

AWARENESS-RAISING OF JUDICIAL AUTHORITIES CONCERNING TRAFFICKING IN HUMAN BEINGS

COUNTRY REPORT

BULGARIA

2005



IOM International Organization for Migration



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1. APPLICABLE BULGARIAN LEGISLATION IN THE FIELD OF TRAFFICKING IN HUMAN BEINGS

The legislative reform in the field of combating trafficking in human beings is an instrument strengthening the competence of the state and ensuring coordination of the state and non-government structures in the area of combating contemporary slavery - trafficking in human beings aimed at exploitation in all known forms.

The Republic of Bulgaria completed its commitments resulting from the ratification of the UN Convention against transnational organized crime (05.12.2001) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (known as the Palermo Protocol) and harmonized its national legislation with international requirements in this field. In the process into consideration was taken Recommendation No. R (85) 11 on the Committee of Minister to Member States on the Position of the Victim in the Framework of Criminal Law and Procedure, adopted on 28.06.1985, Recommendation 1545(2002) of the Parliamentary Assembly to the Council of Europe (PACE) – campaign against trafficking in women, the Council of Europe Directive of 11.02.2002 on the short-term residence permit issued to victims of action to facilitate illegal immigration or trafficking in human beings who cooperate with the competent authorities, Resolution of the European Parliament concerning exploitation from the prostitution of others and trafficking in human beings.

The international standards taken into consideration found expression in provisions of the Criminal Code of the Republic of Bulgaria, in the adoption of the Law on Combating Trafficking in Human Beings and respective implementation regulations, the Law on the Protection of persons threatened in connection with criminal proceedings.

1.1 Criminal Code

With the amendments of the Criminal Code, which came into force on 01.10.2002 the Republic of Bulgaria criminalized trafficking in human beings as a specific form of organized crime. A separate Section IX “Trafficking in human beings” was added in Chapter II – “Offences against the person”.

Pursuant to the provisions of Article 159a – 159c of the Criminal Code punishable are all cases of recruitment, transportation, transfer, concealing and harboring of people aimed at exploitation irrespective of the means **used** to achieve these aims. The Bulgarian legislation is not limited with their concrete enumeration (as it is done in Article 2b, letter “a”, item 1 in the **Palermo Protocol**)

Trafficking in human beings is punishable in all cases when it has been committed for the aims of exploitation **in any one of its possible forms, including trade of body organs (cf. Article 2b, letter “a”, item 2 of the Palermo Protocol)**

The consent of the victim to be trafficked is **an irrelevant fact** referring to its punishability (cf. **Article 2b, letter “b” of the Protocol and introduction of a stricter criterion in the Bulgarian legislation – not only, when it has been committed with explicitly defined means and when the victim is a child, but in all cases**).

Trafficking in children is punishable as in the general hypotheses of trafficking in adults (cf. **Article 2b, letter “c” of the Protocol**)

Trans-border and internal trafficking is punishable. A separate more seriously punishable crime description of trans-border trafficking has been added.

Trafficking in human beings is punishable in cases also, when it has not been committed by an organized criminal group or does not present a complex or organized criminal activity.

The serious trafficking cases are punishable by 5 – 15 years imprisonment and a fine to 20,000 leva and optional confiscation of part or the whole property of the sentenced person.

By harmonizing legislation in the field of trafficking in human beings in its legal criminal aspect the requirement was fulfilled to correlate criminal responsibility for this type of crime to the extremely high degree of its social danger and the peculiarities of the mechanism of its accomplishment.

1.2 Law on combating illegal trafficking in human beings and subdelegated legislation

The law on combating trafficking in human beings in force as of 20.05.2003 addresses a variety of legal matter, which embraces: coordination of the state authorities and non-government organizations in combating trafficking in human beings; prevention of trafficking in human beings; protection of the victims and mechanism of their motivation for cooperation with law enforcement and judicial authorities to find and prove the crimes. Pursuant to this law an inter-agency commission was set up to combat trafficking in human beings.

The **National commission** members are representatives of all state authorities and ministries, the judiciary and non-government organizations as observers, responsible for combating trafficking in human beings. It is a structure at the Council of Ministers of the Republic of Bulgaria.

Chairman of the National Commission is a deputy minister appointed by the Council of Ministers.

On a regional level the National Commission builds local commissions at some municipalities, which implement the state policy and strategy in the field of combating trafficking in human beings on the territory of these municipalities.

The National Commission organizes and coordinates joint actions between the various agencies and organizations on implementing the law; identifies and supervises implementation of national policies and strategies in the field of counteraction to trafficking in human beings and protection of the victims; it develops and presents to the Council of Ministers annually a national program to prevent and counter trafficking in human beings and to protect its victims; creates an organization to study, analyze and prepare statistical accounts of the data in connection with trafficking in human beings; participates in the international cooperation; organizes carrying out of information, awareness and training campaigns involving persons of the risk groups referring to trafficking in human beings; elaborates training programs for officers to do certain jobs connected with prevention and combating trafficking in human beings; guides and controls the activities of the local commissions and centers for protection of victims of trafficking; registers natural persons and legal not-for-profit bodies, which give shelter to victims of trafficking in human beings.

The National Commission has been assigned by the law planning and executing all measures of prevention of trafficking in human beings on a national and local level in the following areas:

- Development and implementation of measures to bring about equal social and economic opportunities of the risk groups by creating conditions to integrate into the labor market the population of the risk regions and risk groups; programs for micro-crediting and for stimulation of employers who hire persons of the risk groups;
- Ensuring awareness of society about the risk situations when citizens may become objects of trafficking in human beings; about the protection extended by the state and by specialized organizations to victims of traffic; about the punitive and administrative measures undertaken by the state in the combat against trafficking in human beings;
- Development and implementation of general programs aims at school teachers and students, unemployed and low-educations citizens; general programs aimed at risk groups and carried out in risk regions and at the victims of trafficking in human beings.

The development and adoption of a **National programs** approved by an act of the Government and supported by an annual budget is a function and responsibility of this national authority of particular significance.

By Decision of 26.01.2005 the Commission adopted a 2005 National program for prevention and counteraction to the trafficking in human beings and protection of the victims, which was approved by the Council of Ministers by Decision No. 116/18.02.2005.

The Program foresees building of administrative structures, previewed in the Law on Combating Trafficking in Human Beings on national and local level, raising of the awareness of society on the problem “trafficking in people”, the mechanisms of its restriction and encouraging of the social irreconcilability. The measures are focused on risk groups, on training of officers who are engaged in the fight against trafficking in people, on research in this field, on production and dissemination of information products and launching of information campaigns.

The 2005 National program includes measures oriented towards providing assistance and guidance to the victims of trafficking in people and protection of their rights.

The section “Recovery and reintegration of the victims” deals with the overcoming of the consequences of trafficking in people and reintegration of the victims into society.

The program incorporates measures aimed at improvement of the international cooperation and exchange of the best practices in the field of counteraction to the trafficking in human beings.

There are also **organizational and legislative measures**, which add to the current normative instruments. These measures envisage development of a mechanism for study, analysis and compatibility of the statistic information dealing with trafficking in people.

In conclusion the National program defines the basic objectives, the activities to be carried out in the nearest future and their financial backing, the responsible institutions (leading organizations and partners), the time schedule of fulfillment.

The matter addressed in the Law on Combating trafficking in Human Beings, which refers to the national authority has been further developed in a by-law – “**Regulation of the organization and activities of the National Commission for Combating Trafficking in Human Beings**” (published in the State Gazette No. 19 of 9 March 2004). The Regulation defines the legal characteristics of the National Commission as a collective authority with a definite staff. The activities of it are assisted by an administration managed by a secretary. The Regulation outlines the framework of the powers of the chairman and the secretary of the Commission. The

procedures of the sittings held by the commission – regular, emergency sittings, open or closed, are defined in full in the document. The secretary is assigned with the entire organization of the operational functions.

Of interest are the provisions, which foresee a procedure for participation of non-profit legal entities in the sittings of the Commission. The necessary condition for such participation is a written request accompanied by a set of documents defined by the Regulations, including a Questionnaire concerning the activities and the program of the organization in a form adopted by the National Commission. There also is procedure for termination of the participation of these persons.

The Law on Combating trafficking in Human Beings introduces two types of specialized facilities – **Shelters for temporary asylum and Centers for protection and assistance to the victims of trafficking in human beings**.

These facilities for social services are opened in a manner defined by the law.

Shelters are to be opened by: The National Commission for Combating Trafficking in Human Beings on proposal of the local commissions or municipalities; natural persons registered under the Commercial Law and non-profit legal entities, which offer shelter to the victims of trafficking. In addition to shelter they provide social, medical, daily life services and psychological assistance to the victims of trafficking in human beings, as well as opportunities to establish contact with their relatives and with the specialized authorities and organizations.

The Centers for protection and assistance to the victims of trafficking in human beings are set up at the local commissions. Their responsibilities are to offer them with information in a non-professional language about administrative and judicial procedures, which regulate the assistance and protection rendered to them; to provide specialised psychological and medical assistance; to help reintegrate them into family and social environment.

The opening procedures, the organization of functioning, the management and control over the above specialized facilities are regulated in detail in a by-law – **Regulation on the shelter for temporary housing and Centers for protection and assistance to the victims of trafficking in human beings** (published in State Gazette No. 19 of 9 March 2004).

The basic moments in this by-law can be summarized as follows:

- The shelters for temporary housing, which are opened by natural persons, registered under the Commercial Law and by non-profit legal entities, carry out activities pursuant to the Law for Combating Trafficking in Human Beings upon entering in the register at the National Commission;
- The entering in the Register is done upon presentation of a set of documents including Certificate for current state of affairs of the applicant, issued by a competent court, whereby the organization should have as subject of activities “provision of services to persons – victims of trafficking in human beings”. This procedure creates legal guarantee that the shelters will be opened only for the purposes defined by the law.
- The entering in the register of shelters for temporary housing of victims of trafficking in human beings, which provide services to children – victims of trafficking requires presentation of a certified copy of the license issued under the Law for Child Protection.
- The By-law provides rules for consideration of the application accompanied by the attached documents of the National Commission and for appeal of a rejection of an

application; for licensing for a definite period – 5 years with an option for a new license under certain conditions; for the prerequisites leading to cancellation of the license;

- The provisions for the organization of the work in the shelters are elaborated in detail. Such organization includes a 24-hour regime of work, the qualifications of the staff of experts and auxiliary personnel; the number of staff, obligation to stick to the requirements of the law to protect personal data, to protect the honor and personal dignity of the people sheltered, the obligatory documentation to be kept in the shelter on any victim, the guard of the shelters;
- The section dedicated to the regulation of the conditions for acceptance explicitly states that the shelter houses persons who have declared that they were victims of trafficking; special provisions deal with children – victims of trafficking in human beings; the term of housing had been set at 10 days with an option to be prolonged with another 30 days, whereas in cases of status of special protection - to the completion of the criminal proceedings – a relevant act of the prosecutor is required; the rights of the victims are regulated and their medical treatment.
- The Law on Combating Trafficking in Human Beings introduces two regimes of provision of shelter and assistance to the victims – a general and a special one.

