combating Organised Crime
<b>CDBP</b> .....	Chief Directorate Border Police
<b>SAR</b> .....	State Agency for Refugees
<b>SACP</b> .....	State Agency for Child Protection
<b>EOD</b> .....	Employment Office Directorate
<b>TRFFN</b> .....	Temporary Residence Facility for Foreign Nationals
<b>MD</b> .....	Migration Directorate
<b>SAD</b> .....	Social Assistance Directorate
<b>EU</b> .....	European Union
<b>BIDA</b> .....	Bulgarian Identity Documents Act
<b>CTHBA</b> .....	Combating Trafficking in Human Beings Act
<b>PDVA</b> .....	Protection Against Domestic Violence Act
<b>CPA</b> .....	Child Protection Act
<b>HIA</b> .....	Health Insurance Act
<b>CVAFCA</b> ..	Crime Victim Assistance and Financial Compensation Act
<b>SAA</b> .....	Social Assistance Act
<b>ARA</b> .....	Asylum and Refugees Act
<b>FRBA</b> .....	Foreigners in the Republic of Bulgaria Act
<b>EA CLI</b> .....	Executive Agency Chief Labour Inspectorate
<b>CC</b> .....	Crisis centre
<b>MoI</b> .....	Ministry of Interior
<b>MFA</b> .....	Ministry of Foreign Affairs

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**MH** ..... Ministry of Health

**IOM** ..... International Organisation for Migration

**MES** ..... Ministry of Education and Science

**MLSP** ..... Ministry of Labour and Social Policy

**CoM** ..... Council of Ministers

**MWSSC** ..... Minimum working standards for shelters and placement centres for VT

**ICMPD**..... International Centre for Migration Policy Development

**NLAB** ..... National Legal Aid Bureau

**NCCTHB** ... National Commission for Combating Trafficking in Human Beings to the Council of Ministers

**NRM** ..... National Referral Mechanism for Support of Trafficked Persons

**CPC** ..... Criminal Procedure Code

**NGO** ..... Non-governmental organisations

**CPD** ..... Child Protection Department

**UNO** ..... United Nations Organisation

**SPD** ..... Social Protection Department

**RSCVT** ..... Regulations for shelters and the centres for protection and support to victims of trafficking

**RASAA** ..... Regulations for Application of the Social Assistance Act

**RACPA** ..... Regulations for Application of the Child Protection Act

**RHI** ..... Regional Health Inspectorate

**STRFFN** ... Special Temporary Residence Facility for Foreign Nationals

**SOP**..... Standard Operating Procedures

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## INTRODUCTION

### **NATIONAL REFERRAL MECHANISM FOR SUPPORT OF TRAFFICKED PERSONS IN BULGARIA**

Human trafficking is a severe violation of human rights and constitutes an equally serious criminal offence, whereby special attention and actions should be subsequently dedicated to supporting its victims. A key element of this phenomenon is that the victims' critical situation is not automatically resolved, once the trafficking chain is intercepted, but there is a lengthy judicial procedure to add to their circumstances (where victims have been involved in trafficking themselves). Upon return, they are faced with difficulties, which strongly limit their opportunities for survival and further development. Trafficking victims have a broad range of short- and long-term needs, which they must be able to handle in order to continue forward.

Over the recent years, there is an observable trend for traffickers to target people with psychiatric, psychological and mental problems, whose condition requires long-term medical care and supervision. Also, a substantial share of the victims in need of specialised social and medical care have lost their medical insurance rights. For most victims it is of paramount importance to improve their education and qualifications, so as to position themselves more favourably on the labour markets in Bulgaria and Europe. There is a growing need to implement economic and empowerment programmes in order to avoid victim re-trafficking.

Specialists in this field claim that it is highly important to ensure well-provisioned programmes for legal aid and procedural defence for the victims, in view of the complicated nature of the offences and of the fact that, very often, victims seem to lead a life on the edge of the law. Equally important is the existence of regular opportunities to strengthen the capacity of professionals themselves, covering both the law-enforcement and judicial authorities, as well as the staff working directly with victims. The specialists handling the case need to be in good coordination and to discuss their case-based actions, in order to clarify all perspectives, help improve the victim's condition and detect the offender. Cooperation and teamwork is beneficial not merely for getting a clearer idea and feedback about the work, but it also helps relieve the so-called 'professional burnout' among those working under stress on similar cases, who usually do not receive any care.

The state and NGOs must also involve the private sector in the fight against human trafficking, especially in terms of curbing the 'demand' for the services provided by the victims. Identification and filing alerts of potential situations and victims of trafficking are of immense importance. The National Mechanism contains special provisions, which cover the work with refugees and asylum seekers. It is a growing challenge to handle this group of vulnerable persons, especially taken the overlapping of the offences of human smuggling and human trafficking, which often 'merge' with each other. Working with the various vulnerable groups in general continues to present difficulties, especially when it comes to individuals and families living in extreme poverty; homeless persons; children and youth placed with and/or leaving institutional care, especially if they have no supportive (family) environment. Prostituting individuals, some of whom come from extremely marginalised groups, continue to present a high risk. According to the conclusions of a survey conducted by the Centre for the Study of Democracy in 2015 and covered by the Bulgarian media, one group remains 'invisible'. This goes for the boys victims of trafficking for the purpose of sexual exploitation who offer sexual services.

**The National Referral Mechanism for Support of Trafficked Persons** is a framework for cooperation meant to enable state authorities in the discharge of their duties towards

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victims and to coordinate their efforts in strategic partnership with non-governmental and international organisations and the civil society. The main goals of the *National Mechanism* are to ensure respect for the trafficked persons' human rights and to provide effective care and referral of the victims to the respective services. On broader terms, the *National Mechanism* could aid the National Victim Support Policy and the relevant topics, such as the regulation of the stay and repatriation regime, victim compensations, witness protection, etc. It can serve as the basis for drafting National Action Plans and for setting up the assessment criteria against the achieved objectives. (OSCE/ODIHR, 2004).

For Bulgaria, the National Mechanism embodies the principles recommended by the Organisation for Security and Cooperation in Europe OSCE/ODIHR for the setting up of national referral mechanisms for victims of trafficking, namely:

1. **The protection of victims and the respect for their rights** is a key priority.
2. The measures are developed on the grounds of a **broad definition of 'trafficking in human beings'** so as to create conditions to support the victims of the various forms of trafficking.
3. Support and protection must be **accessible to all trafficking victims**.
4. The mechanisms for support and protection include a wide range of **specialised services** addressing the specific needs of each victim.
5. Ensuring a **successful criminal procedure** through the application of a human-rights-based mechanism towards the victims' protection.
6. Combating trafficking in human beings requires a **multidisciplinary approach and cooperation** between governmental and civil-society actors.
7. The structures for combating human trafficking need to be built upon the existing national capacity, so as to ensure **continuity** and **sustainability**.
8. All stakeholders partaking in the Mechanism have a clear description and definition of their **roles and responsibilities**. **Transparency** of procedures is ensured.
9. NRM enables effective **regional and international cooperation** to combat trafficking and to assist victims.
10. Enacting the NRM as an element of the overarching **democratic process** ensures its reliability and lawfulness.

The National Referral Mechanism for Support of Trafficked Persons is an **open document**. It is dynamic and will inevitably change to reflect the changes in domestic and European legislation, the newly emerging forms and methods of exploitation, the new regions and groups at risk, the current needs of the victims and other fluctuations in the trends of the phenomenon of 'human trafficking'.

Initially, the National Referral Mechanism for Support of Trafficked Persons in Bulgaria was developed within the framework of a project funded by the governmental MATRA Programme of the Kingdom of the Netherlands and, for the period 2008-2010, was implemented by the



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Animus Association Foundation, in partnership with the National Commission for Combating Trafficking in Human Beings (NCCTHB) and its Administration. The work towards the development and the onset of the NRM in Bulgaria was entrusted to experts from non-governmental organisations and to the institutional members of the National Commission for Combating Trafficking in Human Beings and its Administration: Animus Association Foundation and La Strada Bulgaria; the Chief Directorate for Combating Organised Crime, Chief Directorate Border Police and the Migration Directorate of the Ministry of Interior; the Ministry of Health; the Ministry of Foreign Affairs; the Ministry of Education and Science; the Ministry of Justice; the Ministry of Labour and Social Policy; the Agency for Social Assistance; the State Agency for Child Protection; the Employment Agency; the State Agency for Refugees; the Supreme Prosecutor's Office of Cassation; the International Organisation for Migration (IOM); the United Nations High Commissioner for Refugees (UNHCR); the International Centre for Migration Policy Development (ICMPD); the Bulgarian Gender Research Foundation (BGRF); Bulgarian Helsinki Committee; SOS Families at Risk Foundation – Varna; the Health and Social Development Foundation; the Centre Nadja Foundation; the Open Door Centre – Pleven; the National Association of Municipalities. The NRM working group's actions were consulted by **Ms. Baerbel Uhl** – an international expert in the field of combating trafficking and the then-Chair of the Expert Group on Human Trafficking with the European Commission.

Being the national rapporteur or the equivalence thereof, and in embodiment of its functions according to the Combating Trafficking in Human Beings Act (CTHBA), the NCCTHB is the coordinator of the NRM and acts in this capacity through its Secretary and its Administration (NCCTHBA). The NRM operates in compliance with all domestic legal regulations relevant to the situation of the victims of trafficking in Bulgaria, their specific needs and demands. Most of all, the National Mechanism provides guidelines on the application of the protection and support measures addressed at victims of trafficking and provided for by the CTHBA, ensuring unconditional support, a reflection period, granting the victim a status of special protection for the duration of the criminal proceedings, ensuring anonymity and personal data protection, etc.

The regular assessment and updating of the NRM is a critical step ahead, including its adoption as an official document by the Council of Ministers (CoM). It is important that the Mechanism is not taken as a mere expression of wishful thinking, but that it is actually used as a methodology and a guideline for good practice in the work addressed at human trafficking, victim identification, referral and support, both centrally and locally.

In this respect, after the initial onset of the NRM in 2010, the National Programmes for Countering THB and Victim Protection of two successive years (2014-2015) contain a provision for the update and the official adoption of the Mechanism by the CoM, by the use of a special harmonising procedure. Thereby, the relevant item 2 of the Agenda for Session No. 2 of the NCCTHB of 3 December 2015, especially in view of the Draft NRM, adopted at the HKBTX session of 23 November 2010. Also, it must be taken into account that in the 2016-2017 period, the Mechanism will be subjected to a detailed assessment under a project of the Animus Association Foundation (AAF) and the general Countering THB Programme within the Bulgarian-Swiss Cooperation Programme (Thematic Fund „Security“), in partnership with the International Centre for Migration Policy Development (ICMPD). As an organisation, the ICMPD have accumulated long years of experience in the development of the so-called Transnational Referral Mechanism for Victims of Trafficking.

The National Referral Mechanism for Support of Trafficked Persons in Bulgaria comprises the following structural parts:

**Part A:** Definition of 'Trafficking in Human Beings', which defines human trafficking in line with the existing international and European legal instruments, and Bulgarian law. It also covers the major distinctions between human trafficking and smuggling as criminal offences.

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**Part B:** “Institutional framework” presenting all participants to the NRM, with their roles and functions;

**Part C:** “Leading principles of work”, elaborating on the rules and standards for work with victims of trafficking, as adopted by the participants in the NRM;

**Part D:** “Standard operating procedures” describing the steps and measures in support to trafficked persons.

Part of the NRM are two appendixes and four supplementing documents. It should be noted that the two appendixes are part of this document and have gone through the relevant coordination procedure and together with the other parts of the NRM (A.B.C.D) have been passed by the government of Bulgaria in July 2016. The next four supplementing sections are developed by different institutions and organizations, partnering in the joint efforts to counter THB and support of the victims of the crime and can be found electronically:

1. „Indicators for identification of trafficked persons”;
2. „Standards and criteria for provision of social services to victims of trafficking”;
3. A comparative analytical table juxtaposing Directive 2011/36/EC and the Bulgarian law applicable to human trafficking as a criminal offence<sup>1</sup>;
4. A list of lawyers trained in specialised modules for working with and defence of victims of trafficking under the project „Promotion of the Rights of Trafficked Persons in Bulgaria, Romania and Slovakia with Emphasis on Legal Support – A Human Rights-Based Approach“ (HOME/2011/ISEC/AG/4000002581), with the Dutch Helsinki Committee as the leading applicant and the Animus Association Foundation acting as the Bulgarian stakeholder with counterparts from Romania and Slovakia<sup>2</sup>;
5. Specific rights and applicable law with regard to victims of trafficking<sup>3</sup>;
6. Social rights of children, victims of trafficking<sup>4</sup>.

***The National Mechanism pays special attention to the cases of children victims of trafficking and of nationals of non-EU countries identified as victims of trafficking in the territory of the Republic of Bulgaria.***

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<sup>1</sup> Developed and available in the Ministry of Justice: <https://www.mjs.bg>.

<sup>2</sup> <http://animusassociation.org/>.

<sup>3</sup> <http://animusassociation.org/>.

<sup>4</sup> <http://animusassociation.org/>.

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## PART A. TRAFFICKING IN HUMAN BEINGS: Definition<sup>5</sup>

As described in the numerous documents containing definitions and descriptions of trafficking in human beings (THB), THB is a criminal offence comprising trading in human beings for the sole purpose of exploitation and extraction of proceeds by the traffickers. The consent of the affected individuals or the victims of trafficking (VT) is irrelevant, whereby exploitation itself usually begins and/or is maintained by acts of coercion, abuse of power or of the victim's vulnerable position and/or dependency; threats; force/violence.

The international definition of 'trafficking in human beings' is contained in Article 3 of the **Protocol on Trafficking in Persons to the United Nations Convention against Transnational Organized Crime (Palermo Protocol)** to which Bulgaria is a party. According to the Palermo Protocol, THB '*shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.*'

This provision demonstrates that the international legal conceptualisation of the offence of trafficking in human beings combines three elements in a cumulative manner: 1) **the action** (recruitment, transportation, transfer, harbouring or receipt of persons), 2) **the means of committing the action** (threat or use of force or other forms of coercion) and 3) **the purpose** of committing the action (*for the purpose of exploitation*).

The same three elements are present in the definitions of 'trafficking in human beings' as provided for by **European law** and **Directive 2011/36/EC** of the European Parliament and the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA of the Council, and the **Council of Europe Convention on Action against Trafficking in Human Beings**.

A number of specific documents exist on THB for the purpose of labour exploitation, where one of the founding instruments, and also one of pivotal importance, is the Convention of the International Labour Organisation (ILO) C29 of 1930, with its latest revisions dated June, 2001. Other significant documents of relevance to the issue are Directive 96/71/EC, Directive 2004/81/EC; 2009/52/EC, applicable to the rights of third-country nationals.

**Bulgarian law** covers human trafficking in two definitions: in § 1, item 1 of the Supplementary Provisions to the Combating Trafficking in Human Beings Act (CTHBA) and in Article 159a, para 1 of the Penal Code (PC).

According to the CTHBA, trafficking in human beings means: recruitment, transportation, transfer, harbouring or receipt of persons, irrespective of their will, where such action is committed for the purpose of exploitation.

The Penal Code uses the following wording to describe the offence of 'trafficking in human beings':

<sup>5</sup> References: (1) Penal Code; (2) CTHBA; (3) Directive 2011/36/EC; (4) Council of Europe Convention on Action against Trafficking in Human Beings; (5) Legal Procedures to Defend Victims of Trafficking: a Lawyer's Manual; (6) Guidelines for first level identification of victims of human trafficking

Article 159a (1) *Any person, who transports, harbours or receives individuals or groups of individuals for the purposes of sexual abuse, forceful labour, beggary, removal of a bodily organs, tissue, cell or body fluid or for the purpose of forceful submission, irrespective of their consent, shall be punished by imprisonment from two to eight years and by a fine of BGN three to twelve thousand.*

With respect to the overall work on the NRM, it is also vital to have in mind some definitions in the legislation and to have substantial knowledge of certain provisions, such as:

- the provision of Article 159a, PC, which incriminates ‘holding an individual in forceful submission, irrespective of consent’;
- differences between the definition of THB as per Directive 2011/36/EC and the provisions of Bulgarian law;
- the definition of „exploitation“ ;
- „vulnerable position“ (or „dependent situation“);
- „Risk group“ (working with children victims of THB, migrants/ protection status applicants and/or members of minority groups);
- VT’s ‘consent’ (is irrelevant);
- „Non-prosecution or non-application of penalties to VT“ (Article 8 of Directive 2011/36 and Article 16a, PC)

#### **How to make sure if a person is a victim of trafficking?**

- To determine whether a person is a victim of trafficking, the simultaneous presence of the three main elements of the offence must be at hand:
- **1. actions** – recruitment, transportation, transfer, harbouring or receipt of persons;
- **2. means** – coercion, fraud, threat, use of force or power, abduction, deception, abuse of vulnerability, etc.;
- **3. Purpose oriented towards exploitation** – prostitution or other forms of sexual exploitation, forced labour or services, beggary, forceful submission or removal of organs.

In the case of children victims, no special **means** are required, i.e. elements 1 and 3 are sufficient.

No border crossing is required for an offence to qualify as trafficking.

#### **Trafficking in human beings and smuggling**

Trafficking in human beings is an act, different from the illegal smuggling of humans across the border. *Smuggling is an offence committed with the purpose of receiving financial or other gains from assisting the illegal entry of a person into another state, of which he/she is not a permanent resident or national.*

In the cases of smuggling, the migrant accepts to pay an individual (a smuggler) to organise and/or facilitate his/her illegal entry into another state of which he/she is not a permanent resident or national. The smuggler takes no responsibility of the migrant's fate, once the border is crossed. Most of all, the smuggler's purpose is not to exploit the migrant at his/her destination place, but to receive financial benefit. Smuggling is a crime against the state (illegal entry) and not against the migrant (who pays for a service).

Elements of the offences	Trafficking in human beings	Smuggling
Purpose	Exploitation	Financial or other non-pecuniary benefits
Consent	Consent is irrelevant	Consent is relevant
Trans-national/cross-border nature	Not required; it could be a case of internal trafficking, within the respective country's territory	A required element
A crime against	The person	The state

The processes of the two offences, trafficking in human beings and smuggling, can be interlinked or „merging“ for the two criminal acts. This may arise, especially where a migrant consents to be illegally transferred across the border, but while in transit or at the final destination of his/her trip, he/she becomes the object of human trafficking; especially taken the amounts paid to smugglers and the fact that some of the migrants are left moneyless by the end of their trip. It is their „vulnerable position“, especially after the use of the „means“ as per the definition of THB (such as coercion and threat), irrespective of their consent (and, moreover, after they are threatened that they are already in breach of the law), that certain migrants can be involved into a scheme of exploitation and trafficking. Accounting for the fact that most of these people fall within the definition of a „risk group“ (UNHCHR data shows that a large share of the migrants are women and children), they are more exposed to the threat of becoming victims of the offence of human trafficking in the course of their migration.

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## **PART B. INSTITUTIONAL FRAMEWORK**

### **ACTORS IN THE NATIONAL REFERRAL MECHANISM FOR SUPPORT OF TRAFFICKED PERSONS**

#### **STATE INSTITUTIONS**

##### ***National Commission for Combating Trafficking in Human Beings (NCCTHB) and NCCTHB Administration (NCCTHBA)***

In its capacity as the national coordinating authority, the NCCTHB at the CoM monitors the implementation of the measures under the NRM, and, through its administration headed by a Secretary, in line with Article 7 CTHBA, the NCCTHB organises and coordinates the interaction between the various institutions and organisations, while also determining and managing the enactment of the national policy and strategy to counter human trafficking.

NCCTHB, acting through its administration, is responsible for the work of the temporary placement shelters, which were opened by a procedure under the Public Procurement Act (PPA), whereby the NCCTHB provides services in protection and support to victims of trafficking.

NCCTHBA receives data on the cases of human trafficking, to feed into the national database.

Address: 1797 Sofia, 52A G.M. Dimitrov Blvd, floor 1, room 107

Phone: 02 807 80 50

Fax: 02 807 80 59

E-mail: [office@antitraffic.government.bg](mailto:office@antitraffic.government.bg)

Web: [www.antitraffic.government.bg](http://www.antitraffic.government.bg)

<https://www.facebook.com/NCCTHB/>

##### ***Ministry of Interior***

Based on the powers of the various departments, as stipulated by the Mol Act and the Regulations for its application, Mol authorities are in charge of the formal identification of victims of trafficking and take actions to prevent, detect and investigate cases of human trafficking.

##### ***Chief Directorate Combating Organised Crime, Trafficking in Human Beings Section***

Address 133A Tzarigradsko Shose Blvd.

Phone: 02 982 83 63

E-mail: [gdbop@mvr.bg](mailto:gdbop@mvr.bg)

Web: [www.mvr.bg](http://www.mvr.bg)

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**Chief Directorate Border Police**

Address: 1202 Sofia, 46 Knyaginya Maria Luiza Blvd.  
Phone: 02 983 18 65  
Fax: 02 988 58 67, 02 98 25 390  
E-mail: [nsgp@mvr.bg](mailto:nsgp@mvr.bg)  
Web: [www.mvr.bg](http://www.mvr.bg)

**Migration Directorate**

The Migration Directorate is in charge for the identification of trafficked foreign nationals in the territory of Bulgaria. The Directorate also collects information refers trafficking cases to the prosecutor.

Address: 1407 Sofia, 48 Knyaginya Maria Luiza Blvd  
Phone: 02 982 48 08  
E-mail: [migration@mvr.bg](mailto:migration@mvr.bg)  
Web: [www.mvr.bg](http://www.mvr.bg)

**Ministry of Foreign Affairs**

The Ministry of Foreign Affairs is in charge of supporting victims of trafficking identified overseas. Bulgaria's diplomatic and consular representations abroad aid the return of Bulgarian nationals victims of trafficking. Jointly, with the authorities of the MoI, the MFA assists in the speedy issuance of ID documents for Bulgarian nationals trafficked abroad.

Address: 1113 Sofia, 2 Aleksandar Zhendov Str.  
Phone: 02 948 29 99  
Web: [www.mfa.government.bg](http://www.mfa.government.bg)

**Ministry of Labour and Social Policy****Agency for Social Assistance**

The Agency is a service provider committed to meeting the social needs of the victims of trafficking in the course of their re-integration, as set forth in the Social Assistance Act and the Child Protection Act. It may conduct informal identification of victims of trafficking.

Address: 1051 Sofia, 2 Triaditsa Str.  
Phone: 02 811 96 07  
E-mail: [ok@asp.government.bg](mailto:ok@asp.government.bg)  
Web: [www.asp.government.bg](http://www.asp.government.bg)

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### ***Employment Agency***

The Agency is in charge for providing employment to victims of trafficking in the process of their re-integration. It also provides for their inclusion in adult training programmes.

Address: 1000 Sofia, 3 Dondukov Blvd

Phone: 02 980 8719

Fax: 02 986 78 02

E-mail: [az@az.government.bg](mailto:az@az.government.bg)

Web: [www.az.government.bg](http://www.az.government.bg)

### ***Executive Agency Chief Labour Inspectorate (EA CLI)***

Address : Sofia 1000, 3 Dondukov Blvd

Phone: 0700 17 670

Fax: 02 987 47 17

E-mail: [secr-idirector@gli.government.bg](mailto:secr-idirector@gli.government.bg)

Web: [www.gli.government.bg](http://www.gli.government.bg)

## ***Ministry of Health***

The Ministry of Health provides care to victims of trafficking through its Emergency Aid Centres and the Emergency Medical Units in the cases of emergency and when medical service is required outside the system for mandatory health insurance. The services must fall within the scope of Articles 82 and 83 of the Health Act or be compliant with the requirements of the Health Insurance Act over the period set forth in Article 25 of the CTHBA.

Address: 1000 Sofia, 5 Sv. Nedelya Sq

Phone: 02 981 01 11, 02 930 11 71

Fax: 02 981 18 33

E-mail: [delovodstvo@mh.government.bg](mailto:delovodstvo@mh.government.bg)

Web: [www.mh.government.bg](http://www.mh.government.bg)

## ***Ministry of Education and Science***

The Ministry is in charge of educational programmes available to victims of trafficking in the process of long-term integration.

Address: 1000 Sofia, 2 Knyaz Dondukov Blvd

Phone: 02 921 77 99

Fax: 02 988 24 85

Web: [www.minedu.government.bg](http://www.minedu.government.bg)

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### ***State Agency for National Security***

In addition to other crimes, which present threat to national security, the Agency detects, counters and prevents trafficking in human beings as an offence, in line with the principles, activities and the operational-search means and methods set forth in the State Security Agency Act.

Address: 1407 Sofia 45 Cherni Vrah Blvd.

Phone: 02 814 70 95

Fax: 02 963 21 88, 02 814 74 41

E-mail: [dans@dans.bg](mailto:dans@dans.bg)

Web: [www.dans.bg](http://www.dans.bg)

### ***State Agency for Child Protection***

Operates as a body of the Council of Ministers in charge of the management, coordination and control of the work on child protection

In its capacity as a specialised authority of the Council of Ministers for leading, coordination and control of child protection activities, the Chairperson of the SACP, in cooperation with the Minister of Interior, coordinates the implementation of the Coordination Mechanism for Referral, Care and Protection of Repatriated Bulgarian Unaccompanied Minors and Children Victims of Trafficking Returning from Abroad. The Coordination Mechanism facilitates the complex, speedy and effective tracking of each specific case, following an alert filed from abroad or domestically and incorporates a system of bodies at a central and local level, which deal with the children's repatriation, reception, identification, removal from family environment, rehabilitation, re-integration and follow-up monitoring.

Address: 1051 Sofia, 2 Triaditsa Str.

Phone: 02 933 90 10

Fax: 02 980 24 15

E-mail: [sacp@sacp.government.bg](mailto:sacp@sacp.government.bg)

Web: [www.sacp.government.bg](http://www.sacp.government.bg)

### ***State Agency for Refugees, CoM***

The Agency is in charge of the informal identification of victims of trafficking among non-EU country nationals seeking asylum in the Republic of Bulgaria and ensures their access to specialised aid.

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Address: 1233 Sofia, Serdika District, 114B Kniagina Maria Luiza Blvd.  
Phone: 02 80 80 901  
Fax: 02 95 59 905  
E-mail: [sar@saref.government.bg](mailto:sar@saref.government.bg)  
Web: [www.aref.government.bg](http://www.aref.government.bg)

### ***National Legal Aid Bureau***

Provides free legal aid in the form of legal consulting and procedural representation for victims of trafficking.

Address: 1421 Sofia, 1 Razvigor Str.  
Phone: 02 819 32 00  
Fax: 02 865 48 12  
E-mail: [nbpp@nbpp.government.bg](mailto:nbpp@nbpp.government.bg)  
Web: [www.nbpp.government.bg](http://www.nbpp.government.bg)

**NATIONAL LEGAL AID HOTLINE: 070018250**

### ***Prosecutor's Office***

In charge of conducting the pre-trial investigation of trafficking cases and filing the cases with court.

Address: 1061 Sofia, 2 Vitosha Blvd., room 79, ground-floor  
Phone: 02 986 76 71  
Web: [www.prb.bg/bg/kontakti/](http://www.prb.bg/bg/kontakti/)

### ***Local Commissions for Combating Trafficking in Human Beings***

At a local level, the commissions coordinate the work of all institutions involved in the provision of care to trafficked victims.

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**Varna**

Address: 9000 Varna, 43 Osmi Primorski Polk Blvd.

