



TABLE OF INDICATORS for the barriers and leverages for reintegration and reinsertion of victims of trafficking in human beings in Bulgaria

BARRIERS	LEVERAGES
<p>Victim status / Reflection period</p> <p>In practice, the line where the victim – from a suffering person who receives help and support during the reflection period – becomes victim/witness in criminal proceedings is very vague. In the authorities efforts to learn as much as possible for the traffickers they literally force the victim to give statements without informing them about the right to a reflection period or by informing them in non-understandable manner, thus depriving them not only from the right to a reflection period but also from their victim status urging them to participate in the criminal proceedings only in their capacity of witnesses, thus depriving them to a list of services provided by the State.</p>	<p>Victim status guaranteed / Reflection period guaranteed</p> <p>According to the Action against Human Trafficking Act, when a victim is identified as such, she/he must be informed about the first set of rights she/he is entitled to, namely the right to a reflection period, the duration of the reflection period – 1 month, the right to psychological help and legal counseling during the reflection period, the right to be accommodated in a shelter for the duration of the criminal proceedings, is she/he cooperated with the authorities, the right to financial compensation for material damages from the State fund.</p> <p>In addition, according to the Assistance and Compensation Act, the Police and the NGOs should inform the victims – from their first contact – about their right to legal aid and the organizations where they can seek it, the conditions and procedures to receive free legal aid, the organizations where they can report the crime, the procedures after lodging a complaint, the right during the trial, the organizations where they can be protected alone or together with their relatives.</p> <p>The effective use of the victim status is a prerequisite for effective reintegration and reinsertion further in time.</p>
<p>Lack of information</p> <p>After the identification of the victim, the authorities are under an obligation, according to the Action against Human Trafficking Act, to inform the victims of their basic rights, such as the right to a reflection</p>	<p>Obligation to provide adequate and timely information</p> <p>Victims have the right to information about their status, their rights, and the relevant judicial and administrative proceedings, including information of available remedies</p>

<p>period, the right to free legal aid and the procedure to receive it, the right to compensation and the competent authorities to which to turn to, etc. This is very rarely done in practice and the victims learn about their basic rights often from other victims and sometimes from social workers or do not learn about them at all.</p>	<p>and services for reintegration. Thus, the victims should be informed properly about their rights in the beginning of the work under THB cases – by the Police, prosecutors, lawyers, social workers and psychologists and should be supported to participate in the judicial proceedings not only as witnesses but also in their capacity of private prosecutors and civil claimants in order to receive compensation for the damages suffered. The victims could use the money from the compensation for their better future life during the process of reintegration and reinsertion in the society.</p>
<p>Interrogation methods</p> <p>The front police officers hold thousands of initial conversations with victims. Often the initial conversations take on a larger scope that involve police officers extracting from the victim’s information about the traffickers, the traffickers’ whereabouts, their methods of recruitment and transportation, the other participants in the trafficking ring etc. Thus, the authorities in fact perform a classic interrogation aimed at collecting data about the perpetrators and the crime, despite the fact that these “statements” cannot be used as evidence, thus troubling the victims with no positive results neither for the proceedings nor for the victims themselves.</p>	<p>Sensitive one time interrogation</p> <p>Sensitive interrogation should be ensured to the victims – one-time interrogation in a “blue room” by experts prepared to work with THB victims. Such an interrogation should save the victims negative emotions and re-victimization by the authorities, which, on the other hand will be useful in the process of their reintegration and reinsertion in the society.</p>
<p>Number of interrogations</p> <p>A natural continuation of the inability of the police to recognize in the trafficked person the victim and not the witness is their absolute insensitivity towards the number of interrogations. Thus, the authorities summon the victim for additional interrogation, whenever they consider that some information is lacking. The additional interrogations sometimes include confrontations with the accused. During the trial, the victim is summoned again for an open hearing in the courtroom where s/he has to tell the same story before the judge.</p>	<p>Sensitive one time interrogation</p> <p>Sensitive interrogation should be ensured to the victims – one-time interrogation in a “blue room” by experts prepared to work with THB victims. Such an interrogation should save the victims negative emotions and re-victimization by the authorities, which, on the other hand will be useful in the process of their reintegration and reinsertion in the society.</p>
<p>Length of criminal proceedings</p> <p>Another problem, which the victims face, is the excessive length of the pre-trial and/or court proceedings. Some cases last for</p>	<p>Reasonable time of the pre-trial and/or court proceedings</p> <p>It is extremely important timely justice to be served in order for the victims to feel safe</p>