1.3 Applicable legislation on victim protection

Regime of general protection

This regime embraces all persons who are victims of trafficking and provides them with an initial stay in the shelters with an option of prolongation. In this way all victims have an access to specialized assistance and support rendered by the centers.

Regime of acquiring status of specialized protection

A status of special protection for the period of the criminal proceedings is given to persons, who are victims of trafficking in human beings and have agreed to cooperate for the finding of the perpetrators of trafficking.

The pre-trial proceedings authorities have the obligation after identification of the victims of traffic to inform them without delay of the possibility to acquire status of special protection if they declare within a month their willingness to cooperate for the uncovering of the truth.

The protection includes granting permission to stay for a long period of time in the country to foreigners and prolongation of the stay in the shelters.

The permission for a long period of stay is granted as per the Law on Foreigners in the Republic of Bulgaria. Persons given permission to stay in the country have the right to work and study and are entitled to all training and reintegration programs of the Ministry of Labor and Social policy for the term of their stay.

The status of special protection is granted by a Prosecutor's act – a Ruling. The law foresees possibility to cancel this status under certain conditions: when the persons has renewed his contacts with the perpetrators of the offence, for the uncovering of which the persons has declared his willingness to cooperate; when the authority which has granted the status has considered that the declared willingness is fictitious; when there exist danger to the social order and the national security.

Special provisions are foreseen for children – victims of trafficking granting a regime of protection and assistance in accordance with the requirements of the international and local legislation. In this context the law envisages:

- Obligation of the relevant authority to inform the State agency for Child Protection of any in-coming information concerning child – victim of trafficking in human beings while the Agency must undertake measures pursuant to the Law on Child Protection and ensure respective representation.
- Upon proposal of the Agency the period of declaring willingness to cooperate to uncover the offence may be prolonged to two months when the victim is a child.
- the National and local commissions, the shelters for temporary housing of victims of trafficking in human beings and the centers for protection and assistance to victims of trafficking are obliged to undertake urgent actions to search for the families of children
- victims of trafficking.

The status of special protection is an effective mechanism to activate investigation in the cases of trafficking in human beings and for finding the perpetrators of the offence. Pursuant to the law granting protection to the witness in reference to Article 97a of the Criminal Procedural Code is no obstacle for the victims of trafficking to acquire also status of the above protection.

The law contains provisions to improve international cooperation in combating trafficking in human beings and responsibilities of the diplomatic and consular representations of the republic of Bulgaria.

With the adoption of the Law on Combating Trafficking in Human Beings the Republic of Bulgaria fulfilled the requirements of the international acts and documents concerning building of an inter-agency structure with the task to organize and coordinate on a national level the fight against trafficking in human beings and the prevention measures, as well as to preview special procedure of protection and assistance to the victims and in particular to those who cooperate for proving the offence.

The procedural protection foreseen in the provisions of Article 97a of the Criminal Procedural Code are closely connected with the participation of the traffic victims in the capacity of witnesses in the criminal proceedings.

The authorities of the pre-trial proceedings, the Judge reporting the case or the Court upon request of the witness or with his consent take measures of his protection when there are sufficient grounds to assume that as a result of his testifying a real danger has risen or may arise for the life, the health or the property of the witness, of his ascending, descending, brothers, sisters, spouse or persons with whom he is in close relations.

The protection consists in keeping his identity in secret and in providing guard to the witness.

The law defines what data exactly should contain the act of the appropriate authority for protection of a witness under the hypothesis of “keeping his identity in secret”, including the identification number of the person. This act as well as the documents and the items given by or taken from such a witness are kept according to a special procedure approved by the Minister of justice.

The questions to such a witness are put in writing and the pre-trial authorities and the Court conduct a secret questioning and take measures to preserve his identity in secret.

The direct access to the protected witness is given to the relevant pre-trial authorities and the Court, while the defense counsel and the trustee – if the witness has been pointed out by them.

The measures of witness protection are rescinded upon request of the person who is under witness protection or in case the necessity for protection no longer exists.

The development of legislation towards harmonization with international standards led to the adoption of the **Law on protection of persons threatened in connection with criminal proceedings**, in force from 25.05.2005.

The Law provides conditions and procedures of ensuring of **special protection** by the state to persons threatened in connection with criminal proceedings and to persons directly related to them, when they cannot be protected with the means envisaged in the Criminal Procedural Code.

The purpose of the Law is to facilitate the combating of **serious intentional offenses and of organized crime** by providing protection to persons whose testimonies, statements or information have substantial significance for the criminal proceedings. In this connection when taking into consideration the prerequisites of granting protection the Law explicitly requires that the protected witnesses provide evidence of **substantial** significance in the criminal proceedings in serious intentional **offenses** of general character and in **all offenses committed by order or in execution of a decision of an organized criminal group**.

The threatened persons who can be granted special protection are **participants in criminal proceedings** – witness, private accuser, civil claimant, suspect, incriminated, charged, defendant, expert, sentenced; persons, **directly** connected with the above, (ascending, descending, brothers and sisters, spouse or **persons** with whom the participants in the criminal proceedings are in particularly close relations.

The Law envisages development of a **Program** for protection of threatened persons; regulates the type of protection; defines the competent authorities entrusted with the implementation of the Program; defines the procedure of inclusion of persons in danger in it, as well as the conclusion of an agreement for protection; the conditions under which the function of the protection program can be stopped and provisions related to the processing of personal data and to international cooperation.

The Program for protection of threatened persons represents a complex of measures undertaken by certain state authorities in relation to persons assigned a status of protected persons pursuant to this law. It includes the following measures defined in a sequence: personal physical guard; property guard; temporary housing in safe location; change of the living place, work place or the education facility or placement on another facility for convicted persons; change of identity.

The Law admits possibility these measures to be applied together or separately, temporarily or permanently. The identity change is an extreme measure, taken in cases when the protection cannot be guaranteed by other measures.

The protection of the processed personal data has also been provided for. The provisions of the Law determine that they represent confidential data while the administrator of these data is the Minister of Justice or an officer empowered by him. There is an explicit ban on access of a third persons to them and also possibility of the administrator of personal data to refuse production of processes personal data of a certain person to that very person should that be necessary with view to his protection.

The provisions for **international cooperation** in the Law envisage possibility for the Bureau on protection to request and render cooperation concerning the protection envisaged by the law. The grounds for the above may be international agreement to which the Republic of Bulgaria is party or under the conditions of reciprocity.

The organization and the implementation of the measures of the Protection Program, the functions of the Bureau on Protection and the protection teams, as well as the procedure of processing of the personal data will be defined by a by-law - Regulations.

The mechanisms of cooperation between state authorities and the non-government organizations used practically and incorporated in the Bulgarian legislation in the field of the fight against trafficking in human beings create legal guarantees for effectiveness against this phenomenon and broad protection and support to its victims in legal criminal, procedural, administrative and social aspect.

2. PROSECUTION OF TRAFFICKING CASES – ANALYSIS

The illegal trafficking in human beings is an area, which attracts the criminal groups because of the profitability of this criminal activity.

Some of the channels of illegal transfer (*smuggling*) of people across the frontiers pass also through Bulgaria, because of its geographical location. As a result Bulgaria appears to be one of the important entry points from Turkey for illegal immigration from the Asian and African states into the countries of the European Union. In addition to the transfer of local nationals desirous to live and work in Western Europe and America, illegal trafficking is busy taking through the frontier (*smuggling*) foreign nationals, mostly nationals of Asian and African states or countries neighboring with Bulgaria.

One of the most frequently used land routes proceeds from Turkey through Bulgaria and further through Serbia, Bosnia and Herzegovina and Croatia to Slovenia, Italy, Austria, as well as Hungary. The waterway through the Adriatic Sea is important too – through Bulgaria to Macedonia and thence along the well organized channels for illegal trafficking (*smuggling*) through Montenegro and Albania by sea to Italy, although some immigration groups cross Bulgaria to enter directly Greece.

Unfortunately in the last ten years Bulgaria appears to be not only a transit country, but also a source country for illegal trafficking in women and girls for sexual exploitation in the countries of the European Union. Final destination is mainly countries like the Netherlands, Belgium, Germany, France, Austria, Italy, Spain, The Czech Republic, and Poland.

The illegal trafficking (*smuggling*) of people includes mainly transfer of illegal immigrants: women and girls who are drawn into prostitution; work force hired under inhuman conditions, trafficking of children for illegal adoption against payment of enormous sums of money.

Some of the principal reasons for illegal trafficking in persons are:

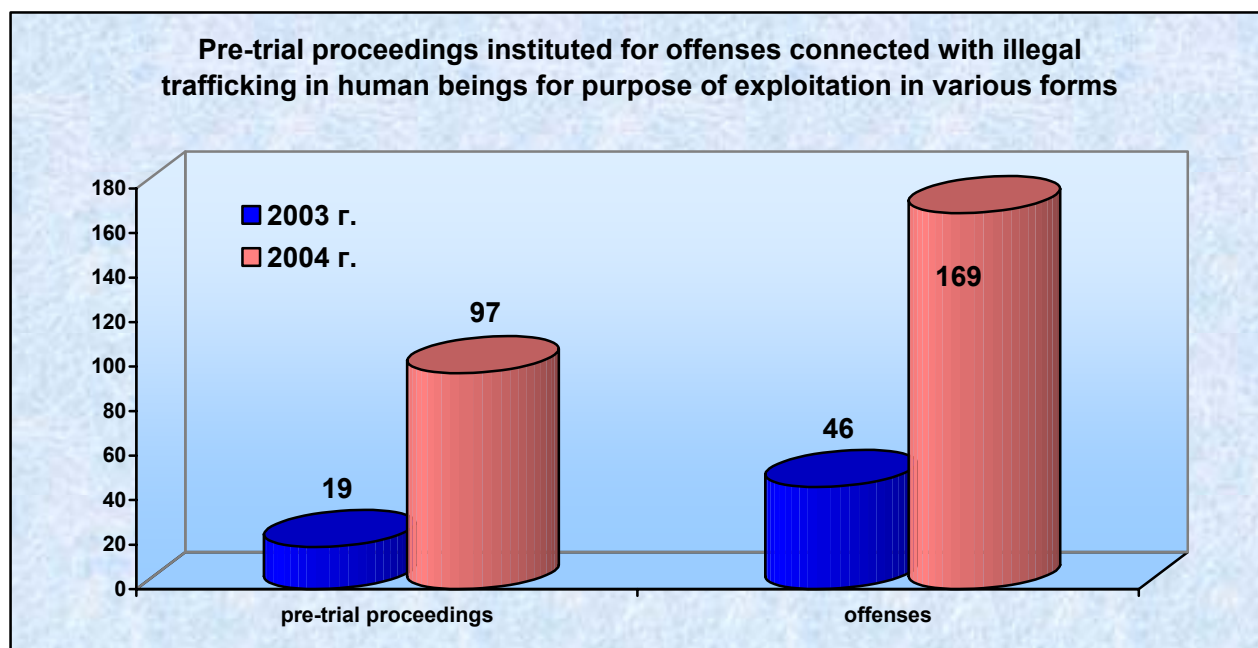
- *On the one hand the bad economic situation because of high level of unemployment and low living standards in the countries of origin for this type of crime.*
- On the other side the presence of a liberal legislation in many of the states representing the final destination, which does not contain strict policy against slave labor, more specially against sexual and porno business, maybe because of fear that this could affect economic interests, the growth of tourism and thus cause a decrease of the tax proceeds.

