



COUNTRY STUDY

THE RIGHT TO COMPENSATION FOR VICTIMS OF HUMAN TRAFFICKING IN BULGARIA

COMP.ACT PROJECT

December 2011

The study has been prepared by Emilia Paunova

International Programmes and Projects Expert

Animus Association Foundation

and Natasha Dobreva, Human Rights Lawyer

Bulgarian Gender Research Foundation

Sofia, BULGARIA

TABLE OF CONTENTS:

- I. EXECUTIVE SUMMARY...p.3
- II. FOREWORD....p.4
- III. INTRODUCTION....p.5
- IV. LEGAL FRAMEWORK – INTERNATIONAL AND NATIONAL...p.7
- V. MECHANISMS AND PROCEDURES FOR OBTAINING COMPENSATION.....p.8
 - Criminal proceedings....p.8
 - Civil law proceedings.....p.9
 - Labour law proceedingsp.12
 - State compensation fund....p.13
- VI. CASE...p.17
- VII. INTERVIEWS....p.18
- VIII. CONCLUSION AND RECOMMENDATIONS.....p.22
- IX. BIBLIOGRAPHY.....p.25

I. EXECUTIVE SUMMARY

Trafficking in human beings (THB) is a gross violation of fundamental human rights. In most cases trafficked persons are subject to humiliations, including physical, psychological, emotional and sexual violence. According to several international legislative documents, survivors of trafficking have the right to claim compensation for the damages they have suffered.

The current study examines what remedies for claiming compensation are available in Bulgaria. The study will investigate and analyse the process of claiming compensation for victims of human trafficking, thereby identifying the obstacles which need to be overcome in order to claim compensation.

Firstly, the phenomenon of human trafficking in Bulgaria will be analysed. The root causes of trafficking will be described briefly. Secondly, the international legal framework will be outlined and in particular the legally binding documents, ratified by the Bulgarian government.

Next, the study will present the available mechanisms and procedures for claiming compensation and the main focus will be on the Crime Victim Assistance and Compensation Act. In this part the obstacles which survivors of trafficking encounter when filing a claim and receiving compensation will be examined. For the purpose of the study, some interviews have been conducted with experts in the field of human trafficking. Their opinions and recommendations will be shared.

The country study will conclude with recommendations on how the identified obstacles could be overcome and will include recommendations for amendment of the current legislation.

II. FOREWORD

This country study for Bulgaria is part of the COMP.ACT Project – European Action for Compensation for Trafficked Persons. The aim of the study is to analyse which remedies are available to enable trafficked persons to access compensation and how these remedies work in practice.

The Crime Victim Assistance and Compensation Act will be discussed, reflecting on its advantages and disadvantages and experts in the field of human trafficking will be asked to comment and share recommendations. These experts are Mrs. Antoaneta Vassileva (Secretary General of the Bulgarian National Commission for Combating Trafficking in Human Beings), Mrs. Natasha Dobрева (Human rights lawyer, Bulgarian Gender Research Foundation), Mr. George Spasov (Expert Committee of the National Council for Assistance and Compensation to Victims of Crime) and Mrs. Peymane Saghari from LEFÖ-IBF Austria (an Austrian NGO and Intervention Centre for Trafficked Women and Girls). I would like to thank them very much for answering my questions and giving recommendations.

We express gratitude to our colleagues from Animus/ La Strada Bulgaria Crisis Unit and La Strada International for their expert support and contributions.

Emilia Paunova

III. INTRODUCTION

What is human trafficking?

Human trafficking is a serious crime which violates the fundamental human rights of a person. The issue is included in the international debate for the past twenty years. In 2000, the United Nations adopted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in Palermo, Italy ((known as the Palermo Protocol). The Protocol defines the crime of “trafficking in human beings” as:

"the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs... The consent of a victim of trafficking in persons to the intended exploitation set forth [above] shall be irrelevant where any of the means set forth [above] have been used."

In 2005 the Council of Europe adopted the Convention on Action against Trafficking in Human Beings. The definition of THB is in line with the definition from the Palermo Protocol and it is stated under Article 4.

Situation of trafficking in human beings in Bulgaria

With the collapse of Soviet Union and the fall of the communist regimes in the countries of Central and Eastern Europe, the political scene on the continent has dramatically changed. The changes have led to a number of economic problems including high rate of unemployment and poverty among these states which forced many young women to seek better opportunities in Western European countries. A large number of women have been taken advantage of and become victims of human trafficking. Traffickers find their victims e.g. through newspapers ads, posing as employment, marriage, modelling or tourist agencies. All these facts are provided with the aim to illustrate how the impoverishment of populations subjected to the "shock therapy" of market economics and the major developments of the past 20 years in Central and Eastern Europe have given a great boost to the crime of trafficking in persons. Bulgaria is one of the examples of a country which has experienced this impoverishment.

Bulgaria is a source and, to a lesser extent, a transit and destination country for women and children who are subjected to sex trafficking, and men, women, and children subjected to conditions of forced labour. Bulgarian women and children are subjected to sex trafficking within the country, particularly in resort areas and border towns, as well as abroad in countries such as the Netherlands, Belgium, France, Austria, Italy, Germany, the United States, the Czech Republic, Finland, Greece,

Italy, Spain, Norway, Poland, Portugal, Switzerland, Turkey, and Cyprus. Ethnic Roma men, women, and children are particularly vulnerable to becoming trafficking victims and are overrepresented among identified trafficking victims. Bulgarian men, women, and children are subjected to conditions of forced labour in Greece, Italy, Spain, Denmark, Slovenia, and the United Kingdom. Some Bulgarian children are forced into street begging and petty theft within Bulgaria and also in Greece, Italy, Austria and the United Kingdom. A lot of men, women and children have become victims of human trafficking for the purpose of sexual and labour exploitation.¹

What is the right to compensation?