<p>years.</p>	<p>and secure and to start again their lives through the existing and new reintegration and reinsertion services and programmes.</p>
<p>Lack of initial support</p> <p>There is lack of initial support such as arrival assistance, immediate and comprehensive medical/psychological examination and treatment, short-term housing and help with various other social, legal and economic needs of the victims.</p>	<p>Initial support by a service delivery organization should be ensured to the victims</p> <p>Such support may include arrival assistance, immediate and comprehensive medical/psychological examination and treatment, short-term housing and help with various other social, legal and economic needs of the victim. The receiving service delivery organization should make every effort to take steps to avoid that a dependency situation occurs through its reintegration programmes, and should aim at helping the victim to achieve a normalized life and self-reliance. Long-term support, however, must be provided by either non-governmental or governmental support structures.</p>
<p>Lack of individual approach to the victims</p> <p>In general, no individual approach is undertaken when the authorities assess a case of trafficking in human beings. The approach is usually formalistic and artificial.</p>	<p>Ensuring individual human rights based approach to the victims</p> <p>The individual human rights based approach to the victims should be conducted by an expert who is mostly familiar with the case: a Police officer, a social worker, a psychologist, an NGO staff member working on the case. The assessment of the reintegration options should aim for successful reintegration and reinsertion in the society. Few criteria should be applied: the victim's needs (physical, psychological, psychiatric, legal, social and economic), the victim's desires, the possibilities available to each victim depending on her/his personal circumstances (age, gender, level of education, work experience, family status), and the level of the victim's motivation. In addition, a situational assessment should be conducted, including the specific socio-economic situation in the country and the region when the victim is living as well as the reintegration assistance infrastructure existing in the country and the region. Further, the victim should have a realistic picture of the option existing for her/him in order to avoid unrealistic expectations which could be detrimental to the effective reintegration process. Furthermore, a</p>

	specific reintegration plan should be adopted for each victim.
<p>Psychological and/or social support of the victims</p> <p>Most of the victims in criminal proceedings act in their capacity of witnesses and not as victims, thus none of them is provided with any type of psychological or social support during the process.</p>	<p>Psychological and/or social support of the victims</p> <p>According to the Action against Human Trafficking Act, when a victim is identified as such, she/he must be informed about the first set of rights she/he is entitled to, namely the right to a reflection period, the duration of the reflection period – 1 month, the right to psychological help and legal counseling during the reflection period, the right to be accommodated in a shelter for the duration of the criminal proceedings, is she/he cooperated with the authorities, the right to financial compensation for material damages from the State fund.</p>
<p>Legal support of the victims</p> <p>The authorities have to inform the victims about their right to have a lawyer and that an <i>ex officio</i> lawyer can be appointed if the victim cannot afford such. However, they do not examine whether the victims correspond to the conditions for appointment of an <i>ex officio</i> lawyer – the victim must request it herself/himself. As a result, usually the victims of trafficking do not receive legal aid and are not legally represented before the investigation authorities and before the court.</p>	<p>Obligatory legal support for the victims</p> <p>Victims have the right to a lawyer to protect their rights, to inform them about their role in the proceedings, to defend their interests and to have their views heard and considered in the criminal proceedings. This includes criminal and civil or other proceedings to claim compensation for damages suffered.</p> <p>Initial access to a lawyer is crucial for the fulfillment of the referral and support mechanism, thus the State provided legal help for the victims, through the Legal Aid Act, should be a standard for the participation of the victims in the investigation phase as well as for their participation in the court proceedings, both criminal and civil.</p>
<p>Protection of the victims' privacy</p> <p>The personal data of the victims is usually used during the court hearings. It should be noted that almost all the court hearings are held in public, thus every person present in the court rooms could obtain details of the victim's personal data and life.</p>	<p>Protection of the victims' privacy guaranteed</p> <p>Victims have the right to protection of their private life and identity. They have the right to request that their life and identity are protected during criminal proceedings and that the press and public are excluded from the courtroom. They also have the right to the protection of their safety.</p> <p>The Police should examine whether the safety and security of the victim is ensured in order to guarantee to them smooth process of reintegration and reinsertion in the society.</p>