At the present stage the Bulgarian judicial system has at its disposal international and national legislation brought in harmony with standards of the United Nations Organization and the European Union, which provides the required legal regulation for successful organization of the fight against illegal trafficking in human beings in all forms of this criminal activity. Evident is also a clear will on behalf of the Bulgarian Prosecution, despite the comparatively new regulation of trafficking in human beings aimed at various forms of exploitation and the emerging difficulties in the investigation, to prosecute this type of crime so as to find the fastest and most effective way of bringing the organizers of the illegal trafficking to court with quality indictments and to carry out effective international cooperation with the member-states of the

European Union on the basis of the European Convention on Mutual legal assistance in criminal matters of 1959 as they represent the final destination of the illegal traffic of people, either transit or starting from Bulgaria.

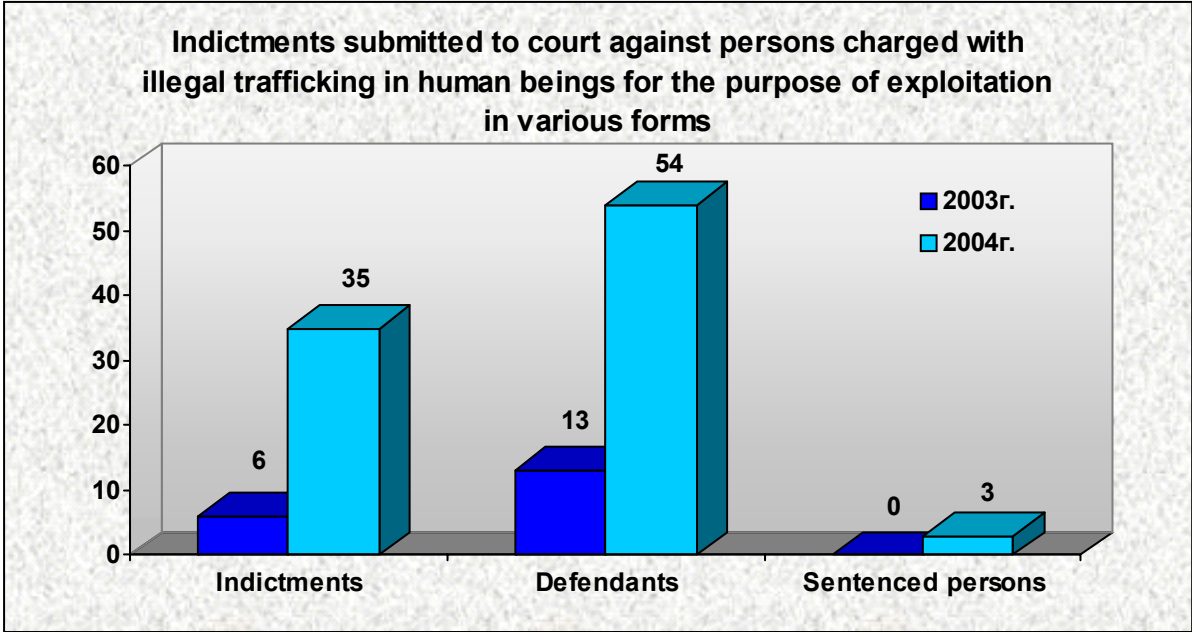
The Prosecution in the Republic of Bulgaria is working as a priority for maximum effective prosecution, completion of the pre-trial proceedings and the immediate bringing to court of the perpetrators of this type of crime, because of their high degree of social danger, connected with the drastic violation of fundamental human rights through forced exploitation of people, as these offenses in the greater part of the cases are symptom of criminal organization with transnational character.

The attached graphic indicates the number of instituted pre-trial criminal proceedings in 2003 (actually from the coming into force of the Criminal Code amendments adopted at the end of 2002, introducing new provisions into the Bulgarian Criminal Code) - prosecution of all cases of recruitment, transport, transfer, hiding or harboring of human beings for the purposes of exploitation irrespective of the means used, in consistence with Article 2 read with Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, known as the Palermo Protocol) and reference is given of their rise in 2004.



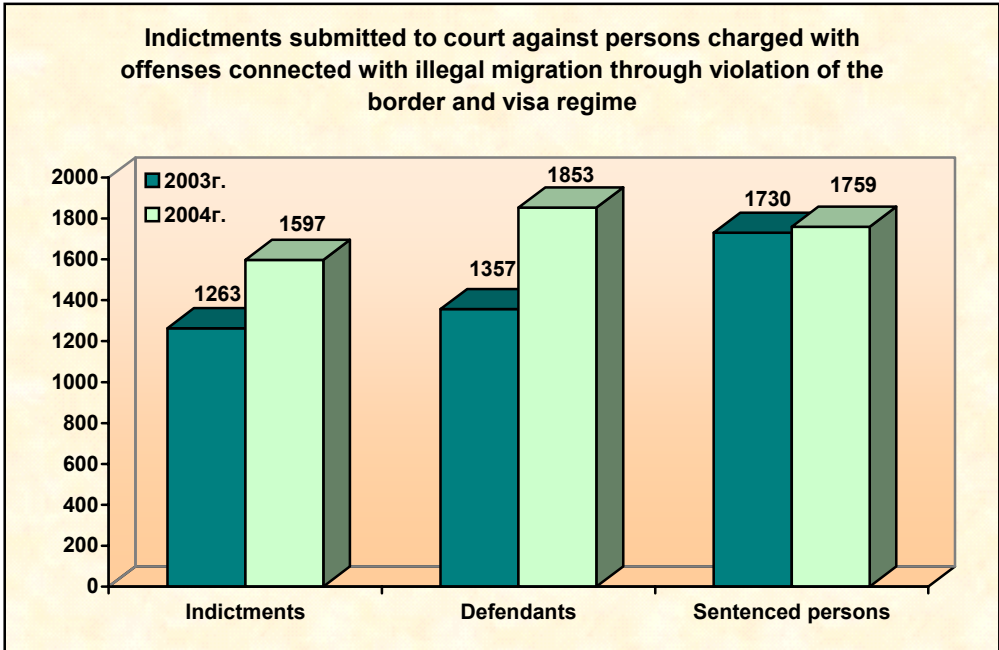
It is necessary to note that in a pre-trial proceedings referring to trafficking in human beings, very often more offences are investigated because of the complicated link of the actual trafficking of people with other kinds of criminal activity – mainly procurement aimed at supplying of women for lewd actions, with accompanying offences – preparation of counterfeited identity documents and documents with false contents.

The next Graphic indicates the increase in number of indictments submitted by prosecution offices to court for this type of criminal activity, the number of the defendants appearing in the indictments, as well as the number of the sentences pronounced for the same period of time.



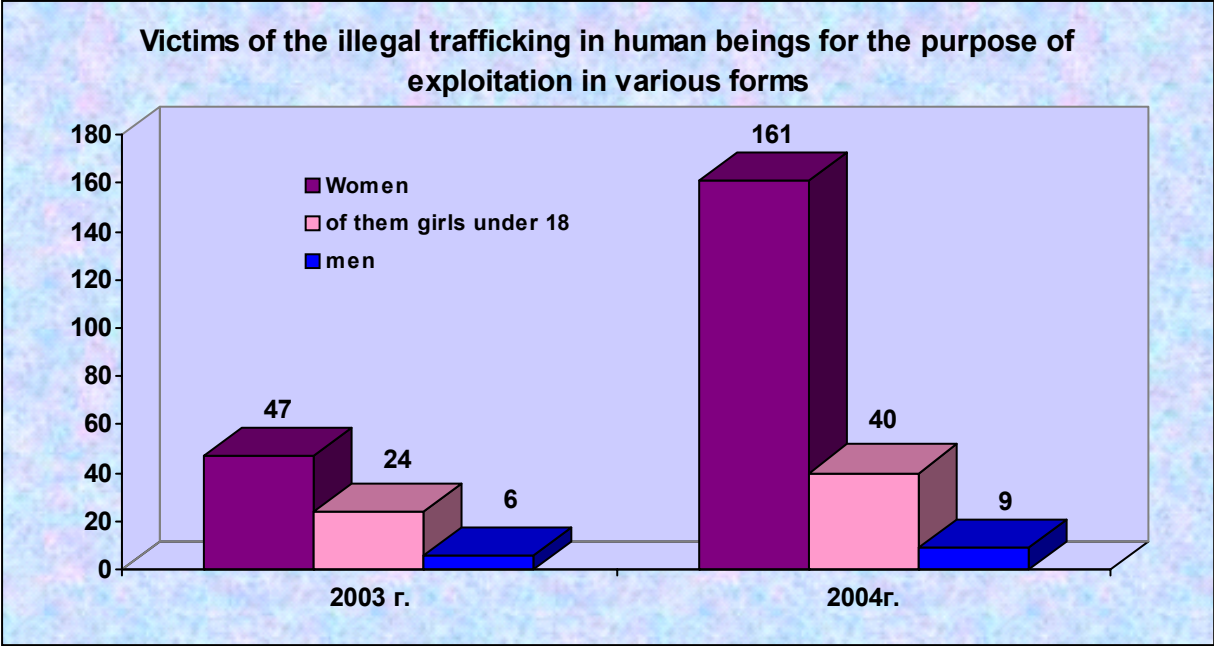
Evidently the conclusion is that despite the short period of about two years, starting by the adoption of the amendments in the Criminal Code in 2002, which criminalized this type of crime, Prosecution has done substantial work in uncovering, investigating and submitting to court indictments against persons who had organized illegal trafficking IN human beings for the purposes of various types of exploitation.