Phone: 052 820 677

Fax: 052 820 675

E-mail: [varna@antitraffic.government.bg](mailto:varna@antitraffic.government.bg)

**Sliven**

Address: 8800 Sliven, 1 Tzar Osvoboditel Str.

Phone: 044 61 11 336

Fax: 044 66 23 50

E-mail: [sliven@antitraffic.government.bg](mailto:sliven@antitraffic.government.bg)

**Pazardzhik**

Address: 4400 Pazardzhik, 2 Bulgaria Blvd.

Phone: 034 40 22 41

Fax: 034 44 24 95

E-mail: [pazardjik@antitraffic.government.bg](mailto:pazardjik@antitraffic.government.bg)

**Burgas**

Address: 8000 Burgas, Youth Cultural Centre, 47 Gladstone St., Floor 2

Phone: 056 814 218

E-mail: [burgas@antitraffic.government.bg](mailto:burgas@antitraffic.government.bg)

**Montana**

Address: 3400 Montana, 1 Izvor Str.

Phone: 096 30 54 71

Fax: 096 30 54 71

E-mail: [montana@antitraffic.government.bg](mailto:montana@antitraffic.government.bg)

**Ruse**

Address: Ruse, 78 Pliska Str., block Madara, entrance A,

Phone: 082 84 19 18

E-mail: [ruse@antitraffic.government.bg](mailto:ruse@antitraffic.government.bg)

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**Plovdiv**

Address: 4000 Plovdiv, 160 Shesti Septemvri Blvd., room 3

Phone: 032 622 136

E-mail: [plovdiv@antitraffic.government.bg](mailto:plovdiv@antitraffic.government.bg)

**Blagoevgrad**

Address: 2700 Blagoevgrad, 1 Georgi Izmirliiev Sq.

Phone: 073 86 77 77

E-mail: [blagoevgrad@antitraffic.government.bg](mailto:blagoevgrad@antitraffic.government.bg)

**Veliko Tarnovo**

Address: 5000 Veliko Tarnovo, 2 Mayka Bulgaria Sq.

Phone: 062 61 92 22

E-mail: [vturnovo@antitraffic.government.bg](mailto:vturnovo@antitraffic.government.bg)

**Ministry of Justice**

Address: 1040 Sofia, 1 Slavyanska Str.

Phone: 02 923 75 55

E-mail: [priemna@justice.government.bg](mailto:priemna@justice.government.bg)

Web: [www.mjs.bg](http://www.mjs.bg)

**National Council for Assistance and Compensation to Crime Victims**

Address: 1040 Sofia, 1 Slavyanska Str.

Phone: 02 923 73 59

E-mail: [compensation@justice.government.bg](mailto:compensation@justice.government.bg)

Web: [www.compensation.bg](http://www.compensation.bg)

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## INTERNATIONAL AND NON-GOVERNMENTAL ORGANISATIONS

### *United Nations High Commissioner for Refugees*

In Bulgaria, UNHCR is mandated to observe the country's commitments in providing international protection to persons in need thereof.

Address: 1000 Sofia, 2 Positano Sq.

Phone: 02 980 24 53

Fax: 02 980 16 39

E-mail: [bulso@unhcr.org](mailto:bulso@unhcr.org)

Web: [www.unhcr.bg](http://www.unhcr.bg)

### *International Organisation for Migration*

The IOM is in charge of victim identification and ensures trafficked persons' safe return and access to specialised social and psychological services.

Address: Sofia, 77 Tsar Asen Str.

Phone: 02 939 47 74

Fax: 02 939 47 88

E-mail: [iomsofia@iom.int](mailto:iomsofia@iom.int)

Web: [www.iom.bg](http://www.iom.bg)

### *NGO Service Providers*

These organisations are in charge of victims' identification and of providing specialised emergency and long-term psychological, social, health and legal services included in the National Mechanism.

#### ***Animus Association Foundation, Sofia***

Address: 1000 Sofia, 85 Ekzarch Yossif Str.

Phone/Fax: 02 983 52 05, 02 983 53 05, 02 983 54 05

02 981 76 86 – National hotline for victims of violence (24-hour)

E-mail: [animus@animusassociation.org](mailto:animus@animusassociation.org)

Web: [www.animusassociation.org](http://www.animusassociation.org)

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**Alliance for Protection Against Gender-Based Violence**

## VARNA OFFICE:

Address: 9002 Varna, 21 Sinchets Str.  
Phone: 052 609 677, Cell: 0888 436 754,  
Fax: 052 613 83  
E-mail: [sos@mail.bg](mailto:sos@mail.bg), [sos@ssi.bg](mailto:sos@ssi.bg)  
Web: [www.alliencedv.org](http://www.alliencedv.org)

## SOFIA OFFICE:

Address: 1142 Sofia, 33 Vasil Levski Blvd.  
Phone: 02 963 53 57, Cell: 0878 567 620  
Fax: 02 963 53 57  
E-mail: [bulgarian\\_alliance@mail.bg](mailto:bulgarian_alliance@mail.bg), [office@bgrf.org](mailto:office@bgrf.org)  
Web [www.alliencedv.org](http://www.alliencedv.org)

**Contact details for the member-organisations of the Alliance for Protection Against Gender-Based Violence****1. Bulgarian Gender Research Foundation /BGRF/ - Sofia**

Address: 1142 Sofia, 33 Vasil Levski Blvd.,  
Phone: 02 963 53 57, Cell: 0878 567 620  
Fax: 02 963 53 57  
E--mail: [office@bgrf.org](mailto:office@bgrf.org)  
Web: [www.bgrf.org](http://www.bgrf.org)

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**2. Ekaterina Karavelova Women's Association, Silistra**

Address: 7500 Silistra, 51 N. Y. Vaptsarov Str. 2<sup>nd</sup> floor

Phone: 086 821 495

Fax: 086 820 487

E-mail: [ceta@mail.bg](mailto:ceta@mail.bg)

Web: [www.ekaravelova.org](http://www.ekaravelova.org)

**3. Positive Personal Skills in Society Foundation /PULSE/, Pernik**

Address: 2300 Pernik, 2 Sredets Str.

Phone: 076 60 10 10; 076 60 33 60

Fax: 076 60 10 10

E-mail: [pulse.women@gmail.com](mailto:pulse.women@gmail.com)

Web: [www.pulsfoundation.org](http://www.pulsfoundation.org)

**4. SOS – Families at Risk Foundation, Varna**

Address: 9002 Varna, 21 Sinchets Str.

Phone: 052 609 677;

Fax: 052 613 830

E-mail: [sos@ssi.bg](mailto:sos@ssi.bg)

Web: [www.sos-varna.org](http://www.sos-varna.org)

**5. H&D Gender Perspectives Foundation, Haskovo, Dimitrovgrad****6300 Haskovo**

Address: Haskovo, 9 Pirin Str.

Phone: 038 624 685

E-mail: [hdgender@gmail.com](mailto:hdgender@gmail.com)

Web: [www.hdgender.eu](http://www.hdgender.eu)

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**6. Demetra Association, Burgas**

Address: Burgas, 102a Sheynovo Str.  
Phone: 056 81 56 18, Cell: 0896 82 15 91  
Fax: 056 83 66 57  
E-mail: [office@demetra.bg](mailto:office@demetra.bg)  
Web: [www.demetra-bg.org](http://www.demetra-bg.org)

**7. NAYA Association Foundation, Targovishte**

Address: **7700 Targovishte, 12 Pirin Str., flat 19, 3<sup>rd</sup> floor**

Phone: 0601 6 28 89  
Fax: 0601 6 28 89  
E-mail: [naia\\_s@abv.bg](mailto:naia_s@abv.bg)

**8. Open Door Centre Association, Pleven**

Address: 5800 Plevan, 55 Neofit Rilski Str., bl. 22, Storgozia Residential Area  
Phone: 064 846713, 46713, 56661  
E-mail: [opendoor\\_centre@hotmail.com](mailto:opendoor_centre@hotmail.com)

**9. Bulgarian Fund for Women /BFW/**

Address: 1000 Sofia, 37B Parchevich str.  
Phone: 02 986 47 10  
Fax: 02 986 47 10  
E-mail: [office@bgfundforwomen.org](mailto:office@bgfundforwomen.org)  
Web: [www.bgfundforwomen.org](http://www.bgfundforwomen.org)

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**10. Dynamics Centre Association, Ruse**

Address: 7012 Ruse, 9 Panayot Hitov Str.

Phone: 082 82 67 70

Fax: 082 82 67 70

E-mail: [centre\\_dinamika@abv.bg](mailto:centre_dinamika@abv.bg)

Web: [www.dinamika-ruse.bg](http://www.dinamika-ruse.bg)

**11. 'Knowledge, Success, Change' Association**

Address: 2633 Dupnitsa, 1 Svoboda Str.

Phone: 0895 76 33 93

E-mail: [ksc\\_association@abv.bg](mailto:ksc_association@abv.bg)

**12. Samaritans Association, Stara Zagora**

Address: Stara Zagora, 57 Patriarch Evtimiyi Str.  
(south entrance from Bratya Zhekovi Str.)

Phone: 042 621 083

Fax: 042 621 083

E-mail: [office@samaritans.bg](mailto:office@samaritans.bg)

Web: [www.samaritans.bg](http://www.samaritans.bg)

**Nadja Centre Foundation, Sofia**

Address: 1000 Sofia, 166 Kniaz Boris I Str.

Phone: 02 981 93 00

E-mail: [centrenadja@abv.bg](mailto:centrenadja@abv.bg)

Web: [www.centrenadja.org](http://www.centrenadja.org)

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**Bulgarian Helsinki Committee**

Address: 1504 Sofia, 7 Varbitza Str.

Phone/Fax: 02 943 48 76, 02 944 06 70, 02 943 44 05

Cell: 0884 152 641, 0884 156 726, 0884 149 354

E-mail: [bhc@bghelsinki.org](mailto:bhc@bghelsinki.org)

Web: [www.bghelsinki.org](http://www.bghelsinki.org)

**The Refugees and Migrants Legal Protection Programme**

Address: Sofia 1000, 1 Uzundzhovska Str.

Phone/Fax: 02 981 33 18, 02 980 00 57

E-mail: [refunit@bghelsinki.org](mailto:refunit@bghelsinki.org)

Web: [www.bghelsinki.org/bg/za-nas/programi/programa-za-pravna-zashita- na-bezhanci-i-migranti/](http://www.bghelsinki.org/bg/za-nas/programi/programa-za-pravna-zashita-na-bezhanci-i-migranti/)

**Health Without Borders Association / Centre for Sexual Health**

Address: Sofia 1000, 111 Tzar Samuil Str.

Phone/Fax: 02 952 33 99

E-mail: [info@hwb-bg.info](mailto:info@hwb-bg.info)

Web: [www.hwb-bg.info/about-us/](http://www.hwb-bg.info/about-us/)

**Health and Social Development Foundation**

Address: 1309 Sofia, 70 Tsaribrodskata Str., Office 4

Phone: 02 851 81 08

Phone/Fax: 02 953 34 55

E-mail: [mail@hesed.bg](mailto:mail@hesed.bg)

Web: <http://www.hesed.bg>

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**A21 Campaign**

Address: 1000 Sofia, 24 San Stefano Str., Office 1

Phone: 0884 454 656

E-mail: [info@a21.bg](mailto:info@a21.bg)

Web: [www.a21.org](http://www.a21.org)

**Gender Alternatives, Plovdiv**

Address: 4000 Plovdiv, 38 4<sup>th</sup> January Str., Entrance V (B), 2<sup>nd</sup> floor, flat 3

Phone: 0887 273 755, 0879 26 01 01

Fax: 032 / 26 07 08

E-mail: [office@genderalternatives.org](mailto:office@genderalternatives.org)

Web: [www.genderalternatives.org](http://www.genderalternatives.org)

**Equilibrium Association, Burgas**

Address: 8000 Burgas, 7 Graf Ignatiev, 3<sup>rd</sup> floor

Phone: 056 82 56 01, 00359 89 857 5963

E-mail: [kb@ravnovesie.eu](mailto:kb@ravnovesie.eu)

Web: [www.ravnovesie.eu/](http://www.ravnovesie.eu/)

**Hotlines:**

Hotline for victims of violence, Animus Association Foundation: 0800 1 8676, 02 981 7686;

Hotline of the International Organisation for Migration: 02/ 936; 47 47

National hotline against human trafficking (A21 Campaign) – 0800 20 100;

National Hotline for children, SACP - 116 111

Hotline for missing children - 116 000

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## PART C. LEADING PRINCIPLES OF WORK

All actors contributing to the National Referral Mechanism for Support of Trafficked Persons agree to be governed by the following general principles of work:

### **Unconditional support to trafficked persons**

Upon their informal identification, all victims of trafficking are entitled to support within the framework of the NRM. Irrespective of their will and readiness to cooperate in the criminal investigation, the victims of trafficking receive access to placement centres, to medical, legal, social and psychological support and to other measures provided for by the CTHBA and the NRM.

### **Safety and security**

Trafficking in human beings an activity of international criminal networks, which presupposes that, potentially, both victims and officials providing support are at risk. All measures for support set forth in the NRM are implemented after a careful risk assessment. The safety and security of the victims and the officials is a priority task for all participants in the NRM and is discharged with special concern.

### **Confidentiality and personal data protection**

All support measures are implemented under strict confidentiality rules which define the ways of storing and transferring information related to cases of trafficking. The organisations providing support to trafficked persons must inform victims about the aims of collecting their private information and the ways in which this information will be used, as well as their right to access their case-related information at any time. The personal information of trafficked persons is provided only with their consent and only to the institutions mandated to work on the case. The information provided should be the minimum necessary for the implementation of safety and support measures. It must not include data that can further increase the trafficked person's vulnerability, e.g. information about sexually transmitted diseases and other health conditions, family history, information about previous incidences of violence, etc. which bear no relevance to the case-specific work.

### **Non-discriminatory attitude**

During the implementation of the NRM measures, victims of trafficking receive equal treatment, regardless of their race or ethnic origin, sex, sexual orientation, age, religious beliefs and practices, political affiliations, social and cultural background, with no prejudice for the fact that they were exploited, humiliated, forced to engage in illegal activities, or work in the sex industry.

### **Protection of the interests of the trafficked person**

During the implementation of the standard operating procedures of the NRM, the trafficked person's best interest must always take precedence over that of the specialist or institution providing care. All support measures are implemented in a way so as not to damage the trafficked person's welfare. Measures can be restricted or postponed if there is evidence that

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the victim's safety or health may be exposed to risk, or if measures result in secondary traumatisation.

### **Participation of the trafficked persons in all decisions related to them**

All adult trafficked persons have the right to decide for themselves what is in their best interest. The support measures included in the NRM stem from the understanding that trafficked persons have the best knowledge of their own urgent needs and life circumstances. The measures ensure support for decision making and provide for the agreement of an action plan, taking into full account the trafficked person's choices.

### **Informed consent**

All measures in the NRM are implemented with the trafficked person's consent, after he/ she has been informed about his/her rights, the possible actions in support, and possible consequences for the person and his/her family. The information is provided in accessible and understandable ways.

### **Provision of objective information**

The information provided to trafficked persons about their rights and possibilities for support must be objective and correspond to reality. The caregiver should not create false expectations or make promises exceeding the mandate of the supporting institutions.

### **Individualised approach**

Each trafficked person should be treated individually, in accordance with his/her interests, needs, and circumstances. An individual action plan is prepared for each trafficked person, combining support measures with account for his/her specific needs, health and emotional condition, life experience, and resources for coping.

### **Emotional support**

The emotional condition of trafficked persons has direct influence on their behaviour and their ability to make decisions and plan ahead. Trafficked persons receive emotional support throughout all their interactions with service providers. It includes an attitude of understanding, acceptance, respect for the person and his/her dignity, acknowledgment of his/her experiences, establishment of a sense of stability and safety, support for their strengths, respect for their freedom of choice, encouragement for their autonomy, etc.

### **Non-victimising attitude**

Trafficked persons are not to blame for the experiences they have been through. They did not "provoke" in any way the criminal acts to which they were subjected. According to Article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings, penalties should not be imposed on victims for their involvement in unlawful activities that they have been compelled to do during the trafficking process.

### **Respect for suffering**

The attitude towards victims of trafficking is based on the understanding of the imprint of violence on their life and personality. Reactions to psychological trauma vary with each person and may be expressed as a feeling of intense fear, anger, helplessness, depression, loss of

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confidence in people, frequent change in temper and behaviour, etc. Caregivers acting in support of victims of trafficking demonstrate tolerance and understanding to their condition.

### **Special attention to the interests and well-being of children**

In the cases where children are involved, the child's best interest must always take precedence over that of the specialist or institution providing care. Children should receive adequate information and an opportunity to express their wishes, attitudes, and concerns at every stage of the support process in a way that corresponds to their age and understanding of the situation.

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## PART D. STANDARD OPERATING PROCEDURES

### I. IDENTIFICATION AND REFERRAL OF TRAFFICKED PERSONS

#### MEASURE 1.1. Identification

##### A. DESCRIPTION OF THE ACTIVITY

The identification of trafficked persons is the first step in the implementation of the NRM. Its aim is to guarantee their access to the available services for psychosocial support and re-integration.

##### Step 1. Victim identification

**Informal** identification is performed by officers and employees of different institutions and organisations which have the first contact with the victim. It grants immediate access of the trafficked person to the support programmes and services included in the NRM.

Informal identification (first-level identification)

First-level (or informal) identification comprises a procedure for the initial detection of signs betraying a potential case of trafficking. A range of professionals can be involved in a trafficked person's first-level identification, both broad and high-profile specialists (institutional officials, organisation staff; helpline assistants; programme volunteers and/or on-site workers, etc.). The persons affected by the crime, the victims of trafficking, may also identify themselves, although practice shows that cases of self-identification are of particularly rare occurrence.

First-line officials, who may come in contact with the potential victims, must be able to recognise the signs of a trafficking situation by giving serious consideration to their first impressions and juxtaposing them to the trafficking indicators (indicators for the identification of trafficked persons are enclosed as an Appendix to the NRM). In the course of their communication with the potential victims, even if over a short while, they must be able to establish contact, while keeping with strict ethical rules, and propose to the potential victims access to first-need services, answer their questions of what follows thereafter, and, if the latter agree, refer them to the authorities mandated with formal identification, making all efforts at this very stage to help a victim of human trafficking understand some of the key elements of the definition of trafficking, in particular:

- THB occurs irrespective of the victim's consent (especially where the trafficked person has initially expressed consent for work and/or participation);
- Non-punishment of the victim of THB, where he/she committed a criminal offence in a trafficking situation;
- Letting the victim know about the allowance of a 30-day (one calendar month) reflection period to consider whether to cooperate or not with the authorities investigating the crime.

The process of informal identification allows for an assessment as to whether a person is a victim of trafficking, whereby a potential victim is referred to the competent authorities to

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proceed with his/her formal identification and, where a person proves to be an actual victim, propose him/her various forms of support. The full range of actions related to the identification and protection of potential victims is coordinated on a national scale by the National Referral Mechanism (NRM).

**Formal** identification is performed by the pre-trial bodies and aims at starting the investigation.

The formal identification of victims of trafficking is usually a part of a procedure or proceedings, whereby, most legal systems employ specially authorised bodies to establish that a person is a 'victim of trafficking'.

Identification is necessary during the first contact with the person (for example, during police raids, field work, when the person calls a Helpline, etc.), as well as when the person is referred to another organisation

Identification is performed on the basis of:

- Initial informal conversation with the trafficked person;
- Observations of the person's behaviour and appearance;
- Information provided by the referring person or a citizen;
- Observation and analysis of the circumstances in which the person was found;
- Self-identification of the trafficked person;
- Others.

*! It should be noted that in most cases trafficked persons do not identify themselves as such. Some of them experience strong feelings of shame and guilt because they have been in prostitution and prefer to hide this fact. Others were convinced by their traffickers that they had been involved in illegal activities and would be, therefore, subject to punishment by the law-enforcement authorities.*

According to the Criminal Procedure Code (CPC), pre-trial proceedings precede cases dealing with commonly indictable offences (Article 191). The pre-trial proceedings (PTP) comprises the investigation, which is followed by the prosecutor's actions. Pre-trial proceedings (Article 193) are conducted by the prosecutor and the investigation authorities.

Prerequisites for the initiation of pre-trial proceedings:

1) Legal grounds: any information communicated or referred to a competent state authority containing a message that a crime has been committed. Legal grounds may comprise the following premises:

a) Article 208(1): a notice sent to the pre-trial bodies of the perpetration of a criminal offence

- Any notice of the perpetration of a crime constitutes valid legal grounds, irrespective of whether such notice is filed by a victim, a citizen, a state authority, an organisation.

- With regard to the notice of a perpetrated crime, there is no provision of any mandatory requirements determining its validity. The notice can be written, spoken, transmitted by fax, web, phone, filed in person or in absentia. The only important point is that it cannot be anonymous. (Anonymous alerts do not constitute legal grounds for investigation, but if they contain specific information about a serious crime, they will be a sufficient reason for the onset of all types of inquiries, not provided for by the CPC though, but falling within the scope of the Mol Act or of another piece of legislation).



- What matters with this type of legal grounds is that the information contained in the notice must have been received by a pre-trial body (The CPC makes mention of the relevant bodies, such as police investigation, the investigation service, the prosecutor's office. This is a binding requirement.)

b) Article 208(2): information about the perpetration of a crime disseminated by the mass media always constitutes valid legal grounds.

c) Article 208(3): appearance in person before the pre-trial bodies and admission by the perpetrator of a perpetrated crime (personal appearance is a binding requirement, it is impossible to act through a representative; appearing and making an admission of a crime is not equivalent to a confession in the meaning of the CPC. Such admission falls outside the scope of the proceedings, whereby, it may not only *not* be taken as a confession, but, after the initiation of the proceedings, it cannot be used as evidence as well; personal appearance constitutes legal grounds, but only where the admission is made before a pre-trial body.)

d) Article 208(4): direct detection by pre-trial bodies of signs of a perpetrated crime.

2) Sufficient data of the perpetration of a crime (Article 211) is the second prerequisite for the initiation of pre-trial proceedings. Pre-trial proceedings may neither be initiated nor allowed to proceed without legal grounds. However, pre-trial proceedings can be initiated and allowed to proceed without sufficient data of the perpetration of a crime.

An interview is used to verify if an individual is a victim of trafficking. A distinction should be drawn between an interview and an interrogation, which is always conducted by the representatives of the law-enforcement authorities.

The purpose of **an interview** is to establish whether a particular individual is a victim of trafficking. It includes questions covering the key indicators of trafficking: deception, violence, exploitation, etc.

The purpose of **an interrogation** is to collect information required for the investigation of the crime and for the criminal prosecution of the perpetrators. **An interrogation** will contain specific questions to identify the perpetrators, the location and the means of the crime. Interrogation is conducted before the expiry of the reflection period (see Measure 2.2.)

Record should be taken of the interview and a copy should be presented to the trafficked person. The interviewer must inform the trafficked person about his/her rights and serve him/her with a declaration to sign.

There are **indicators for identification of trafficked persons** which are used for the identification process and constitute an integral part of the NRM (see Appendix). These indicators are divided into groups: 1) *criminal acts against the victim* and 2) *effects of trafficking on the victim's behaviour and psychological condition*.

## **Step 2. Contact with the regional/local authorities in the country for verifying the trafficked person's identity (if it is not already known)**

Verification of the trafficked person's identity is done by the Mol authorities, where necessary.

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- Law-enforcement authorities can perform verification of people's identity on their own initiative – when investigating crimes or during checks of the authenticity of identity/ residence documents or upon request for cooperation by another state body.

- Identity verification is performed through requesting that the person provides a valid identity document, through testimonies of other individuals whose identity is already verified and who know the person, or through other means of collecting reliable data.

If the identifying organisation has no such mandate (for example, an NGO), it contacts the respective authorities as soon as possible. The data from information databanks for Bulgarian identity documents are provided to legal entities based on existing legislation or through court order.

### **Step 3. Informing the trafficked person about his/her right to a reflection period**

The trafficked person should be informed about the possibilities to use a reflection period as soon as possible after the identification (See also Measure 2.2.). This can be done by:

- The competent officials, who identified him/her;
- The pre-trial authorities;
- Consultants and employees of accommodation centres and other service providers to which the trafficked person was referred after the identification.

The trafficked person can be informed about the reflection period, as well as about any other rights and possibilities that he/she has, during the **interview for risk assessment and for defining the immediate needs** (see *Measures 1.2. and 1.3.*)

Regarding the reflection period, the trafficked person should be informed about:

- Its purpose;
  - The grounds entitling him/her to such a period;
- Beginning date and duration;
- Rights and obligations during the reflection period.

The trafficked person is also informed about **the circumstances, upon the occurrence of which a reflection period is terminated, in particular, where:**

- The trafficked person, on their own accord and initiative, comes into contact with individuals suspected of trafficking in human beings;
    - The trafficked person's behaviour presents threat to his/her own safety and to public order;
    - The trafficked person was wrongfully identified as such.
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## B. SPECIAL CASES

### Child victims of trafficking<sup>6</sup>

Upon the identification of a child victim of trafficking, simultaneous and mandatory notifications are filed with the SACP, the Ministry of Interior and the NCCTHB within a period of 24 hours. The identification of a child victim of trafficking triggers the **Coordination Mechanism for referral, care and protection of repatriated Bulgarian unaccompanied minors and children victims of trafficking returning from abroad.**

For each case of a child victim of trafficking or exploitation, as well as for the cases containing data of children exposed to the risk of involvement into trafficking in human beings, SACP files a notification in writing to:

- the Social Assistance Directorate;
- the Police Department at the child's current/permanent address (providing the available information on the case, for the purpose of making a detailed survey of the child's family, social and educational circumstances and preparing a risk assessment and a statement report about the measures to be undertaken).
- Upon the child's placement with a Crisis Centre, it is mandatory to submit the following documents: (1) a placement order; (2) a social survey of his/her neighbours and kinsfolk, as well as (3) an action plan containing the long-term measures relevant to the child.

### Non-EU citizens who are victims of trafficking<sup>7</sup>

The identification of foreign trafficked persons can occur at any stage of the work. First, they can be identified by the Border Police officers and the prosecutor's office, while later, it can be the institutions handling their procedures of residence and being directly in control: the Migration Directorate or the State Agency for Refugees.

Any foreign national, who resides without permission within the territory of Bulgaria or enters the country illegally, has the status of an **illegal resident**. Such persons are detained with the subsequent opening of criminal proceedings on each case.

If the person files a request for protection before any state institution, the request is immediately forwarded to the State Agency for Refugees. Then the person receives the status of **asylum seeker**. In this case, the criminal proceedings are terminated, and the person is referred to the structures of the State Agency for Refugees. **No contact** is made with the diplomatic representation of the country of origin in order to verify the identity of the person (a specific provision of Article 63(4) of the Asylum and Refugees Act/ARA).

In all other cases, the person preserves their status as an **illegal resident** and may be imposed with sanctioning measures, such as deportation, an entry ban or a forcible placement in a Special Temporary Residence Facility for Foreign Nationals with MoI's Migration Directorate (*Busmantsi Area*, Sofia). The diplomatic representative of the country of origin is contacted to verify or confirm the identity of the person.

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<sup>6</sup> Children, who are not Bulgarian citizens, are also included, similarly to all other SOPs of the NRM.

<sup>7</sup> EU citizens who are victims of trafficking in Bulgaria have the same rights as Bulgarian citizens.