Victims of gross human rights violation have the right to compensation for the pain and suffering which they have endured.² Persons who survived terrorism, body injury, rape, human trafficking, offences of organized criminal group etc. are entitled to receive, inter alia, financial redress. Trafficked persons enjoy the right to compensation.³ The right to compensation is part of the protection and assistance system for survivors of trafficking, which is one of the three aspects of the broader coherent mechanism for combating trafficking – Prevention, Protection and Prosecution. On the one hand, the right to compensation is an instrument of restorative justice and prevention of re-trafficking. In addition, by awarding compensation, states clearly recognize the violation of trafficked persons' rights and the damages they have suffered. Compensation includes remuneration of unpaid wages and payment in restitution for both general damages and special damages suffered by a victim of crime. General damages compensate the claimant for the non-monetary aspects of the specific harm suffered, such as physical or emotional pain and suffering. Special damages compensate the claimant for the quantifiable monetary losses suffered, such as medical expenses, repair or replacement of damaged property and lost income.

COMP.ACT – European Action for Compensation for Trafficked Persons

In 2008 La Strada International, Anti-Slavery International and other European organisations took the decision to establish a European Coalition aiming to facilitate the access to compensation for survivors of trafficking. The COMP.ACT project (European Action for Compensation for Trafficked Persons) formally started in 2010. Its European coalition consists of NGOs from 14 countries: Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Czech Republic, Germany, Ireland, Italy, Macedonia, Moldova, Poland, Spain, United Kingdom and Ukraine. The COMP.ACT project aims

¹ United States Department of State, *2011 Trafficking in Persons Report - Bulgaria*, 27 June 2011, available at: <http://www.unhcr.org/refworld/docid/4e12ee90c.html> [accessed 21 July 2011]

² United Nations Commission on Human Rights; see, for example, UN doc. E/CN.4/2000/62, The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, Final report of the Special Rapporteur, Mr. M. Cherif Bassiouni; see, in particular, the annex to this report containing draft Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law.

³ United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Resolution A/RES/55/25 of 15 November 2000, entered into force 25 December 2003, Art. 6

at raising awareness about the trafficked persons' right to compensation and developing tools and measures that will guarantee their implementation.

Methodology of this research

This research encompasses Bulgaria with a focus on Sofia as the interviews were conducted on the territory of Sofia and the Animus Crisis Centre which is located in Sofia. However, most of the trafficked persons who were accommodated in the Centre come from other cities (such as Varna and Plovdiv) and smaller towns in Bulgaria.

This study is built on a desk-based analysis of laws, interviews and secondary sources related to compensation of trafficked and exploited persons.

IV. LEGAL FRAMEWORK – INTERNATIONAL AND NATIONAL

Trafficking in human beings is a criminal offence under the Bulgarian Criminal Code since 2002 (Art. 159)⁴. The amended law is in line with the 2000 UN Convention against Transnational Organised Crime and its Supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.⁵ The UN Convention was ratified by Bulgaria.

Under section 159 of the Bulgarian Criminal Code, which prescribes penalties of between one and 15 years imprisonment, trafficking for sexual and labour exploitation is criminalized. The Combating Trafficking in Human Beings Act (CTHBA)⁶ was passed in 2003. A new organ to combat THB, a National Commission for Combating Trafficking in Human Beings (NCCTHB), was established.⁷ The Commission only became effective in 2007 when the incumbent Secretary General was appointed.

The Council of Europe Convention on Action against Trafficking in Human Beings was ratified by the Bulgarian government in 2008 and subsequently entered into force in February 2009. Article 15 of the Convention establishes the right of victims to compensation.

In April 2009, the Criminal Code was amended to prescribe more severe punishments and fines for trafficking. A new provision was added to harmonise the Code with article 19 of the Council of Europe Convention on Action against

⁴ Bulgaria, *Bulgarian Criminal Code*, Section IX, Traffic of People (New, SG 92/02), Art. 159a. available at: http://antitrafficking.government.bg/images/info_files/1251896607.pdf

⁵ United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Resolution A/RES/55/25 of 15 November 2000, entered into force 25 December 2003.

⁶ Combating Trafficking in Human Beings Act, Promulgated, State Gazette, No. 46/20/05/2003.

⁷ Bulgaria, National Anti-Trafficking Commission, <http://www.antitrafficking.government.bg/index.php?lang=english>

Trafficking in Human Beings⁸: criminalisation of use of services of a victim. Penalties vary between two and fifteen years' imprisonment and a fine from 3,000 to 100,000 Bulgarian levs (EUR 1500 to EUR 50,000).

Bulgaria has been a member of the European Union since 1 January 2007 and thus, the 2011 Directive on Preventing and Combating Trafficking in Human Beings and protecting its Victims which repeals the old Council Framework Decision on human trafficking 2002/629/JHA takes precedence over national law and is binding on national authorities. The directive adopts a broader concept of what should be considered trafficking in human beings and includes additional forms of exploitation. These include forced begging, exploitation of criminal activities, etc.

Definition of Trafficking in Human Beings in Bulgarian Law

According to the Combating Trafficking in Human Beings Act which entered into force in 2003 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;”

V. MECHANISMS AND PROCEDURES FOR OBTAINING COMPENSATION

o CRIMINAL PROCEEDINGS

The Criminal Procedure Code of the Republic of Bulgaria⁹ determines the ways to file a compensation claim by crime victims. Pursuant to article 84(1), the victim or his/her heirs may file in the course of court proceedings a civil claim for compensation of the damages and participate in the trial as civil claimants. A civil claim may not be lodged in the course of criminal court proceedings where it has already been lodged pursuant to the Code of Civil Procedures. The prosecution and the court authorities have the duty to inform the victim of his/her right to file a compensation claim against the defendant. The participation of the victim as a civil claimant in the criminal proceedings is free of charge – no court fee is required. The victim can seek both moral and non-moral damages. As a civil claimant, the victim takes advantage of all the evidence collected by the prosecutor - documents, witnesses etc – and uses it to support her/his compensation claim. The facts, which the prosecutor strives to prove, are favourable also for the victim, who has a minimal role in the collection of evidence. This is considered to be the main advantage of the criminal proceedings. In addition, the victim can present his/her own evidence regarding the damages

⁸ Council of Europe, *Council of Europe Convention on Action against Trafficking in Human Beings*, 16 May 2005, CETS 197, available at: <http://www.unhcr.org/refworld/docid/43fded544.html> [accessed 5 April 2011].