It is seen from the following Graphic that in the period of time under review the Prosecution of the Republic of Bulgaria has instituted a high number of pre-trial proceedings concerning offenses *connected with illegal migration involving violation of the border and visa regime - smuggling of people*, when no exploitation under any form has been found as a final aim of the trafficking in human beings:

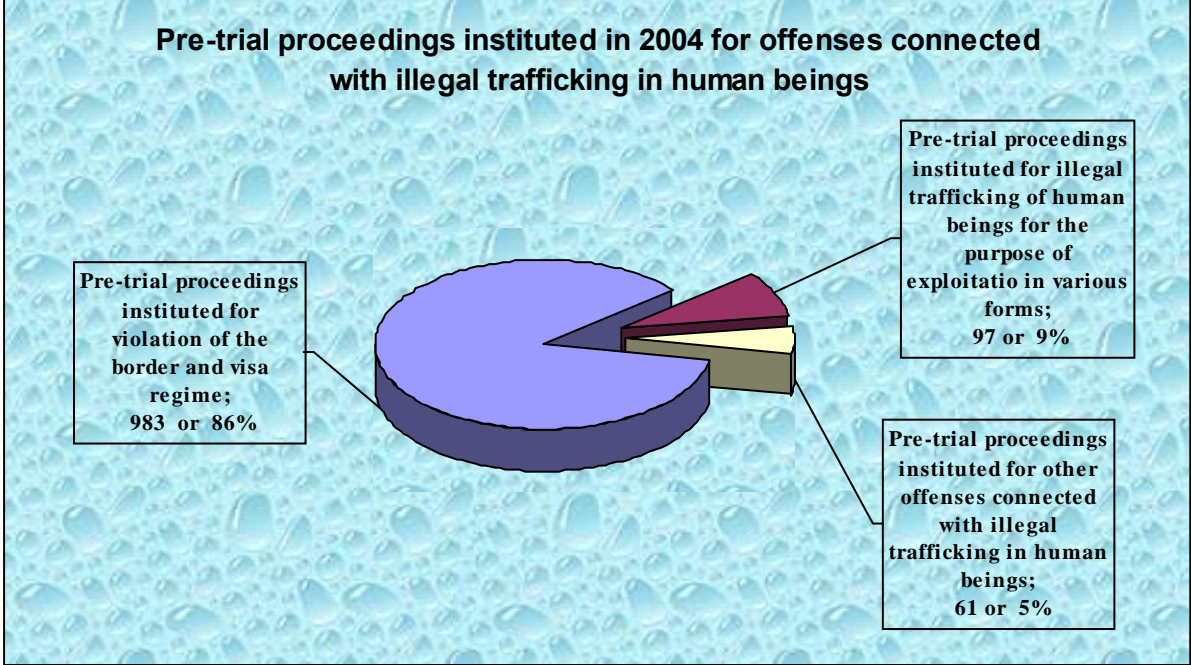


The illegal transfer of people across the border – smuggling of people is being practiced by traffickers who perpetrate these offences a number of times. The passing of the border by land is done usually in groups led by guides. They are connected with an operational center of a criminal organization, located in some big city in the states where recruitment of the potential immigrants is carried out. The candidate-immigrants usually meet at a busy place – a railway station, restaurants, but also in private houses. Later they meet again at the border where they get on a vehicle and go under the supervision of the guide. In many cases the guide leads the group across the border to neighborly Macedonia or Greece without any vehicle, along a certain route in mountainous regions. As a rule the traffic channels for people are controlled by organized crime and the channel leaders (the traffickers) in the country get part of the income of this activity.

The next Graphic indicates the share of the pre-trial proceedings instituted for offenses connected with illegal migration through violation of the border and visa regime (*smuggling of people*), in comparison with the share of the instituted pre-trial proceedings for offenses connected with trafficking in human beings for the purpose of exploitation in various forms in accordance with the aims previewed in Article 2 read with Article 3 of the Palermo Protocol, as well as the share of offenses usually accompanying trafficking in human beings for the purposes of exploitation:



The following Graphic down displays a picture of the persons – victims of illegal trafficking in human beings for the purpose of exploitation in various forms who appear in the pre-trial proceedings instituted by the Prosecution of the Republic of Bulgaria in the period of time under review as described by the above statistics:



In most cases the traffic of women and girls aimed at sexual exploitation includes violent actions and humiliation for the victims. The women and girls are frequently forced to prostitute, they are held in conditions of slavery and raped many times, beaten, held hungry and thirsty, without sleep and medical care and lastly they are sold as commodity by one brothel owner and trafficker to another. Girls under 18 in many cases have been deceived to leave their homes with false promises for well paid job or marriage or have been abducted. This sort of trafficking leads to establishing lasting links among the local criminal groups, recruiting girls in Bulgaria and transporting them to the respective country by using persons permanently based or temporarily staying abroad.

Part of the women and girls drawn into traffic of women with the purpose of prostitution are taken out of the country mainly through companies recruiting candidates for jobs abroad. The licenses of these companies however do not contain this sort of activities.

Since 2005 the Prosecution includes in its official statistics the number and type of victims of this kind of transnational organized crime.

In 2004 as a natural continuation of the consistent policy of structural changes in Prosecution and specialization in its activities in execution of the EU PHARE Project “Strengthening of the Institutional capacity of the Prosecutor’s Offices in combating organized crime, economic crime and corruption” a new Directorate “Investigation” was set up consisting of six specialized departments including departments in “Organized Crime and Terrorism” and “Crimes in the Office and Corruption”. By the end of May 2005 all district Prosecutor’s Offices also set up such specialized departments or sectors.

The prosecutors working in these specialized departments have been specially selected to work on cases concerning organized crime, economic crime and corruption and they had two year

training in Bavaria and Bulgaria on “Combating organized crime” and “Combating economic crime and corruption”. The training was provided by the German partner of the Prosecution of the Republic of Bulgaria in the Project – the Bavarian State Ministry of Justice.

The uncovering of the criminal organizations initiating trafficking with the purpose of exploitation continues to present difficulty. The difficulty stems from the fact of the transnationality of this kind of criminal activity and from the circumstance that when Bulgaria is a country of origin and persons are being recruited for transportation abroad, particularly for the purposes of sexual exploitation of women, they leave the country in most cases legally and abiding by the border and visa regime, the crime becoming evident only on the territory of the European Union, which are the final destination of the illegal traffic.

In these cases the international cooperation on behalf of the Bulgarian judicial authorities by way of the mutual legal assistance is exercised through the letters rogatory to be executed by the Bulgarian judicial authorities of investigative actions requested by the judicial authorities of a member-state of the European Union, which has initiated the criminal proceedings against Bulgarian or foreign nationals perpetrating organized criminal activity in trafficking of women for sexual exploitation. The investigative action most often represent questioning of witnesses by delegation, including as protected witnesses, identification of persons, search.

According to the Bulgarian legislation the international legal assistance in the pre-trial proceedings is centralized. It is carried out by the prosecutors of the “International Legal Assistance” department at the Supreme Cassation Public Prosecutor’s Office of the Republic of Bulgaria, which a competent authority to organize the execution of the international legal assistance on the territory of the Republic of Bulgaria assigning the execution of the investigative actions to the National Investigation Service by Prosecutor Ruling pursuant to Article 172a of the Bulgarian Criminal Procedural Code. When the requested investigative actions require the use of special means of surveillance, the examining magistrates carry out these operations together with the special service of the police authorized to collect evidence with special means of surveillance, pursuant to the Criminal Procedural Code and the Law on Specialized Means of Surveillance, like for instance telephone tapping and production of voice recordings, street surveillance to establish controlled persons and objects. In these cases, as in cases of search and seizure the examining magistrate requires prior permission of the competent court, which has jurisdiction on the territory of investigation.

The direct contacts between the judicial authorities of the member-state of the European Union requesting legal assistance in this kind of organized crime and the Bulgarian judicial authorities in cases of international legal assistance in cases of criminal proceedings conducted abroad is of extreme importance.

In such cases on the basis of Article 4 of the European Convention on Mutual Legal Assistance in Criminal Matters the presence of magistrates and investigative authorities of the member-state of the European Union during the execution of the requested investigative actions by the competent Bulgarian authorities – the examining magistrates is already a well established practice.

At the beginning of 2003 and in 2004 the Bulgarian judicial authorities executed judicial requests in response to letters rogatory of the Dutch authorities in an initiated criminal proceedings against one Dutch and three Bulgarian national for the fact that in the period of December 1999 to July 2002 on the territory of the Netherlands in various forms of complicity, they recruited women in Bulgaria, provided them with counterfeited passports and personally or by means of other persons transported them to the Netherlands, where upon arrival they forced

them with violence and coercion to work as prostitutes. For the purposes of investigation of the so organized transnational illegal traffic of women from Bulgaria to the Netherlands with the purpose of sexual exploitation the Bulgarian investigation authorities executed a number of various requested investigative actions, including tapping of telephone communications and sending the material carriers of the voice recordings together with the due protocols and questioning of witnesses – victims of the traffic, including as protected witnesses in the form of questioning of a witness whose identity was kept secret in accordance with the provision of Article 97a of the Bulgarian Criminal Code.

It is necessary to point out that before sending the request for legal assistance the Dutch judicial authorities visited their Bulgarian colleagues at the “International Legal Assistance” Department of the Supreme Cassation Public Prosecutor’s Office and in direct contact they became acquainted of the possibilities offered by the current Bulgarian procedural legislation in order to execute the requested investigative actions and to obtain valid evidence for the needs of the Dutch court trial. These personal contacts and meetings continued a number of times up to the submission of the case to the Dutch court.

In this case the Bulgarian magistrates and the magistrates of the member-country where the criminal proceedings is conducted made a joint assessment and discussed the need as well as the exact moment of institution of parallel criminal proceedings in the Republic of Bulgaria, as two persons were established acting on Bulgarian territory and engaged in criminal activities in complicity with the accused persons figuring in the criminal proceedings initiated by the Dutch authorities. The complicity was in the form of recruitment of women in Bulgaria with the purpose of prostitution in the Netherlands and their transportation and transfer across the border. In this was in two parallel criminal proceedings in the country of origin and the country of final destination of the traffic of women for prostitution the channel of this transnational crime was destroyed. In the course of the criminal proceedings conducted by the Bulgarian authorities, the Dutch judicial and investigation authorities in accordance with their national legislation and the reserves and declarations to the European Convention for Mutual Legal Assistance in Criminal Matters in view of the criminal proceedings instituted initially abroad, were also in a position to carry out investigative actions in response to requests for legal assistance asked by the Bulgarian judicial authorities both in the pre-trial and trial proceedings.

The Dutch judicial authorities have concluded their criminal proceedings with effective sentences “deprivation of liberty”, which are in force for the four traffickers and concerning the criminal proceedings conducted in Bulgaria there is sentence of the first instance “deprivation of liberty” for the two defendants – for a period of 2 years 4 months for the one and 5 years for the second defendant. The sentences are not enforced because they have been appealed before the second judicial instance.

On the basis of the European Convention on International Validity of criminal Judgments of 28 May 1970 and the European Convention for Transfer of Proceedings in Criminal Matters of 15 May 1972, ratified in 2004 in the Republic of Bulgaria and in force for the Republic of Bulgaria and following the amendments in the Bulgarian Criminal Procedural Code in connection with their application made possible for the interested states to agree on transfer of criminal proceedings from one to another state with view to the requirements to carry out fast and effective prosecution and bring the accused to court, and to enforce a sentence of a foreign court, when the parallel criminal proceedings would have been not only ineffective, but would have

caused violation of the principle “nom bis in idem”, proclaimed in the European Convention for Protection of the Human Rights.

The Republic of Bulgaria ratified in 2004 also the Second Additional Protocol in force since 01.09.2004 and has effected due amendments in its Criminal Procedural Code, which allows the use of such investigative actions to collect evidence through the requests for international legal assistance like questioning through telephone and video conference, trans-border surveillance, joint teams for investigation.