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*! The procedure to confirm the identity of illegal migrants is sometimes very complex and lengthy because of the latter's unwillingness to cooperate. The criminal proceedings are often terminated because of unverified identity.*

**The identification of a foreign national as a trafficked person entitles him/her to all the measures provided for by the CTHBA and to the support ensured by the standard operating procedures in the Mechanism. Thereby, the person's status as an illegal resident is waived and he/she is treated as a temporary foreign resident, according to the CTHBA. (Foreigners in the Republic of Bulgaria Act, Article 24(17)).**

*! It is also possible for foreign nationals, who have entered and are residing legally in the country, to become victims of trafficking. In these cases, after they have been identified, they can directly take advantage of CTHBA and the present Mechanism.*

In the cases when the trafficked person is a foreign national, it is necessary to ensure **interpretation**. It must be assigned to interpreters familiar with the nature of human trafficking as a criminal offence, instructed to show tolerant attitude towards the victim and keep the disclosed information fully confidential.

*! Procuring an interpreter at the spot is particularly difficult for rare languages. In such cases, interpretation can be delivered by video conference or, where no such technology is available, by a telephone conference call.*

### **C. DOCUMENTATION**

Every identified case of trafficking is registered according to the requirements and procedures of the institution which performed the identification and in accordance with the Personal Data Protection Act. Information about the identified trafficked persons is provided regularly to the NCCTHB for the purposes of statistical analyses.

### **D. COOPERATION**

A main partner in the identification process is the person or organisation (if any), which provided the initial information about the victim.

#### **Ministry of Interior (Moi)**

The officers of **CDCOC**, **CDBP** and **MD** identify trafficked persons in the discharge of their official duties. The identification is performed for people, who are proved (by virtue of data) or presumed to be trafficked persons, people who have identified themselves as such, or people who have been referred as such by other institutions or organisations.

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**Agency for Social Assistance/ Social Assistance Directorates/ Social Protection Departments**

Trafficked persons can be identified by the employees of the SPD in the process of active information gathering about people from other vulnerable groups (socially disadvantaged individuals and users of other social services).

**Ministry of Foreign Affairs (MFA)**

Trafficked persons can be identified by police attachés or, where no such office is available, by consular officials, when reporting to the consular service. Relevant information can also be transmitted via official channels by the local authorities or NGOs.

**State Agency for Child Protection (SACP)**

The State Agency for Child Protection can identify victims of trafficking upon alerts received on the Single National Hotline for providing information, counselling and help to children (116-111), filed by e-mail and filled in the notification form on the specialised SACP webpage: [www.stopech.sacp.government.bg](http://www.stopech.sacp.government.bg), transferred by Bulgarian or foreign NGOs or coming from other sources, including natural persons.

**State Agency for Refugees (SAR)**

The officers of SAR in the transit, registration, and integration centres can identify trafficked persons in the process of registration, accommodation, medical examinations and provision of protection in accordance with the Asylum and Refugees Act.

**National Hotline for victims of violence: 02/981 76 86**

Victims of trafficking can be identified through a call placed by themselves, their relatives, by professionals and ordinary citizens who identify the problem. The Hotline works 24 hours a day. Calls from within the country are free. Each call is registered in a separate *call registration form*.

**International Organisation for Migration (IOM)**

Victims of trafficking are identified as such upon alerts about cases of trafficking filed by Bulgarian and/or foreign competent authorities, including the Ministry of Interior, the State Agency for Child Protection, Bulgarian embassies abroad, international organisations, Bulgarian and foreign NGOs.

IOM's mission to Bulgaria maintains a **Helpline** both for providing information and for receiving alerts about victims of trafficking.

The IOM gathers and stores the full information files of the victims of trafficking, together with the alerts received through the Helpline, in compliance with the IOM's international standards and requirements.

**United Nations High Commissioner for Refugees (UNHCR)**

The identification is done upon an alert received from other competent national or foreign bodies, non-governmental organisations or from the family and relatives of a presumed trafficked person.

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**MEASURE 1.2. Risk Assessment**

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**A. DESCRIPTION OF THE ACTIVITY**

Risk assessment is an on-going process, which begins with the identification of the trafficked person and continues throughout the stages of investigation, criminal prosecution, and reintegration.

**At the moment of the identification of a trafficked person, risk is assessed from the perspective of the imminent threats to the victim's health and life:** emergency medical needs, danger of re-trafficking, present and past experiences with violence.

The risk assessment during the victim's identification includes **the trafficked person's personal concerns** and the **objective assessment of the interviewer**.

Risk assessment is made during the **initial interview** with the trafficked person, in a safe place when he/she is able and willing to speak.

Where a trafficked person is unable to speak due to high stress or for other reasons and emergency actions are required to protect his/her safety, the professionals in contact with him/her have to make their risk assessment based only on the objective observations of the victim's condition.

The interview is conducted at the first convenient moment and should determine:

1. Whether the trafficked person has any **emergency health needs**:

- pain or other somatic discomforts;
- injuries;
- acute stress reactions: outbursts of anger, aggressiveness, incessant crying, shock, stupor, etc.;
- acute symptoms of a chronic disease;
- physical disability;
- life-threatening conditions;
- other specific medical needs.

2. Whether there is **threat of violence or re-trafficking**:

- if the trafficked person has been threatened with retaliation;
- if the trafficked person's family and relatives have been threatened;
- if the trafficked person is being followed;
- if the trafficked person has noticed any suspicious people around;
- if there are places where the trafficked person does not want to be due to fear for his/her safety;
- others.

Risk assessment includes the following steps:

**Step 1. Involving the trafficked person in the process of risk assessment**

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Trafficked persons must be motivated to share their concerns and fears, what they would like to arrange for their safety, and what resources they have for coping.

*! Very often, due to the high level of stress, victims may underestimate the risks they are exposed to. In other cases, due to the threats and violence they were subjected to, they prefer to conceal what they know about the traffickers because they know they will be punished if they speak out. In yet other cases, victims can demonstrate risky behaviour and thus pose a danger to themselves.*

## **Step 2. Development of an *Individual Safety Plan***

The **individual safety plan** is negotiated together with the trafficked person. The planned safety measures must be clear, understandable and realistic for the trafficked person. Trafficked persons have to commit to such measures on a voluntary basis.

## **Step 3. Risk assessment and *safety plan* updates upon new contacts with the trafficked person and case developments**

The risk assessment and safety plan should be updated upon each contact of the trafficked person with the institutions and organisations involved in the process of the latter's identification and re-integration within the NRM.

**Risk assessment should not be considered confidential information.** The referring organisation must provide complete information about the risk to the receiving organisation.

If the service is provided for a long period of time (for example, accommodation in a shelter), it is necessary to revise the risk assessment and the safety plan at regular intervals.

Risk assessment is especially important when the trafficked person is about to return to his/her country of origin. In this case, contact should be sought with institutions and organisations in the country of origin, which can provide information about the social, economic and cultural factors presenting a potential risk to the process of re-integration.

## **B. SPECIAL CASES**

- **Child victims of trafficking**

For each case of child trafficking, SACP notifies in writing the Social Assistance Directorate operating at the child's current/permanent residence and provides the available case-file information, so as to foster a survey of the family and social environment, draw a risk assessment and a written statement concerning the child's accommodation upon return to the country.

The leading official of the Child Protection Department with the Social Assistance Directorate assigns a social worker, who assumes leadership of the multidisciplinary team and enquires into the child's family and social environment, assesses the risk of the child's potential re-trafficking abroad and draws an action plan. The action plan is coordinated with the team of the Crisis Centre.

If there is sufficient information suggesting that the child has been involved in the activities set forth in Article 11 of the Child Protection Act, the Chairperson of the SACP files a reasoned

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proposal or a written statement to the Minister of Interior so that the administrative measures under Article 76 of the Bulgarian Identity Documents Act can be implemented.

For each case of a child victim of trafficking or exploitation, as well as for the cases containing data of children exposed to the risk of involvement into trafficking in human beings, SACP files a notification in writing to:

- the Social Assistance Directorate
- the Police Department at the child's current/permanent address (providing the available information on the case, for the purpose of making a detailed survey of the child's family and his/her social and educational circumstances and for preparing a risk assessment and a statement report about the measures to be undertaken).
- Upon the child's placement with a Crisis Centre, it is mandatory to submit the following documents: (1) a placement order; (2) a social survey of his/her neighbours and kinsfolk, as well as (3) an action plan containing the long-term measures relevant to the child.

- **Non-EU citizens who are victims of trafficking**

- **Asylum seekers**

When a foreign national seeks protection, he/she is accommodated in a transit, registration-admission centre, or another shelter of the State Agency for Refugees. The risk assessment is performed by the interviewing case worker, who investigates the facts and circumstances of relevance to the proceedings for granting special protection, in accordance with the Asylum and Refugees Act.

- **Illegal residents**

The risk assessment is performed by the officers of the Chief Directorate Border Police or the Migration Directorate who had identified the trafficked person.

If translation/interpretation is necessary, it is arranged by the institution or organisation which conducts the interview.

## **C. DOCUMENTATION**

A major document, which reflects the risk assessment, is the **safety plan**. It is part of the **safety and support plan** on the case and should contain information about:

- risk aspects in the trafficked person's current situation;
  - concerns and considerations of the trafficked person;
  - available resources for coping;
  - measures taken to increase the trafficked person's safety;
  - interaction (if any) with the investigating bodies, Mol, the judiciary, etc.;
  - safety measures discussed with the trafficked person.
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## D. COOPERATION

The following persons/entities can act as partners in the risk assessment process:

- The person or organisation, if applicable, which referred and provided the initial information about the trafficked person;
- Institutions and organisations in the trafficked person's home country/town (especially when his/her return is planned);
- Investigating bodies, Mol, the prosecutor's office.

### **Ministry of Interior (Mol)**

During the initial contact or after the identification of trafficked persons, the officers of **CDCOC**, **CDBP** and **MD** make a risk assessment with the purpose of establishing the danger of re-trafficking or possible violent retaliation against the victims or their family and relatives.

### **Ministry of Foreign Affairs (MFA)**

Police attachés or, where no such office is available, the consular officials, make a risk assessment for each specific case, in cooperation with the competent authorities in the country of destination and the respective Bulgarian competent authorities

### **State Agency for Refugees (SAR)**

The employees of SAR in the transit centres, the registration-admission centres and the integration centres make a risk assessment during the registration, accommodation, medical examinations, and in the course of the proceedings for granting legal status, in accordance with the Asylum and Refugees Act.

### **National Hotline for victims of violence: 02/981 76 86**

The calls to the Hotline are anonymous. Risk assessment is made during the telephone conversation by asking as detailed and specific questions as possible, including where the victim is at the moment, where he/she is calling from, whether he/she is threatened at the moment, how much time he/she has for the call, whether someone is listening to the conversation, etc. In cases of trafficking and if there is high risk for the victim, anonymity is no longer observed and the aim is to collect as much information as possible, which is later transferred to the relevant authorities. The information collected is entered in the *call registration form*.

### **National Helpline for Children 116 111**

The helpline consultants make a risk assessment for the child making the call, according to the definition of a child at risk in the Child Protection Act. In urgent or dangerous cases, including trafficking cases, the consultants contact the 112 National Centre, as well as the respective Child Protection Department operating at the child's current location. The Child Protection Departments report the case, in compliance with the Coordination Mechanism for Children Survivors from or at Risk of Violence and, for instances of urgent intervention, with the Coordination Mechanism for Referral, Care, and Protection of Repatriated Bulgarian Unaccompanied Minors and Children Victims of Trafficking Returning from Abroad.

### **Crisis Centres and Temporary Placement Centres (NGO)**

Risk is assessed during the initial conversation with the victim. This can be done outside the centre, when the social worker meets the victim upon his/her return or has been called to the

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Mol units, which had identified the victim. In all other cases, the risk assessment is performed within the centre, upon the victim's accommodation and availability to speak. The information provided is entered in the *support and safety plan*.

### **International Organisation for Migration (IOM)**

Upon being alerted of a trafficked person, IOM initiates a standardised risk assessment procedure. This procedure provides for cooperation between all persons and institutions of relevance to the case.

## **MEASURE 1.3. Identification of immediate needs**

### **A. DESCRIPTION OF THE ACTIVITY**

Risk assessment and the definition of immediate needs run simultaneously during the identification of the trafficked person.

Immediate needs are determined using two methods:

- **Objective observation of the victim's condition, appearance, and behaviour**

In situations of emergency, where a victim of trafficking is under severe stress, experiences medical problems and is in no condition to speak, his/her needs can be identified only based on the symptoms observed. This is undertaken where urgent actions are required and the consent of the trafficked person cannot be obtained. In all other cases, observation complements the information conveyed by the trafficked person.

- **Interview**

The interview is conducted when the trafficked person is in a condition to speak, to share information, and to understand what is being said to him/her. The trafficked person's main physiological needs (of food, water and sleep) must be satisfied and any necessary medical care must be ensured. The trafficked person must be in a safe place.

#### **Step 1. Interviewing the trafficked person and explaining his/her rights and responsibilities and the possibilities to provide support**

Trafficked persons must be informed about the purpose of the interview in advance and must participate willingly in it.

The interview should be informative for both parties. During the interview, trafficked persons should understand where they are, what their rights and opportunities are and what steps will be taken further. The interviewer should learn what their immediate needs are and whether they are currently at risk.

No third persons shall be present at the interview. Any information provided by the trafficked person which is not related to the criminal investigation is confidential and cannot be divulged to third parties without his/her consent.

The interview concerns the condition and needs of the trafficked person and should not cover topics related to the police work on the case. During the interview for defining the

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trafficked person's immediate needs, the interviewer should ask questions about his/ her condition and not about the reasons leading to it. This interview does not inquire into the situation of trafficking.

The interview should meet the following targets:

- Provide information about the institution/organisation where the trafficked person is and communicate the role of the interviewer;
- Assess the situation and the trafficked person's emergency needs the way he/she presents them;
- Provide information about the possibilities to deliver support. Clarify the trafficked person's rights and responsibilities
- Give the trafficked person the opportunity to ask questions about anything he/she wants to know and to express his/her concerns and wishes;
- Reach agreement with the trafficked person on a support and safety plan (what the next steps should be).

During the conversation, the interviewer should listen actively, with understanding and respect. He/she should demonstrate understanding toward the emotional condition of the trafficked person and seek to avoid any additional stress in the process of interviewing. The questions should be asked in a supportive and non-victimising way. Any information should be provided in a clear way and in words that the trafficked person can understand.

**! If the victim is in a crisis or under severe stress, he/she may not be able to understand things, which appear to be simple and clear to the interviewer. It may be necessary to repeat the information several times, even if the victim claims that he/she understands it.**

## **Step 2. Assessment of the emergency needs**

The assessment of emergency needs is done by including topics in the interview related to:

- the trafficked person's safety (see also *Risk Assessment*);
- his/her health condition;
- whether he/she has any diseases due to which he/she should be placed under compulsory isolation and hospital treatment<sup>8</sup>;
- his/her emotional condition;
- his/her immediate and emergency needs – of shelter, food, water, medicines, hygiene supplies, toilet, sleep, etc.
- his/her plans and intentions for the near future;

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<sup>8</sup>According to the Public Health Act, compulsory isolation and hospital treatment are necessary for people who have or can transmit cholera, plague, variola, yellow fever, viral haemorrhagic fever, diphtheria, typhoid fever, poliomyelitis, brucellosis, anthrax, malaria, severe acute respiratory syndrome and tuberculosis.

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- the presence or absence of vital family relations;
  - available resources (for coping);
  - other emergency matters according to the individual needs/situation of the identified victim.

### **Step 3. Development of a safety and support plan**

The interview for defining the immediate needs should end with an agreement with the trafficked person on a **safety and support plan** in order to meet these needs.

In emergency cases, the plan is negotiated orally with the trafficked person.

In all other cases, the plan should be prepared in writing and signed by the trafficked person to confirm his/her agreement of voluntary participation and commitment to the planned steps. The plan should be **updated** when the trafficked person is referred to another organisation.

**! Very often, after victims are identified, they want to return as soon as possible to their family. In these cases there is usually no risk for the victims to return home. However, there are cases when the assessment shows that there is risk of re-trafficking or violence. Nevertheless, if the victims are of age, they have the right to refuse support. In those instances, the action plan should provide the victims with opportunities to contact relevant services and organisations in case they change their mind in the future.**

## **B. SPECIAL CASES**

- **Child victims of trafficking**

For each case of a child victim of trafficking, the Social Assistance Directorate at the child's current/permanent residence prepares a report to assess the child's needs and designs an action plan, in coordination with the Crisis Unit team. The assessment report must be signed by all members of the team. The action plan may include support measures for the family of the trafficked child, with respect to minimising the risk of secondary placement out of the family or the risk of re-trafficking.

- **Non-EU citizens who are victims of trafficking**

- **Asylum seekers**

When a foreign national seeks protection, he/she is accommodated in a transit, registration-admission centre, or another shelter of the State Agency for Refugees. The person's immediate needs are identified by the interviewing case worker, who investigates the facts and circumstances of relevance to the proceedings for granting special protection, in accordance with the Asylum and Refugees Act.

- **Illegal residents**

The needs assessment is performed by the officers of the Chief Directorate Border Police or the Migration Directorate who had identified the trafficked person.

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If translation/interpretation is necessary, it is arranged by the institution or organisation which conducts the interview.

**The safety and support plan** is the main document in the implementation of this measure. It also serves as an informal agreement between the trafficked person and the service provider. The safety and support plan does not follow a specific form but should include:

- description of the identified immediate needs;
- description of the planned steps;
- institutions and organisations which are contacted or to which the trafficked person is referred;
- safety plan (see also Measure 1.2. *Risk Assessment*);
- timeframe of the plan;
- name and signature of the trafficked person;
- name and signature of the interviewer and name of the institution/organisation which he/she represents;
- date and location.

#### D. COOPERATION

The following persons/entities can act as partners in the needs assessment process:

- The person or organisation (if applicable) which referred and provided the initial information about the trafficked person;
- Organisations and institutions acting as service providers to which the trafficked person was referred and which were included in the action plan.

##### **Ministry of Interior (Moi)**

Parallel with the risk assessment upon the identification of trafficked persons, the officers of **CDCOC**, **CDBP**, and **MD** conduct a needs assessment, in case any emergency medical, psychological or legal aid is required, and also with view of determining the need for the victim's placement with a crisis centre or a shelter.

##### **Agency for Social Assistance/ Social Assistance Directorates/ Social Protection Departments**

After identifying a trafficked person, social workers make a needs assessment based on the programmes of the SPD and provide him/her with information and consultations about the available social assistance options or other types of social services.

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**Ministry of Foreign Affairs (MFA)**

The consular service officials make case-specific needs assessments acting in cooperation with the competent bodies of the destination country and with their respective Bulgarian counterparts.

**State Agency for Refugees (SAR)**

The employees of SAR in the transit centres, the registration-admission centres and the integration centres make an assessment of the immediate needs during the registration, accommodation, medical examinations, and in the course of the proceedings for granting legal status, in accordance with the Asylum and Refugees Act.

**National Hotline for Victims of Violence: 02/981 76 86**

The needs assessment is made during the telephone conversation unless the trafficked person is in a high-risk situation and urgent measures need to be taken, like reporting to the police. The needs that the trafficked person states are entered in the *call registration form*.

**Crisis Centres and Temporary Placement Centres (NGO)**

Immediate needs are assessed together with risk during the initial conversation with the victim. This can be done outside the centre, when the social worker meets the victim upon his/her return or has been called to the Mol units, which had identified the victim. In all other cases, the needs assessment is made within the centre, upon the victim's accommodation and availability to speak. The information provided is entered in the *support and safety plan*.

**International Organisation for Migration (IOM)**

In coordinated effort with all stakeholders, IOM makes case-specific assessments of trafficked persons' needs, whereby it develops an initial re-integration plan, which is used as the basis for the onset of the victim's protection and re-integration process in Bulgaria. IOM duly documents all case-specific measures on paper copy and electronically, and stores them in line with IOM's international standards and requirements.

**MEASURE 1.4. Referral****A. DESCRIPTION OF THE ACTIVITY**

After a person has been identified as a victim of trafficking and his/her immediate needs have been determined, the person should be referred to the respective programmes and services included in the National Referral Mechanism if they are not available at the identifying institution.

Referral does not mean transferring the person from one place to another, but is a vital part of the care provided to victims. The referral of trafficked persons is a complex process because of their wide-ranging needs and the various risks associated with trafficking. It is

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possible that during the work with a trafficked person, he/she is referred to more than one service provider.

Safe referral guarantees that the care and services which will be provided by other institutions and organisations will not endanger the health and safety of the trafficked person.

The following steps should be taken in order to ensure safe referral:

### **Step 1. Informed consent about the referral to another organisation**

The trafficked person should be informed about the possibilities to receive support in accordance with the needs he/she stated (See *Measure 1.3. Identification of immediate needs*). The trafficked person should be able to choose (in as much as the availability of services allows it) to which organisation he/she is to be referred. The places of referral are agreed upon in the **safety and support plan**. The trafficked person should give his/her consent before contact is made with another organisation.

Full-age victims of trafficking may refuse referral or disclosure of any information related to their trafficking experience to other people.

### **Step 2. Contacting the organisation to which the trafficked person is referred**

The organisation to which the victim is referred must be properly notified about the victim's arrival. The way the victim will be met – where, at what time, and by whom – should also be arranged in advance.

For the purposes of the referral, it has to be assessed whether the accepting organisation's resources are sufficient to conduct the work on the case. For example, a shelter must assess its availability of places; a consulting centre must account for the adequacy of its programmes and for suitably qualified specialists to take over the case.

The information provided to the receiving organisation should be limited to only what is necessary for the adequate provision of the planned services. The trafficked person should agree on what and how much information is shared with the other organisation. Exceptions are made only regarding information related to risks for the life and well-being of the trafficked person, his/her family, employees of the service provider, or of other people. This information **must be** shared with the receiving organisation.

**! Very often the trafficked person feels difficulties telling his/her story repeatedly because it only reinforces the experienced trauma. It is possible for the referring organisation to retell the trafficked person's story orally or in writing to the receiving organisation, with the informed consent of the victim.**

If possible, the trafficked person should first have personal contact (by telephone) with a representative of the organisation to which he/she is referred.

### **Step 3. Accompanying the trafficked person to the organisation to which he/she is referred**

The procedure of accompanying the trafficked person to the receiving organisation is closely related to the **risk assessment**

Depending on the risk level, the trafficked person can go to the receiving organisation in several ways:

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- **Alone** – only in cases when there is no serious risk;
- **Accompanied by a social worker or another employee** of the referring institution or organisation. Usually this is necessary when the victim is emotionally unstable or has medical difficulties;
- **Accompanied by Mol officers** – in cases when there have been serious threats to the victim, his/her family, or the employees of the service provider.

**!** Transferring a trafficked person from one place to another involves risk both for him/her and for the accompanying professionals. This risk must always be borne in mind while planning referral actions.

#### **Step 4. Feedback from the receiving organisation**

The referral process ends with feedback from the receiving organisation, including how the victim was accommodated/admitted and what steps are being planned for the work ahead.

#### **Step 5: When referral is not possible**

Referral cannot be made in the following situations:

- Moving the trafficked person is associated with very high risk;
- The trafficked person does not want to be referred and prefers to break contact.

In such cases, the initial conversation with the trafficked person should be as long as possible, considering the circumstances. This may be the only chance the trafficked person has to speak with a specialist and realise his/her situation. It is possible that later the victim will decide to take advantage of the services included in the National Referral Mechanism.

The trafficked person should be provided with as much information as possible about:

- the crime of trafficking in human beings;
- his/her rights as a victim of trafficking;
- his/her right to keep the situation of trafficking secret from other people;
- the possibilities to receive support;
- the places where he/she can turn for support in his/her home country/town;
- the existing legislation he/she can make use of;
- others.

**!** A very careful approach should be adopted, when communicating rights and support information to a victim who wants to break contact with the institution. Brochures with names and contact information of other organisations may not always be appropriate. If any printed material is handed to the trafficked person, it should be of small size, so as to allow him/her to hide it somewhere. The trafficked person can be advised to memorise a Hotline number.

## **B. SPECIAL CASES**

### **• Child victims of trafficking**

The Social Assistance Directorate (SAD) at the child's current/permanent residence takes appropriate child protection measures, in accordance with the child's needs and interests.



SAD should comply with the provisions of the Child Protection Act and the Regulations for its Application (e.g. placement in a Crisis Centre).

A social worker from the Social Assistance Directorate accompanies the child and places him/her in the Crisis Unit, pursuant to an order issued by the Director of the Social Assistance Directorate at the child's current/permanent residence. Within one month from the issuance of the administrative order for temporary placement, the Social Assistance Directorate files a claim with the Regional Court for placement of the child by court order.

After the provision of the service, the Crisis Centre drafts a report for the period of the child's placement and submits it to the Social Assistance Directorate at the child's current/permanent residence, and to SACP.

- **Non-EU citizens who are victims of trafficking**

Foreign nationals **seeking protection** or such **residing illegally**, who have been identified as victims of trafficking, are immediately referred to the competent institutions and service providers involved in the care for victims, taking into consideration the vulnerability of persons who seek international protection.

### C. DOCUMENTATION

The action plan contains information about the places where the trafficked person is referred. If it has been drawn in writing, a copy of it is provided to the receiving organisation, with the trafficked person's consent. All medical documents (examination results, history of diseases, etc.) should also be provided to the receiving organisation.

### D. COOPERATION

Partners in the referral process are service-provider institutions and organisations, to which the trafficked person can be referred and which participate in the action plan.

#### **Ministry of Interior (Mol)**

The officers of **CDCOC**, **CDBP**, and **DM** refer Bulgarian or foreign trafficked persons to other organisations and institutions that provide services outside the mandate of **Mol**.

#### **Agency for Social Assistance/ Social Assistance Directorates/ Social Protection Departments**

Social workers refer trafficked persons to state delegated social services – accommodation in a crisis centre or centre for temporary accommodation. The social worker issues the referral order<sup>9</sup> and notifies the director of the respective centre about the trafficked person's arrival. Upon accommodation, the trafficked person must provide a set of medical documents certifying his/her health condition.

<sup>9</sup> Referral orders are issued as per the Regulations for the Application of the Social Assistance Act.

### **Ministry of Foreign Affairs (MFA)**

Where necessary, consular service officials can organise the referral of trafficked persons, in cooperation with the relevant bodies in the country of destination, the Bulgarian relevant bodies and NGOs.

### **State Agency for Refugees (SAR)**

The employees of SAR in the transit centres, the registration- admission centres, and integration centres refer foreigners identified as trafficked persons to the competent institutions and service providers involved in victim support.

### **National Hotline for Victims of Violence: 02/981 76 86**

The Hotline has a large database of organisations providing different services (psychological, social, medical, legal, etc.) in Bulgaria and abroad. Depending on the identified needs, the trafficked person or his/her family are referred to an appropriate organisation and informed about the type of support they can receive there and how to access the services. The Hotline works 24 hours a day. It also makes referrals to the Crisis Centre of the Animus Association at any time of day or night. All the referrals are entered in the *call registration form*.

### **Crisis Centres and Temporary Placement Centres (NGO)**

The shelters and crisis centres possess databases of organisations providing different types of services and support. The referral is made with the consent of the trafficked person and in accordance with his/her needs. The referral is made on the basis of the above-mentioned procedures. This information is entered in the *safety and support plan*.

### **NGOs providing specialised services to male and female sex workers. Field social workers<sup>10</sup>**

Referral is applied most widely by the field teams, both as a primary preventive measure among field clients and, on more specific terms, towards clients obviously at the risk of being involved in trafficking or reporting about their situation themselves. Referral actions comprise the field dissemination of materials, possibly containing information about trafficking as a phenomenon, available contacts, institutions and organisations providing support in Bulgaria and abroad.