⁹Bulgaria, Criminal Procedure Code, effective 29.04.2006, amended 30.04.2009 available at: http://antitraffic.government.bg/images/info_files/1251896944.pdf

caused. The court delivers a verdict whereby it rules on the compensation claim. The civil claimant can appeal the verdict with respect to the compensation claim.¹⁰

There have been cases of civil claims filed by trafficked persons before criminal courts. The victims have claimed moral damages, consisting of the suffering and pain caused by the sexual violence, the humiliation before their relatives and acquaintances from the village they live in, the emotional trauma and psychological violence, which they have suffered. In this case, the court, in determining the amount of the compensation, will also consider whether a baby was born as a result of the sexual exploitation. In any case, the age of the victim is decisive.

For example, in a judgment of 29 December 2008 the Razgrad Regional Court awarded to a minor trafficking victim a compensation for moral damages in the amount of 3 000 levs (1500 EURO) for repetitive rapes aimed at recruiting her in prostitution, which took place in a period of 3 days (between 4 and 7 December 2003). Also, the Supreme Court of Cassation has awarded the amount of 10 000 levs (5100 EURO) in compensation for the moral damages of a victim who was recruited and forced to prostitute for a period of one and a half years.

For the sake of comparison and illustration it is clear that the compensation awarded to victims of similar crimes, such as rape, is the same. For example, on 15 October 2009, the Supreme Court of Cassation awarded a minor girl whose step-father was abusing her sexually during one year and who gave birth to a baby, a compensation for her pain, suffering and trauma in the amount of 10 000 levs (5100 EURO). Also, on 2 June 2010 the Military Court of Appeal sentenced a military servant who raped his girlfriend to pay her 8 000 levs (4090 EURO) in compensation for her moral damages.

Ms. S.Z. is a young woman who in the late 90's was kidnapped, locked inside of apartment for two days and raped several times, in order to be convinced to prostitute. She was about to be transferred to another town, close to the Bulgarian-Greek border and forced to prostitute with Greek clients. Luckily, she escaped from the apartment. Criminal trial is pending before the first-instance court against 7 defendants. Ms. S.Z. participates in the trial as a civil claimant, asking for compensation for her moral damages in a total amount of 85 000 levs (43500 EURO).

○ CIVIL LAW PROCEEDINGS

In the framework of the civil law system in Bulgaria, perpetrators of crime are required to pay compensation to the victim for the inflicted damages. The victim has to file a lawsuit against the perpetrator in order to seek compensation. A trafficked person can therefore file a claim for compensation as a civil plaintiff. If the victim does not file a claim for damages in criminal proceedings or considers that the compensation awarded does not cover the damages, the victim is entitled to claim compensation under the Obligations and Contracts Act to a civil court and the case follows the rules of the Code of Civil Procedures. The relevant provision is Article 45

¹⁰ CPC, Art. 318 (5).

of the Obligations and Contracts Act, according to which “everyone must repair the damages, caused to other person”. The Obligations and Contracts Act, as opposed to the Criminal Code, sets forth a presumption of guilt. If the civil lawsuit is initiated after a final sentence is delivered, the sentences and the facts established therein are binding for the civil court.¹¹ If the lawsuit is initiated before the end of the trial, the civil proceedings shall be suspended.¹² The 5-year statutory time limit to claim compensation does not run for the period of the suspension. The civil plaintiff enjoys the rights granted by the Code of Civil Procedure, such as, for example, to have a medical expert opinion appointed to determine the damages s/he endured.

The advantage, which the civil lawsuit has, as opposed to the civil claim in the criminal trial, is that the victim has unlimited possibilities to elaborate, detail and deepen her/his claim, submitting a complex description of all the damages s/he suffered. In trial, the compensation claim may be rejected by the criminal court as inadmissible, if it is too complex, requires the collection of too much additional evidence and, thus, hampers the proper development of the trial. Thus, within a civil lawsuit, the victim can claim bigger amount of redress and adduce a bigger variety of evidence.

The civil proceedings way of protection of victim’s rights is underdeveloped in Bulgaria. There are two main reasons for this. First, the opening of civil lawsuit costs the victim a court fee in the amount of 4% of the compensation claimed. Second, in civil proceedings the victim bears alone the burden of collecting evidence to support her/his statements. Therefore, the option of filing a civil claim within the criminal proceedings is preferred.

There is no documentation of any civil claim submitted by a trafficked person before civil court. The reason for this could be the 4% court fee which the claimant must pay for the opening of the lawsuit, calculated on the basis of the amount of the compensation claimed by her/him. The expiration of the 5 years statute of limitation could be an obstacle as well. Most probably, the minimal chances of successful outcome of a “lost income” claim, as prostitution is not a legal profession in Bulgaria, discourage the victims of sexual exploitation. Another relevant factor is the poor experience and expertise of national attorneys in tort cases, which address fundamental human rights, coupled with the reluctance of the national courts to acknowledge damages such as “lost profit”.

There is only one case of rape victim who pursued protection of her rights via civil law means. In 2008 she filed a claim under Article 45 of the Obligations and Contracts Act and she was awarded a compensation of 10 000 levs (5100 EURO) for her pain, fear and depression after she was beaten and sexually violated.¹³

An example of successful compensation claim that followed the civil proceedings is the claim of a father whose child was abducted and went missing. The father sued a state authority - the Council of Ministers - for its unlawful failure to provide finances

¹¹ Code of Civil Procedures, Art. 300, available at:

http://antitrafficking.government.bg/images/info_files/1251896522.pdf

¹² Ibid.

¹³ See decision № 776 of 14.07.2009 of the Supreme Court of Cassation in civil case № 692/2009.

for the search of his missing child through publishing of appeals and pictures in other countries' media, which agreed to cooperate. The father was awarded 10 000 leva (5100 EURO) for the pain he suffered as a result of the separation from his child and the feeling of desperation and humiliation from the apathy of the administration.¹⁴

Lastly, a successful compensation claim was brought to a civil court by Mr. A.V., although not for sex-related crime but for ill-treatment caused by police officers. Mr. A.V. was compelled to confess a crime through unlawful use of force, causing him light bodily harm. In June 2011 the Sofia Administrative Court awarded him 7000 leva (3500 EURO) compensation for the humiliation and the pain he suffered during his interrogation. The reason why this compensation claim was brought before the civil court was that the criminal proceedings were ended 3 years after the date of the events, in line with the statutory time limit for investigation set forth in Article 81 (3) of the Penal Code. Therefore, the way for Mr. A.V. to participate as a civil claimant in trial was cut. Nevertheless, he could use copies from the evidence collected during the investigation and present them before the civil court.