It is necessary to underline explicitly that all investigative actions in response to requests for legal assistance, carried out on the basis of the available instruments of the Second Additional Protocol to the European Convention for Mutual Legal Assistance in Criminal Matters are executed by the Bulgarian judicial authorities in fulfillment of the provisions of the international agreements, the terms of the agreement and the Bulgarian legislation. In cases of contradiction with clauses of the national legislation, the international agreements ratified by the Republic of Bulgaria by constitutional way, have priority pursuant to Article 5 par. 4 of the Constitution of the Republic of Bulgaria.

It would be of common interest in the future international cooperation concerning organized trans-border trafficking in people with view to achieving a more effective fight against this type of criminal activity in accordance with Article 20 of the Second Additional Protocol to the European Convention for Mutual Legal Assistance in Criminal Matters to have agreements concluded between the interested states for setting up of joint teams for the needs of concrete cases. It has to be done in respecting all requirements for addressing requests to form teams for joint investigation with another state or other states, as well as when preparing an ad hoc agreement for investigation of concrete case. In these agreements with view to the practical use of the instruments for investigative actions adopted by the Second Additional Protocol – hearing by telephone and video conference, trans-border observation, and joint investigation teams, it is necessary to carry out a detailed establishment of the forms and manner of interaction of the pre-trial authorities with the ones of the states of the European Union and to establish both the concrete organization and the procedure and manner of execution of the investigative actions using the said instruments, to wit: preparation of the necessary protocols and material carriers and parallel protocols and material carriers necessary to certify before each of the participating countries the manner of execution of the concrete investigative action with view to comply with the requirements to keep the procedural norms of the national legislation when executing the respective investigative actions, including establishment of concrete ways of handing over the materials of the executed judicial requests between the interested states.

There is no doubt that the reason of the rapid growth of the business of trafficking in human beings is that the incomes of it are much higher as against the expenses incurred and the potential risks. That is why one of the aims of the fight against organized transnational crime in its various forms is the expropriation of the benefits of crime in order to limit and possibly to bar the financial possibilities of the organized criminal groups to continue their illegal activities.

The Republic of Bulgaria has ratified the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 08.11.1990 and in 1998 the country adopted Law on Measures against Money Laundering pursuant to Article 5 of the European Convention.

The Republic of Bulgaria adopted Law on Seizure in Favor of the State of Property Acquired from Crime, published in the State Gazette No. 19 of 01.03.2005. This Law addresses terms and

conditions of imposing of ensuring measures and seizure in favor of the state of property acquired directly or indirectly from criminal activity.

At the same time trafficking in human beings with the purpose of exploitation was incriminated in the Bulgarian Criminal Code. Particularly in cases of dangerous recidivist action or committing a crime by order or in execution of decision of an organized criminal group in addition to the punishment of “deprivation of liberty” and a fine, the Court can decide on confiscation of part or the entire property of the perpetrator and in this case the confiscation is kind of punishment envisaged in the Criminal Code of the Republic of Bulgaria.

On the basis of the mentioned international and national legislation it was possible in one of the cases of responding to request of the Dutch judicial authorities for international legal assistance referring to investigation of a criminal group engaged in trafficking in women from Bulgaria with the purpose of sexual exploitation in the form of prostitution in the Netherlands in reference to which a Bulgarian national was accused to have participated in the criminal group from the beginning of January 2000 to December 2001 to carry out for the needs of the criminal proceedings conducted by the Dutch judicial authorities of investigative actions including search and seizure of property on the territory of Bulgaria, uncovering and freezing of bank accounts in the name of the person and his wife and parents.

In accordance with the Bulgarian Criminal procedural Code these actions were executed after issue of prior permission by the competent court on the territory where the property was located, and the bank with the bank accounts found. In the sentence pronounced by the Dutch court in addition to the imposed punishment “deprivation of liberty” for a period of 4 years, in respect of the Bulgarian national the court imposed also confiscation of the seized property and frozen bank accounts as the Court established that they represent proceeds from criminal activity. The Dutch party sent the sentence for execution by the Bulgarian judicial authorities in accordance with Article 15 of the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime. Because of the fact that according to the current Bulgarian legislation there is no possibility for confiscation of the property in the phase of the pre-trial proceedings pursuant to Article 13 of this Convention (under the Bulgarian Criminal Code confiscation is a punishment and is effective only upon sentence of the court), the Bulgarian judicial authorities will execute the sentence and the confiscation imposed by the Dutch court as per the European Convention on International Validity of Criminal Judgments. At this moment a judicial procedure is in progress in the Republic of Bulgaria whereby the effective sentence in force of the Dutch Court will be recognized referring to the confiscation of property and the financial assets.

In the recently adopted Law on Seizure in Favor of the State of Property Acquired from Criminal Activity, published in the State Gazette No. 19 of 01.03.2005 there are provisions to impose ensuring measures and seizure in favor of the state of property acquired from criminal activity, when it is found on the territory of the Republic of Bulgaria including the cases when this has been requested by the competent authorities of a foreign country, when this is contained in an international agreement to which Bulgaria is a party. Such international agreement is the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime of 08.11.1990.

For the purpose of this law in the sphere of international cooperation, another provision has been adopted pursuant to which the Commission for Establishing Property Acquired from Criminal

Activity functioning under the said law exchanges information with the competent authorities of other countries and with international organizations on the basis of international instruments and international agreements in force in the Republic of Bulgaria.

The Law on Seizure in Favor of the State of Property Acquired from Criminal Activity, though enforced at the beginning of March 2005 is still not applicable as a delay term of 6 months was adopted from the date of coming into force because of the necessity to structure the authorities assigned with its implementation.

Such an authority will be the Commission for Establishing Property Acquired from Criminal Activity, which will be a special state body, empowered to examine property of persons who fall under the conditions envisaged in the Law to have their property checked. The Commission will be a legal entity with headquarters in Sofia and territorial units throughout the country. The Commission will make decisions to institute proceedings and establish property acquire from criminal activity; submission to court of motivated request to seize in favor of the state of property acquired from criminal activity and will have other rights delegated to it by the law.

Summarizing the main obstacles to more successful criminal proceedings, they can be formulated as follows:

- The investigation of this type of crime is particularly difficult because it is difficult to penetrate the high levels of the criminal network where the real organizer of this type of criminal activity is to be found;
- In the majority of cases the victims of the trafficking of women with the purpose of sexual exploitation leave the country with valid documents, and deceived that they would be arranged with a fitting and decent work, understand their situation only when they reach the state – final destination where the trafficker seizes their passport and by force and coercion in various form makes submit to sexual exploitation;
- An additional complication in the investigation of trafficking in human beings are the victims themselves who very often refuse to testify in order to save themselves and their families because of fear of being persecuted by the organizers of trafficking.

One is forced to make the conclusion that investigation of this kind of offences of the organized crime cannot be left in the hands of only the Police officers, but has to be entrusted to joint investigation teams as in all cases it comes to joint efforts of the interested states, which have to be planned with the instruments of the international legal cooperation

3. ROLE OF THE VICTIM

The victim's testimony on the facts and circumstances on the act of trafficking has particular importance for the perpetrator's guilt ascertainment. The post-traumatic stress disorder because of the trafficker's violence and her liability have to be considered in order to be collected well-grounded evidences. It is necessary for other persons to testify and confirm the information collected by the victim of trafficking. This is a very important issue for the provision of eventual witness protection under art. 97a of the Bulgarian Criminal Procedure Code. The Bulgarian law sets forth that the prosecution and the conviction can not be grounded only on the anonymous witness' evidences. In addition, it is possible for the testimonies of the victim to be changed as a result of the trafficker's pressure. In such cases, the provisions of art. 210 of CPC, may be applied in order to ascertain the witness' evidence through examination before a judge.

3.1 Identification and Examination of the Victims of Trafficking

A Questionnaire for interviewing of victims, worked out by the ISUE Centre in Bucharest, is used in connection with the identification of victims of trafficking in human beings. The Manual of best practices is also used in the investigation of cases of trafficking in human beings, which covers as well the problem of the trafficking victims' identification. The Academy of the Ministry of Interior's Program envisages a specialized training of acting policemen and cadets on the subject of traffic in person. In this course, serious attention is paid to the identification of the victims of traffic in person, and the experience and knowledge of officials from the specialized sectors of Combating Organized Crime National Service (COCNS), National Border Police Service (NBPS), as well as representatives of the International Organization for Migration and NGOs working in this sphere is used.

The basic channels for the identification of victims of traffic by the bodies of the Ministry of Interior are specialized police operations; the exchange of information and international cooperation with police authorities; deported Bulgarian citizens from the EU member countries, information provided by diplomatic and consular representations of Bulgaria abroad; the International Organization for Migration Program for voluntary repatriation, NGOs; hot lines for requesting help, etc.

Officials from the Ministry of Interior take an active part in the identification of victims of trafficking in person, which is directly related to the work for revealing and documenting the cases of trafficking of human beings.

Although in Bulgaria there is no formal centralized mechanism for the screening, identification and referral of adult trafficking victims, in practice there is a strong cooperation between all relevant national and local authorities, IOM, NGOs, which leads to a well-functioning referral network of support on operational level. Under the newly established national committee, a centralized identification and referral mechanism is envisaged along with a central database to register victims of trafficking. In addition, local commissions will be established to operate at a local level and ensure the identification and assistance to victims. The government has developed

and adopted a comprehensive National Program for Prevention and Combating of Trafficking in Human Beings and Protection of Victims of Trafficking, which is under implementation in partnership with all stakeholders, including IOM and NGOs. There will be 6 local commissions two in Northern Bulgaria and four in South Bulgaria.

3.2 Programs for Victims Protection

Typical for Bulgaria is that a good interaction exists between the law enforcement authorities, the institutions and the public organizations, which was primarily put in practice and only later became a legal standard. The Combating the Trafficking in Person Act was adopted in May 2003, however it was based on an already existing tradition of active cooperation in the sphere of prevention, protection and providing support for the victims. When a victim of trafficking in human beings is identified, he/she is immediately referred to the International Migration Organization where it is accommodated and sheltered, and obtains medical, psychological, psychiatric, legal etc. assistance. Through the Ministry of Labor and Social Policies, the Social Assistance Agency, the International Organization for Migration and other interested institutions, the victims are included in appropriate forms of training, qualification improvement courses, integration and in some cases support is provided to the family with a view to a total reintegration of the victim

3.2.1 Law Enforcement

The role of the Ministry of Interior in the system for protection of the victims is in identifying of the victims of traffic in person and referring them to the respective government institution, international organization or NGO, where they can obtain adequate assistance. Meanwhile, all necessary measures are taken to detect the traffickers and institute penal proceedings.

3.2.2 Embassies

In some cases, Bulgarian trafficking victims have been identified by embassy and consulate staff in destination countries. To further enhance this identification and referral process, the Ministry of Foreign Affairs and IOM have trained Bulgarian consulate staff abroad in the identification and referral procedures for victims of trafficking. Further, Bulgarian embassies and consulates, jointly with IOM, have developed a referral mechanism, which is mandatory for all embassies/consulates. This is a positive example of government support to trafficking victims and, importantly, adheres to international obligations according to which governments have legal obligations to identify and assist victims of trafficking.