### **International Organisation for Migration (IOM)**

If necessary, IOM refers trafficked persons to services provided by other partner organisations.

IOM duly documents all case-specific measures on paper copy and electronically, and stores them in line with IOM's international standards and requirements.

<sup>10</sup> Teams providing field services to the group of prostituting males and females within the programme for 'Prevention and Control of HIV/AIDS' of the Ministry of Health, which was funded by the Global Fund to Fight AIDS, Tuberculosis and Malaria. The teams act as a network and have been trained to comply with common working rules, principles and methods.

**United Nations High Commissioner for Refugees (UNHCR)**

Upon receipt of notice, the UNHCR immediately alerts the relevant state bodies or non-governmental organisations. Referral is made to service providers.

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## II. PROTECTION AND SUPPORT

### Measure 2.1. Crisis Intervention

#### A. DESCRIPTION OF THE ACTIVITY

Crisis intervention includes all actions following the identification of the trafficked person, as described in the SOP *Identification and Referral*.

Crisis intervention also continues through the first days after the trafficked person's referral to the specialised service providers included in the National Mechanism. It involves emergency short-term psychological and social support aiming to meet the victim's most urgent needs<sup>11</sup>.

The aims of crisis intervention are:

- **Protection:** trafficked persons are accommodated in a safe and secure location;
- **Prevention:** quick intervention prevents the development of more severe psychological and social problems for the victims;
- **Support:** psychological work reduces the pain and stress from the trafficking experience and broadens the possibilities for coping.

**Crisis intervention includes the following steps<sup>12</sup>:**

#### **Step 1. Emergency accommodation in a crisis centre**

The trafficked person is admitted temporarily to a centre in the following circumstances:

- The return to his/her usual environment may pose certain risks.
- He/she is in a bad emotional condition and needs time to recover.
- He/she (or his/her children, if they are together) need specialised care, which can be provided either at the centre or by another organisation nearby (e.g. in the same town).
- He/she is using a reflection period.
- He/she is waiting for his/her identity documents to be issued/reissued.
- He/she is testifying to the police or the prosecutor or is awaiting investigation procedures.
- He/she has no personal resources – no place to stay, no home, no family or close relatives.
- Others.

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<sup>11</sup> Crisis intervention is performed according to criteria and standards pertaining to the NRM.

<sup>12</sup> The specific steps are determined separately for each individual case.

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The trafficked person's stay in the centre is voluntary. Upon admission to the centre, the trafficked person is acquainted with the internal regulations and signs a declaration that he/she will observe them.

Following admission, when the trafficked person is able to speak, an interview is conducted to update the risk assessment and the needs assessment, with view to the actual programmes and services available at the centre and the community. The interview is conducted by:

- A consultant designated as the case manager;
- The consultant on duty at this moment, who will later transmit this information to the designated case manager.

The accommodation centres operating under the National Mechanism provide everything required during a person's placement:

- An individual bed (including beds for the children of the victim, if they are accompanying him/her);
- Food;
- Bathroom and toilet;
- Bathroom accessories;
- Other objects of immediate necessity;
- Others.

The centre staff contacts all necessary services and organisations, capable of meeting the trafficked person's emergency needs.

Unless the centre is a closed facility, when the trafficked person arrives and based on the risk assessment, a **safety mode** of his/her placement is devised. Depending on the risk level, it can be:

- **Open** – the trafficked person can leave the centre and come back on his/her own, respecting the internal regulations of the centre. His/her contacts with outside people are not limited.
- **Semi-open** – the trafficked person is not allowed to visit certain places or meet with certain people. He/she cannot go out unaccompanied.
- **Closed** – the trafficked person cannot leave the premises of the centre.

The safety mode is negotiated with the trafficked person upon his/her arrival in the centre, and he/she should agree to observe it.

**! The closed mode can lead to escalation of the tension and re-traumatisation of the trafficked person, especially if he/she had been in captivity for a long time. This can cause impulsive and risky behaviour stemming from the victim's desire to go out at any cost. Any safety mode should account for both the risks, and the victim's emotional condition.**

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## Step 2. Provision of emergency psychological help

In a safe and supporting environment the trafficked person receives help in order to overcome shock, tension and strong emotions. He/she has the chance to explore the different options for coping and to make a plan of the practical steps that need to be taken in order to regain his/her emotional balance.

Every trafficked person who is accommodated in a centre has the opportunity to have an individual conversation with a consultant. This depends on the request:

- **In case of emergency accommodation**, the trafficked person is taken over by the consultant on duty;
- **In case of planned accommodation** the consultant is designated by team discussion.

If the centre cannot provide a consultant, the person is referred to another organisation, which provides psychological counselling and crisis intervention.

Psychological consultations are voluntary and are included in the individual action plan. The consultant and the trafficked person agree on the **number, frequency, and the scheduling** of the sessions for emergency psychological support.

**!** In some cases the trafficked person may initially refuse to take advantage of the psychological consultations. With time spent at the centre, the victim's confidence in staff members grows, influencing his/her decision. Thus, the trafficked person can receive psychological counselling whenever he/she feels ready.

## Step 3. Provision of emergency social, medical, and humanitarian aid

Victims of trafficking need intensive social support for meeting their most urgent needs, as described in the action plan.

The priority falls on the **medical needs of the victim**. The centre contacts the relevant healthcare institutions and specialists.

- Upon emergency, the trafficked person is admitted for hospital treatment, via the First Aid system;
- If hospitalisation or other services are needed which are not covered by the emergency medical aid and the victim has lost his/her health-insurance rights, it is necessary to have them restored in advance, in line with the provisions of the Health Insurance Act;
- Where the person's health-insurance rights have been suspended, he/she is required to cover the charges for the medical aid received. The outstanding medical payments shall be covered by the budget of the Ministry of Labour and Social Policy, upon compliance with the requirements of the Council of Ministers' Decree No. 17 of 2007 on the terms and procedure of expensing earmarked funds for the diagnostics, hospital treatment and in-patient care of individuals having no income and/or property of their own to secure their personal share in the health-insurance procedure /SG, No. 13 of 2007/.

The following procedures can be followed:

- The outstanding health insurance contributions are paid to the Health Insurance Fund as per Article 109, para 2 of the Health Insurance Act;

- The Social Assistance Act applies (see *Step 7 of Measure 3.1*).

**Issuing** the trafficked person with **identity documents** is another priority.

Very often, victims of trafficking have no identity documents because the traffickers had taken them away. The issuance of new identity documents is governed by the general provisions of the Bulgarian Identity Documents Act (BIDA).

The trafficked person submits an **application form** to the competent authorities at his/her **permanent residence address**. The Ministry of Interior is in charge of identity documents. The form should be signed personally in the presence of an authorised official.

According to BIDA, the submission of application forms for the issuance of Bulgarian identity documents shall not necessarily be made in person, where:

- As per the provisions of Article 17, para 5, item 2, BIDA, the submission of application forms for the issuance of Bulgarian identity documents shall not necessarily be made in person, where the person's biometric data have been taken within 59 months from the date of filing the application. i.e. the term was extended up to 4 years and 11 months.

Identity documents are received in person or, in some cases, if the form was submitted personally, by an authorised person upon presentation of a certified power of attorney.

**! Very often it is unwise for a trafficked person to return to his/her home town for new identity documents because of high risk. If there is indeed a high risk of re-trafficking, the victim should be accompanied or seek the assistance of the Identity Documents Directorate, Mol.**

The case manager at the centre contacts all relevant specialists and institutions and refers the trafficked person in accordance with the procedures in *Measure 1.4 Referral*.

For cases requiring the involvement of more specialists from different fields, **multidisciplinary teams** are set up. The team is membered by all parties working on the case. The case manager from the centre/shelter coordinates the work of the team – organises meetings, plans further actions, ensures contact between the trafficked person and the specialists, transfers information between the participants.

## B. SPECIAL CASES

### • **Child victims of trafficking**

Until the child's situation is clarified and the CPD prepares a social report, the child is accommodated temporarily in a Crisis Centre. In cases of child victims of trafficking, the crisis intervention is undertaken by the specialists in the centre of the child's placement.

### • **Non-EU citizens who are victims of trafficking**

If a foreign national, who is a victim of trafficking, is not placed in a centre for victims of trafficking, the crisis intervention is undertaken by the institution with controlling powers. The State Agency for Refugees assumes charge for **asylum seekers**, while **illegal foreign residents** are supervised by the Migration Directorate of Mol.

#### ▫ **Asylum seekers**

Foreign nationals are placed with the State Agency for Refugees after an assessment of their health condition, marital and property status. Foreign nationals are subjected to medical examinations and quarantined until the results of the examinations are ready.

A foreign national having enough means to cover his/her basic living expenses can be allowed to live in a place of his/her own choosing.

In line with the Asylum and Refugees Act (ARA), within the duration of the proceedings for granting special protection, foreign asylum seekers are entitled to the same social benefits, available on the same procedural terms as for Bulgarian citizens – health insurance, affordable medical help and free medical care. They can be referred to all institutions and organisations accessible to Bulgarian citizens.

Foreign nationals, seeking protection, are issued with special identity documents in accordance with ARA.

The State Agency for Refugees has developed **Standard Operating Procedures for prevention and counteraction of sexual and gender violence**, including trafficking in human beings. The foreign victim is provided with safe environment and the necessary care within 48 hours. The victim's considerations and confidentiality principles are observed. His/her immediate needs are identified, and a proper referral is made to other service providers. The foreign victim is free to decide not to report the accident. Even where a victim refuses to report, he/she is to be supported in every possible way.

Every SAR employee, who receives information about a victim of violence, shall immediately inform the Director of the Social Work Directorate of SAR or another authorised official at SAR, UNHCR, or an NGO working with refugees.

The following documents must be filled:

- Accident notification form (to be filled by the Director of the Social Work Directorate of SAR within 24 hours);
- Consent form, filled by the victim;

SAR is the leading organisation, which receives all necessary forms and maintains a database.

#### ▣ **Illegal residents**

Foreign nationals are placed with a Special Temporary Residence Facility for Foreign Nationals (STRFFN), where the measures under Article 41 (forcible transfer to the border) and Article 42 (expulsion) cannot be enforced due to:

- Lack of documents for international travel or other documents necessary to transfer them out of the country;
  - Lack of finances to buy a travel ticket;
  - Need to ensure transportation to their country of origin or another safe country;
  - Incomplete proceedings for granting them status of special protection as per ARA;
  - The person's health condition does not allow for transportation.
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STRFFN provides the foreign national with a bed, appropriate clothing, free food and medical aid, conditions for maintaining personal hygiene, conditions for spending daily hours outdoors, possibilities to meet with lawyers, relatives, family and officials of the respective diplomatic and/or consular services.

The person is accompanied to STRFFN by a police officer and, upon his/her placement, a special transfer protocol is signed and adjoined to the person's case file. STRFFN keeps a register of all accommodated foreign nationals.

Illegally residing foreign nationals have limited rights. They can be referred to non-governmental or international organisations for meeting some of their immediate needs (IOM, Caritas, ACET, Red Cross, Bulgarian Helsinki Committee).

Crisis interventions with regard to **illegal foreign residents, not placed with a STRFFN** by procedural enforcement, is undertaken directly by the competent institutions and service providers involved in victim support as per CTHBA.

### C. DOCUMENTATION

Trafficked persons are registered in accordance with the rules of the centre where they are admitted. For every case, the centre opens a **personal file**, which comprises:

- Personal data filling forms (registration and accommodation form);
- A declaration signed by the victim that he/she will observe the internal regulations of the centre;
- Description of the person's psychological condition;
- An individual safety and support plan;
- Notes on the termination of the case;
- Documents related to the work on the case by other organisations – referrals, medical examinations documents, etc.;
- Other documents required by the centre/shelter's rules (cover sheet, case description, form reporting the social work done on the case, documents about the victim's children, etc.)

Additional documents may include:

- Register of admitted persons;
- Minutes from team meetings.

### D. COOPERATION

The institutions and organisations partnering in THB crisis intervention are the service providers to which a trafficked person can be referred or which are included in the latter's action plan.

**Ministry of Interior (Mol)**

Crisis intervention with regard to **illegal migrants accommodated at STRFFN** is undertaken by officials of the Migration Directorate under closed-mode restrictions for the time required until the person is transferred to a centre for victims of trafficking.

#### **Ministry of Foreign Affairs (MFA)**

In all activities where contact is requested by the Bulgarian competent authorities, MFA cooperates with the diplomatic or consular representation of the trafficked person's country of origin, which may be located in Bulgaria or in a third country. If a trafficked person is in need of crisis intervention, consular officials refer him/her to the respective institutions and organisations in the country of destination.

#### **State Agency for Refugees (SAR)**

Crisis intervention is offered to foreigners identified as victims of trafficking, upon their accommodation in a transit, registration-admission centre or another shelter of SAR, by the respective division's employees.

#### **Healthcare System**

Victims of trafficking can use the services of the healthcare system in line with the provisions and procedures applicable to other citizens, as set forth in the effective legislation on the provision of healthcare services falling within/outside the scope of health insurance.

The Regional Healthcare Inspectorates (RHI) can ensure logistic support for access of trafficked persons to medical care.

#### **National Hotline for Victims of Violence: 02/981 76 86**

The Hotline consultants can provide emergency emotional support to victims of trafficking and to their family and relatives. In a situation of crisis, they can help them think about an action plan to escape from a trafficking scenario and provide them with contact information of the relevant organisations and institutions (hotlines in the region/country of destination, addresses of Bulgarian embassies and consular services, contacts with service providers, police, etc.) The Hotline works 24 hours a day. It can also ensure immediate referral to the Crisis Centre of Animus Association. The crisis intervention is entered in the *call registration form*.

#### **Crisis Centres and Temporary Placement Centres (NGO)**

Crisis centres and shelters offer immediate accommodation arrangements to victims of trafficking at any time of day or night. Crisis intervention follows the steps and procedures described above. Adopted measures are listed in the *safety and support plan*.

#### **International Organisation for Migration (IOM)**

IOM ensures coordination and support for both the trafficked person's return, and throughout the entire subsequent process of the victim's protection and re-integration, notifying, where necessary, all institutions and organisations involved in the case. The crisis intervention is delivered ahead of the victim's return to the country by IOM specialists in the country of destination or by partner organisations.

#### **Health Without Borders Association / Centre for Sexual Health**

The centre offers free medical examinations, treatment of sexually transmitted infections and HIV/AIDS testing.

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**MEASURE 2.2. Support During the Reflection Period**

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**A. DESCRIPTION OF THE ACTIVITY**

Every presumed victim of trafficking is entitled to a reflection period, regardless of whether he/she cooperates with the law-enforcement or whether criminal proceedings against the perpetrators are underway. As per Article 26 of the Combating Trafficking in Human Beings Act, the reflection period is 30 days.

The reflection period has two main functions:

- The trafficked person can receive immediate support and accommodation to a shelter/centre in order to recover from his/her experiences.
- Alongside his/her recovery, the trafficked person is enabled to make an informed decision whether to cooperate with the investigation against the traffickers.

**! If foreign victims of trafficking happen to be treated as illegal residents in the country they are likely to be placed forcibly in a Temporary Residence Facility for Foreign Nationals with the Migration Directorate of the Mol. Once identified as victims of trafficking, they are entitled to a reflection period, as specified in CTHBA, and to accommodation in a shelter or a crisis centre from the NRM, where they can receive specialised support.**

The reflection period begins automatically at the time of the trafficked person's identification in Bulgaria. The trafficked person is informed about the beginning and duration of the reflection period by the identifying organisation.

The following services should be available to the trafficked person during the reflection period:

- The trafficked person should be in a safe location and, if necessary, be placed at a centre;
- Crisis intervention, if his/her condition requires it;
- Psychological counselling and social support addressing the victim's emotional and social problems linked to his/her decision to cooperate with the law-enforcement or not;
- Legal counselling for gaining understanding and planning legal actions on the case.

The reflection period ends:

- upon expiry;
- when the trafficked person decides to cooperate with the law-enforcement authorities.

During the reflection period, the trafficked person receives support which includes:

**Step 1. Legal counselling and informing the victim about the possibilities to start criminal proceedings against the traffickers and his/her role in the investigation**

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In the first days of the reflection period, the trafficked person should be informed about the possibilities to cooperate in the detection of the traffickers and the possible criminal proceedings against them. The trafficked person should receive counselling based on his/her specific circumstances. He/she should be able to make an informed decision in his/her own interest.

The information is provided by:

- a legal advisor;
- the victim's individual counsellor and case manager<sup>13</sup>;
- the pre-trial authorities.

The victims placed with crisis centres and shelters are entitled to free legal aid, provided by the National Legal Aid Bureau (NLAB). During the reflection period, trafficked persons are entitled to free primary legal aid by lawyers registered with the NLAB.

Primary legal aid is given in the form of counselling about:

- taking action in court;
- preparation of documents for taking action in court.

For all cases, primary legal aid is delivered free of charge and ensues directly from the victim of trafficking's status as such.

Requests for receiving primary legal aid are filed with the National Legal Aid Bureau.

Appointments for the legal consultations are arranged in advance. Their frequency and duration are decided by the consultant based on the victim's individual needs.

During the consultations, the victim should be informed about:

- The advantages of cooperating with the law-enforcement authorities:
  - extension of his/her stay in the shelter;
  - financial compensation from the state;
  - acquisition of a longer-term residence permit (in case of foreign nationals);
- The right, conditions and procedures for receiving free legal aid;
- The authorities to which he/she can report the crime (the police or the prosecutor's office);
- The rights of victims in criminal proceedings;
  - The right, conditions and procedures for receiving a financial compensation from the state.

The victim should be fully aware of:

- his/her role in the pre-trial investigation and the criminal proceedings against the perpetrators;

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<sup>13</sup> The counsellor/case manager can provide only basic legal information to the victim and should refer him/her to specialists who can provide professional legal consultation about all matters related to the specific case.

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- his/her involvement and responsibilities if constituted as witness or another party to the investigation proceedings;
- what is expected of him/her in this process;
- what are the risks if he/she cooperates;
- what type of support he/she can receive;

During the reflection period, the victim is not obliged to cooperate with the investigation or to testify.

If the victim decides to cooperate, he/she should be supported in the communication with the respective institutions and the preparation of the necessary documents.

### **Step 2. Protection measures in accordance with Article 25 of CTHBA**

Trafficked persons who decide to cooperate in the criminal prosecution against the traffickers are granted with a **status of special protection for the duration of the criminal proceedings**, as per Article 25, CTHBA.

The status of special protection ensures:

- granting of long-term residence permit to foreign nationals;
- continuation of the stay at accommodation centres.

The status of special protection is determined by a prosecutor at the request of the trafficked person.

The status of special protection can be prematurely suspended by the prosecutor, where:

- The person resumes contact with the perpetrators of the crime, for the investigation of which he/she declared his/her cooperation;
- In the prosecutor's view, the victim's declared consent is fictitious;
- Threat is posed to public order or national security.

### **Step 3. Psychological counselling**

During the reflection period, after the trafficked person overcomes the crisis, he/she can start receiving psychological consultations. These should be voluntary. The consultations are individual and should be included in the action plan for the trafficked person.

Psychological consultations can be delivered:

- in the premises of the centre where the trafficked person resides;
- with another organisation specialising in psychological support.

The consultations are provided by mental health professionals.

**! It is usually difficult for victims of trafficking to establish relationships of trust. They become confused when they communicate with a lot of specialists and find it hard to distinguish the**

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different functions of everyone. It is a good idea if the case manager, whom the victim recognises as a trusted person, provides the psychological consultations. Furthermore, it is exactly during these confidential conversations that the victim is more inclined to share information about him/herself and his/her needs.

The consultant and the victim agree together on the **number, frequency and timing** of the counselling sessions.

The psychological counselling during the reflection period addresses the emotional aspects of the choices that the victim makes – whether to cooperate with the law-enforcement authorities, whether to participate in a court trial, how to plan his/her future, etc.

**!** The victim's decision whether or not to cooperate for the identification and prosecution of the traffickers may change abruptly. The desire for revenge at any cost easily gives way to feelings of despair and helplessness. Anger quickly turns into depression and vice versa. The psychological consultations help the victim to understand his/her overwhelming emotions and adhere to his/her choices and decisions.

#### **Step 4. Organising the safe return of the trafficked person to the country of origin or to his/her hometown**

In case the trafficked person does not wish to take advantage of a reflection period, or where no further measures are due after the period expires, arrangements are made for the trafficked person's safe return. This activity is described in *Measure 3.2. Return*.

## **B. SPECIAL CASES**

- **Child victims of trafficking**

Only full-age individuals are offered a reflection period. Children victims of trafficking are provided with protection measures in accordance with the Child Protection Act

- **Non-EU citizens who are victims of trafficking**

All foreign nationals identified as victims of trafficking are entitled to a one-month reflection period.

- **Asylum seekers**

For victims of trafficking referred to SAR, the Accommodation and Procedures Directorate of the Agency assumes charge of the arrangements for the reflection period and the accompanying measures. Each case is treated individually, with respect to the trafficked person's interests and safety.

- **Illegal residents**

If a foreign victim of trafficking resides illegally in the country and is forcibly placed in a Temporary Residence Facility for Foreign Nationals by the Migration Directorate of the Mol, he/she can be transferred immediately to a shelter or crisis centre from the NRM for the purpose of using a reflection period. According to CTHBA, the victim is entitled to a temporary residence permit for the duration of the reflection period. During the reflection period, the victim is also entitled to receive psychological, social and legal aid, within the scope of the NRM.

If the trafficked person decides to cooperate in the investigation against the perpetrators, he/she is granted a status of special protection, as per Article 25, CTHBA, and a long-term residence permit for the duration of the criminal proceedings (Article 41, para 1, item 17 of the Foreigners in the Republic of Bulgaria Act).

### C. DOCUMENTATION

All notes regarding the reflection period and the actions undertaken are entered in the **trafficked person's file**.

### D. COOPERATION

The partnering care over victims of trafficking is assumed by organisations and institutions, operating as service providers and listed in the action plan, to which the trafficked person has been referred.

#### **Healthcare System**

During the reflection period, victims of trafficking can use the services of the healthcare system in line with the provisions and procedures applicable to other citizens.

The Regional Healthcare Inspectorates (RHI) can ensure logistic support for access of trafficked persons to medical care.

#### **State Agency for Refugees (SAR)**

If a trafficked person who is a foreign national seeks protection and is accommodated in a transit, registration-admission centre, or another shelter of SAR, the respective division of SAR provides care for him/her. He/she is referred to service providers within the NRM in order to receive psychological and legal counselling during the reflection period.

#### **National Legal Aid Bureau (NLAB)**

The victims placed with crisis centres and shelters are entitled to free legal aid, provided by the National Legal Aid Bureau (NLAB).

#### **National Hotline for Victims of Violence: 02/981 76 86**

The Hotline consultants inform the trafficked person about his/her right to use a one-month reflection period. They refer the person to relevant service providers, legal advisors, and lawyers. The Hotline provides specialised legal consultations once a week. Victims of trafficking and their family can receive detailed information about the rights and possibilities provided for by Bulgarian law. All actions and referrals are entered in the *call registration form*.

#### **Crisis Centres and Temporary Placement Centres (NGO)**

During the reflection period, crisis centres and shelters provide accommodation and organise the psychological and social support of trafficked persons according to the

procedures described above. All adopted measures taken are listed in the *safety and support plan*.

#### **NGOs providing legal services**

Within the framework of their programmes funded by state or other funds, NGOs can provide trafficked persons with free legal services during the reflection period.

#### **International Organisation for Migration (IOM)**

Each case is examined separately and the reflection period is arranged with view to the trafficked person's condition. The case manager informs the victim about the possibilities for protection and re-integration in the country of origin.

#### **United Nations High Commissioner for Refugees (UNHCR)**

Foreign nationals, who are victims of trafficking and have sought or received protection, are referred to service providers in the NRM in order to use psychological and legal help related to the reflection period.

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### III. SOCIAL INCLUSION (RE-INTEGRATION)

#### MEASURE 3.1. Long-term psychological support and empowerment <sup>14</sup>

##### A. DESCRIPTION OF THE ACTIVITY

Long-term psychosocial support is provided after the trafficked person has overcome the crisis and after the one-month reflection period has elapsed. The trafficked person should have attained a relatively stable emotional condition and be able to enjoy access to basic conditions of life, with no danger to his/her life or well-being. According to the Regulations for Application of the Social Assistance Act, **short-term services** are the services provided for a period of up to three months, while **long-term services** are those provided over a period longer than three months. However, a trafficked person cooperating in the criminal investigation, may gain an extended placement within an accommodation centre (Article 29, CTHBA).

There are two main groups of factors that impede the social inclusion and re-integration of trafficked persons:

- **Emotional:** related to the consequences of psychological trauma;
- **Social:** related to the lack of tolerance from the trafficked person's environment and the refusal of others to accept him/her and offer support.

The approaches to long-term rehabilitation of trafficked persons include interventions directed at both factor groups.

Some of the characteristics of previously experienced psychological trauma are feelings of helplessness and disrupted relationships with other people. The rehabilitation process is driven by the following major aims:

- Recovery of the feeling of control and autonomy;
- Empowerment;
- Re-establishment of relationships with other people.

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

An important part of the rehabilitation process is the restoration of the feeling of autonomy and control over the person's own life. For this reason, he/she should participate in the decisions and planning of all steps of the rehabilitation process. After overcoming the initial crisis, the trafficked person can decide for him/herself whether or not to seek long-term help.

During the reflection period, the trafficked person receives **information** from the consultant about the available opportunities for addressing a psychotherapist or for receiving social support to resolve various practical problems.

<sup>14</sup> All services related to the re-integration of trafficked persons are delivered according to criteria and standards, which are an integral part of this NRM.

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Upon the elapse of the initial one month of work, the consultant and the trafficked person decide together whether he/she will need some longer-term support, what its purposes will be, and who will implement it. These decisions are entered in the action plan.

Long-term psychotherapeutic and social work are provided only at the request of the trafficked person. In order for the support to be efficient, it needs to reflect the choice and the needs of the trafficked person. The consultant supports him/her in making the right choices and accessing the relevant specialists and services, and in making a **referral** (See *Measure 1.4*).

If the trafficked person breaks contact with the centre, the consultant makes an arrangement of a **follow-up contact** (an appointment, telephone call, letter, etc.) after a certain period of time.

**A follow-up contact aims to ensure:**

- Emotional support;
- Follow-up on the condition of the trafficked person;
- Follow-up of the rehabilitation process;
- Risk assessment after contact termination;
- Assessment of newly developed needs;
- Provision of additional information about protection and support;
- Referral to services.

At any time thereafter, the trafficked person should be able to turn again to the consultant or the organisation which provided him/her with care and support.

**! Most trafficked persons are eager to return to their home places as soon as possible. Others believe that they can cope on their own and will not be in need of further help. Sometimes, they turn to a psychotherapist years after the trafficking situation.**

Following the reflection period and the termination of contact, the trafficked person should receive sufficient information in a relevant form (e.g. brochures with available services) so as to be able to seek help at any time he/she feels necessary.

**Step 2. Updating the risk assessment with respect to the trafficked person's re-integration**

In the subsequent stages of work, once the victim is placed in a safe location and there are no pending risks to his/her life and wellbeing, an additional risk assessment is conducted. It covers the following types of risk:

- Social isolation and stigmatisation;
  - Falling victim to new situations of violence and abuse;
  - Unemployment;
  - Poverty;
-

- Failure to continue education due to illiteracy or lack of existing programmes
- Lack of supportive environment and resources for coping;
- Social, religious, and cultural factors that may impede re-integration;
- Others.