In choosing the most appropriate way of protection – criminal or civil proceedings - the statute of limitations is a serious consideration. The statutory time limit to file a claim for damages is 5 years. It runs as of the date, on which the crime was committed. In April 2006 the Supreme Court of Cassation adopted an important interpretation judgment, ruling that the criminal proceedings do not suspend the statutory time limit to submit compensation claim.¹⁵ Therefore, if the investigation was pending for 5 years, the victim's right to submit compensation claim can be precluded, as under Bulgarian legislation a civil claim can only be submitted before a court and within the court phase of the trial, but not during the pre-trial phase. In Bulgaria, the chances of an investigation that lasts more than 5 years are real; this is particularly the case when the crime has an international element and the legal assistance of another State is necessary. The procedure of "request for international legal assistance" is bureaucratically heavy and involves the participation of the Supreme Prosecutor's Office of Cassation, the Ministry of Justice, the Ministry of Foreign Affairs, the respective Bulgarian embassy etc. The situation is even more problematic in case of a country with which Bulgaria has not signed an agreement for legal assistance in criminal cases, such as, for example, the United States of America. In sum, under effective legislation and case law, a victim might be in a situation where s/he must go for the civil law way of protection/claiming compensation, if the 5 year time limit is drawing near and the criminal case is not in its court phase yet.

Mrs. S.V. is a Bulgarian national, applicant to the European Court of Human Rights (ECHR). Although not trafficking, her case is related to the non-intentional murder of her son. She reported the crime to the police one and a half years after the accident took place. The investigation authorities needed international legal assistance from the United States' Ministry of Public Safety and the investigation lasted 7 years. As a result, Mrs. S.V.'s compensation claim was rejected by the criminal court as filed out of time and not considered on the merits. She complains before the ECHR of

¹⁴ See judgment № 1177 of 5.11.2007 of the Supreme Court of Cassation in civil case № 241/2007.

¹⁵ See Interpretation judgment № 5 of 05/04/2006 of the Supreme Court of Cassation.

excessive length of the pre-trial proceedings, which hampered her possibility to claim and receive compensation.

○ LABOUR LAW PROCEEDINGS

The main source of labour legislation in Bulgaria is the 1986 Labour Code (LC)¹⁶. Bulgaria has ratified the European Social Charter, revised in 1996, and is bound by its Article 24 on the right to legal defence in case of dismissal. The LC regulates the labour agreements between the employee and the employer and all their relations stemming out of the labour agreements. The LC guarantees that if the worker fulfils his/her duties in good faith s/he shall receive 60% of the salary agreed, but not less than the minimum salary in the country.¹⁷ The salary shall be paid each month. In addition, under the LC the employer is obliged to ensure healthy and safe working conditions, so that the risks for the workers' life and health shall be removed, limited or reduced.¹⁸ If the employer falls short for this obligation, he/she shall be sanctioned with confiscation or fine in the amount of 1500 to 15 000 leva (770 to 7700 EURO).¹⁹ The General Labour Inspection at the Ministry of Labour and Social Policy is responsible for the control over the implementation of the labour legislation. It has the power to visit at any time companies, factories, premises used by the workers; to question the workers and make them sign declarations concerning their labour activity; to require from the employer explanations, information and documentation, etc.²⁰

A National Labour Inspection System has been established under the Labour Inspection Act.²¹ Labour inspection includes control activities such as technical monitoring of facilities with increased hazards; controls of fire protection systems; controls of construction; controls of the technical state and safety of agricultural and forestry processes and acquisition of legal authorization for their operation, etc. The permanent organ for coordination, consultation and cooperation in labour inspection is the National Labour Inspection Council.

There is no Labour Court in Bulgaria which can decide on cases related to trafficking for the purpose of labour exploitation. Labour cases are decided by civil courts, under the general rules of the Civil Proceedings Code, with some particularities aimed at equality of arms, for example, exemption from court fees for the employee; requirement for prompt consideration of the case, etc. Labour case is only possible if the victim had signed a labour contract, but worked, for example, for a wage lower than the minimum salary in the country. If the victim had not signed a labour contract, which most often would be the case, s/he could employ the general tort ground of Article 45 of the Obligations and Contracts Act or the unjust enrichment ground under Article 55 of the Obligations and Contracts Act. However, there is no case law of

¹⁶ Labour Code of Republic of Bulgaria, *State Gazette No. 26 of 1.04.1986*, available at: <http://www.mlsp.government.bg/en/docs/labour/Labour%20code%20consolidated%20en.pdf>

¹⁷ LC, Art. 245 (1).

¹⁸ LC, Art. 275 (1).

¹⁹ LC, Art. 413 (2).

²⁰ LC, Art. 402.

²¹ Labour Inspection Act, *State Gazette No. 102 of 28.11.2008, last amended in 2010*, available at <http://www.ilo.org/dyn/natlex/docs/SERIAL/80565/87053/F663044073/BGR-80565.pdf>

Bulgarian courts under those provisions regarding trafficking for the purpose of labour exploitation.

○ STATE COMPENSATION FUND

The Compensation Fund was established under the Crime Victims Assistance and Financial Compensation Act²² which has been effective since 1 January, 2007 (“the Compensation Act”). This Act was adopted to fulfil the requirements of Council Directive 2004/80/EC of 29 April 2004²³ relating to compensation to crime victims and 2001/220/JHA: Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings²⁴.

After the Bulgarian Parliament adopted the Compensation Act, the EU Council issued the 2011 Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims. This Directive, among other things, specifies member states’ obligations for assistance and support of victims of trafficking (Article 11). More specifically, the Directive points out the timeframe in which assistance and support should be provided – “before, during and for an appropriate period of time after the conclusion of criminal proceedings”. Further, the Directive indicates the initial point of the assistance – “as soon as the competent authorities have a reasonable grounds indication for believing that the person might have been subjected” to an offence. Lastly, the Directive forbids making the assistance and support “conditional on the victim’s willingness to cooperate in the criminal investigation”.