3.2.3 Hotlines

There are various hotlines in Bulgaria, which address issues of violence, including trafficking. These are located throughout the country. Three of them are run by Sofia based organizations which have long history of assisting trafficking victims like the International Organization for Migration. The hotlines also offer a range of preventative information and counseling including details of the licensed agencies offering job abroad; employment conditions abroad, details of the Bulgarian Embassies and Consulates.

In addition, the Bulgarian Red Cross operates a helpline in four regions of the country – Sofia, Russe, Plodiv, Yambol. The majority calls were related to request legal advice, receive information about migration and working abroad, to check on labor recruitment firms and to ask for information about human trafficking.

3.2.4 Information Centers

IOM Sofia operates a network of Information and Consultancy Centers in seven cities throughout the country. These centers provide up-to-date information on the conditions for stay, work, and study in foreign countries, on bilateral treaties and existing possibilities for labor migration. Consultants advise citizens on the possibilities of legal migration and awareness raising of the risks and dangers of illegal migration and trafficking. The centers also receive signals for possible cases of trafficking and direct them to the relevant authorities, while the victims are referred to safe houses where they receive social, psychological and medical services.

3.3 Assistance and Services for Victims of Trafficking in Bulgaria

The assistance and protection framework for trafficked victims in Bulgaria aims the reintegration of Bulgarian victims.

Local NGOs and IOM provide most of the assistance and protection services for national and foreign trafficked victims in Bulgaria, with existing protection and assistance programs are largely dependent on funding from donor countries. The government is increasingly involved in assisting victims.

3.3.1 Shelters

There is a shelter for victims of trafficking in Sofia operated by IOM, which is for short to medium term accommodation of victims.

There are also six IOM run safe houses located in various regions in Bulgaria aimed at longer-term assistance and reintegration of victims. These safe houses are located outside of Sofia and provide longer term assistance to victims of trafficking. They are managed by IOM, in cooperation with the government.

All of the shelters possess counselors who work according to rotating shifts in order to provide 24-hour coverage for shelter beneficiaries, and all of the shelters are licensed to provide social services and shelter according to the Bulgarian social welfare legislation. Bulgarian and foreign victims of trafficking and minors, if formal permission is granted by natural parents or child protection authorities upon their specific request, are accommodated in the shelters.

3.3.2 Medical and Psychological Services

Each of the shelters provides for voluntary, confidential, free of charge medical services for trafficked victims.

The quality and availability of psychological and psychiatric services for trafficked victims in Bulgaria, particularly in Sofia, is among the highest in South Eastern Europe. Voluntary counseling is provided by experienced psychologists and social workers at several NGOs and the IOM shelter. Psychologists and social workers with these organizations possess on average several years of experience working with trafficked victims and other victims of violence and trauma, and have designed models of assistance and numerous training seminars for state social workers and health care specialists.

Initial assessment interviews are undertaken by psychologists and social workers upon referral. Both individual and group counseling sessions are available and generally take place at the shelter.

3.3.3 Educational and Employment Assistance

IOM facilitates access to programs run by the Ministry of Labor and Social Policy for socially disadvantaged groups. These include vocational training and ‘start-your-own-business’ programs. All IOM Information-Consultancy Centers provide consultation, advice and job-orientation in view of finding the most suitable employment opportunities. Each assisted case has an individually-tailored plan for sustainable reintegration.

A pilot project of the Bulgarian Ministry of Labor and Social Affairs, to be launched in three municipalities in the Burgas region in September 2005, will, in part, address the lack of education programs. In line with an Agreement for Cooperation between the Ministry of Labor and Social Affairs and IOM, all victims of trafficking assisted by IOM will be referred to this program and will receive 600 hours primary education, vocational training and job placement.

It is important to note that within the Child Protection Act and rules and regulations there are various reintegration programs for children at risk.

3.3.4 Legal Assistance and Provision of Temporary Residence Permit

Shelters work with lawyers as well as local legal NGOs to provide complimentary legal counseling to victims. The Witness Protection Act includes amongst its provisions comprehensive legal services for victims of trafficking.

This law provides for number of measures aimed the protection of the witness including protection during court proceedings as well as change of identity, resettlement in another area of Bulgaria and, in extreme cases, third country resettlement.

This is a significant development as many victims fear for their safety and have not been willing to give testimony in court as a result.

The Bulgarian Law on Combating Trafficking in Human Beings, there are several articles, which provide for the temporary stay of foreign victims of trafficking (30 days for adults and 60 days for minors) as an initial measure of protection. The law provides that a foreign victim has to make a decision to cooperate with law enforcement authorities within 30 days of her initial identification, within which she has the right of safe accommodation, regardless of her willingness or reluctance to cooperate. To date, no foreign victims have requested temporary visas/extended stays.

3.3.5 Material Assistance

This assistance is comprised of financial support to cover the victim’s everyday costs for the initial months upon return. According to individualized reintegration programs, IOM provides victims with additional material assistance to meet their specific needs. These various forms of material assistance are valuable as a means to mitigate the poverty that often is a contributor to trafficking.

ANNEX 1 - Bulgarian Legislation in the Field of Trafficking in Human Beings

Penal Code /exerpt/

Section IX.

Trafficking in human beings (New, SG 92/02)

Art. 159a. (New, SG 92/02) (1) Who gathers, transports, hides or receives individuals or groups of people in order to be used for vicious practice, involuntary servitude, seizure of body organs or to be kept under compulsory submission regardless of their consent, shall be punished by imprisonment of one to eight years and a fine of up to eight thousand levs.

(2) When the act under para 1 is committed:

1. regarding a person under eighteen years of age;
2. by compulsion or by deceiving the person;
3. by kidnapping or illegal deprivation of freedom;
4. by using a state of dependence;
5. by malfeasance;
6. by promising, providing or obtaining benefit,

the punishment shall be imprisonment of two to ten years and a fine of up to ten thousand levs.

Art. 159b. (New, SG 92/02) (1) Who gathers, transports, hides or receives individuals or groups of people and transfers them through the border of the country with the purpose under art. 159a, para 1 shall be punished by imprisonment of three to eight years and a fine of up to ten thousand levs.

(2) If the act under para 1 is committed under the conditions of art. 159a, para 2 the punishment shall be imprisonment of five to ten years and a fine of up to fifteen thousand levs.

Art. 159c. (New, SG 92/02) When the act under art. 159a and 159b represents a dangerous recidivism or it has been committed by an errand or in fulfilment of a decision of an organised criminal group the punishment shall be imprisonment of five to fifteen years and a fine of up to twenty thousand levs, as the court can also rule confiscation of a part or of the entire property of the offender.

Law on Trafficking in Human Beings

Promulgated, The State Gazette, No. 46/20.05.2003

Chapter One

GENERAL PROVISIONS

Article 1

(1) This Law shall provide for:

1. The powers and objectives of the state authorities involved in combating trafficking in human beings, as well as the relations between them;
2. The status and objectives of the shelters, centres and commissions established under this Act for protection and support of the victims of human trafficking;

3. The measures to prevent and defy trafficking in human beings;
 4. The measures aimed at protecting and supporting the victims of human trafficking, especially women and children;
 5. Placing trafficking victims who collaborate with the investigation under special protection.
- (2) This Act is intended to ensure co-operation and co-ordination between the bodies of state and the municipalities, as well as between them and the non-governmental organisations (NGOs), with a view to preventing and defying trafficking in human beings, and developing the national policy in that area.

Article 2

The following units shall be set up to accomplish the activities and objectives in Article 1:

1. National and local commissions for combating trafficking in human beings;
2. Shelters for temporary housing of victims of trafficking;
3. Centres for protection and support of victims of trafficking.

Article 3

- (1) The Council of Ministers shall allocate resources in the national budget for establishment and maintenance of the shelters, centres and commissions in Article 2.
- (2) NGOs may assist the activity in Paragraph 1 within their available resources.

Chapter Two

COMMISSIONS FOR COMBATING TRAFFICKING IN HUMAN BEINGS

Article 4

- (1) A National Commission for Combating Trafficking in Human Beings, hereinafter referred to as “National Commission”, shall be established with the Council of Ministers.
- (2) The National Commission shall be chaired by a Deputy Prime Minister, as designated by the Council of Ministers. The Commission shall include a deputy minister of foreign affairs, a deputy minister of labour and social policy, a deputy minister of the interior; a deputy minister of justice, a deputy minister of health, a deputy minister of education and science, a vice president of the State Agency for Child Protection, a deputy chairperson of the Central Enforcement Commission for Anti-Social Behaviour of Juveniles and Minors, as designated by the respective ministers, presidents and chairpersons.
- (3) The National Commission shall include representatives of the President of the Supreme Court of Cassation, the Prosecutor General and the Director of the National Investigation Service.
- (4) The meetings of the National Commission may be attended by representatives of non-profit legal entities and international organisations with country offices that operate in the area of determent of the trafficking in human beings and protection of the victims of trafficking.
- (5) The National Commission shall be assisted in its operation by administration managed by a Secretary appointed by the Chairperson of the National Commission.
- (6) The Council of Ministers shall adopt Rules of Procedure of the National Commission.

Article 5

- (1) The National Commission shall establish under certain municipalities throughout the country Local Commissions for Combating Trafficking in Human Beings, hereinafter referred to as “Local Commissions”. Their locations shall be determined by a decision of the National Commission.
- (2) The Local Commissions in Paragraph 1 shall consist of 3 to 7 members, and their exact number shall be subject to regulation by the Mayor. They shall be chaired by a deputy mayor. The Local Commissions shall include representatives of the local government competent in the area of education, health care and social policy, representatives of the Local Enforcement Commission for Anti-social Behaviour of Juveniles and Minors, the child protection departments with the Social Support Directorates, the police, non-governmental organisations, as well as teachers, psychologists, lawyers, physicians, and others. The meetings of the Local Commissions shall be attended by a regional prosecutor.
- (3) If necessary, Local Commissions shall appoint a Secretary. The payment of the Secretary shall be determined by the Mayor.
- (4) Local Commissions shall be funded by the National Commission budget.

Article 6

The Chairperson of the National Commission shall present an annual report of its activity to the Council of Ministers. The Local Commissions shall present annual reports of their activities to the respective mayors and the National Commission.

Article 7

The National Commission shall:

1. Organise and co-ordinate the co-operation between the relevant agencies and organisations for implementation of this Act;
2. Determine and administer the implementation of the national policy and strategy in the area of combating trafficking in human beings;
3. Develop on an annual basis a national programme for prevention and countering of trafficking in human beings and protection of victims of trafficking, which shall be presented to the Council of Ministers for approval;
4. Promote the research, analysis and statistical reporting of human trafficking data;
5. Contribute to the international co-operation for prevention and countering of trafficking in human beings;
6. Carry out information, awareness and educational campaigns aimed at potential victims of trafficking;
7. Develop training programmes for officials working in the area of prevention and countering of trafficking in human beings;
8. Manage and supervise the activities of the Local Commissions and the centres for protection and support of victims of trafficking;
9. Register individuals and non-profit legal entities who provide shelter to victims of trafficking.