At this stage, the risk assessment is made in cooperation with the different institutions and organisations involved in the process of the trafficked person's re-integration.

### **Step 3: Psychotherapeutic work for overcoming the symptoms of posttraumatic stress disorder**

The recovery from psychological trauma requires a lot of time and perseverance. The aim of long-term psychological counselling and psychotherapy is to support the trafficked person to adapt as much as possible to his/her environment. The consultations should aim to restore the person's emotional resilience, to strengthen his/her internal resources, and to restore his/her sense of trust, coping abilities, and capacity to establish intimate relationships.

The recovery from psychological trauma has **three stages**.

**Stage I:** Restoration of the feelings of safety and security.

**Stage II:** Remembering and grieving (mourning) the experienced violence.

**Stage III:** Returning to normal life.

Psychotherapeutic work includes:

- Assessment and definition of the trafficked person's psychological situation;
- Naming of the psychological problems and informing the trafficked person about his/ her condition;
- Work with the symptoms of post-traumatic stress disorder;
- Restoration of control over his/her emotions;
- Recognition of the traumatic event(s);
- Support in the process of grieving for the traumatic losses;
- Partnering in decision-making and planning;
- Emotional support in the implementation of an action plan;
- Others.

The trafficked person works with an individual therapist/consultant or participates in a therapeutic group.

The consultant and the trafficked person agree about the number and frequency of the sessions and about the duration of the therapeutic process. The therapeutic process can last from a few months to several years.

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#### **Step 4. Counselling the victim's family/relatives and partner**

The aim of these consultations is to enable the trafficked person to return to a supportive and tolerant environment and to avoid further victimisation. The consultations help mobilise the natural support systems around the victim – family, friends, partner.

The involvement of the trafficked person's friends and family in the process of re-integration should happen only with his/her **explicit consent** and after a thorough **risk assessment**, which should determine:

- Whether the his/her family/friends were directly or indirectly involved in the trafficking process;
- Whether there is any other type of violence against him/her;
- Whether he/she has witnessed violence in the family;
- The family's attitude towards the trafficked person: are they inclined to blame him/her, is there risk of social exclusion; is there risk of abuse; can he/she be rejected on religious grounds
- Whether the people from the person's immediate surrounding have enough social and emotional competence to support him/her
- Whether they have minimum financial means for survival;
- Others.

The consultations of the family of the trafficked person can be held in different formats:

- as family sessions together with him/her;
- as family sessions without him/her;
- as individual consultations of the separate family members.

Depending on the purpose, the consultations can be provided by the trafficked person's consultant or by another specialist. In either case, the trafficked person should give his/ her consent about how much and what information about his/her experiences in trafficking should be shared with the family.

During the consultations, the trafficked person's family:

- receives emotional support to deal with feelings like shame, guilt or helplessness;
  - receives information about the nature of the crime of trafficking in human beings and the humiliations that the person was subjected to;
  - receives information about the effects of psychological trauma in order to better understand the trafficked person and show tolerance and a non-victimising attitude;
  - gets prepared for what possible consequences this experience may have on the trafficked person's behaviour;
  - receives guidelines how to behave towards the trafficked person;
-

- receives guidelines where to turn to for help;
- becomes involved in the action plan.

**!** Sometimes the work on a case of trafficking starts with consultation for the family. This happens when they suspect that someone from their family may have been trafficked – for example, the person disappeared; called from abroad but was behaving strangely; they found out from someone else that their family member was a victim of trafficking. In this case, in addition to the consultations, the family is referred to the competent departments of Mol.

In other cases, family members seek help because they cannot cope with the behaviour and emotional outbursts of a trafficked person who has returned home. Then they are supported to motivate him/her to seek help.

### **Step 5. Development of social skills**

Due to the survived traumatic experiences, trafficked persons often develop **symptoms** which are manifested in their **behaviour** and put them again in situations of risk. These include:

- problems with initiative and planning;
- passivity and helplessness;
- extremes in relationships;
- repeating victimisation;
- entering in abusive relations with other people;
- others.

The aim of the development (reacquisition) of social skills is to make the trafficked person **more resilient to further victimisation**. This is achieved through:

- Increasing awareness of his/her human rights and stimulating the person's skills to protect them
- Boosting self-confidence and self-esteem and overcoming the perception of oneself as a victim;
- Development of skills to manage and control one's own life;
- Development of realistic life plans and persistence in trying to achieve them.

It is directed at:

- Development of skills to communicate without violence and abuse;
  - Acquisition of basic knowledge about society's functioning, institutions, and laws;
  - Improving trust towards societal institutions;
  - Development of skills for better self-representation;
-

- Development of skills for keeping information relating to their experience in trafficking confidential;
- Others.

The development of skills for a more successful functioning in the social environment is achieved through:

- the process of long-term psychological counselling and therapy;
- the process of counselling for participation in the job market;
- specialised community programmes, if available within the community.

The process of development of social skills starts with **an assessment** and identification of the social difficulties and deficits the trafficked person experiences, together with his/her competencies and capacity for coping. The work includes development of:

- problem-solving skills;
- critical thinking skills;
- communication skills;
- skills for establishment of positive relationships and attitudes;
- emotions and stress management skills;
- planning and decision making skills;
- self-assertion skills;
- skills and habits for individual life (self-care, healthy lifestyle, personal and sexual hygiene, etc.);
- skills for managing one's own household (managing finances, etc.);
- others.

#### **Step 6. Development of skills for participation in the labour market**

Trafficked persons form a separate group with specific characteristics and needs in relation to the labour market. The process of developing skills for participation in the labour market is called **empowerment** because it stimulates the development of self-confidence and respect for the person's autonomous position.

**The aim of empowerment is to stimulate the activity, initiative, and adequate assessment of one's own strengths in order to seek professional realisation**

The consultations focus on:

- development of skills for job seeking;
  - orientation in the situation on the labour market;
-

- development of a realistic strategy for finding a job, based on the qualities and abilities of the person.

**!** Very often trafficked persons return to Bulgaria with high expectations to find a well-paid job. As a compensatory mechanism after the survived violence, they develop unrealistic ideas about their own skills and knowledge and take their chances with inappropriate professions which do not correspond to their education and abilities. They experience great disappointment and dissatisfaction with the low payment (compared to payment in the sex industry, for example) they can receive for unqualified labour. The empowerment consultations are to a large degree related to developing a realistic assessment of their own qualities and their relevance within the labour market.

The empowerment consultations can be in the form of individual or group sessions. They start with a **risk assessment** of the risk of re-trafficking or other forms of abuse and follow step-by-step the whole process of seeking and finding a job. The trafficked person has the opportunity to speak and discuss all practical aspects and difficulties he/she is faced with. An important aspect of this counselling is the adaptation of his/her ideas and preconceptions to the real circumstances so that he/she can not only find a job but also keep it.

During the counselling sessions, the trafficked person should develop sensitivity towards high-risk situations in the process of seeking a job, skills for objective assessment of real-life scenarios.

- The consultations cover the following topics:
  - ▣ selection of job ads from the newspapers and internet;
  - ▣ telephone interview;
  - ▣ preparation of documents to apply for a job (CV, motivation letter, etc.);
  - ▣ skills for self-presentation during a job interview and protection of one's interests and rights;
  - ▣ negotiations with an employer;
  - ▣ acquisition of additional qualifications in accordance with the requirements of the labour market;
  - ▣ selection and access to qualification programmes and courses;
  - ▣ basic knowledge about labour rights.

The empowerment consultations run parallel with the psychological consultations, but are provided by a **different specialist**. The trafficked person **is referred** to empowerment programmes which are then entered in the **safety and support plan**.

The empowerment consultations take place once a week in order for the trafficked person to be able to try and take the steps agreed with the consultant to seek a job. If necessary, additional sessions are scheduled

The process of developing skills for participation in the labour market also includes **referral** to the employment offices, to vocational training and re-training, continuing education programmes, etc. (See *Measure 1.4. Referral*)

**!** Due to the effects of survived violence (e.g. impulsive behaviour, extreme emotions, inability for maintaining stable relationships), trafficked persons often have great difficulties keeping a job. They get involved in situations of conflicts, isolation, and abuse. The support for stable and long-term employment is one of the most difficult tasks in the process of empowerment.

The empowerment process does not have to end when the person starts a new job. The empowerment consultations can be used for a prolonged period of time until he/she settles in his/her new workplace.

### **Step 7. Social counselling and advocacy**

Regaining one's feeling of autonomy and safety is linked with the establishment of long-term conditions of safety, financial and social stability, etc.

Social counselling and advocacy **provide support to the trafficked person in his/her communication with different institutions and the state administration.** They are directed at:

- restoring the person's social insurance rights and status;
- managing various practical needs.

Social counselling and advocacy include interventions addressing mainly the trafficked person's social environment:

- mediation in the communication with institutions, organisations and other service providers;
- work with people from other institutions and organisations for a tolerant and non-victimising attitude and protection of the trafficked person's confidentiality;
- development, maintenance and expansion of a network of partner organisations and institutions providing services.

An important part of the social work is the work in a **multidisciplinary team** with specialists from other organisations and institutions (see *Measure 2.1. Crisis intervention*).

Social counselling and advocacy also includes **referral** to relevant programmes and services corresponding to the trafficked person's needs (see *Measure 1.4. Referral*).

**!** Due to their difficult social situation, most trafficked persons cannot take advantage of counselling and psychotherapeutic programmes. On the other hand, due to the emotional tension from the psychological trauma, they cannot cope with a number of practical situations.

Social consultations are closely connected with the counselling and psychotherapeutic services.

Social consultations are provided by **social workers** in accordance with the needs of the trafficked person and they do not need to have specific timing or frequency. If visits to other specialists, organisations and administrative services are necessary, the social worker accompanies the trafficked person.

Social workers are part of the multidisciplinary team working on the case. The individual consultant helps the trafficked person to establish contact with them.



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

If the trafficked person was outside the country for a long time (longer than 6 months) or his/her health insurance was not paid for some reason, he/she can **renew his/her health insurance status** after the return to the country.<sup>1516</sup>

- Following the payment of the health insurance contributions as per the Health Insurance Act;
- If the trafficked person meets the conditions for receiving state social benefits set out in the Social Assistance Act, the health insurance taxes are covered by the national budget. To do this, the trafficked person needs to apply in his/her local Social Assistance Directorate.

## **B. SPECIAL CASES**

### **• Child victims of trafficking**

Long-term support to children and their families is implemented in accordance with the action plan developed by the Child Protection Department.

Where a child is placed with a crisis centre following a court judgement (for a period from one to six months) the support is provided and coordinated by the social workers in the centre who are responsible for the child.

### **• Non-EU citizens who are victims of trafficking**

#### **▫ Asylum seekers**

During the proceedings to acquire special protection as per the Asylum and Refugees Act (ARA), foreign asylum seekers are entitled to the same social benefits, as are available on equal legal and procedural terms to Bulgarian citizens – health insurance, affordable medical help and free medical care.

They can be referred to all institutions and organisations accessible for Bulgarian citizens.

Foreign nationals can access the labour market if, up to nine (9) months from the application for status, their proceedings were not disposed of for reasons beyond their control. The relevant permit is issued under a general procedure by the Employment Agency of the Ministry of Labour and Social Policy.

#### **▫ Foreign nationals who were granted special protection**

Once a foreign national receives special protection (asylum, refugee status, humanitarian status or temporary protection) he/she is entitled to work and vocational training; to suitable accommodation or adequate funding for accommodation, if needed<sup>17</sup>; to social assistance and medical care.

<sup>15</sup> Medical services falling outside the scope of mandatory health Insurance cover children aged below 16 and the provision of obstetric care.

<sup>16</sup> As per Article 40a of the Health Insurance Act, persons entitled to renewal of their health insurance status shall be those falling within the scope of Article 33, HIA, on mandatorily insured groups, including the period in which they were trafficked, when their health insurance was discontinued.

<sup>17</sup> A foreign national who has been granted refugee or humanitarian status can receive financial support for renting a place for up to six months after the decision for provision of status enters into force.

A trafficked person, who receives special protection status, is also entitled to take advantage of the activities included in the **National Programme for Integration of Refugees in Bulgaria**. These include a package of integration measures for newly admitted refugees: social support, financial support for renting accommodation, health insurance, courses in Bulgarian language, social and cultural orientation and professional qualification. The programme lasts for one year and is implemented by SAR in cooperation with other state institutions, local authorities and non-governmental organisations. All foreigners are informed about the possibilities to enrol in the programmes up to 14 days after they have been notified about the granting of humanitarian or refugee status. The programme is accessible for all adults who have received humanitarian or refugee status and who want to enrol voluntarily. After taking a social interview, the person is presented with an individual re-integration plan.

All foreign nationals who have been granted special protection status receive identity documents in accordance with the Asylum and Refugees Act.

### C. DOCUMENTATION

All long-term measures, services and referrals are entered in the **safety and support plan** which is appended to the trafficked person's **case file**.

### D. COOPERATION

The partnering long-term care over victims of trafficking is assumed by organisations and institutions operating as service providers and listed in the action plan, to which the trafficked person has been referred.

#### Agency for Social Assistance/ Social Assistance Directorates/ Social Protection Departments

Trafficked persons are entitled to financial support (monthly allowance) as stipulated in the Regulations for the Application of the Social Assistance Act. They have to meet the eligibility criteria for financial support. Victims of trafficking, as well as other Bulgarian citizens, need to apply for social benefits at their permanent residence, while social service applications shall be filed by their current residence.

Trafficked persons who want to use social services need to observe the following procedure:

1. The person submits an application form from his/her current address to:
  - The director of the Social Assistance Directorate – for state delegated social services;
  - The mayor of the local municipality – for municipal social services;
  - The management body – when the service provider is a natural person registered under the Commerce Act;
2. Based on the application and the enclosed documents, *an assessment* is made of the person's need of social services, and the conclusion is entered in a *social proposal report*.
3. The social workers refer trafficked persons to state delegated social services – accommodation in a crisis centre or a temporary placement centre. Pursuant to the *social report*, the director of the Social Assistance Directorate or the mayor of the municipality issues the *referral* and informs the director of the respective centre about it. At the time of accommodation the trafficked person has to provide a number of medical documents certifying his/her health condition.

#### Employment Agency/ Employment Offices

Individual work is undertaken with every person who registers with the employment offices. Staff members conduct an interview in order to identify the person's specific problem. Then they prepare an individual plan for finding a job. According to the plan, the person is provided with employment services: information about available vacancies and programmes and measures for encouraging employment; mediation in providing information and starting work; psychological support; professional orientation; enrolment in adult vocational training, employment programmes and other measures; training scholarships; transport and accommodation allowances for the duration of the training.

The registration of trafficked persons with the employment offices is a precondition for receiving monthly allowance as per the Regulations for Application of the Social Assistance Act (RASAA). The registration must be done within three months after the person's return to the country, after the termination of his/her stay in a temporary placement centre or after the end of the criminal proceedings (See Article 10, para 5 of RASAA).

### **Ministry of Education and Science (MES)**

Ensures trafficked persons' access to literacy programmes for adult education, including evening and individual home courses.

### **State Agency for Refugees (SAR)**

Foreign trafficked persons, who are applying for or have received protection in accordance with ARA, can make use of the integration programmes of SAR.

### **Healthcare system**

Over a long-term perspective, trafficked persons can use the services of the healthcare system according to the same legal terms and procedures as other citizens.

The Regional Healthcare Inspectorates (RHI) can ensure logistic support for access of trafficked persons to medical care.

### **Crisis Centres and Temporary Placement Centres (NGO)**

Crisis centres and shelters offer long-term counselling and psychotherapeutic programmes for social inclusion and job seeking.

The involvement of trafficked persons in programmes for long-term psychological and social support and re-integration is made at the request of the victims themselves. They can be referred by other professionals working on short-term counselling or crisis programmes based on the assessment of the needs of long-term social support or psychotherapy as a method to overcome the effects of the experienced psychological trauma and adapt to the social environment. After the end of the first stage – the crisis intervention – each client is informed about the possibilities to receive psychological and social support.

This service is provided by psychologists, psychotherapists and social workers.

In order to use a certain program, trafficked persons need to register for it in accordance with the rules of the centre. In the course of the provided service, the relevant documentation includes preparation of a case formulation, containing: an initial request, a case assessment, description of the progress of the work, conclusion on the case.

The information about all cases of clients is confidential. It is kept as a personal case file. The consultant can breach the confidentiality principle if he/she has information that there is high risk for the person.

### **Health Without Borders Association/ Centre for Sexual Health**

The centre offers free medical examinations, treatment of sexually transmitted infections and HIV/AIDS testing

**NGOs providing specialised services to male and female sex workers/ Field social workers**

These organisations provide free, anonymous and confidential services related to sexual health, such as a mobile medical unit for HIV, hepatitis B/C and syphilis testing and consultation from a gynaecologist and dermatologist/ venereologist.

**International Organisation for Migration (IOM)**

Based on a preliminary plan, IOM prepares a case-based re-integration plan/programme for each trafficked person.

IOM can provide:

- General information and consultation;
- Legal consultations;
- Safe transportation to the trafficked person's destination;
- Medical care;
- Medical transportation;
- Psychological support;
- Financial and social support for the issuing of identity documents, etc.;
- Accommodation in a shelter or private apartments in the country, guaranteeing the person's safety.
- Support in finding a job;
- Qualification courses;
- Support in the preparation of business plan and a possibility to finance it;
- Pocket money;
- Monitoring of the re-integration process.

**United Nations High Commissioner for Refugees (UNHCR)**

Trafficked persons are referred to the relevant service providers.

**MEASURE 3.2. Safe return**

The return to the region/country of destination is organised only after all necessary measures have been taken to guarantee the trafficked person's safety and the possibilities to continue the process of re-integration.

**Safe return** means to provide a guarantee that the trafficked person will not become involved again in a situation of trafficking or another form of violence and that he/she will receive the necessary support to meet his/her medical, social, and psychological needs.

Return to the region/country of origin is admissible when:

- The trafficked person wants to return to his/her region/country of origin;
- The reflection period is over and no measures in accordance with Article 25 of CTHBA have been taken;
- The special protection status provided to the person according to CTHBA for the duration of the criminal proceedings has been terminated;
- The long-term residence permit (for foreign citizens) has expired;
- The extended period of stay in an accommodation centre (as per CTHBA) is over.

The return must be voluntary and based on an informed decision. The trafficked person should receive from his/her consultant sufficient information about the rights and possibilities to remain in the region/country of destination or to return to the region/country of origin. The trafficked person should receive from his/her consultant sufficient information about the rights and possibilities to remain in the region/country of destination or to return to the region/country of origin. The trafficked person takes an active part in the organisation of his/her return.

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

The return of the trafficked person to the region/country of origin should be organised only after making a new detailed assessment of the risk associated with factors potentially obstructive to his/her social inclusion (See *Measure 1.2. Risk assessment*).

When preparing the trafficked person's return, the professionals use a **broad** understanding of risk. The assessment covers the following areas:

- Whether there is risk for the person to become involved in trafficking again or to be subjected to other types of violence (including in the family);
  - Whether the family was involved in the process of trafficking;
  - Whether the person's family has been threatened;
  - Whether the traffickers know the person's location and that he/she is returning;
  - Whether there is risk for the trafficked person to be stigmatised or subjected to social isolation in his/her country/region of origin;
  - Whether the trafficked person has any supportive environment;
  - What are his/her possibilities for coping;
  - Whether there is risk of long-term unemployment and poverty which can push him/ her again in a situation of violence or trafficking;
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- Whether there are social, cultural or religious factors that can endanger the trafficked person's return (for example, the victim's religion may put him/her in danger of stigmatisation);
- Whether there are community-based support services, programmes and organisations;
- Whether the trafficked person can rely on help and support from the state institutions in the region/country of origin;
- What policy the country of origin maintains regarding human trafficking;
- Whether there is risk of criminal prosecution in the country of origin because the person was trafficked or involved in criminal activities during the period of trafficking or was an illegal migrant;
- Others.

The risk assessment regarding the trafficked person's return to the country/region of origin is based on information received from various sources:

- The person's considerations and concerns;
- Governmental agencies and judicial bodies in the country/region of origin;
- Non-governmental organisations in the country/region of origin;

The relevant government and non-government institutions and organisations in the country/region of origin can be contacted about different issues related to the trafficked person's return

The risk assessment ends with an updated **safety plan** arranged with the trafficked person's consent, which contains the safety measures that the person has to undertake in the country/region of origin and information about organisations where he/she can turn for help.

The consultant and the trafficked person agree on a **follow-up contact** (this can be a telephone call, a letter, etc.) after a certain period of time (see *Measure 3.1. Long-term psychological support and empowerment*).

The trafficked person should be able, at any given moment, to turn again for help to the consultant or organisation which took care of him/her.

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

In order to be able to return, the trafficked person must have the necessary documents allowing him/her to travel to the country/region of origin.

The necessary travel documents include:

- Identity documents;
  - Visa (or transit visa, if necessary);
-

- Tickets (according to the chosen means of transportation);
- Safety and support plan;
- Documents related to his/her health condition (if necessary);
- Certificates that he/she used certain services (if necessary).

**!** Very often, the trafficked person's identity documents were taken by the traffickers. If he/she is a foreign national, the respective consular service or embassy can issue temporary documents for travel.

**!** In most cases, the trafficked person (or his/her family) cannot afford to cover the travel expenses. Instead, they can be covered through repatriation programmes of non-governmental or international organisations, as well as by specialised state or international repatriation funds.

All documents related to the trafficked person's return must take into account the risk assessment and be formulated in a way that does not violate the **confidentiality principles**. For example, they must not state that the person was a victim of trafficking or an illegal migrant if this can lead to criminal prosecution in the country of origin. All documents which the trafficked person will need for his/her travel must contain as little information about the trafficking situation as possible. If necessary, more detailed information can be provided upon request, if it is required by the authorities in the country/region of destination.

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

The safe return of the trafficked person is coordinated in advance between the countries of destination and origin (See *Measure 1.4 Referral*).

The contact with a service provider in the region/country of origin and the provision of information can be made only with the explicit consent of the trafficked person.

The return process is organised and managed by the consultant (case manager) from the organisation which is currently taking care of the trafficked person. For the purposes of safe return, the consultant:

- Identifies a reliable receiving organisation (service provider) in the country/region of origin;
- Makes an initial contact with the receiving organisation, informs it about the trafficked person who is about to return and examines the possibilities for him/her to receive support;
- Makes sure that the receiving organisation can take over the case;
- Provides personal information about the trafficked person (name, date of birth and residence)
- Provides the necessary information about the trafficked person's condition and needs;
- Provides information about the risk;
- If possible, establishes initial contact (e.g. by telephone) between the trafficked person and the receiving organisation

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- Provides precise information about the person's return – transportation, place, date and time;
  - Arranges the person's reception – place, time, staff member, way to recognise the person who will meet him/her;
  - If necessary and with the person's consent, informs the police in the country/region of origin

The consultant provides the trafficked person with detailed information about the receiving organisation:

- Name of organisation, telephone and address;
- Contact person;
- Programmes and services provided by the organisation;
- Way to establish contact/arrange the reception.

The consultant needs to make sure that this information was delivered to the trafficked person in a reliable and accessible way.

#### **Step 4. Reception of the trafficked person by the service provider**

Upon the trafficked person's consent and with view to the latter's safety, the service provider in charge of giving him/her reception, care and support, organises his/her return.

The receiving organisation must be ready to meet the trafficked person at any time of day or night at an airport, train or bus station. The organisation's staff should be informed in advance about the hour and location of the trafficked person's arrival. The meeting should be arranged keeping the risk assessment in mind. The staff of service provider must keep all arrangements made with the trafficked person as to where to meet and how to recognise each other.

**! With view to safety, it is better if the employee of the receiving organisation carries a sign with the name of the organisation and not the trafficked person's name. It is also possible to arrange another sign to recognise each other.**

**! Very often the trafficked person's family, and sometimes the traffickers, were informed about his/her arrival and are expecting him/her at the airport. The moment when he/she arrives is considered especially risky. It is recommended that the receiving organisation has made arrangements with the border authorities at the airport so that the border officers can meet the trafficked person immediately after he/she passes the border passport control. Sometimes it is necessary to take him/her from another exit and not the regular passenger exit.**

#### **Step 5. Repatriation of a foreign victim of trafficking to the country of origin**

A foreign victim of trafficking can be **repatriated** only after a reliable risk assessment showing that there are no factors threatening his/her life of health in the country of origin.

Safe repatriation follows the mechanism described in the steps above.

**Expulsion** (forcible transfer out of Bulgaria) is effected when:

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- The residence permit has expired;
- The criminal proceedings against the traffickers have ended;
- The trafficked person has valid identity documents;
- A direct flight to the country of origin is available.

## B. SPECIAL CASES

### • **Child victims of trafficking**

Upon the elapse of the accommodation period at a crisis centre (one to six months), the child is returned to his/her family environment or placed in an institution, if the family does not have the necessary capacity to care for him/her or had been involved in the process of trafficking. The decision is based on the assessment of the Child Protection Department about the capacity of the parents to provide care, the child's condition and other evidence related to the child's safety. CPD follows up on the case for at least one year after the child's reunion with the family.

It is possible for a child to be placed with another institution, once the accommodation period with the crisis centre is over. This is decided by the court.

Following the elapse of the accommodation period with the crisis centre and where the child's reunion with his/her biological family is impossible, appropriate measures are undertaken to ensure the best care for the child – placement with a foster family, residential social service or, as a last resort, placement with a specialised institution.

### • **Non-EU citizens who are victims of trafficking**

#### ▫ **Foreign nationals granted with a status of special protection**

According to ARA, a foreign national who entered the Republic of Bulgaria to request protection or who has already been granted protection, cannot be returned to a country in which his/her life or health are threatened on the grounds of race, religion, nationality, belonging to a social group or political affiliations or he/she is exposed to threat of torture or other forms of cruel, inhuman or humiliating treatment or punishment (Article 33, para 1 of the Geneva Convention relating to the status of refugees and Article 4, para 3 of ARA).

Voluntary return is also aided by the branches of non-governmental organisations such as IOM or Caritas.

## C. DOCUMENTATION

The **referral** to another organisation, the updated **risk assessment** and the updated **safety and support plan** are added to the **personal file** of the trafficked person. It should also contain copies of the referral documents. **The closure of the case** after the person's return is also added to the personal file.

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## D. COOPERATION

Partners in the process of the trafficking victims' safe return can be service providers in the country/region of origin.

### **Ministry of Interior (Moi)**

The safe return of trafficked persons to the region of origin is assigned to the national and territorial departments of Moi.

The different units of Moi support the safe return of foreign citizens acting along the principles of international police cooperation.

### **Ministry of Foreign Affairs (MFA)**

Consular officials coordinate and organise the trafficked person's safe return to the country of origin or inform about the care and support he/she is receiving in the country of destination. Cooperating with the competent authorities, MFA also provides support in the issuing of new travel documents to trafficked persons.

### **Foreign consular offices**

The safe return of foreign trafficked persons to their country of origin is organised in cooperation among MFA and its missions/diplomatic representations abroad and their domestic counterparts.

### **Agency for Social Assistance/ Social Assistance Directorates/ Social Protection Departments**

When a Bulgarian victim of trafficking returns to his/her region of origin, the referrer should establish contact with the local Social Assistance Directorate in order to ensure that support and social services are provided to the person.

### **Crisis Centres and Temporary Placement Centres (NGO)**

When a trafficked person returns to his/her country/region of origin, he/she should be informed about all available institutions and organisations, which can be relevant to his/her needs. If necessary, and with the person's explicit consent, the case manager can make an official request for support on the case.