Article 15 of the Compensation Act could be a breach of the new Directive. According to this article, financial compensation shall not be provided when the victim had not reported the crime to the competent authorities, unless for respectful reasons. This provision is not completely in line with the Directive’s ban on making the assistance conditional on the victim’s cooperation with the investigation authorities (Article 11 (3) of the Directive and paragraph 15 of its preamble).

The Bulgarian Compensation Act, although establishing the general framework for assistance and financial support for trafficked victims and guaranteeing a set of rights, uses a very scarce language in determining the concrete obligations of the authorities. For example, the Act does not specify any timeframe of providing assistance and support. It states that “the police authorities and the organisations for support of victims inform the victims”²⁵ about their rights, but it does not set any time limit to fulfil this obligation. The Act does not make it clear how soon the support can start, how early the victim can be identified and how long after the completion of the trial the victim can receive psychological help and legal assistance. For example, it is unclear whether the victim has the right to a free attorney to help her/him fill in and submit application for financial support under the Compensation Act.

²² http://www.compensation.bg/Pages/recent_legislation/default.aspx

²³ Council of European Union, *Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims*, Official Journal L 261, 06/08/2004 p. 15 – 18.

²⁴ Council of European Union, *Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings* [(2001/220/JHA)].

²⁵ Compensation Act, Article 6 (1).

However, these shortcomings of the Act are supplemented by the adoption of a secondary legislation - the National Mechanism for Referral and Support of Trafficked Persons (NRM). In November 2010 the National Anti-trafficking Commission adopted officially the NRM which was developed by Animus Association Foundation in partnership with the Commission.²⁶ The Mechanism provides that “identification is necessary during the first contact with the person (for example, during police raids, field work, when the person calls a Helpline, etc)”. It also indicates that “[i]n the first days of the reflection period, the trafficked person should be informed about the possibilities to cooperate ... in possible criminal proceedings” and, more specifically, that “the victim should be informed about ... the rights of victims in criminal proceedings” and about the “conditions and procedures for receiving financial compensation from the state”.²⁷

Pursuant to Article 3 of the Compensation Act, legal and psychological assistance shall be provided to victims, who have suffered damages as a result of severe crimes, and financial compensation may be awarded to victims who have suffered pecuniary damages. Assistance and financial compensation might be provided to persons who have suffered damages from the following, explicitly listed, crimes: terrorism, murder, sexual harassment, *trafficking in human beings*, intentional grievous bodily harm; a crime committed by order or under a decision of an organized criminal group or another serious intentional crime resulting in death or grievous bodily harm. The Compensation Act applies to crimes committed after 30 June 2005. Financial compensation from the state is not provided if the damages have been repaired by other means. Financial compensation is not provided to remedy moral damages. Instead, free psychological help shall be granted to the victims.

The procedure

On the grounds of article 20 of the Compensation Act a National Council for assistance and compensation to victims of crime was established²⁸. The National Council consists of:

- a Judge from the Supreme Court;
- a Prosecutor from the Supreme Prosecutor’s Office;
- one official representative from the Ministry of Interior;
- one official representative from the Ministry of Health;
- one official representative from the Ministry of Labour and Social Policy;
- one official representative from the Ministry of Finance;
- one official representative from the Ministry of Justice;
- one official representative from the Ministry of Foreign Affairs;
- one representative of the State Agency for Child Protection, the National Commission for Combating Human Trafficking, the Supreme Bar Council and the Association of organisations for supporting victims of crime.

According to the Act, the National Council is responsible for the payment of the financial compensations. It is mandated to develop the national policy, planning and

²⁶ <http://antitraffic.government.bg/m/2/cat/19/id/29/lang/en/>

²⁷ Ibid, p. 55.

²⁸ <http://www.compensation.bg/Default.aspx>

presentation of legislative and practical initiatives in support of victims of crime, it coordinates the activities of all bodies and secondary organisations, it trains personnel, conducts information activities, etc.

The National Council establishes an Expert Commission to support its activities. The members of the Committee are appointed by the Minister of Justice. The Commission considers the requests for financial compensation, prepares a statement of the merits of each offer and the amount of financial compensation for each case. The requests for financial compensation are considered no later than three months as of the date of their submission. Pursuant to the Compensation Act, the resources for the implementation and execution of the law are provided in the budget of the Ministry of Justice, as planned under the terms of and procedure for preparing the state budget each year.

What does the compensation cover?

According to article 14 of the Compensation Act, financial compensation shall cover, jointly or separately, pecuniary damages directly caused by a crime and consisting of:

1. Medical expenses, except for expenses covered by the budget of the National Health Insurance Fund;
2. Lost income;
3. Legal fees and litigation costs;
4. Lost support to dependents;
5. Funeral expenses;
6. Other pecuniary damages.

It should be pointed out that since the Act came into force, there have been victims of other crimes which were granted compensation. For instance, in 2010 nine claimants – victims of intentional grievous bodily harm and relatives of victims of murder - filed claims and were granted up to 5,000 levs (approximately 2,500 EURO).

As stated above, the Compensation Act provides for redress to victims not only of trafficking but also of terrorism, murder, body injury, rape, etc. Therefore, in cases of murder the act provides for redress for the heirs of the victim, for example the funeral expenses. In trafficking cases, as the victims have survived the crime, they request compensation personally. The relatives of trafficking victims cannot claim compensation under this act on their own behalf and for their own pecuniary damages.

National Referral Mechanism

It is important to mention the role of the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria (NRM)²⁹ in relation to the compensation of victims. The NRM is a cooperative framework established through a project funded by the MATRA Program of the Dutch Ministry of Foreign Affairs and implemented by “Animus Association” Foundation, in partnership with the NCCTHB and La Strada

²⁹ Animus Association Foundation/ La Strada Bulgaria, in partnership with Bulgarian National Commission for Combating Trafficking in Human Beings, Council of Ministers of Republic of Bulgaria, *National Mechanism for Referral and Support of Trafficked Persons in Bulgaria*, available at: <http://lastradainternational.org/Isidocs/Bulgarian%20NRM.pdf>

International, in the period 2008-2010. It is a cooperative framework through which state actors fulfil their obligations to protect and promote the human rights of trafficked person. The NRM provides guidelines for implementation of the measures for protection and support to trafficked persons. It consists of three parts; Part A is the Institutional Framework, Part B covers Leading Principles of Work and Part C defines Standard Operating Procedures. Part C contains measure 3.4 on *Provision of Financial Compensation* which describes the activity under the Crime Victim Assistance and Financial Compensation Act.