Article 8

Local Commissions shall:

1. Organise and co-ordinate the co-operation between the relevant regional agencies and organisations for implementation of this Act;

2. Implement the national policy and strategy for combating trafficking in human beings at a regional level;
3. Implement the national programme for prevention and countering of trafficking in human beings and protection of victims of trafficking at a regional level;
4. Assist in the process of research, analysis and statistical reporting of human trafficking data;
5. Contribute to the international co-operation for prevention and countering of trafficking in human beings;
6. Carry out information, awareness and educational campaigns aimed at potential victims of trafficking at a regional level;
7. Implement training programmes for regional-level officials working in the area of prevention and countering of trafficking in human beings.

Chapter Three

SHELTERS FOR TEMPORARY HOUSING AND CENTRES FOR PROTECTION AND SUPPORT OF VICTIMS OF TRAFFICKING

Article 9(1) The Shelters for Temporary Housing of Victims of Trafficking shall be set up:

1. By the National Commission based on a proposal made by the Local Commissions or the municipalities;
 2. By individuals and non-profit legal entities who provide shelter to victims of trafficking and who have been entered into a National Commission Register under terms and conditions determined by the regulations in Article 12.
- (2) The Shelters shall accommodate persons who claim to be victims of trafficking. They shall be accommodated for up to 10 days by their personal request under terms and conditions determined by the regulations in Article 12.
- (3) The accommodation period in Paragraph 2 may be extended by another 30 days based on a proposal by the Local Commissions, the pre-trial proceedings authorities or the court, as requested by the sheltered individual.

Article 10

The Shelters for Temporary Housing shall:

1. Ensure standard living and sanitary conditions;
2. Provide sheltered persons with food and medications;
3. Make available emergency medical and psychological services;
4. Assist the sheltered persons in establishing contact with their relatives as well as with the competent agencies and organisations.

Article 11

- (1) The Local Commissions shall set up Centres for Protection and Support of Victims of Trafficking, hereinafter referred to as “Centres”.
- (2) The Centres shall:
 1. Provide simple-language information regarding the administrative and judicial procedures that administer victim support and protection;
 2. Ensure specialised psychological and medical services;

3. Facilitate victims' re-integration in the family and the social environment.
- (3) The necessary funds for operation of the Centres shall be provided by the National Commission budget.

Article 12

- (1) The terms for setting up Shelters under Article 9, Paragraph 1, and Centres under Article 11, the organisation of their work, their management and control shall be subject to regulations adopted by the Council of Ministers.
- (2) The necessary funds for operation of the Shelters in Article 9, Paragraph 1(1) shall be provided from the National Commission budget.

Chapter Four

PREVENTION AND COUNTERING OF TRAFFICKING IN HUMAN BEINGS

Article 13 The National Commission shall organise and co-ordinate the relevant agencies and organisations involved in the prevention and countering of trafficking in human beings, based on the national programme approved by the Council of Ministers, as under Article 7(3).

Article 14

In order to implement the objectives in Article 13, the National Commission shall:

1. Initiate and take part in the development and implementation of measures aimed at creating equal social and economic opportunities for the risk groups, including:
 - a) Conditions for integration of the individuals from risk regions and risk groups into the labour market;
 - b) Micro-crediting programs;
 - c) Programmes inciting employers to hire individuals from risk groups;
2. Ensure public awareness of:
 - a) Situations where citizens are at risk of becoming victims of trafficking;
 - b) The protection to the victims of trafficking provided by the state and the specialised organisations;
 - c) The penal and administrative measures taken by the state to combat trafficking in human beings;
3. Initiate and take part in the development and implementation of:
 - a) General education school programmes designed for parents and students;
 - b) General education programmes for unemployed and illiterate citizens;
 - c) Education programmes for risk groups and risk regions;
 - d) Education programmes for victims of trafficking.

Chapter Five

PROTECTION AND SUPPORT OF VICTIMS OF TRAFFICKING

Article 15 The bodies of state, the commissions, centres and shelters, within their competencies, are obliged to provide protection and support to the individuals who have become victims of trafficking.

Article 16

The diplomatic and consular missions of the Republic of Bulgaria abroad shall support and assist the Bulgarian nationals who have become victims of trafficking to return to Bulgaria.

Article 17

Consular offices with the Bulgarian Embassies abroad, in co-operation with Ministry of the Interior authorities, shall assist for speedy and timely issuance of identity documents to Bulgarian nationals who have become victims of trafficking.

Article 18

- (1) The diplomatic and consular missions of the Republic of Bulgaria abroad shall distribute amongst interested individuals and risk groups information materials about the rights of the victims of trafficking.
- (2) The diplomatic and consular missions of the Republic of Bulgaria abroad shall provide information to the bodies of the host country regarding the Bulgarian legislation in the area of trafficking in human beings.

Article 19

Information exchange and co-operation with the competent authorities of foreign countries and the international organisations shall be implemented in compliance with the national legislation and the international treaties signed by the Republic of Bulgaria.

Article 20

The victims of trafficking shall be guaranteed confidentiality and protection of personal data.

Article 21

Upon receipt of information about a child who has become a victim of trafficking, the bodies in Article 2 shall inform immediately the State Agency for Child Protection, which shall take the relevant measures under the Child Protection Act.

Article 22

Children who have become victims of trafficking shall be accommodated in separate premises from adults.

Article 23

Children who have become victims of trafficking shall be provided with education in state or municipal schools in the country, in compliance with the Public Education Act.

Article 24

- (1) The bodies, shelters and centres in Article 2 shall take prompt measures to search the families of the children who have become victims of trafficking.
- (2) In the cases in Paragraph 1, the specialised bodies under the Child Protection Act shall take measures to ensure legal representation.

Article 25

Individuals who have become victims of trafficking and have declared their willingness to collaborate for disclosure of the trafficking offenders shall be granted special protection status for the time of the criminal proceedings, including:

1. Permission to foreign nationals for long-term stay in the country;
2. Extension of the accommodation period in the shelters.

Article 26

- (1) Pre-trial proceedings authorities shall promptly inform the individuals who have become victims of human trafficking, upon identification thereof, about the possibility to receive special protection if within one month the victims declare their consent to collaborate with the investigation.
- (2) The timescale in Paragraph 1 may be extended up to two months based on a proposal by the State Agency for Child Protection when the victim of trafficking is a child.

Article 27

- (1) Within three days of the filing of the request of the victim of human trafficking, the Prosecutor shall issue a writ granting the individual a special protection status.
- (2) Denial of the status in Paragraph 1 may be appealed within three days before a higher-level Prosecutor, who must pronounce promptly on the complaint.

Article 28

- (1) Long-term stay permissions shall be issued in accordance with the Foreign Nationals Act by the competent administrative control services with the Ministry of the Interior, based on the writ in Article 27 hereof.
- (2) During their stay in the country, the individuals who have obtained permissions under Paragraph 1 shall be entitled to rights of permanent residents in the country within the meaning of the Foreign Nationals Act, barring the right under Article 35, Paragraph 2 thereof.
- (3) Permissions under Paragraph 1 shall not be granted to individuals who do not possess identity documents and refuse to co-operate with their identification.

Article 29

The period for accommodation in shelters shall be extended in accordance with the timescale determined in the writ under Article 27 hereof, and it may not exceed the deadline of the criminal proceedings.

Article 30

- (1) The special protection status shall be terminated by the authorities in Article 27 prior to the expiration of the term indicated therein, when:

1. The victim has renewed their contacts with the perpetrators of the crime the investigation of which they have declared to support;
 2. The authority in Article 27 finds that the consent declared by the victim was fictitious;
 3. There is a danger to public order and the national security.
- (2) In the cases in Paragraph 1, the Prosecutor shall issue a writ, which is subject to appeal within three days before a higher-level Prosecutor, who shall pronounce promptly on the complaint.

Article 31

The witness protection provision under Article 97a of the Penal Procedure Code shall not block the provision of special protection status to victims of trafficking in human beings by virtue of this Act.

ADDITIONAL PROVISION

§ 1. For the purpose of this Act:

1. “Trafficking in human beings” means the recruitment, transportation, transfer, concealment or acceptance of human beings, regardless of their own will, by means of coercion, abduction, deprivation of liberty, fraud, abuse of power, abuse of a state of dependence, or by means of giving, receiving or promising benefits to obtain the consent of a person who has control over another person, when it is carried out for the purpose of exploitation;
2. “Exploitation” means the illegal use of human beings for debauchery, removal of physical organs, forced labour, slavery or servitude;
3. The recruitment, transportation, transfer, concealment or acceptance of children for the purpose of exploitation shall be considered an act of trafficking in human beings, regardless of whether they have been carried out by the means in §1 above.
4. “Child” means any individual who is less than 18 years of age;
5. “Victim” means any person who has become a subject of trafficking in human beings;
6. “Risk group” means a group of individuals who due to their age, sex, social status or the geographical location of the region where they reside pose potential victims of the acts in §1 above.
7. “Risk region” means a region inhabited by groups as in §6 above.

FINAL PROVISIONS

§ 2. The implementation of this Act is assigned to the Council of Ministers.

§ 3. The provision of Article 3, Paragraph 1 shall enter into force from 1 January 2004.

This Act was adopted by the 39th National Assembly on 7 May 2003 and has been affixed the official seal of the National Assembly.

LAW OF PROTECTION OF PERSONS THREATENED IN CONNECTION WITH CRIMINAL PROCEDURE

Prom. SG. 103/23 Nov 2004

Chapter one.

GENERAL PROVISIONS

Art. 1. This law shall provide the conditions and the order for ensuring special protection on behalf of the state to persons, threatened in connection with criminal procedure, and to persons, directly related to them when they cannot be protected with the means,

provided in the Penal Procedure Code.

Art. 2. The objective of this law shall be to support the fight with the grave intentional crimes and with the organised crime by ensuring the safety of the persons, whose evidence, explanations or information are of essential importance for the criminal procedure.

Art. 3. Special protection under this law can receive the following threatened persons:

1. participants in the criminal procedure – witness, private prosecutor, indicter, suspect, incriminated, defendant, accused, expert, witness of investigation;
2. sentenced;
3. persons, directly related to the persons of items 1 and 2 – ascending, descending, brothers, sisters, spouse or persons, with whom they are in particular close relations.

Art. 4. The threatened persons can get special protection when the evidence, the explanations or the information of the persons of art. 3, items 1 and 2 ensure proofs of essential importance in criminal procedures for grave intentional unqualified crimes of chapter one, two, chapter six – art. 242, para 2, 3 and 4, chapter eight – section IV, chapter eleven – art. 330, 333, 354a, and chapter fourteen of the Penal Code and of all crimes, committed upon instruction or in fulfilment of decision of an organised criminal group.

Chapter two.

PROGRAMME FOR PROTECTION OF THREATENED PERSONS

Section I.

Essence of the Programme for protection of threatened persons and kinds of protection

Art. 5. (1) The Programme for protection of threatened persons, called hereinafter "Programme for protection", shall be a complex of measures, undertaken by defined state bodies with regard to persons, received status of protected persons under this law.

(2) The measures under the Programme for protection shall be obligatory for all state bodies and officials as well as all corporate bodies and individuals.