### **International Organisation for Migration (IOM)**

If possible and necessary, IOM finances, organises and coordinates the trafficked person's return as well as the whole process of protection and re-integration after the return.

## **MEASURE 3.3. Participation in criminal proceedings**

### **A. DESCRIPTION OF THE ACTIVITY**

Trafficked persons have the right to decide for themselves whether they want to cooperate with the police and the prosecutor's office for the unravelling of the crimes committed against them. If a victim of trafficking decides to cooperate, he/she becomes a participant in the criminal proceedings.

Trafficked persons should participate in the criminal proceedings only after the following conditions have been ensured:

- **The safety** of the trafficked person and his/her family is guaranteed;
- **Avoid re-traumatisation** during the pre-trial and trial proceedings through the use of sparing methods of testifying and through examining the victim in a different room from that of the traffickers<sup>18</sup>;
- **Respect for the rights of the trafficked person** (provision of translation, not granting access to any media or outsiders to the court room, etc.)

### **Step 1. Obtaining the trafficked person's informed consent about his/her participation in the criminal proceedings**

The trafficked person has to make an informed and voluntary decision whether or not to participate in the criminal proceedings after the end of the reflection period. During this time, the trafficked person overcomes the situation of crisis and receives sufficient information about the nature of the criminal proceedings and his/her role. The trafficked person should also be prepared for the emotional consequences of his/her participation in the trial.

After the trafficked person has been identified, he/she should be properly informed about the possibilities to receive special protection if, within one month, he/she agrees to cooperate for uncovering the crime. This information should be provided when the trafficked person has attained sufficient emotional stability to understand it.

The information is provided by:

- A legal advisor;
- The individual consultant and manager of the trafficked person's case<sup>19</sup>;
- The pre-trial authorities.

Providing this information is a mandatory part of the legal counselling during the reflection period (see *Measure 2.2. Step 2.*)

In order to declare his/her consent to participate in the criminal proceedings, a trafficked person shall file a **notification** about the offence. The notification should be drawn in writing with the help of a social worker or a lawyer. It is recommendable to write a notification as long

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<sup>18</sup> Victim re-traumatisation can be avoided according to the following provisions of Article 263, para 2 CPC (hearing the case *in camera*) and Article 123, para 1 CPC (witness protection due to an actual threat to his/her life and wellbeing, including mental health, as a result of testifying), Article 139, para 7 (video-conference or telephone testimony) and Article 141 CPC (undisclosed witness identity).

<sup>19</sup> The consultant can provide only basic information and should refer the trafficked person to specialists who can consult him/her professionally about all legal matters related to the case.

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and detailed as possible. The notification may contain a request for the collection of specific evidence, including witnesses' names and telephone numbers. As a precaution, rather than the victim's address, the notification may contain the address of the care-providing NGO, a lawyer's court area or a mailbox number.

After the trafficked person has given his/her consent, the pre-trial bodies have to inform him/her about his/her rights during the criminal proceedings, namely:

- Right to free legal counselling, as per Article 22, para 1, item 7 of the Legal Aid Act;
- Right to free procedural representation as per Article 23, para 2 of the Legal Aid Act;
- Right to protection of his/her safety and family;
- Right to participate in the process with a secret identity;
- Right to receive information about the progress of the trial;
- Right to participate in the trial according to the CPC (as witness, civil claimant or private prosecutor);
- Right to appeal motions of court leading to the termination or suspension of the criminal proceedings.

The trafficked person's rights ensue from his/her explicit will to take part in the pre-trial proceedings and if they provide a contact **address in the country**.

## **Step 2. Provision of legal representation**

If the trafficked person decides to take part in the criminal proceedings, he/she has the right to choose a legal representative who will represent him/her during the pre-trial proceedings and the trial phase. A legal representative can also be provided where the person acts as a private prosecutor or a civil claimant. In this case, the trafficked person does not pay for the services of the legal representative and makes use of the possibilities for **free legal aid** if he/she satisfies the conditions for receiving legal aid provided for in the Legal Aid Act.

Victims of trafficking are entitled to *ad litem* procedural representation both in criminal and in civil proceedings, if, for example, they wish to bring civil action against the traffickers for pecuniary and non-pecuniary damages. Procedural representation in criminal and civil proceedings is provided free of charge where, based on the submission of evidence, the court assesses that the trafficked person avails of no means to pay lawyer's fees. To make this assessment the court accounts for the following:

1. The income of the person or that of their family;
  2. The person's property status certified with a declaration;
  3. Marital status;
  4. Health condition;
  5. Employment;
  6. Age;
  7. Others.
-

The trafficked person may file a request for the appointment of an *ad litem* defence counsel. A template request form is available on the webpage of the National Legal Aid Bureau.

Another opportunity for receiving free legal aid is through non-governmental organisations which have programmes and projects for providing legal aid<sup>20</sup>. It is delivered by lawyers who work for these organisations.

**In both cases, it is recommended to use the services of lawyers, who have undergone special training to work on trafficking cases (see *Appendix X*).**

The legal representatives appointed by the Bureau for Legal Aid or an NGO are **lawyers who are members of one of the bar associations in the country**. The lawyers take subsequent steps, such as:

- Filing a report for a committed crime;
- Advising the trafficked person to request protection (personal physical guard or keeping the person's identity secret), as provided for by Article 123 of the Penal Code;
- Appealing motions of court leading to the termination or suspension of the criminal proceedings;
- Filing a request for participation in the criminal proceedings as a private prosecutor or a civil claimant;
- Procedural representation in court;
- Obtaining a writ of execution and providing support in collecting the amount adjudged as damages;
- Others.

### **Step 3. Gathering of evidence by the competent authorities with the help of the trafficked person**

In the work with the trafficked person, the consultant does not collect information relevant to the investigation and the trial proceedings.

If the trafficked person decides to testify, he/she is examined by an investigating professional, who should be prepared in advance about the trafficked person's condition and show tolerance and understanding for him/her. It is extremely important not to victimise the trafficked person additionally with numerous interrogations in the course of the investigation. It is recommended to conduct as few interrogations as possible.

If there is risk for the trafficked person to leave the shelter where he/she is accommodated or if his/her health or emotional condition does not allow it, the meeting with the investigator should take place in the shelter/centre. The conversation with the investigator is strictly confidential and no other people shall be allowed to attend, even the person's consultant.

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<sup>20</sup> For example, Bulgarian Lawyers for Human Rights, Bulgarian Helsinki Committee, Bulgarian Gender Research Foundation.

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The consultant should be available during this meeting and respond if the victim's emotional condition takes a bad turn. In such cases, it is necessary to take a break until the victim calms down and can continue the meeting with the investigator.

It is always recommended for the victim to be accompanied by a lawyer during the investigation, due to the following reasons:

- The lawyer submits to the investigator his/her court area address allowing to keep the victim's address confidential;
- The lawyer assists the trafficked person in drafting a detailed notification about the committed criminal offence. Filing the notification may reduce the number of the victim's testimonies to one.
- The lawyer accompanies the trafficked person while he/she is testifying and monitors for the observance of his/her procedural rights ensuring prevention against potential degrading treatment by the authorities.
- Accounting for the victim's emotional condition, the lawyer submits a request to have him/her testify in the 'blue room', in the presence of a judge or in the presence of the defendant and his/her defence counsel.
- The lawyer requests putting the trafficker's assets (or a part thereof) under distraint in order to secure a future civil claim.
- The lawyer accompanies the trafficked person at the presentation of the investigation materials, where he/she states if the victim will join the proceedings as a private prosecutor or a civil claimant.

#### **Step 4. Support of the victim who is a witness/participant in the criminal trial before, during and after the trial. Prevention of re-victimisation.**

The trafficked person receives emotional support before, during and after the criminal trial by an individual consultant (psychologist, social worker), who assumes care of him/her.

In his/her work with the trafficked person who participates in the pre-trial and trial proceedings, the consultant:

- Provides emotional support to the victim;
  - Prepares him/her for the emotional consequences of his/her participation in the different stages of the criminal proceedings;
  - Helps him/her to better understand and plan the actions taken with the legal advisor;
  - Escorts him/her to the court room, if necessary (Article 264, para 1 of CPC: with the permission of the presiding judge);
  - Helps him/her cope with the psychological reactions as a result of testifying or appearing in the court room.
  - Others.
-

The consultant works together with the other specialists involved in the legal case by:

- Sharing information related to the assessment of the risk for the trafficked person and his/her family
- Prepares the procedural representative, the investigating police officers and the investigators about the trafficked person's emotional condition and provides recommendations on how to communicate with him/her.
- If appointed by the competent authorities, provides an expert opinion about the trafficked person's capacity to participate in the proceedings, based on the assessment of his/her psychological condition
- If appointed by the competent authorities, provides an expert opinion about the risks of the victim's re-traumatisation and of other negative consequences for his/her psychological condition arising from his/her participation in the criminal proceedings.

The procedural representative collaborates with the victim's personal consultant to ensure that no further traumatisation is caused. His role is to prevent any further aggravation of the suffering or harms caused by the crime, as a result of the criminal proceedings (the so called **secondary victimisation**).

Article 12 of Directive 2011/36/EU stipulates that victims of trafficking in human beings shall be given special treatment so as to prevent potential secondary victimisation, by avoiding, as far as possible:

- unnecessary repetition of interviews during investigation, prosecution or trial;
- visual contact between victims and defendants including during the giving of evidence such as interviews and cross-examination, by appropriate means including the use of appropriate communication technologies;
- the giving of evidence in open court; and;
- unnecessary questioning concerning the victim's private life.

## **B. SPECIAL CASES**

- **Child victims of trafficking**

In cases of children victims of trafficking, the relevant provisions of the Child Protection Act and from the Criminal Procedure Code shall apply.

- **Non-EU citizens who are victims of trafficking**

- **Foreign nationals who are seeking protection or who have received protection**

Foreign nationals holding a residence permit for Bulgaria are entitled to the same rights in criminal proceedings as Bulgarian citizens. They are also entitled to an interpreter.

- **Illegal residents**

Illegal residents enjoy the same rights in criminal proceedings as Bulgarian citizens. They are entitled to a lawyer who will represent them in court. They can even appear before the

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court themselves if they hold any type of identity document, including a passport. However, in these cases there is always the risk that they will be checked by the police and fined for not having a residence permit and detained in a Temporary Residence Facility for Foreign Nationals.

### C. COOPERATION

Service providers cooperate with the pre-trial and trial authorities.

#### Ministry of Interior (Mol)

The competent Mol departments collect information on trafficking cases and report it to the investigating authorities as per the provisions of the Criminal Procedure Code.

#### International Organisation for Migration (IOM)

IOM can provide safe transportation and accommodation to the trafficked person if he/she has to testify during a trial. If necessary, IOM can also provide legal support and consultations.

#### NGOs providing legal services

NGOs can provide free legal services (consultations and procedural representation) to victims of trafficking from their programmes and services financed by state or other funds.

#### National Legal Aid Bureau

The Bureau cooperates with the investigation bodies and the court, which can explain to the trafficked person that he/she is entitled to free legal aid and refer him/her to the Bureau.

### MEASURE 3.4. FINANCIAL COMPENSATION

#### A. DESCRIPTION OF THE ACTIVITY

##### Compensation for damages caused by the trafficker's actions payable by the trafficker

1. Filing a civil claim within the initiated criminal proceedings

Financial compensation for pecuniary and non-pecuniary damages can be sought within the criminal proceedings as a claim payable by the offender. For the duration of the pre-trial proceedings and the court trial, the prosecutor and the victim may demand precautionary measures over the assets of the defendant in order to secure the damages claim (and the fine).



## 2. Bringing a separate civil action

Also, financial compensation for pecuniary and non-pecuniary damages can be sought by filing a separate civil claim against the offender. Persons, victims of labour exploitation, who had an employment contract, may file claims pursuant to Article 245 read in combination with Article 357 of the Labour Code, whereas individuals having no employment contract can file claims as per Article 55 of the Contracts and Obligations Act (undue enrichment).

### **Compensation for damages caused by the trafficker's actions payable by the state**

Trafficked persons may seek financial compensation from the state by filing:

1. A request for financial compensation against pecuniary damages under the Crime Victim Assistance and Financial Compensation Act;
2. A request for one-off financial compensation under the Social Assistance Act.

Trafficked persons are entitled to a one-time financial compensation from the state under the Crime Victim Assistance and Financial Compensation Act (CVAFCA), unless they were compensated otherwise. Compensation is a form of remedy which can have a rehabilitation and prevention effect because it allows the trafficked person to start a new life and decreases the danger of falling prey to trafficking again.

There is a **National Council for Assistance and Compensation to Crime Victims** within the Ministry of Justice, which coordinates the activities under CVAFCA.

The financial compensation is provided after entry into force of:

- A guilty verdict;
- a motion of the prosecutor's office or the court, which terminates or suspends the criminal proceedings on the grounds of failure to identify the perpetrator of the crime.

**Financial compensation shall consist in the State awarding a cash amount of up to BGN 5,000.**

The application forms for financial compensation are reviewed by the **National Council for Assistance and Compensation to Crime Victims**. The Council determines the exact amount of compensation.

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

The trafficked person should be informed about the possibilities to receive compensation for pecuniary damages when he/she is in a stable emotional condition to understand and comprehend this information. Victims of trafficking should be provided with information about their rights under the CVAFCA and about the applicable procedures in a clear and understandable language.

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The information is provided by:

- A legal advisor;
- The trafficked person's individual consultant and case manager<sup>21</sup>;
- The pre-trial bodies.

The provision of this information is an obligatory part of the legal counselling during the **reflection period** (see *Measure 2.2. / Step 2*).

### **Step 2. Support in the communication with the relevant institutions and during the application procedure**

The administrative procedures of CVAFCA can be difficult and confusing for trafficked persons. They can receive practical support by:

- A consultant (case manager);
- A legal advisor;
- A procedural representative<sup>22</sup>.

In order to receive financial compensation, the trafficked person must submit an application form **in person** to the **governor of the district where the victim's current address is located** or to the **National Council for Assistance and Compensation to Crime Victims**. A sample application can be obtained from the service provider or the district governor. The application must be submitted within **two months** after the effect date of the court judgement or prosecutorial order. The application must be accompanied by copies of documents verifying the pecuniary damages<sup>23</sup>.

In cases of Bulgarian citizens trafficked to another EU country, the application for financial compensation can be submitted to the competent authorities of the other state through the National Council for Assistance and Compensation to Crime Victims. The National Council sends the application to the respective authorities of the other member state together with a transfer form.

## **B. SPECIAL CASES**

### **• Child victims of trafficking**

The same provisions of CVAFCA are applied in cases of children victims of trafficking. If financial compensation is granted, it is given to a parent, a custodian or the closest relative of the child.

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<sup>21</sup> The consultant can provide only basic legal information and refer the victim to specialists who can provide professional consultations on all legal matters related to the specific case.

<sup>22</sup> The Legal Aid Act does not foresee paying the lawyer for the representation in this procedure but only for procedural representation and preparation of the necessary documents for filing the case.

<sup>23</sup> According to CVAFCA, pecuniary damages consist of expenses for treatment, lost income, legal fees and litigation costs, lost support to dependents, funeral expenses, etc.

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- **Non-EU citizens who are victims of trafficking**

Under the terms and procedures of this Act, assistance and financial compensation may also be provided to foreign nationals in cases envisaged by international agreements to which the Republic of Bulgaria is a party.

### **C. DOCUMENTATION**

After the trafficked person has been informed about his/her rights according to CVAFCA, a protocol is prepared and registered with the respective institution.

A sample of the application form for financial compensation is provided to the trafficked person by the National Council, the district governors, the MoI authorities or the organisations providing support to victims of crime.

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## APPENDICES

### Appendix 1. INDICATORS FOR IDENTIFICATION OF TRAFFICKED PERSONS

#### I. Indicators of criminal actions against the victim

<b>1. Personal freedom</b>	1.1.	The person's freedom of movement is limited.
	1.2.	The person is kept in isolation and under constant control.
	1.3.	The person is always accompanied when going outside.
	1.4.	The person's contacts with other people and/or members of his/her family are limited.
	1.5.	The person cannot leave his/her work place.
	1.6.	The person has to be in permanent telephone contact with the trafficker.
	1.7.	The person's telephone conversations are monitored and controlled.
<b>2. Payment</b>	2.1.	The person receives little or no payment.
	2.2.	The person cannot use or does not have access to his/her earnings.
	2.3.	The person receives lower payment than the minimum for this sector in the receiving country.
	2.4.	The person pays debts to the trafficker. (1)
	2.5.	The person's debt constantly increases. (2)
	2.6.	The person is forced to earn a minimum amount per day or week.
<b>3. Work conditions</b>	3.1.	The working conditions of the person do not follow the established rules in the labour legislation. (3)
	3.2.	The person cannot negotiate his/her working conditions
	3.3.	The preliminary working arrangements are not kept.
	3.4.	The person is forced to do certain activities.
	3.5.	The person does not have access to medical help.
<b>4. Living conditions</b>	4.1.	The person is forced to work and live in the same place.
	4.2.	The person's accommodation offers very bad accommodation and sanitary conditions, it is shared with lots of people and very small in space.
	4.3.	The person pays very high amounts for very bad living conditions.
	4.4.	The person does not have access to information (radio, TV, newspapers).
	4.5.	The person does not have his/her personal belongings.
	4.6.	The person is being hidden.

<b>5. Violence</b>	5.1.	The person is subjected to physical, sexual, and/or emotional abuse.
	5.2.	The person witnesses violence against other people with the purpose of maintaining fear “instruction”.
	5.3.	The person is threatened with violence against him/her or family members.
	5.4.	The person is deprived of food and water.
	5.5.	The person has visible marks of violence.
	5.6.	The person is “disciplined” through punishments.
	5.7.	The person is drugged in order to develop an addiction.
<b>6. Dependence</b>	6.1.	The person does not speak the local language.
	6.2.	The person does not know his/her home or work address.
	6.3.	The person is dependent on the trafficker for his/her survival. (4)
	6.4.	The person is dependent on the trafficker for drug use.
<b>7. Blackmail</b>	7.1.	The person is blackmailed by having his/her documents taken away.
	7.2.	The person is blackmailed with his/her illegal status in the destination country.
	7.3.	The person’s relatives are threatened or blackmailed.
	7.4.	The person is blackmailed through threats of distribution of personal information about him/her and his/her family.
	7.5.	The person is blackmailed with threats for informing the authorities about the criminal activities in which the person participates.
	7.6.	The person is blackmailed through threats of spreading the fact that he/she is a sex worker.
<b>8. Recruitment</b>	8.1.	The person is recruited by an intermediary agency for work abroad, a model agency, a tourism agency, dating agency, training or other agency.
	8.2.	The person is recruited by a friend, partner, relative, family member or other acquaintance.
	8.3.	The person is recruited through false marriage.
	8.4.	The person has been abducted or kidnapped.
<b>9. Deception</b>	9.1.	The person was deceived with promises for large income.
	9.2.	The person was deceived about the nature and/or conditions of work.
	9.3.	The person was deceived with promises for marriage.
	9.4.	The person was deceived with promises for a romantic relationship.
<b>10. Transfer and reselling</b>	10.1.	The person is transferred from one country to another or from one settlement to another.
	10.2.	The person is moved from one town to another.
	10.3.	The person is sold/resold or exchanged from one trafficker/pimp to another.
	10.4.	The person is “rented”.
	10.5.	The person has false identification or travel documents.

	10.6.	The person does not have his/her identification or travel documents because they are being held by someone else.
<b>11. Sexual exploitation</b>	11.1.	The person is moved to different clubs/brothels/prostitution places.
	11.2.	The person has tattoos, branding, or other marks showing "belonging" to a certain trafficker.
	11.3.	The person lives or travels with other women who sometimes do not speak his/her language.
	11.4.	The person has clothes typical of work in the sex industry.
	11.5.	The person knows only words related to provision of sexual services in the local language or the language of the group of clients.
	11.6.	The person is not allowed to refuse service to a client.
	11.7.	The person is not allowed to refuse certain sexual activities.
	11.8.	The person is forced to have unprotected sex.
	11.9.	The person is in the brothel/night club 24 hours a day.
	11.10.	The person is not allowed to stop prostituting if he/she wants.
	11.11.	The person is subjected to forced gynaecological exams and pregnancy tests.
	11.12.	The person is forced to take contraceptives or terminate a pregnancy.
<b>11a. Indirect indicators</b>	11.13.	There's evidence that groups of women are living together under the control of other people.
	11.14.	There are advertisements in brothels suggesting sexual services of women of certain nationalities.
	11.15.	There is information that prostituting women provide services to clients of a certain nationality.
	11.16.	Clients report that the prostituting woman seems nervous or anxious and says she is forced to prostitute.
<b>12. Labour exploitation</b>	12.1.	The person is subjected to exploitation in sectors such as agriculture, construction, industrial production, entertainment, services, etc.
	12.2.	The person lives in agricultural or industrial buildings.
	12.3.	The person is not dressed adequately for the job he/she is doing.
<b>12a. Indirect indicators</b>	12.4.	The person has not received any training for the job he/she is doing.
	12.5.	Notices have been posted in languages other than the local language.
	12.6.	The employer or manager is unable to show the documents required for employing workers from other countries.
	12.7.	The employer or manager is unable to show records of wages paid to workers.
	12.8.	There are no health and safety notices.
	12.9.	Equipment is designed or has been modified so that it can be operated by children.
<b>13. Begging and pick-pocketing</b>	13.1.	The person begs in public places or in the public transport.
	13.2.	The person is part of a group for begging, petty theft, or other type of criminal activity.
	13.3.	The person has physical impairments that appear to be the result of intentional mutilation.

	13.4.	The person I involved in the activities of organised crime groups.
	13.5.	The person is punished if he/she does not steal enough.
	13.6.	The person moves daily in large groups and over considerable distances.
	13.7.	The person lives together with other people who are not part of his/her family who are known to the police in relation to criminal activities.
	13.8.	The person travels with members of a criminal group to the country of destination.
	13.9.	The person has been banned from leaving the country in accordance with the Bulgarian Identity Documents Act.
<b>13a. Indirect indicators</b>	13.10.	There is an increase in crime related to begging or pick-pocketing.
	13.11.	The group of presumed victims has moved across many countries over a certain period of time.
	13.12.	The person is known in relation to begging.
	13.13.	The presumed victims have been involved in begging, pick-pocketing or other types of criminal activity in the country or abroad.
<b>14. Domestic servitude</b>	14.1.	The person lives with the family as a servant (domestic help, babysitter, caretaker, etc.)
	14.2.	The person does not take meals with the rest of the family.
	14.3.	The person does not have any personal space.
	14.4.	The person is reported missing by his/her employer even though he/she is still living in the employer's house.
	14.5.	The person rarely or never leaves the house.
	14.6.	The person cannot leave the house without his/her employer.
	14.7.	The person does not receive enough food.
	14.8.	The person is subjected to insults, abuse, threats or violence.
<b>15. Trafficking in children (up to 18 years of age)</b>	15.1.	The person carries and/or sells drugs.
	15.2.	The child is part of a group of children of the same nationality (ethnicity).
	15.3.	The child is part of a group of children supervised by the same adult.
	15.5.	The child is unaccompanied and was "found" by an adult of the same nationality.
	15.6.	The child is part of a group with other children who travel with the public transport for no obvious reason.
	15.7.	The child lives with adults who are not his/her relatives.
	15.8.	The child is neglected.(5)
	15.9.	The child tried to escape from the officer who is detaining him/her
	15.10.	The child is scared and uncommunicative.
	15.11.	The child does not know the local language.
	15.12.	The child persistently begs from people on the street.
	15.13.	The child has been detained by the police before and is registered for thefts.
	15.14.	The child does not go to school and cannot read or write.

	15.15.	The child is trained to speak in the same way in certain situations.
	15.16.	The child cannot use the money he/she earns.
	15.17.	The child is under permanent control/monitoring of an adult from a distance.
<b>15a. Indirect indicators</b>	15.17.	The adults that live with the child have his/her identity documents and a declaration of consent from the child's parents.
	15.18.	The adults that live with the child have large sums of money without being able to prove their origin.
<b>16. Trafficking in pregnant women</b>	16.1.	The woman is a few months pregnant.
	16.2.	The woman is a few months pregnant but tries to cover her condition.
	16.3.	The woman travels with a man who claims to be the baby's father.
	16.4.	The woman is a few months pregnant and travels with people who are not her relatives.
	16.6.	The woman is a few months pregnant and travels but does not have the necessary finances or documents to give birth abroad for medical reasons.

(1) E.g. for travel, clothes, accommodation, food, security, etc.

For fines, monetary punishments, etc.

(3) E.g., without a contract, without any paid leave or sick leave or other social possibilities, in dangerous labour conditions, etc.

(4) For food, shelter, clothes, money, etc.

(5) Dirty, hungry and poorly clothed.



## II. Indicators describing the victim

<b>17. Behaviour and appearance</b>	17.1.	The person is afraid to speak.
	17.2.	The person's behaviour suggests that he/she has been instructed how to behave and what to say.
	17.3.	The person is trying to escape.
	17.4.	The person stays away from the other women in the club/brothel.
	17.5.	The person believes he/she is observed or followed.
	17.6.	The person does not know his/her rights.
	17.7.	The person allows other people to speak on his/her behalf.
	17.8.	The person shows fear or anxiety.
	17.9.	The person responds with nervousness and outbursts of anger.
	17.10.	The person reports problems with sleep and nightmares.
	17.11.	The person has problems with memory.
	17.12.	The person exhibits signs of depression.
	17.13.	The person is confused about time and space.
	17.14.	The person reports that he/she is going crazy.
	17.15.	The person uses drugs and alcohol.
	17.16.	The person shows mistrust towards the authorities.
	17.17.	The person is afraid to reveal their immigration status.
	17.18.	The person protects the trafficker or other third parties.
	17.19.	The person demonstrates deviant behaviour.
	17.20.	The person has sudden mood swings.
	17.21.	The person provides contradictory or incomplete information.
	17.22.	The person has psychosomatic complaints. (6)

	17.23.	The person has physical complaints as a result of sexual abuse. (7)
	17.24.	The person reports previous or current pregnancy.
	17.25.	There are signs of violence on the person's body.
	17.26.	The person looks exhausted.
	17.27.	The person has negligent appearance.
	17.28.	The person has physical and/or psychological difficulties.
<b>18. Environment</b>	18.1.	People from the person's environment (family, relatives, friends, neighbours) suspect that the person may be a victim of trafficking.
	18.2.	The person shows little or no attachment to the home and has started to isolate him/herself.
	18.3.	The person tends to run away from home (or the institution in which he/she lives).
	18.4.	The person lives in a place that is possibly used for exploitation of people.
	18.5.	The person comes from a place (country, town) which is known to be a place for recruitment for victims of trafficking.
	18.6.	The person is followed on controlled in other ways.
	18.7.	The person has lots of new acquaintances and new things (clothes, cell phone).
	18.8.	The person is often absent from school or has left school.
	18.9.	The person has contacts with pimps, traffickers and other people connected with trafficking in persons.
	18.10.	The place where the person works or lives is characterised with special security measures—presence of bodyguards, cameras, hiding places, concealed interior space, etc.
	18.11.	The person travels frequently from and to countries of destination/origin.

(6) Physical complaints coming from strong psychological tension - headache, vomiting, stomach ache, rashes, etc.

(7) For example, an STD, pains or blood in the bladder, abdomen, anus, vagina and/or upper part of legs, eating disorder, pregnancy.