Case

Maya (age 25) has three children and currently is pregnant for the 4th time. She had her first baby at the age of 15 and was sexually and physically abused by her husband for several years. In order to escape from him, she decided to go to Poland and work as a sex worker. She pointed out that at the beginning she was doing this voluntarily just because she wanted to escape from the constant abuse by her husband. The traffickers started to take all her money and constantly repeated that she was exchanged for a car or sold by someone else. In this way, she was manipulated that she had to stay and work for her pimps. Maya's children were left in Bulgaria and relatives were taking care of them. In Poland Maya got pregnant again and wanted to go back to Bulgaria. However, the traffickers threatened her that she would never see her children again and would kill her if she returned to Bulgaria.

During a police raid, she was arrested for not having documents and identified as a victim of trafficking. Maya was accommodated in La Strada Poland's shelter. Our colleagues from Poland contacted us and Maya was referred to Animus/ La Strada Bulgaria Crisis Unit.

During my conversation with Maya she seemed to be very shy and ashamed of having worked as a sex worker. Her voice was trembling. I asked her whether she was aware of having the right to compensation. Maya said no. I explained to her that there was a Crime Victim Assistance and Compensation Act for victims of severe crimes, including trafficking in human beings. I explained that she had the right to compensation and she could claim financial compensation for the material damages she suffered. I pointed out that in order to claim compensation she should have kept all receipts from pharmacies, doctor's examination, etc. Unfortunately Maya was never taken to the hospital although she was pregnant and forced to work at that time. She was never allowed to purchase anything by herself. She never kept any receipts so it was impossible for Maya to claim any compensation pursuant to this law.

Describing Maya's case, which is a common case of a trafficked woman in Bulgaria shows how difficult it is to claim compensation pursuant to the Crime Victim Assistance and Compensation Act. Moreover, Maya, like most trafficked persons, is not able to prove lost income as she was unemployed before she left for Poland. I discussed the obstacles for receiving compensation with a few experts and in general, their opinions about the Act were outlined.

VI. Interviews

Antoaneta Vassileva: Secretary General of the Bulgarian National Commission for Combating Trafficking in Human Beings (NCCTHB)

In her opinion, the Act is definitely a positive step in the Bulgarian legislation in regards to victim compensation. However, it should be pointed out that the crime “human trafficking” is the weak area. She considers that a new mechanism should be established in order to overcome the obstacles for successful compensation. One weakness is that the law does not apply for moral damages and Mrs. Vassileva thinks that if moral damages can be applied too, this would be useful for trafficked persons. She points out that since the Act came into force, there has been only one claim for compensation, submitted by a trafficked woman, which was rejected.

Compensation claim

The only claim which was submitted and rejected was in 2010. S.N has been a Bulgarian victim of human trafficking. From 2004 to 2007 she worked as a sex worker in Austria. The perpetrators of the crime were sentenced in Austria. Pursuant to article 2 of the Directive 2004/80/EO Responsibility for paying compensation “Compensation shall be paid by the competent authority of the Member State on whose territory the crime was committed”. As the crime was committed on the territory of Republic of Austria and in accordance with provisions of Directive 2004/80/EO, the National Council have decided to submit the claim for financial compensation to Federal Social Services of Austria.

I have contacted an expert from LEFÖ-IBF Austria (an Austrian NGO and Intervention Centre for Trafficked Women and Girls) Ms Peymane Saghari who described in details the long procedure for claiming compensation on behalf of the Bulgarian citizen. She emphasized on the time-consuming procedure and communication between the Bulgarian embassy in Austria on one hand and LEFÖ on the other hand, for issuing the necessary documents for the claimant. At some point she highlighted the lack of cooperation between Bulgarian authorities and LEFÖ. After receiving all documents from the Bulgarian embassy, the claimant filed a lawsuit against the trafficker whose assets were frozen and confiscated. The Court decided that the perpetrator was guilty and the claimant was awarded a compensation of 8000 EURO for the damages suffered.

Another obstacle is that financial compensation shall be provided upon entry into force of:

1. a guilty verdict, including in cases tried in the defendant's absence;
2. a prosecutorial or court instrument by which criminal proceedings are discontinued,(Article 12 of Crime Victim Assistance and Financial Compensation Act)

In her opinion, this discourages a lot of victims to apply for compensation and due to this requirement; there are not so many claims as many trafficking cases take a lot of time before a verdict enters into force. Mrs. Vassileva recommends that a media

campaign should be launched in order to popularize the Act in general and the right to compensation for trafficked persons in particular.

Natasha Dobрева: Human rights lawyer, Bulgarian Gender Research Foundation

Mrs. Dobрева considers that the law is weak and difficult to apply in regards to the crime of human trafficking. It has been effective since 2007 and it applies for crimes committed after 30 June 2005. As was already discussed, during the 90s and early 2000s there were a lot of trafficked women and they never had the chance to obtain any compensation for the humiliation and abuse. Mrs. Dobрева shares the opinion with the Secretary General of NCCTHB that it is a disadvantage that the Act does not apply for moral damages.

Mrs. Dobрева considers that as police officers often have the first contact with the victims, they should be trained so they can inform victims about their right to compensation. Similarly, medical staff can be trained and if they recognize that a certain patient is a victim of sexual exploitation, for instance, they can inform them about their right to compensation.