Art. 6. (1) The programme for protection shall include the following measures:

1. personal physical guard;
2. guard of the property;
3. temporary accommodation at safe place;
4. change of the place of living, the working place or the education establishment, or accommodation at another place for serving the penalty;
5. change of the identification.

(2) The measures of para 1 can be applied together or separately, temporary – till the reasons for their application exist, or permanently.

(3) With the measures of para 1, items 1 – 4 may also be applied temporary prohibition for conceding the personal data of the protected person to third persons.

(4) The measure of para 1, item 5 shall be applied only as exceptional measure when the protection cannot be ensured through some of the other measures.

(5) The Programme for protection can include also activities for ensuring social, medical, psychological, legal or financial assistance.

Art. 7. (1) The physical guard of a protected person shall be activity for protection of the bodily security from unlawful infringements and it can be day and night, for defined hours or for defined cases.

(2) At implementing the activity of para 1 the guarding team may use personal

protection means as well as physical force and auxiliary means, necessary for fulfilment of the measure under the conditions and by the order of art. 79 of the Law of the Ministry of Interior.

(3) The guarding team may use fire arms as final measure under the conditions of art. 80, para 1, items 1, 3 – 5 of the Ministry of Interior.

Art. 8. The guard of the property shall be activity for its physical protection from unlawful infringements.

Art. 9. The temporary accommodation at safe place shall be immediate movement of the protected person for a short period of time to another address, different from the permanent place of living.

Art. 10. The change of the place of living, the working place or the education establishment, or the accommodation at another place for serving the penalty shall be applied till the dropping of the threat of art. 1.

Art. 11. (1) The prohibition of art. 6, para 3 for conceding for defined period of time information about the personal data of the protected person to third persons shall be implemented in compliance with the law of protection of the personal data.

(2) During the measures of art. 6, para 1, items 1 – 4 the data can be revealed only for the needs of the criminal procedure with permission by the administrator of personal data under this law.

Art. 12. (1) The application of the measure of art. 6, para 1, item 5 shall not exempt the protected person from the obligations to the state or to third persons.

(2) The new identity shall be irreversible if it has led to significant changes in the status of third persons.

(3) At change of the identity shall be issued new identification document in which the personal data cannot be identical with other's personal data.

(4) The change of the identity can be implemented also through change of external physical marks of the protected person.

Section II.

Competent bodies

Art. 13. (1) For implementing the Programme for protection at the Ministry of Justice shall be established Council for protection of threatened persons, called hereinafter Council for protection.

(2) The Council for protection shall consist of chairman – the Minister of Justice, and members: deputy Minister of Justice, deputy Minister of Interior, deputy chairman of the Supreme Court of Appeal, deputy Chief Prosecutor and deputy director of the National Investigation Service.

(3) The Minister of Justice can assign the chairing of the Council for protection to a member of the Council for protection when he is out of the country or in a leave.

(4) The Council for protection shall convene at sessions once in three months as well as in three days term after made proposal for including in the Programme for protection.

(5) The Council for protection cannot divulge the information which has become known in relation to the fulfilment of the Programme for protection.

(6) The resources, necessary for implementing the Programme for protection shall be ensured from the budget of the Ministry of Justice.

Art. 14. (1) In the Ministry of Justice shall be established special department "Bureau for protection of threatened persons", called hereinafter the Bureau for protection.

(2) In fulfilment of the decision of the Council for protection for including in the

Programme for protection the Bureau for protection shall:

1. inform the threatened person about the opportunities of the programme for protection;

2. conclude agreement with the threatened person for including in the Programme for protection, about which it shall notify the prosecutor or the judge – reporter, made the proposal for protection;

3. determine employee for contact with the threatened person;

4. implement through guarding team, specially formed for the case, the concrete measures from the Programme for protection on the basis of the concluded agreement.

(3) The Bureau for protection shall establish, maintain and preserve data base about the persons, included in the Programme for protection in compliance with the Law of protection of the personal data.

(4) The Bureau for protection cannot divulge the information that is known to it in connection with the fulfilment of the Programme for protection.

(5) At fulfilment of the Programme for protection the Bureau for protection can require cooperation from all competent state bodies, which cannot be refused.

(6) The Bureau for protection shall account periodically to the chairman of the Council for protection about the spent resources for applying the Programme for protection – total and for each concrete case.

Section III.

Procedure for including in the Programme for protection

Art. 15. (1) Including in the Programme for protection shall be implemented upon proposal by the regional prosecutor and in the court procedure – by the reporting judge, to the Council for protection.

(2) The proposal for rendering protection shall be made officially or upon request by:

1. the threatened person;

2. the investigating body;

3. the supervising prosecutor;

4. the chief of the place for deprivation from liberty – for sentenced persons.

(3) In the cases of para 2, items 2, 3 and 4 shall be necessary also the explicit written consent of the threatened person.

(4) The regional prosecutor or the reporting judge shall consider the request in three days term after receiving it and submit to the Council for protection substantiated proposal for including in the programme for protection or refuse to submit proposal.

(5) The refusal of the prosecutor or the reporting judge of para 4 shall not be subject to appeal.

Art. 16. (1) The proposal of art. 15, para 1, must be in writing and contain:

1. data about the respective criminal procedure;

2. personal data of the threatened person;

3. data about whether the evidence, the explanations or the information of the threatened person ensure proofs of essential importance for the criminal procedure;

4. all data about the existence of real threat for the life, health or property of the person in connection with the criminal procedure;

5. list of the persons, acquainted with the evidence or the information, with which disposes the threatened person;

6. most general psychological assessment of the threatened person;

7. the existence and the degree of the threat which the threatened person would be for

the ambience in which he would be included;

8. other data, which are of importance for the need of including in the Programme for protection.

(2) To the proposal shall be attached declaration by the threatened person about his family and material status, as well as about his liabilities to third persons.

Art. 17. (1) The Council for protection shall consider the proposal of the regional prosecutor or the reporting judge, assessing whether the evidence, the explanations or the information of the threatened person are of essential importance for the criminal procedure as well as the objectivity and the degree of the threat, and

1. if the conditions, provided in this law exist, take decision for rendering protection, which shall be sent immediately to the Bureau for protection;

2. if the conditions, provided in this law do not exist, take decision with which is not admitted rendering of protection.

(2) The decisions of the Council for protection shall not be subject to appeal.

2. sentenced;

3. persons, directly related to the persons of items 1 and 2 – ascending, descending, brothers, sisters, spouse or persons, with whom they are in particular close relations.

Section IV.

Agreement

Art. 18. (1) In 7 days term from the date of the decision of the Council for protection for including in the Programme for protection, the Bureau for protection shall conclude written agreement for protection personally with the threatened person or with his guardian or trustee if he is not legally capable.

(2) the person shall acquire status of protected person from the moment of signing the agreement.

(3) The agreement shall not have the characteristic of civil legal agreement in the sense of the Law of the obligations and contracts.

Art. 19. (1) The agreement shall contain:

1. the number of the decision of the Council for protection for including in the Programme for protection;

2. the kind of the measure for protection and the assistance, which are rendered;

3. the duration of the protection;

4. the name of the employee for contact of the threatened person with the Bureau for protection;

5. the rights and the obligations of the parties in the Programme for protection;

6. the conditions for withdrawal from the agreement;

7. the date and the place of signing and the signature of the parties.

(2) The protected person shall be obliged during the protection to:

1. avoid contacts with criminals;

2. restrain from activities which may threaten his security or impede the fulfilment of the Programme for protection;

3. comply with the measures for protection;

4. notify immediately to the Bureau for protection through the employee for contact each information, which has become known to him about the subject of the criminal procedure, in connection with which he has acquired status of protected person;

5. fulfil his obligations to individuals and corporate bodies, occurred before his including in the Programme for protection and which are not fulfilled by the state;

6. inform immediately the Bureau for protection through the employee for contact about all changes in his state and the activities implemented by him during the fulfilment of the Programme for protection;

7. not divulge his including in the Programme for protection.

(3) The Bureau for protection shall be obliged to:

1. fulfil the measures for protection under the agreement;

2. ensure the presence of the protected person in the criminal procedure;

3. not divulge the information, which has become known to it in connection with the fulfilment of the Programme for protection.

Section V.

Termination of the effect of the Programme for protection

Art. 20. The effect of the Programme for protection shall be terminated with decision of the Council for protection:

1. upon decease of the protected person;

2. after dropping of the ground for its application;

3. with the elapse of the term, provided in the agreement;

4. when the protected person does not fulfil his obligations under the agreement without good reason.

Art. 21. In the cases of art. 20 the Council protection shall pronounce decision upon proposal by the Bureau for protection, the regional prosecutor or the reporting judge.

Art. 22. The effect of the Programme for protection can be terminated also upon request by the protected person, directed to the Council for protection through the employee for contact.

Art. 23. The Council for protection shall consider the proposal of the Bureau for protection, the regional prosecutor or the reporting judge or the request of the protected person for termination of the effect of the Programme for protection and take decision for termination, which shall be ultimate.

Section VI.

Processing of personal data

Art. 24. (1) The personal data, processed under this law, shall be information official secret.

(2) administrator of the personal data of para 1 shall be the Minister of Justice or an official, authorised by him.

(3) Right to access to personal data, processed under this law, shall not be conceded to third persons.

(4) The administrator of personal data under para 2 can refuse the conceding to the protected person personal data processed for him if this is necessary with regard to his protection.

Art. 25. (1) The orders of the administrator of art. 24, para 2 shall be obligatory for all state bodies – administrators of personal data.

(2) The state bodies – administrators of personal data, shall inform immediately the administrator of art. 24, para 2 about each request for conceding data, the access to which is restricted.

Chapter three.

INTERNATIONAL COOPERATION

Art. 26. On the basis of international agreement, to which the Republic of Bulgaria is party, or under the conditions of mutuality the Bureau for protection can require and render

cooperation for implementing the protection, provided in this law.

Art. 27. Under the conditions of art. 26 the Bureau for protection can:

1. require ensuring of stay of a protected person in the other state if in the Republic of Bulgaria cannot be accomplished his protection;
2. require ensuring of temporary stay for defined term of the protected person in the other state as well as personal physical guard if this is necessary;
3. ensure stay of a person, moved to the Republic of Bulgaria within the framework of the Programme for protection upon request by the other state;
4. ensure temporary stay in the Republic of Bulgaria of foreign protected person for a term, pointed out in the application of the other state as well as personal physical guard if this is necessary.

Concluding provisions

§ 1. The organisation and the fulfilment of the measures under the Programme for protection, of the activity of the Council for protection, of the Bureau for protection and of the guarding teams, as well as the order for processing of the personal data under this law, shall be provided with a regulation for implementation of the law, approved by the Council of Ministers in three months term from the entering into force of the law.

§ 2. The fulfilment of the law shall be assigned to the Minister of Justice and the Minister of Interior.

§ 3. The law shall enter into force 6 months after its promulgation in State Gazette.

The law was passed by the 39th National Assembly on November 9, 2004 and is affixed with the official seal of the National Assembly.