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## Appendix 2. STANDARDS AND CRITERIA FOR PROVISION OF SOCIAL SERVICES TO VICTIMS OF TRAFFICKING

### I. Hotline

#### 1. Description of the service

The Hotline for victims of violence, including trafficking, provides emotional support, information and referral to other services and professionals. It also ensures anonymity of the victims of trafficking and their family and relatives.

It is meant for:

- Persons in a situation of trafficking in the country or abroad;
- Persons who have escaped from a situation of trafficking;
- Persons at risk of getting involved in trafficking;
- Family, friends and relatives of victims of trafficking;
- Representatives of organisations or institutions which have identified a victim of trafficking;
- General public;

There are several operational hotlines which can be contacted for support:

Hotline for Victims of Violence, Animus Association Foundation - **0800 1 8676, 02 981 7686**;

Hotline of the International Organisation for Migration: **02/ 936 47 47**;

National Hotline Against Trafficking in Human Beings (Campaign A21) – **0800 20 100**;

National Children's Hotline of SACP - **116 111**;

National Hotline for Missing Children - **116 000**.

The hotline can perform the following services related to trafficking:

#### Identification

The Hotline can be used to identify victims of trafficking based on the *Indicators for identification of victims of trafficking*, appended to the present NRM. Where a victim of trafficking is identified, a planned procedure for help and support is triggered.

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### **Risk assessment and safety plan**

After a person is identified as a victim of trafficking, an assessment is made of the risk for his/her life and wellbeing and his/her immediate needs. Based on this assessment, a safety and support plan is agreed. If the person is in high risk, the confidentiality principle is abandoned and his/her personal information and location are reported to the competent authorities in the country or abroad. This is done with the person's consent, if he/she is an adult.

### **Emotional support**

The Hotline provides emotional support and crisis intervention with the purpose of managing the overwhelming emotions and planning next steps.

### **Information and referral**

Depending on the caller's needs and the risk assessment, the Hotline provides information about programmes and services where he/she can turn for help.

### **Prevention of trafficking**

The Hotline provides information related to prevention of trafficking, including information about safe ways of legal migration abroad, the risks of trafficking and relevant services and organisations providing support to trafficked persons in the country of origin and destination.

## **2. Principles of work**

- Information and counselling;
- Emotional support;
- Confidentiality;
- Anonymity;
- Information about the referral;
- Partnering in the development of a safety and support plan
- Partnering in the decision making process.

## **3. Organisation of work**

The Hotline belongs to or is directly connected to a service provider for victims of violence, including victims of trafficking.

The Hotline is situated in a room which guarantees the confidentiality of the telephone conversation. If possible, the Hotline is located in a separate room. No external persons or noises (TV, radio, noise from opening or closing of doors, conversations between people, etc.) are allowed during the calls.

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To protect the safety of the team, the location of the Hotline cannot be announced publicly.

The consultants must keep their anonymity during the calls. They are not allowed to disclose their identity in order to continue the conversation at a later stage.

The Hotline can have different working hours:

- 24 hours a day without any breaks;
- During regular office hours;
- In certain days and hours.

The selected working schedule is announced and kept strictly. In case the Hotline does not work round the clock, there is an answering machine which informs callers about the working hours and provides information about other opportunities for emergency help (a telephone of the police, 24-hour services, etc.)

The average duration of a telephone call is agreed upon by the Hotline team. It should not exceed 30 minutes. Exceptions can be made in situations of high risk – then the call can last as long as is necessary.

The Hotline possesses an informational database of institutions, services and programmes to which callers can be referred. This database is organised in a way that is understandable and accessible for the consultants. It is updated regularly.

- The Hotline has clear procedures for work in the following situations:
  - In the case of high risk for the caller's life and wellbeing (risk of suicide or a situation of trafficking when the victim has escaped and is in the risk of being caught, has very little time, etc.);
  - In case a child calls;
  - In case a person with psychiatric disorders calls;
  - In cases of abusive calls;

These procedures are included in the training of the consultants.

There is a procedure for work with 112 Emergency telephone for emergency calls.

The working language of the Hotline is the official language of the country.

The Hotline uses a separate telephone line which is not used for administrative or other purposes.

The Hotline service can be implemented from a landline or a mobile phone (which is also located in the room designated for the programme). The calls can be free of charge or at the cost of a regular domestic call for the caller. The Hotline cannot charge additional costs for the caller.

The Hotline number is publicised through the media, internet, leaflets, stickers in the public transport and other appropriate locations. All materials clearly announce the working hours of the Hotline and the types of support that the caller can receive.

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The organisation of the work of the Hotline is described in Regulations for work of the Hotline with which all consultants must be acquainted.

**Recommendations:**

- In certain days and hours there can be consultations in another language, depending on the needs of the users of the service;
- In certain days and hours, specialised consultations can be provided (e.g. legal, medical, etc.) by a specialist in a certain field.

In addition to the Hotline, consultations can be provided via e-mail, Skype, internet forums, Facebook or other new technologies and these should be organised accordingly.

The Hotline has specialised computer software for processing the information received through the calls.

#### **4. Staff and management**

- The Hotline staff works in a team and respects the principles of team work:
  - ▣ Shared responsibility;
  - ▣ Distribution of roles and tasks;
  - ▣ Team meetings;
  - ▣ Open and accessible communication;
  - ▣ Timely feedback;
- The Hotline team consists of consultants who underwent specialised training. They must be over 21 years of age. There are no specific requirements for their education. Their number depends on the working hours of the Hotline. The consultants can be paid or volunteers.
- The work of the Hotline is managed by a coordinator.
- There are procedures and criteria for hiring Hotline staff;
- The work of the Hotline consultants is organised in a schedule. The shifts are distributed evenly to avoid work overload and burnout of the consultants;
- The training of the Hotline consultants includes the following areas:
  - ▣ **Basic knowledge about the phenomenon of *trafficking in persons*** and its victims; skills for identification of victims of trafficking
  - ▣ **Skills for telephone counselling** – skills for providing emotional support during a telephone call, assessment of the risk and needs of the caller; skills for partnering in decision making and defining action plans; skills for referral; skills for work with a database

☒ **Skills for provision of information about the rights of the victims** in accordance with CTHBA and other relevant legislation

☒ **Skills for work in a situation of crisis and high risk for the caller** – crisis intervention for victims of trafficking and their family and relatives; partnering for organisation of an escape plan and intervention in case the person escaped from the situation of trafficking; support in organising the person's return to the country; emergency referral to relevant support and protection services close to the person's location; collecting data about the identity and location of the person; establishing contact with the relevant authorities (Mol, MFA, First Aid, SACP, etc.)

☒ **Skills for prevention of trafficking** – skills for exploring the motivation for travel or migration; skills for identifying risk behaviour; skills for counselling on matters related to migration and the risk of trafficking

☒ **Skills for counselling of family members and relatives of victims of trafficking** – skills for providing emotional support and referral

☒ **Skills for counselling of other specialists;**

☒ **Knowledge of the possibilities for support provided by Bulgarian legislation.** Knowledge of NRM, CTHBA, Protection Against Domestic Violence Act (PDVA), CPA, the Coordination mechanism for referral, care and protection of unaccompanied minors and children victims of trafficking returning from abroad, CVAFCA, ARA, Foreigners in the Republic of Bulgaria Act (FRBA), the Social Assistance Act (SAA), etc.

- At least twice a month, group supervision is organised for the Hotline team. The supervision is mandatory. During the supervision, consultants present specific cases which they found difficult and receive guidance and support. The supervision sessions can be organised with an external consultant.
- At least once a month, the Hotline team attends an administrative team meeting.

#### **Recommendations:**

- The consultants' induction training should be conducted in several stages:
  - ☒ An intensive interactive training seminar;
  - ☒ Observation of the work of the more experienced consultants;
  - ☒ Work on the Hotline under the direct supervision of a more experienced consultant or the programme coordinator;
  - ☒ Participation in seminars and workshops for the Hotline team on different topics related to telephone counselling of victims of violence, including trafficking;
- Follow-up trainings can be organised every six months to deal with issues that arise in everyday work;
- Set a limit to the number of hours/shifts for work on the Hotline. Normally each consultant should have no less than 20 hours a month;
- The Hotline coordinator should be available to provide emotional support and guidance to the consultants after each call, if they need it;

- There should be an established system for timely support to the consultants.

## 5. Storage of information

- The service provider is registered in compliance with the Personal Data Protection Act.
- All calls are anonymous except the ones involving high risk for the health or life of the caller and/or his/her family;
- Every call is registered in a special form (electronic or on paper). The form cannot include personal data of the caller. The form contains the following information:
  - Registration number of the call;
  - Name of the consultant who took the call;
  - Date, time and duration of the call;
  - Who is calling – the victim, a relative, a friend, a citizen, a specialist from an institution, a journalist, etc.;
  - Sex and age of the caller;
  - Where the call comes from – the country, abroad, type of settlement;
  - Type of request – what the call is about;
  - Type of call – crisis, current situation of violence, past situation of violence, seeking of information, consultation, etc.;
  - Nature of the call – support, partnering for decision making, provision of information, prevention, etc.;
  - Referral – where the person is referred to;
- The call registration forms must be kept in such a way that only Hotline staff can access them.

### **Recommendations:**

- The information from the calls should be kept in a way that allows for easy statistical processing for the purposes of call analysis and ease of accountability of the Hotline's work.

## 6. State documents

Chapter eight: "National Hotline for Children" from RACPA.



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## 7. Evaluation of the service

Recommended indicators for the work of the Hotline include:

- Number and type of calls related to trafficking;
- Number of referrals of callers;
- Number and type of crisis interventions;
- Number and type of contacts with other professionals;
- Duration of the calls;
- Types of calls according to place;
- Feedback from the callers;
- Feedback from other professionals;
- Feedback from individual and group supervisions of the team.

## 8. Responsibilities

- The management of the service provider is responsible for the quality of the service.
- The consultants are responsible for delivering good performance in direct working situations.
- The Hotline coordinator is responsible for the organisation of the work, the training of the consultants, performance monitoring and regular updates of the information database.
- The supervisors are responsible for maintaining the quality of work through providing regular feedback to the managers about the strengths and weaknesses of performance areas in need of improvement.

## II. Crisis intervention

### 1. Description of the service

Crisis intervention is a set of emergency measures that provide immediate relief for the symptoms and improvement in the environment with the purpose of achieving faster emotional balance of the victim.

In relation to trafficking, crisis intervention can be used by:

- Persons in a situation of trafficking in the country or abroad;
  - Persons who have escaped or been removed from a situation of trafficking;
  - Family members and relatives of victims of trafficking.
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Crisis intervention includes the following stages of work:

- **Case assessment**

Assessment of the crisis situation; assessment of the risk and the immediate needs of the victim; assessment of the resources for coping with the crisis;

- **Planning and developing a safety and support plan**

Development of a plan for emergency measures together with the victim, taking into account the case assessment;

- **Emotional support**

Emergency psychological support to overcome the shock, anxiety and overwhelming emotions brought on by the crisis;

- **Social support**

Emergency practical help for meeting the person's most urgent needs of food, shelter, medical help, first necessity items, etc., which guarantee his/her physical wellbeing and safety. Provision of transportation, humanitarian aid, temporary accommodation and support to the victim's family and relatives.

- **Information**

Provision of information about the right to use reflection period and other possibilities for support in accordance with CTHBA and NRM.

- **Referral and advocacy**

Access to the relevant institutions for support, medical, humanitarian or social help. Contacts and referral to services, programmes and institutions for meeting the victim's emergency needs.

## **2. Principles of work**

- Provision of immediate support;
  - Unconditional support to victims of trafficking;
  - Safety and security;
  - Confidentiality;
  - Participation of the victim in all decisions related to him/her;
  - Individual approach;
  - Non-victimising attitude;
  - Provision of objective information about the possibilities for support;
  - Protection of the interests of the victim;
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- Adhering to the principle of the child's best interests and wellbeing (in cases of children).

### **3. Organisation of work**

- The crisis intervention programme is implemented in a specialised crisis or counselling centre.
- The work is organised in such a way that the service can be provided immediately after receiving the referral or the request of the victim.
- The crisis intervention programme is provided 24 hours a day every day. The programme has at least one consulting specialist who is available at any time of day or night.
- The access to the crisis intervention programme is free and people who need it can access it directly at any time. Access to the programme is also possible through referral from other services and organisations.
- The procedures for access and the contact information of the programme are publicised among the general public.
- Crisis intervention is delivered in a place which guarantees the confidentiality and the safety of the participants. Within a crisis centre, this should be a specially equipped room. It is not admissible to disturb a crisis intervention session because of a phone call, a knock on the door, another person coming in the room, etc.
- The room for crisis intervention is equipped with comfortable chairs/armchairs placed at a distance of at least 1.5 metres from each other;
- The average crisis intervention lasts from 4 to 10 sessions, each with duration of 50 to 90 minutes. Depending on the victim's condition, the sessions can be held every few days, every day or several times a day and their number may be increased.
- No external people are permitted during the crisis intervention sessions. In exceptional cases, and with the victim's consent, family members or other specialists may be present during the session, if the case requires it. In cases of children, the involvement of representatives is allowed in accordance with Article 6, CPA.
- The crisis intervention can last between one and five weeks and focuses on the current problems related to overcoming the crisis.
- Every case has a case manager;
- New cases are presented at weekly team meetings where the team discusses the case assessment, defines new directions of the work and distributes tasks.

The programme possesses an information database of institutions, services and programmes to which callers can be referred. This database should be organised in a way that is easy and understandable for the consultants and is updated regularly.

There are clear procedures for work in the following situations:

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- In the case of high risk for the life and wellbeing of the person in need of crisis intervention (risk of suicide or a situation of trafficking when the victim has escaped and is in the risk of being caught, has very little time to talk, etc.)

- In cases of children;
- In cases of people with psychiatric problems;
- In cases of alcohol or substance addicts;

These procedures are included in the consultants' training.

The crisis intervention is provided in the official language of the country.

The organisation of work is outlined in the *Working Rules of the Crisis Intervention Programme* which have been notified to all consultants.

### **Recommendations:**

The organisation of work can include field counselling – e.g. upon the return of the victim at the airport or bus/train station, during hospitalisation, on the telephone, etc.

Consultations can be provided in a foreign language, including with the help of an interpreter.

## **4. Staff and management**

The staff of the crisis intervention programme works in a team and respects the principles of team work:

- Shared responsibility;
- Distribution of roles and tasks;
- Team meetings;
- Open and accessible communication;
- Timely feedback.

The team providing crisis intervention consists of consultants who underwent specialised training. They must be over 21 years of age. They must have humanitarian education and hold at least a Bachelor's degree in a major like *clinical social work, social work, social pedagogy, psychology, law, medicine, etc.*

The work of the crisis intervention team is managed by a coordinator.

There are criteria and procedures for hiring new staff.

The work of the consultants is organised in a schedule. The shifts are distributed evenly to avoid work overload and burnout of the consultants.

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There is a limit of the number of hours/shifts of crisis intervention that each staff member can take. This limit is defined by the team itself.

The number of consultants is determined by the regulation of hours/shifts set forth in the Labour Code.

- The training of the consultants includes the following areas:
  - Basic knowledge about **the phenomenon of trafficking in persons** and its victims; skills for identification of trafficked persons
  - **Counselling skills** – skills for providing emotional support, risk assessment and identification of the victim's needs; skills for partnering in making decisions and developing an action plan; skills for referral; skills for work with databases
  - **Skills for work with people in stress or survivors of psychological trauma** – skills for support, tolerance and understanding, keeping the personal boundaries and space, understanding the behaviour and emotional outbursts of victims of violence;
  - **Skills for work in a situation of crisis and high risk for the caller** – crisis intervention for victims of trafficking and their family and relatives; partnering in the development of an emergency action plan and active support in its implementation; emergency referral to relevant services for support and protection; contacts with relevant authorities in cases of high risk (Mol, MFA, First Aid, SACP, etc.)
  - **Skills for provision of information about the victim's rights** in accordance with CTHBA and other relevant laws;
  - **Skills for case assessment and formulation;**
  - **Skills for case management;**
  - **Skills for work in a multidisciplinary team;**
  - **Knowledge about the possibilities for support that Bulgarian legislation provides.** Knowledge of NRM, CTHBA, PDVA, CPA, the Coordination Mechanism for referral, care and protection of unaccompanied minors and children victims of trafficking returning from abroad, CVAFCA, ARA, FRBA, SAA, etc.

All consultants use individual supervisions or take part in group supervisions provided by external experts.

***Recommendations:***

- The induction training for the new consultants must be organised in several stages:
    - An intensive interactive training seminar;
    - Observation of the work of more experienced consultants;
    - Work on a case under the direct supervision of a more experienced consultant or the programme coordinator;
    - Work under supervision;
    - Participation in seminars and workshops for the team providing crisis intervention on different topics related to counselling of victims of trafficking and their family members and relatives.
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- Every six months there are additional trainings building upon topics stemming from the consultants' everyday work;
- The team providing crisis intervention holds regular administrative team meetings.

## 5. Storage of information

The service provider is registered under the Personal Data Protection Act.

- Each client of the crisis intervention programme has a personal file containing the following information:
  - Personal data;
  - Agreement for receiving a social service;
  - Description of the psychological condition of the person;
  - Individual safety and support plan;
  - Documents related to the work on the case done by other organisations – referrals, medical certificates, correspondence, etc.;
  - Notes on the closure of the case;
- The case manager is responsible for maintaining the documentation on the case;
- The personal files of the clients are stored in a way ensuring that they are accessible only to the programme employees;
- Information about a client of the programme is provided only upon official request from another institution entitled to such information, with the written consent of the client.
- The service provider keeps a register of all users of the programme.

### **Recommendations:**

- Additional documentation may include:
  - Minutes from team meetings;
  - Minutes from supervision.

## 6. State documents

- Regulations of the Temporary Placement Shelters and the Centres for Protection and Support for Victims of Trafficking (SG 19/09 March 2004);
- Methodology of social services for people with mental disorders (No. 9109-2 of 11 May 2004);
- Personal Data Protection Act.

## 7. Evaluation of the service

Recommended indicators for the work of the team providing crisis intervention include:

- Number of clients who received crisis intervention;
- Number and types of crisis interventions and hours of crisis intervention;
- Number of referrals of clients;
- Number and type of contacts with other professionals;
- Number of multidisciplinary meetings for work on cases;
- Feedback from clients;
- Feedback from other professionals;
- Feedback from individual and group supervisions of the team.

## 8. Responsibilities

- The management of the service provider is responsible for the quality of the service.
- The consultants on duty are responsible for providing high quality crisis intervention in direct working situations.
  - The programme coordinator is responsible for the organisation of work, the training of the consultants, the supervision of performance and the updating of the informational database.
  - The supervisors are responsible for maintaining the quality of work through providing regular feedback to the managers about the strengths and weaknesses of performance areas in need of improvement.

## III. Accommodation of victims of trafficking<sup>24</sup>

### 1. Description of the service

Accommodation aims to provide victims of trafficking with shelter, social, medical, psychological support and living conditions, to create conditions for establishing contacts with their family and relatives and with specialised institutions and services<sup>25</sup>.

A **crisis centre** can accommodate victims in emergency situation for up to six months.

<sup>24</sup> These standards concern the accommodation of adults.

<sup>25</sup> In accordance with the Regulations for temporary placement shelters and the centres for protection and support to victims of trafficking, Article 3, para 2

In a **Temporary Placement Centre**, a **Safe House**, a **“Mother and Baby” Unit** or a **Shelter**, victims can receive long-term accommodation, which is settled within 30 days or one month, taking into account the reflection period. The placement period can be extended to 18 months if this is required by a pregnant woman or a mother of a child aged below 3 years. The CPD are in charge of the placement procedure, respectively by referral (for mothers of age) and by order (for underage mothers). The NCCTHB has temporary placement shelters and centres for protection and support, as well as a shelter for follow-up re-integration (as of 2015).

The full information about the services, their management and functions is contained in the *Regulations for temporary placement shelters and the centres for protection and support to victims of trafficking*, as well as in the document *Shelters and centres for victims of trafficking with the NCCTHB: minimum working standards*

A specialised centre can accommodate:

- Victims of trafficking in persons (for the purposes of sexual exploitation, labour exploitation, child labour and exploitation and other types of trafficking);
- Women victims of trafficking;
- Men victims of trafficking;
- Adults (above 18 years of age) with children;
- Bulgarian and/or foreign citizens;
- Foreign citizens who are victims of trafficking and would like to be repatriated/returned to their country of origin;
- Foreign citizens who are victims of trafficking and would like to apply for permanent residence in the country.

Temporary placement shelters with the NCCTHB ensure safe temporary living conditions and residential-type services, while support centres mainly provide social and consultative services, including empowerment programmes, employment mediation, assistance for medical interventions and consultations, training and re-training aimed at the re-integration of victims of trafficking.

## **2. Principles of work**

- Voluntary inclusion of the trafficked person in the programmes of the centre;
- Unconditional support for adult victims of trafficking;
- Safety and security;
- Informed consent;
- Confidentiality;
- Individual approach;
- Non-victimising attitude;



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- Protection of the interests of the victim;
  - Encouraging the victim's autonomy;
  - Provision of immediate support in a situation of crisis;
  - Participation of the victim in all decisions related to him/her.

### 3. Organisation of work

#### 3.1. Location, building and equipment of the accommodation centre

- The service provider is registered with the is registered with HKBTX or with Social Assistance Agency as a Crisis Centre or a Temporary Placement Centre, a Safe House, a "Mother and Baby" Unit or a Shelter, in accordance with the Regulations for the Application of the Social Assistance Act;
  - The accommodation centre can be located in:
    - Its own building;
    - An apartment in a housing block;
    - A specialised facility (a hospital, a centre for social support, etc.)
    - A church, etc.;
    - The centre should be located at certain distance from regions known for prostitution and criminal activities;
    - The centre has electricity, water, telephone line and internet;
  - The centre is located in a place which has easy access to medical facilities, post office, bank, police department, grocery store, etc.;
  - The centre provides a cosy, comfortable and clean environment for the people accommodated in it;
  - The centre is accessible for people with disabilities;
  - The centre has the following types of premises:
    - **Bedrooms** – their number depends on the spatial capacity of the centre; each accommodated person has their own bed and enough personal space; the bedrooms are equipped with wardrobes and drawers for the personal belongings of the accommodated people; centres for long-term accommodation also have a separate room for people with diseases which may require them to live separately from the others;
    - **Kitchen** – furnished with everything necessary to prepare, eat and preserve food;
    - **Living room or space for leisure and common activities** – with a TV set, soft furniture, etc. necessary for spending one's free time;
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▫ **Bathrooms and toilets** – their number is determined by the available space of the centre; the staff of the centre has its own toilet

▫ **Counselling room** – for conducting individual counselling sessions with the residents without being disturbed and without violating the principles of confidentiality

▫ **Room for the staff of the centre** – which serves as an office equipped with computers, telephone, fax; it contains the database of the residents; the room has a bed for the person on night shift; centre residents do not have access to this room unless accompanied by a member of the centre staff.

▫ **Storage rooms;**

- The centre ensures conditions for the accommodation of children – mothers with children can be accommodated in a separate room; there is a children's bed, pram, feeding chair, toys and anything necessary for small children or babies (clothes, diapers, feeding bottles, food, etc.); all rooms are child-proofed.

### 3.2. Internal regulations

- The rooms and order in the centre guarantee the ease, comfort and personal space of everyone accommodated; there is enough natural light; the rooms are well heated; there is no loud noise or dirt coming from the outside;
- External visits are organised so as not to infringe upon the confidentiality and comfort of the accommodated residents. There is a special procedure for visits;
- Hygiene in centre is maintained with the active involvement of residents;
- The internal regulations of the centre correspond to the needs, the coping abilities, emotional condition, sex and age of the people accommodated in it.
- The residents of the centre agree to respect the internal regulations and sign a declaration thereof upon their arrival.

### 3.3. Safety and security

- For safety reasons, the address of the centre is not announced publicly.
  - The centre has direct connection with the departments of the Ministry of Interior – Mol is in charge of site security or a procedure is in place for the fast response of the local forces in case of risk or danger; the centre has a “panic button” and video surveillance.
  - An action plan for high-risk situations exists (death, spread of infectious diseases, fire, natural disasters, unauthorised entry of outsiders, etc.) and is notified to all employees.
  - The centre does not collect or store information about criminal offenders.
  - **The declaration for observing the internal regulations** stipulates the residents' commitment not to spread the address of the centre. There is a procedure to terminate the person's stay if he/she has divulged the address of the centre.
  - Outsider visits (specialists, experts, supervisors, representatives of institutions and organisations, representatives of donor organisations, etc.) are allowed only at the discretion of the staff of the centre.
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- For security reasons, the people accommodated in the centre meet with their friends and relatives outside the centre;
- No alcohol, drugs, weapons or other dangerous objects are allowed in the centre.
- The full name or other personal data of a person accommodated in the centre are not disclosed to another resident.
- The residents of the centre can make telephone calls only with the permission of an employee or the case manager and only in the official language of the country.
- A procedure is in place for the use of mobile phones by residents (e.g. cell phones are kept by the centre staff for the entire duration of the placement or use is allowed only in the presence of an employee, etc.)
- Based on the risk assessment, residents observe the entry-and-exit regimes of the centre. Regimes can be free, semi-free (residents cannot go out unaccompanied or have a restricted span of hours out and places to visit), and closed-type.
- Residents are not allowed to contact journalists.
- The centre has first-aid facilities and equipment.
- The security measures are reflected in the centre's internal regulations of work and notified to all employees.

***Recommendations:***

- The centre employs its own security.