She suggested the establishment of a Compensation Fund for Victims of Trafficking generated from the assets obtained from sexual exploitation, following a timely confiscation of these assets from the traffickers. Mrs. Dobрева has given an example of the case with Ms N.K., a Bulgarian woman who was trafficked to the Netherlands and forced to prostitute by a Bulgarian citizen. Her trafficker was detained by the Groningen Prosecution Office and brought to trial. On the basis of mutual legal assistance agreement, the Groningen Prosecution Office (the Netherlands) submitted a request to the Sliven Prosecution Office (Bulgaria) to freeze assets of the defendant, located in the city of Sliven, Bulgaria, estimated at around 300 000 EURO. In 2011, the trafficker was convicted and Ms N.K. was awarded 20 000 EURO in compensation for her moral damages. The lawyer who represents Ms N.K. in the criminal proceedings, Mr. U.H. Hansma, expects the Central Judicial Collection Bureau of the Netherlands to initiate steps for collection of the compensation, on the basis of the newly adopted in Bulgaria Act on Implementation of Confiscation Decisions (2010). This act regulates the conditions for implementation of final decisions ordering confiscation and issued in a country member of the European Union. According to Mrs. Ivanka Kotorova, prosecutor at the Supreme Prosecutor's Office of Cassation and Head of the International Legal Assistance Sector, to date there have been no requests submitted under this Act by foreign authorities and the payment of the compensation of Ms N.K. will be a challenge, in which authorities and attorneys shall cooperate.³⁰ Also she is of the opinion that each victim needs a legal advisor: someone who could advise how to claim compensation or what remedies are available at that particular moment.

³⁰ Mrs. N.K is a client of the author Natasha Dobрева

Mr. George Spasov: Expert Committee of the National Council for assistance and compensation to victims of crime

Mr. Spasov is of the opinion that crimes related to trafficking in human beings are relatively new for Bulgarian legislation. In most cases the duration of the investigation takes a lot of time. Due to the specific character of the crime “human trafficking” victims often refuse to participate in the investigation and criminal proceedings. That’s why it is indispensable for law enforcement and judicial bodies to create favourable conditions for the victims so that they can cooperate in the criminal proceedings.

In order to raise awareness about the right to compensation, a website has been launched: www.compensation.bg. Brochures in Bulgarian, English, French and German, posters and information chart for victims’ rights have been distributed within Ministry of Interior (Mol) network, Ministry of Justice, regional bodies and organizations which provide direct support to victims. Moreover, pursuant to this Act Mol bodies and organizations which provide direct support to victims are obliged to inform them about their rights and how they can claim compensation.

VII. OBSTACLES FOR TRAFFICKED PERSONS TO RECEIVE COMPENSATION

This part will discuss the main obstacles that have been identified which victims can encounter when claiming compensation. For the purpose of the study, the experts who shared their opinions have reflected on different possibilities on how to overcome these obstacles.

First of all, most of the trafficked persons are insufficiently aware of their right to compensation. This conclusion has been drawn by the social workers from the Animus Crisis Unit. The lack of knowledge is the biggest problem.

Although the authorities have the duty to inform the victim of their procedural rights, in practice the clients are not aware of their right to compensation. In addition to the lack of information, some women, because of their emotional and psychological state, decline assistance, including claiming compensation. The reason is that they would like to forget what happened to them, they do not want to fill in any documents which can bring back painful memories. Closely linked to this is the fact that trafficked persons often do not trust state authorities. This mistrust deters them from filing a claim.

The National Institute of Justice on two occasions organised trainings of judges, prosecutors and investigators on the subject of human trafficking; however, there is no information whether these trainings included also the right to compensation of trafficking victims. For example, the National Institute of Justice held in May 2011 a seminar on practical cases related to human trafficking and the methods of investigation and in March 2008 – a 3-day training on trans-border crimes, including

human trafficking and the victims' profile.³¹ However, only one police officer attended the 2008 training, while the rest of the participants were prosecutors and judges.³²

The Bulgarian National Anti-trafficking Commission also organises trainings of police officers on prevention of trafficking and protection of victims. For example, in March 2010 the Commission held a three-day training aimed at raising the competency of the authorities in preventing human trafficking and protecting victims and at building skills for work with trafficking victims and for their referral.³³

In relation to victims of trafficking, it is difficult to prove the provision "lost income" as it is impossible to show evidence that they have not received payments i.e. salaries, wages, etc. Most of the victims have been unemployed before becoming a victim of trafficking; therefore they cannot claim that they lost their job as a result of their deceived recruitment. Nor can they claim lost income from forced prostitution as prostitution is not a recognised profession in Bulgaria, although it is not criminalised either. In any case, there is no example of a successful claim in this respect.

Furthermore, it is a disadvantage that the Compensation Act covers financial compensation only for non-moral damages. In order to claim financial compensation, the claimants have to present evidence for the costs they made i.e. all necessary documents including receipts from pharmacies, doctor's examinations, etc. It is not surprising that the majority of the clients would not keep such receipts. As for their moral damages, the Act provides only for free psychological and medical help, but not for financial compensation.

Another hurdle for claiming compensation is that according to the Compensation Act the crime "trafficking in human beings" has to have been committed only after 30th May 2005, i.e the Act has a limited retroactive force. Taking into consideration that the criminal investigations on transnational crimes take far too long to reach a "guilty verdict", a number of claims are to be rejected due to this principle.

³¹ See the official website of the National Institute of Justice,

<http://www.nij.bg/News/News.aspx?lang=bg-BG&PageID=480&newsid=222&archive=true>

³² As of the information provided by Ms Biliana Encheva, a state agent from the National Institute of Justice.

³³ See the official website of the National Commission for Combating Trafficking in Human Beings <http://antitrafic.government.bg/m/4/arch/year/2010/month/3/event/108/lang/en/>

CONCLUSIONS:

From the study, these conclusions can be drawn regarding the access to compensation for trafficked persons.

- The right to compensation has been stipulated in the Bulgarian Combating Trafficking in Human Beings Act and the National Mechanism for Referral and Support of Trafficked Persons in Bulgaria. Both documents are in accordance with the international legislative documents
- The majority of the clients (survivors of trafficking) are not aware of the right to compensation.
- The partner organisations which Animus works with follow the same standard operating procedures which have been stipulated in the National Referral Mechanism including informing the client about his/her rights. Once the social workers from Animus make the risk assessment and if the risk for the trafficked person's life is high, she/ he can be referred to another shelter or Crisis Centre in Bulgaria. For the purpose of the research social workers from several shelters were contacted and asked whether they informed the trafficked person about his/her rights to reflection period and compensation.³⁴ All of them replied positively. This indicates that the social workers from different shelters in Bulgaria are trained to inform the survivors of trafficking about their rights to reflection period and compensation.
- The administrative procedures are quite difficult from a legal point of view. They are time consuming, trafficked persons need professional legal help to follow all the procedures and claim compensation and this often discourages them from filing a claim.
- The Compensation Act provides for redress to victims not only of trafficking but also of terrorism, homicide (relatives of the deceased are able to claim compensation), body injury, rape, offences of organised criminal groups, etc. Not all of these crimes have such a remarkable financial interest as human trafficking for sexual exploitation. Between 900 million and 1,3 billion EURO per year is generated from trafficking of human beings for sexual exploitation in Bulgaria.³⁵ This number is by no means accurate, but it provides a reasonable fair estimate of the magnitude of the proceeds from this criminal activity.