<p>Protection of the safety of the victims</p> <p>Usually, the victims of trafficking are not protected during the investigation stage as well as during the court sessions.</p>	<p>Ensure the victims' safety and protection</p> <p>The Council of Europe Convention on Action against Trafficking in Human Beings requires a State to take into account a victim's personal safety and protection. Particular needs that must be met are set out in Article 12. These include:</p> <ul style="list-style-type: none"> • Appropriate and secure accommodation; • Psychological and material assistance; • Financial Assistance; • Access to emergency medical treatment; • Translation and interpretation services; • Counselling and information, in particular as regards the Victims of Trafficking legal rights and services available to them; • Assistance to enable their rights and interests to be presented and considered at the appropriate stage of criminal proceedings against offenders; • Compensation; • Access to education for children; • Access to Education; • Vocational Training; • Micro-Enterprise and income generating activities; • Job placement.
<p>Compensation</p> <p>Usually, no financial compensation is requested by the victims of trafficking as they participate in the court proceedings only in their capacity as witnesses. Usually, most of them are not represented by a lawyer.</p>	<p>Compensation</p> <p>Trafficked persons have the right to adequate and effective remedies. This includes the right to compensation for material and non-material damages suffered. Compensation for damages may include payment for cost of medical psychical of psychiatric treatment, cost of necessary transportation, temporary childcare, temporary housing, lost income and due wages or the money the victim earned for the traffickers, legal fees, payment for non-material damages resulting from emotional distress, pain and suffering suffered by the victim as a result of the crime committed against her/him.</p> <p>The compensation requested and later</p>

	received by the victims could give them additional financial support for their future lives outside the trafficking networks.
<p>Lack of long term Government reintegration support</p> <p>There is lack of long term Government reintegration support such as medical/psychological examination and treatment/counseling to victims of trafficking in their place of residence; family mediation/counseling; monitoring of the reintegration process in the victim's place of residence; monitoring accommodation and care arrangements for child victims of trafficking; assistance with school reinsertion; development of vocational programmes; vocational counseling and training for victims; job placement and employment counseling; grants for resettlement and for vocational training for victims; assistance for the retrieval of lost documents, such as IDs and passports; legal assistance regarding civil issues (divorce, retrieval of property, civil liability); legal consultation and representation for victims acting as witnesses in criminal case; maintaining emergency and informational telephone hotlines; ensuring the security of the victim by maintaining regular contact; accompanying victims for emotional support as well as assisting them in accessing needed services and ensuring their rights are respected; providing safe transportation.</p>	<p>Longer term reintegration support by the Government should be ensured to the victims</p> <p>Longer term support for victims is necessary for their effective reintegration such as medical/psychological examination and treatment/counseling to victims of trafficking in their place of residence; family mediation/counseling; monitoring of the reintegration process in the victim's place of residence; monitoring accommodation and care arrangements for child victims of trafficking; assistance with school reinsertion; development of vocational programmes; vocational counseling and training for victims; job placement and employment counseling; grants for resettlement and for vocational training for victims; assistance for the retrieval of lost documents, such as IDs and passports; legal assistance regarding civil issues (divorce, retrieval of property, civil liability); legal consultation and representation for victims acting as witnesses in criminal case; maintaining emergency and informational telephone hotlines; ensuring the security of the victim by maintaining regular contact; accompanying victims for emotional support as well as assisting them in accessing needed services and ensuring their rights are respected; providing safe transportation.</p>

The table of indicators was prepared within the project “THB: from exit to insertion, barriers and leverage” (HOME/2013/ISEC/AG/THB/4000005340), implemented in France and Bulgaria by Amicale du Nid and Gender Alternatives.Foundation.

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