**3.4. Accommodation and psychosocial support to victims of trafficking**

- In a crisis centre people can be accommodated at any time of day or night. Admissions to a temporary accommodation centre, a safe house, Mother and Baby Unit or a shelter are based on preliminary request and submission of all necessary documents; admissions are scheduled within the regular office hours.
  - The services of the centre are designed for (a) specific group(s) or category of victims of trafficking – adults, victims of a certain type of exploitation.
  - Non-access procedures are in place for individuals who may pose danger or risk to other residents (e.g. having an infectious disease, drug or alcohol abusers, people with psychotic disorders, etc.)
  - Upon admission to the centre, residents are provided with a bed and clean sheets and, if necessary, items of first necessity. Conditions for the placement of children are provided;
  - Procedures for emergency admission of victims of trafficking and allocation of case work are in place.
  - When notified to expect a victim of trafficking, the team organises his/her meeting and accommodation in advance.
  - If possible, a preliminary personal contact is made with the victim who is about to be accommodated (via telephone, e-mail or Skype)
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- Upon admission, the victim signs a **declaration for observing the internal regulations of the centre**. It outlines the rights and obligations of all accommodated persons.
  - Upon admission to the centre and when the victim is able and ready to speak, an **assessment interview** is arranged. It includes assessment of the current situation, assessment of the risk and the needs of the victim (and children, if they accompany him/her), assessment of the resources for coping. The assessment interview can last for more than one session. Based on the information from the assessment interview and received from other sources, a **case assessment** is made.
  - The case assessment ends with an **agreement on a safety and support plan**. The planned measures are stated in writing and the victim signs that he/she will participate in them voluntarily.
  - During the assessment interview, the victim is informed about his/her rights and obligations and about the right to use a **reflection period** and all other measures provided for in CTHBA.
  - After the assessment interview, the measures included in the safety and support plan are effected:
    - **Medical support**, if necessary;
    - **Psychological counselling** and **psychotherapy** in accordance with the person's emotional condition (*see Measure 3.1.*);
    - **Social support** in accordance with the individual needs of the person (and the children accompanying him/her) (*see Measures 2.1 and 3.1*) – all possible available community-based forms of support according to SAA and RASAA
    - **Legal counselling**: informing the victims of trafficking about their rights and the opportunities to claim compensation; informing them about the need to collect and preserve evidence about the pecuniary damages they suffered as a result of the trafficking situation; assisting the trafficked persons to fill in the application forms for state-funded legal aid; assisting them in drafting a notification of a perpetrated crime; supporting victims of trafficking to file requests for precautionary measures against traffickers' assets.
    - **Support in finding a job** (*see Measure 3.1.*);
    - **Others**;
  - If the centre does not provide programmes for psychological and social support, it operates within an established network of organisations and specialists who provide such services to which the accommodated people can be referred.
  - The centre has an informational database of institutions, programmes and services to which accommodated people can be referred. This database is updated regularly.
  - A case manager is appointed for every case;
  - New cases are presented at weekly team meetings where the case manager is appointed, the working guidelines are outlined and tasks are distributed;
  - All services for victims of trafficking are free of charge.
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- The programmes are offered for the duration of the accommodation period and, if possible and necessary, after the person's departure.
- The services are provided in the official language of the country. If necessary, an interpreter can be hired.
- During the period of accommodation, all accommodated people are provided with food of best nutritional quality. It respects their health, age, ethnic and religious needs.
- Everyone accommodated has free access to his/her personal belongings.
- There is a procedure for storing the accommodated person's money and valuables.
- There is a procedure for possession and taking of medicines.
- The centre offers leisure activities for the accommodated people – library, TV, internet, etc.
- The accommodated person's situation of temporary dependence cannot be used as a means to convert him/her to certain religious or political beliefs.
- The staff and everyone accommodated in the centre show tolerance towards the religion and religious practices of every accommodated person.
- Clear working procedures are in place for the following situations:
  - In the case of high risk for the life and wellbeing of the person in need of crisis intervention (risk of suicide or a situation of trafficking when the victim has escaped and is in the risk of being caught, has very little time to talk, etc.)
    - In cases of children;
    - In cases of people with psychiatric problems;
    - In cases of alcohol or substance addicts;
      - These procedures are included in the social workers' training;
      - The centre organises the safe return and referral for the accommodated residents;
      - The centre has a procedure for departure and follow-up on the cases;
- A complaint procedure is in place for the residents, in accordance with the Regulation on Criteria and Standards for Social Services.
- The organisation of work is described in the centre's internal regulations of work and notified to all employees.

***Recommendations:***

- The centre can provide leisure artistic activities to its residents, using the help of specialists – drawing, modelling, applied arts, etc.
  - The centre can offer care for the children of accommodated women, while they are involved in the implementation of the measures in the safety and support plan. Specialised activities are offered to children.
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- The internal regulations of the centre allow the residents to prepare their own food;
- The centre can be involved in a *social enterprise*;
- There is a Code of Conduct for work with children.

#### 4. Staff and management

The staff of the accommodation centre works in a team and respects the principles of teamwork:

- Shared responsibility;
- Distribution of roles and tasks;
- Team meetings;
- Open and accessible communication;
- Timely feedback.

The staff of the accommodation centre corresponds to the services it offers. All employees must be above 21 years of age and must undergo specialised training.

The staff dedicated to the accommodation of victims of trafficking consists of social workers.

For all specialised forms of support, such as psychological counselling, psychotherapy, medical, legal support, artistic activities, etc. the centre subcontracts professionals.

The work of the centre is managed by a director.

An recruitment procedure is in place for staff vacancies, which estimates the competence level of the appointees.

All newly appointed social workers sign a declaration that they were acquainted with the internal regulations and will observe them.

All newly appointed social workers, volunteers or interns sign a declaration that they will keep complete confidentiality regarding the information related to the cases they work with.

The work of the social workers is organised in schedules. The shifts are distributed evenly to avoid work overload and burnout.

There is a limit of the number of hours/shifts in accordance with the Labour Code.

The number of social workers is determined by the limit of hours/shifts and the capacity of the centre.

- The training of social workers includes the following areas:
  - **Basic knowledge about the phenomenon of trafficking in persons** and its victims; skills for identification of trafficked persons;

☒ **Skills for work in a situation of crisis and high risk for the person who is accommodated** – risk assessment, provision of first medical aid, emotional support, contacts with relevant authorities in cases of high risk (Mol, MFA, First Aid, SACP, etc.)

☒ **Skills for communicating with people in stress or survivors of psychological trauma** – skills for support, tolerance and understanding, keeping the personal boundaries and space, understanding the behaviour and emotional outbursts of victims of violence.

☒ **Knowledge about the possibilities for support that Bulgarian legislation provides.** Knowledge of NRM, CTHBA, PDVA, CPA, the Coordination Mechanism for referral, care and protection of unaccompanied minors and children victims of trafficking returning from abroad, CVAFCA, ARA, FRBA, SAA, RASAA, etc.

All social workers receive emotional support and guidance in their work from the coordinator of the centre.

Social workers can use individual or group supervision.

### **Recommendations:**

- The induction training for the new social workers is organised in several stages:
  - ☒ An intensive interactive training seminar;
  - ☒ Observation of the work of more experienced social workers or appointment of a mentor from the team for a certain period of time;
  - ☒ Participation in seminars and workshops for the crisis intervention team on different topics related to counselling of victims of trafficking and their family and relatives.
- Every six months the team undergoes additional trainings on practice-related issues.
- The team of the centre holds regular administrative team meetings.
- The work of the centre can be supported by volunteers and interns.

## **5. Storage of information**

- The accommodation centre is registered under the Personal Data Protection Act.
- For each resident **a personal case file** is opened with the following information
  - ☒ Personal data;
  - ☒ Description of the person's psychological condition;
  - ☒ Individual safety and support plan;
  - ☒ Documents related to the work on the case done by other organisations – referrals, medical certificates, correspondence, etc.;
  - ☒ Notes on the closure of the case;
  - ☒ Declaration signed by the person that he/she will observe the internal regulations of the centre;
- The case manager is responsible for maintaining the documentation on the case;

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- The personal files of the clients are stored in a way ensuring that they are accessible only to the programme employees;
  - Information about a client of the programme is provided only upon official request from another institution entitled to such information, with the written consent of the client.
  - The organisation keeps a register of all accommodated individuals.

**Recommendations:**

- Additional documents may include:
  - Minutes from team meetings;
  - Minutes from supervision sessions.

## 6. State documents

- Regulations of the Temporary Placement Shelters and the Centres for Protection and Support for Victims of Trafficking (SG 19/09 March 2004)
  - RASAA, Chapter Three: *Social Services*;
- Methodology of social services for people with mental disorders (No. 9109-2 of 11 May 2004);
  - Personal Data Protection Act.

## 7. Evaluation of the service

Recommended indicators for the work of the accommodation centre include:

- Number of accommodated persons;
  - Duration of the stay;
  - Services provided by the centre;
  - Number of referrals of clients;
  - Number and type of contacts with other professionals;
  - Number of multidisciplinary meetings on cases;
  - Feedback from the clients;
  - Feedback from other professionals;
  - Feedback from individual and group supervision of the team.
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## 8. Responsibilities

- The management of the service provider is responsible for the quality of the service;
- The social workers on duty are responsible for the quality of work;
- The coordinator is responsible for the organisation and the quality of work, the training of the consultants, the supervision of performance and the updating of the informational database.

## IV. Psychological support – Counselling and psychotherapy

### 1. Description of the service

Psychological support is delivered as a type of professional assistance aimed at coping with the consequences of the trauma of survived violence and the symptoms of the post-traumatic stress disorder. It is an important element of the process of re-integration and social adaptation of victims of trafficking.

In relation to trafficking in persons, psychological support can be used by:

- Adults or children who were victims of trafficking;
- Family members and relatives of victims of trafficking.

Psychological support comprises the following forms of work.

#### **Case assessment**

An assessment of the emotional needs and psychological problems of the client and his/her capacity for coping.

#### **Agreement for counselling/psychotherapeutic work**

Agreement with the client about the areas of counselling/psychotherapeutic work, time and frequency of the sessions and duration of the provided support.

#### **Psychological counselling**

Short-term work to explore specific problems in the process of re-integration (problems in communication, adaptation, coping with certain life tasks, etc.); exploration of the client's attitude towards the problem and improvement of his/her understanding of it; identification of appropriate strategies for coping and support in the process of their implementation.

#### **Supporting therapy**

Long-term work for achieving awareness of and better control over the acting out of strong feelings and symptoms caused by the experienced violence.

#### **Psychotherapy**

Long-term work for exploring the consequences of the psychological trauma on the emotional life and relationships of the client; improving the understanding and control of the

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manifestations of different symptoms; improving the capacity to recognise one's own feelings and experiences related to the trauma; overcoming personality conflicts; improving self-confidence and autonomy; recognising and avoiding future situations of abuse.

## **2. Principles of work**

- Informed consent;
- Voluntary participation of the victim;
- Emotional support;
- Safety and security;
- Confidentiality;
- Individual approach;
- Non-victimising attitude;
- Mutual trust;
- Honesty;
- Respect for the person's dignity;
  - Negotiating agreements;
- Respect for the personal boundaries.

## **3. Organisation of work**

### **3.1. Sessions for psychological support**

- The psychological support programme is implemented in a specialised centre;
  - Psychological support is provided only upon the request of the person in need. His/her choice is very important for the efficiency of the work.
  - The access to the programme for psychological support is free and anyone can turn to it alone or through referral from the case manager.
  - The procedures for access and the contact information of the programme are announced in the public domain.
  - To access the program, the client needs to call and make a preliminary appointment for the date and time of the meeting;
  - Psychological support is provided in a place, which guarantees the confidentiality of conversations and the clients' safety. Within the centre, it should be done in a specially
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equipped room. Psychological sessions cannot be interrupted by telephone calls, knock on the door, another person coming in, etc.

- The room is equipped with comfortable chairs/armchairs placed at a distance of at least 1.5 metres from each other.
- The type of psychological support is determined after the initial assessment of the case which can take between two and four sessions.
- After the initial assessment the therapist and the client agree on the frequency of the sessions and the duration of work. Depending on the individual needs of the client and his/her development, it is possible to renegotiate the time frame in the process of work.
- The psychological support sessions last 50 minutes. They are held once, twice or thrice a week according to pre-scheduled days and hours.
- The duration of work is determined by the type of psychological support.
  - Psychological counselling is a short-term option and can last from a few meetings to several months.
  - Supporting therapy can be short or long-term depending on the needs of the client;
  - Psychotherapy is always long-term and can last for a few years;
- The presence of third persons is not allowed during the psychological support sessions.
- New cases are presented at weekly team meetings where the case assessment is discussed and working guidelines are determined;
- There are clear procedures for work in the following situations:
  - In cases of high risk for the health and life of the person using psychological support (suicidal risk or risk of harming oneself, etc.);
  - In cases of children;
  - In cases of people with psychiatric problems;
  - In cases of people with addictions.

These procedures are included in the consultants' training.

Psychological support is provided in the official language of the country.

***Recommendations:***

- The programme offers work in support groups.
  - The consultations can be in another language.
  - Victims of trafficking do not pay (or pay a very small amount) for the psychological support that they receive
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### **3.2. Contents of the specialised psychological support to victims of violence**

Consultants do not treat the trauma as an isolated occurrence but as an experience contributing to the 'formation' and 'organisation' of identity, which results in a change of self-perception and relationships with others and determines a person's life choices. The effects of trauma are visible in all aspects of the victim's life.

The consultants accept and respect the strategies for coping which the person built as a result of the experienced violence.

The main goal of psychological support is the recovery from psychological trauma.

The consultants respect and support the person's right to choose and control the recovery process.

The consultants create atmosphere which corresponds to the victim's needs for safety, respect and acceptance.

The consultants support the victim's strong sides and encourage his/her abilities to adapt and cope with the symptoms of trauma.

The aim of psychological support is to minimise the risk of re-traumatisation.

The consultants try to understand every victim in the context of his/her life experience and surroundings.

### **3.3. Confidentiality**

Psychological support is provided in compliance with strict rules for confidentiality.

Psychotherapists are obliged to keep any information they receive in the sessions secret.

Information which can lead to identification of the client must be kept separately and is not mentioned when discussing the case with colleagues or a supervisor.

Any information which can lead to identification of the client can be shared with other people only with the consent of the client or a legal representative.

Exceptions can be made only in circumstances which threaten the life and health of the client or other people. In such cases the information can be relayed only to people who can take adequate measures.

Personal information about the client is provided upon official request from the law enforcement authorities. In these cases the information must be only about the facts related to the problem at hand.

Information for the purposes of referral to other specialists, which is relevant to the client and the psychological support work on his/her case can be provided only with the client's consent

Information for the purposes of publications, scientific researches, participation in conferences and case presentations, etc. is provided only with the client's consent.

The organisation of work is described in the *Regulations for the work of the psychological support programme*, which has been notified to all consultants.

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#### 4. Staff and management

The staff of the psychological support programme works in a team and respects the principles of team work:

- Shared responsibility;
- Distribution of roles and tasks;
- Team meetings;
- Open and accessible communication;
- Timely feedback.

Psychological support is provided by specialists who have the necessary qualifications and

Psychological counselling and supporting therapy are provided by clinical psychologists and clinical social workers with a Master's degree in clinical psychology, who have undergone specialised training for work with victims of violence. They also need to be registered in the register of the Psychological Society.

Psychotherapy is provided by psychotherapists whose professional qualifications cover the standards set out in the Psychotherapy Act for provision of therapeutic services or have received internationally acknowledged education and are entitled to practice psychotherapy. They need to be registered in the National Register of Psychotherapists in Bulgaria.

Only qualified specialists handle the cases of children and they need to be specifically trained for working with children.

All specialists providing psychological support receive regular individual supervision by an expert with whom they do not maintain hierarchical relations and who is external to the centre hiring them.

The ongoing work on cases is presented and discussed at regular team meetings.

Everyone who provides psychological support to victims of trafficking and their family has to undergo training to acquire **Basic knowledge about trafficking in persons and its victims**.

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#### 5. Storage of information

Information about the provided psychological support is kept in each victim's personal file in accordance with the Code of Ethics of the Bulgarian Association for Psychotherapy and the requirements of the Personal Data Protection Act

Information about the provided psychological support includes:

- Case assessment and case formulation;
  - Interim conclusions about the progress of therapy;
  - Conclusive summary;
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- Correspondence and contacts with other services and people about the case;
  - Notes on the case.

The personal files of the clients are kept in a way that is accessible only to the staff of the programme.

Anyone receiving psychological support can access the information kept in his/her personal file.

## **6. State documents**

- Personal Data Protection Act;
- Draft Psychotherapy Act;
- Code of Ethics of Psychologists in Bulgaria.

## **7. Evaluation of the service**

Recommended indicators about the work of the programme for psychological support include:

- Number of clients;
- Number of sessions;
- Feedback from the clients;
- Feedback from other professionals;
- Feedback from individual and group supervisions of the team;
- Ongoing evaluation of the specialist about the progress of the counselling and therapy measured against the set goals;
- External evaluation about the progress of the clients.

## **8. Responsibilities**

- The management of the service provider is responsible for the quality of the service.
  - The consultants are responsible for the progress of psychological support;
  - The programme manager is responsible for the organisation of the work, the training of the consultants and performance monitoring.
  - The supervisors are responsible for maintaining the quality of work through providing regular feedback about the strengths and weaknesses in performance and the areas that need improvement.
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## V. Social support

### 1. Description of the service

Social support helps victims of trafficking and their family and relatives to cope with practical problems which arise in the process of re-integration.

In relation to trafficking in persons, social support can be used by:

- Adults and children victims of trafficking;
- Family members and relatives of victims of trafficking;

Social support includes the following forms of work:

#### **Case assessment**

Assessment of the needs of the client of social support and his/her resources for coping. Agreement on a **plan** for social support.

#### **Social counselling**

Informing the client about the possibilities to meet his/her needs. Provision of information about the legislation, services and programmes providing support, the steps that need to be taken, the documents that need to be provided, etc. Information about the victim's rights as per CTHBA and other relevant legislation.

#### **Social advocacy**

Accompanying the client and facilitating his/her communication with institutions; protection of the rights and interests of the person and support in overcoming bureaucratic or other difficulties.

#### **Referral**

Referral to services and organisations providing support.

#### **Humanitarian aid**

Provision of material assistance (in the form of money, items or products) for meeting the client's most urgent needs.

#### **Case management**

Assessment and planning of the work on the case; preparation of the necessary documentation and correspondence for referral and cooperation; organisation of multidisciplinary meetings.

### 2. Principles of work

- Emotional support;
  - Confidentiality;
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- Informed consent;
- Partnering in preparation of a safety and support plan;
- Information for referral;
- Partnering in decision making;
- Empowerment;
- Follow-up

### 3. Organisation of work

- Social support is provided by social workers who work in a team.
- Each case has a case manager (a social worker, clinical social worker or a consultant providing crisis intervention). The case manager is responsible for the overall organisation of the work on the case and the cooperation with other specialists and institutions.
- New cases are presented at weekly team meetings where the case manager is appointed, the working guidelines are outlined and tasks are distributed;
- Social support can be provided as:
  - Emergency social support accompanying crisis intervention, aimed at meeting the victim's most urgent needs; the service is provided at any time of day or night.
  - Social support accompanying the process of re-integration and aimed at meeting the medium-term and long-term needs; provided within regular office hours;
- The work of the social workers is organised in a schedule. The shifts are distributed evenly to avoid work overload and burnout of the social workers.
- There is a procedure for equal distribution of the work among the team members in order to avoid burnout.
- The programme has an updated informational database of institutions, services and programmes where the clients can be referred. It must be updated regularly.
- There are clear procedures for work in the following situations:
  - In cases of high risk for the health and life of the person using social support (suicidal risk or risk of harming oneself, etc.).
  - In cases of children;
  - In cases of people with psychiatric problems;
  - In cases of people with addictions.

These procedures are included in the social workers' training:

- The work of the social workers is reported and distributed during organisational administrative meetings held at least once a week
- When the victim is a foreign citizen, the programme ensures translation into a language that the person can understand;



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- The social workers have close cooperation with the other experts involved in the support of the victim – psychologist, lawyer, doctor, representatives of the CPD, SAD, etc.
  - The social work on cases of trafficking continues until completion of the client’s request.
    - A guiding working principle is the organisation of multidisciplinary meetings to handle the cases. Records of minutes are taken at all meetings and the clients are fully informed about their results. The multidisciplinary meetings are held, where possible, with the involvement of the affected person.
    - There is a procedure for provision of humanitarian aid. The victim signs a declaration about the material support he/she receives.
  - A referral procedure for trafficked persons to other services and organisations is in place. The procedure includes:
    - Obtaining the person’s informed consent for referral to another organisation;
    - Establishing initial contact with the receiving organisation;
    - Preparing the documentation related to the referral which contains only as much information as is necessary for work on the case; provision of the information of the person with his/her explicit consent;
    - If necessary, accompanying the person to the receiving organisation;
    - Feedback from the receiving organisation and follow-up on the case;
  - Information about the person is provided to the receiving organisation in writing. In cases of emergency, spoken referral is also possible.
  - The organisation of work is described in the *Regulations for the work of the Social support programme*, which has been notified to all social workers.

#### **4. Staff and management**

- The staff of the social support programme works in a team and respects the principles of team work
    - Shared responsibility;
    - Distribution of roles and tasks;
    - Team meetings;
    - Open and accessible communication;
    - Timely feedback.
  - The team of the social programme consists of clinical social workers and social workers who have undergone specialised training.
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- To be appointed as clinical social workers, staff members must have humanitarian education and hold at least a Bachelor's degree in a major like clinical social work, social work, social pedagogy, psychology.
- The work of the social workers is managed by a coordinator.
- There is a procedure and criteria for staff recruitment;
- The induction training of the clinical social workers includes the following areas:

▫ **Basic knowledge about the phenomenon of trafficking in persons** and its victims; skills for identification of trafficked persons.

▫ **Skills for communicating with people in stress or survivors of psychological trauma** – skills for support, tolerance and understanding, keeping the personal boundaries and space, understanding the behaviour and emotional outbursts of victims of violence.

▫ **Needs assessment and development of a safety and action plan;**

▫ **Referral** – skills for referral and good knowledge of the institutions providing different forms of help and support; knowledge of the legal framework

▫ **Knowledge about the possibilities for support that Bulgarian legislation provides.** Knowledge of NRM, CTHBA, PDVA, CPA, the Coordination Mechanism for referral, care and protection of unaccompanied minors and children victims of trafficking returning from abroad, CVAFCA, ARA, FRBA, SAA, RASAA, etc.

- The social workers can use individual supervision or counselling.

#### ***Recommendations:***

- The introductory training for new social workers is organised in several stages:
  - Intensive interactive training seminar;
  - Observation of the work of more experienced social workers or appointment of a mentor from the team for a certain period of time;
  - Participation in seminars and workshops for the team of social workers on different topics related to counselling of victims of trafficking and their family and relatives;
- Every six months the team undergoes additional trainings on practice-related issues;
- The team of the centre holds regular administrative team meetings;
- The social support work of the centre can be aided by volunteers and interns.

### **5. Storage of information**

- The information about the provided social support is kept in the victim's personal file;
- The information is organised and filled by the case manager;

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- The information about social support includes:
    - Description and assessment of the current problematic situation;
    - History of the problem;
    - The client's needs as stated by him/herself;
    - The client's needs as assessed by the case manager;
    - Strategy and plan for work on the case;
    - Contract for receiving a social service;
    - Services, specialists and institutions who have been contacted for the case;
    - Copies of any relevant documents;
    - Notes on the work on the case;
    - Minutes from work meetings on the case.

## **6. State documents**

- Regulations of the Temporary Placement Shelters and the Centres for Protection and Support for Victims of Trafficking (SG 19/09 March 2004)
  - SAA;
  - RASAA;
  - CPA;
  - RACPA.

## **7. Evaluation of the service**

- Detailed needs assessments and a developed action plan;
- Qualitative evaluation of the achieved goals – description of the results;
- Number of multidisciplinary meetings and multidisciplinary teams working on the case
- Number of hours of social work;
- Number and type of referrals to relevant services and institutions and their results;
- Feedback from the clients;
- Information from the follow-up on the case;
- Feedback from other professionals;
- Feedback from individual and group supervision.

## **8. Responsibilities**

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- The management of the service provider is responsible for the quality of the service.
  - The case manager is directly responsible for the assessment, planning and high-quality performance.
  - The coordinator is responsible for the organisation and distribution of the work among the team members, as well as for performance monitoring.
  - The supervisors are responsible for maintaining the quality of work through providing regular feedback about the strengths and weaknesses in performance and the areas that need improvement.
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## **VI. Development of social and labour skills – empowerment**

### **1. Description of the service**

The aim of empowerment is to improve the skills for living in a social environment and develop skills for one's successful placement on the labour market. It is an important part of the long-term re-integration of victims of trafficking because it encourages them for an active outlook, for initiative and adequate assessment of their own strengths in seeking better fulfilment in life and at work.

With regard to trafficking in persons, empowerment programmes can be used by:

- People who were victims of trafficking;
- People at risk of becoming victims of trafficking;

Empowerment involves the following forms of work:

#### **Needs assessment**

Assessment of the needs of training for finding a job, provision of basic training, continuation of education and referral to qualification courses.

#### **Individual consultations**

Individual support in the process of seeking a job and social re-integration aimed at creation of skills for communicating without violence and abuse; acquisition of basic knowledge about the structure and functioning of society, its institutions and laws; skills for good self-presentation; skills to manage one's personal finance; skills for keeping one's experiences in trafficking secret; skills for job seeking; orientation in the labour market; development of a realistic job-seeking strategy which corresponds to one's own qualities and capabilities.

#### **Referral**

Referral to the employment offices, to vocational training and retraining programmes, programmes for continuing education, etc.

### **2. Principles of work**

- Emotional support;
- Confidentiality;
- Informed consent;
- Provision of information;
- Development of autonomous behaviour.

### **3. Organisation of work**

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- The programme has the following facilities:
  - A room for counselling;
  - Computer with an internet connection and work space where it can be used;
  - Subscription or other access to newspapers with job advertisements
- The empowerment programme combines consultations and the individual work of the client on goals and steps for their achievement on which he/she agreed with the consultant.
- The work with each client continues until the original request is achieved (usually this means until permanent employment).
- The duration of the empowerment sessions is up to sixty minutes.
- The average duration of the work on empowerment varies between 12 and 15 sessions or until the agreed practical outcome is attained.
- The appointments for individual work with clients are arranged in advance, based on the request for the scheduled use of the working room of the programme and the availability of consultants.
  - The consultants of the empowerment programme monitor the labour market and create a database of existing labour mediators and information sources about job vacancies. The programme coordinator is in charge for determining the monitoring frequency and relevant responsibilities.
    - The consultants have specialised up-to-date information and literature about labour rights and venues for their protection.
    - The programme has contacts with labour mediators, job-information centres, etc. with the aim of providing better referral to clients. If necessary, the clients are accompanied to the respective organisations.

***Recommendations:***

- The consultations, which are assigned to a different specialist, can run parallel with the psychological support sessions;
- The programme can offer work in groups.

<b>4. Staff and management</b>
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- The staff of the empowerment programme works in a team and respects the principles of team work:
  - Shared responsibility;
  - Distribution of roles and tasks;
  - Team meetings;
  - Open and accessible communication;
  - Timely feedback;

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- The team of the empowerment programme consists of consultants who have undergone specialised training. Their number is determined by the working hours of the programme.
  - The work of the programme is managed by a coordinator.
  - The training of the consultants includes the following areas:
    - ✧ Stages of the process of job seeking;
    - ✧ Preparation to apply for a job;
    - ✧ Negotiating a job;
    - ✧ Labour rights and obligations;
    - ✧ Professional orientation;
    - ✧ Knowledge of labour legislation;
  - The team of the programme conducts regular meetings for presentation of the work on the cases and distribution of tasks.

### ***Recommendations:***

- The induction training for the programme staff is organised in several stages:
  - ✧ An intensive interactive training seminar;
  - ✧ Observation of the work of more experienced consultants or appointment of a mentor from the team for a certain period of time
  - ✧ Participation of the programme team in seminars and workshops on different topics related to counselling of victims of trafficking and their family and relatives;
- Every six months the team undergoes additional trainings on practice-related issues;
- The programme team holds regular administrative team meetings;
- The empowerment work can be supported by volunteers and interns

## **5. Storage of information**

- Every new client of the programme is registered in a special form (electronic or paper). The form contains the following information:
    - ✧ Name and age of the client;
    - ✧ Name of the consultant;
    - ✧ Start date of the consultations;
    - ✧ Level and type of client's education;
    - ✧ Acquired skills;
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- Past trainings;
  - Areas for potential job searches;
  - Negotiated objectives;
  - Referral information;
  - Achieved results.

The form is appended to the client's personal file.

## **6. State documents**

- Labour Code;
- Procedural and functioning regulations of the Employment Agency;

## **7. Evaluation of the service**

- Number of provided consultations;
- Number of hours that the clients dedicated to independent work and subsequent results;
- Feedback from the clients;
- Number of clients who started work;
- Number of clients who were able to retain their job;
- Feedback from other professionals;
- Feedback from individual and group supervision of the team.

## **8. Responsibilities**

- The management of the service provider is responsible for the quality of the service;
  - The consultants are directly responsible for the quality of their working performance.
  - The coordinator is responsible for the organisation of the work and training of the consultants as well as for supervising the performance and for updating the information database
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