³⁴ Phone calls were made to social workers from the shelters in Varna(SOS Varna), Silistra(Ekaterina Karavelova-ETA), Pernik(PULSE), Pleven(Open Door)

³⁵ Risk Monitor Foundation, *"Sex Trafficking and Money Laundering: the Case of Bulgaria"*, Sofia, 2010, page 42.

RECOMMENDATIONS:

- More training sessions are needed: for instance, more judges, lawyers and prosecutors should be made aware of the right to compensation. This can be done by organising workshops for the purpose of raising awareness of the NRM in general, and the right to compensation in particular. Copies of NRM and indicators for victims of trafficking have been distributed in many shelters in Bulgaria, NGOs, governmental institutions and bodies, such as National Commission for Combating Trafficking in Human Beings, Ministry of Interior and the Ministry of Justice.
- The amendment of the relevant legislation and by including the provision of “moral damages” is essential. For instance, in many EU states, such as France and the Netherlands, compensation for moral damages can be awarded through state compensation schemes.³⁶ The complex nature of the crime THB requires strengthening this area and literally to make it possible for them not only to claim, but receive compensation.
- Training the hotline staff to advise callers to collect their documentation as much as possible in case of any trouble. Animus operates a Hotline for Victims of Violence and Trafficking and this has been proposed to the coordinator of the Hotline. Also a Code of Conduct for Hotline Consultants can be elaborated and this can be included as a recommendation for them.
- Survivors of trafficking should be granted an effective access to free legal aid, in accordance with the law. They should be informed properly and in a timely manner about their right under Article 10 of the Compensation Act (free legal aid) by the respective specialists who have contact with them. According to the Criminal Procedure Code, the victim cannot take part in the pre-trial proceedings, so it might well be the reality that s/he learns about the right to legal assistance for the first time in court, which should be avoided.
- A proposal for the establishment of a Compensation Fund for Victims of Trafficking has been made. Not only will this Fund guarantee the functioning of the NRM, but it will encourage trafficked men and women to file a claim. Therefore, in view of the statutory ground to seek redress for “lost income” (Art. 14 (2) of the Act), the implementation of the Act can be supported through the establishment of such Fund for Victims of Trafficking generated from the assets acquired from sexual exploitation, following a timely confiscation of these assets from the traffickers. Even if they are arrested and prosecuted in a foreign country, on the grounds of bilateral or multilateral agreements, their assets in Bulgaria can be frozen by the Bulgarian authorities, upon request of the respective investigating office.

³⁶ Organization for Security and Cooperation in Europe, *Compensation for Trafficked and Exploited Persons in the OSCE Region*, Office for Democratic Institutions and Human Rights, , Warsaw, 2008

VIII. BIBLIOGRAPHY

Animus Association Foundation/ La Strada Bulgaria, in partnership with Bulgarian National Commission for Combating Trafficking in Human Beings, Council of Ministers of Republic of Bulgaria, *National Mechanism for Referral for Support of Trafficked Persons in Bulgaria*, available at:

<http://lastradainternational.org/Isidocs/Bulgarian%20NRM.pdf>

Bulgaria, *Combating Trafficking in Human Beings Act*, Promulgated, State Gazette, No. 46/20/05/2003

Bulgaria, *Crime Victim Assistance and Compensation Act*, Promulgated State Gazette, No. 105/22.12.2006, effective 1.01.2007

Bulgaria, *Criminal Code*, Section IX, Traffic of People (New, SG 92/02), Art. 159 a, available at: http://antitraffic.government.bg/images/info_files/1251896607.pdf

Bulgaria, *Criminal Procedure Code*, effective 29.04.2006, amended 30.04.2009 available at: http://antitraffic.government.bg/images/info_files/1251896944.pdf

Bulgaria, National Commission for Combatting Trafficking in Human Beings, <http://www.antitraffic.government.bg/index.php?lang=english>

Council of Europe, *Council of Europe Convention on Action against Trafficking in Human Beings*, 16 May 2005, CETS 197, entered into force 1 February 2009, available at: <http://www.unhcr.org/refworld/docid/43fded544.html>

Council of European Union, *Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims*, Official Journal L 261 , 06/08/2004 p. 15 – 18

Council of European Union, *Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings*, [(2001/220/JHA)]

European Union, *Council Framework Decision of 19 July 2002 on Combating Trafficking in Human Beings*, [Official Journal L 203 of 01.08.2002]

Labour Code of Republic of Bulgaria, *State Gazette No. 26 of 1.04.1986*, available at: <http://www.mlsp.government.bg/en/docs/labour/Labour%20code%20consolidated%20en.pdf>

Labour Inspection Act, *State Gazette No. 102 of 28.11.2008, last amended in 2010*, available at:

<http://www.ilo.org/dyn/natlex/docs/SERIAL/80565/87053/F663044073/BGR-80565.pdf>

Organization for Security and Cooperation in Europe, *Compensation for Trafficked and Exploited Persons in the OSCE Region*, Office for Democratic Institutions and Human Rights, , Warsaw, 2008

Risk Monitor Foundation, *“Legalizing Prostitution – “Pros” and “Cons”*, Sofia, 2011.

Risk Monitor Foundation, *“Sex Trafficking and Money Laundering: the case of Bulgaria”*, Sofia, 2010

United Nations, *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*, GA Resolution A/RES/55/25 of 15 November 2000, entered into force 25 December 2003

United Nations Commission on Human Rights; see, for example, UN doc. E/CN.4/2000/62, *The right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, Final report of the Special Rapporteur*, Mr. M. Cherif Bassiouni; see, in particular, the annex to this report containing draft Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law

United States Department of State, *2011 Trafficking in Persons Report - Bulgaria*, 27 June 2011, available at: <http://www.unhcr.org/refworld/docid/4e12ee90c.html>