

## Supporting vulnerable groups before the State, the role of civil society organisations «Recommendations»

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

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

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

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

The conditions of imprisonment and the substantial dependency of **prisoners** on prison authorities makes this group particularly vulnerable. At the same time, the law does not envisage mechanisms for direct intermediation by NGOs, while the required power of attorney for the purpose of representation

before the authorities makes the process of filing applications and complaints excessively cumbersome even in cases where this may be done in writing. The poorly regulated access of NGOs to prisoners deprives them of services which could facilitate communication with public institutions both inside and outside the execution of penal sanctions system, and reduce the workload of prison personnel.

## **General recommendations**

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

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

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

Regarding non-governmental organisations' involvement in legislation and policy formulation, **NGO participation in legislative working groups** should be better regulated in law in order to reduce the discretion of the administration. Civil society could be particularly instrumental in the harmonisation of the national legal framework with relevant international treaties and in the more adequate transposition of EU law.

## **Recommendations regarding persons deprived of their liberty**

- Ensuring NGOs' direct access to persons deprived of their liberty: drafting a statutory access mechanism, in addition to the ad hoc permissions, for monitoring of places of detention and for long-term work in prisons. This mechanism should be elaborated together with non-governmental organisations and should take into account the prisoners' opinions. It should contain clear criteria for providing access to prisons for all parties involved. Permissions granting access to prisons should not be issued ad hoc and should not depend on the will of DG "Execution of Penal Sanctions" for co-operation or the discretion of the competent authority. This would allow NGOs to share the burden of social workers in

dealing with prisoners' personal issues and to respond to the variety of personal situations of prisoners, which are currently addressed at random. NGOs can be precisely of help to particularly vulnerable groups of prisoners such as drug addicts, foreign-national inmates, elderly persons, etc<sup>1</sup>.

- Promoting legal regulation of NGOs' work in prisons before the decision-making institutions in charge of imprisonment: prison authority accountability mechanism and possibilities for setting up an advisory body involving civil society.

- Providing for a statutory procedure for involving representatives of non-governmental organisations in the Execution of Penal Sanctions Commissions operating in prisons and in the Monitoring Commissions.

- Providing social orientation courses for prisoners in active coordination with prison authorities and non-governmental organisations. These courses may teach prisoners how to write applications and complaints, which institution to address and other social skills. Foreign nationals may also be provided with Bulgarian language courses. Modules may be taught by prisoners with longer or life sentences in order to offer the latter career development and add meaning to their stay in prison, and to reduce the workload of the prison staff.

## **Recommendations regarding victims of trafficking**

- Continue elaborating targeted awareness and prevention campaigns together with NGOs in communities or regions posing high risk of trafficking.

- Elaborate new mechanisms with NGOs to support the reintegration of victims of trafficking in several directions:

- Community-based services for reintegration, in particular reintegration of child victims, by providing comprehensive support to victims and families;

- Mechanisms for improving the access of victims of trafficking to services supporting their lasting reintegration: finding and securing accommodation, access to health care, access to education for children and adults, finding a job;

- Mechanisms for monitoring and assessing the social services provided to victims of trafficking.

- Enhance the role of NGOs in training and raising the sensitivity of the police and the judiciary to the traumatic experiences of victims of trafficking, in particular by introducing further tailored interrogation techniques, especially child-friendly ones.

- Increase the public visibility of the National Council for Assistance and Compensation of Crime Victims and wider use of the statutory possibilities for civil society organisations' involvement in the formulation of policies for assistance and financial compensation of victims of trafficking.

- Strengthen the capacity for identification of male child victims of trafficking and developing services

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

and mechanisms to support them in cooperation with NGOs.

## **Recommendations regarding survivors of domestic violence**

- Involve members of the judiciary in the further elaboration of a Coordination Mechanism and related instruments for domestic violence survivors. Involving magistrates would strengthen the procedures for seeking and obtaining protection under the Protection against Domestic Violence Act and involving the criminal liability of the perpetrators.

- Expand the scope of awareness-raising trainings for different categories of professionals and institutions in cooperation with NGOs and using public funding. Social workers and physicians need to be trained about the specificities of domestic violence and the most effective ways for assisting domestic violence survivors. Established health mediators could be particularly instrumental in cases concerning minority communities. In line with European best practice, domestic violence awareness raising could also be streamlined into abuse prevention programmes at school.

- Focus on the specificities of child survivors of domestic violence in trainings of magistrates, in line with the overall reform of the Bulgarian judiciary as regards this particular vulnerable group.

- Raise magistrates' awareness of the statutory and practical role of NGOs as social service providers and of their respective role in judicial proceedings.

- Encourage and develop joint initiatives between public institutions and NGOs on local level and in regions where civil society is less active in supporting survivors of violence. Such initiatives can help resolve specific practical problems and often appear long before legal regulation on national level.

- More direct link between the public project funding of NGOs working in the field and the use of their experience and project results in elaborating laws and policies aimed at combating domestic violence.

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

- Set up a Coordination Mechanism that will guarantee and support NGOs' assistance to persons seeking international protection and other vulnerable groups of foreigners in areas such as legal protection, integration, access to services, information and orientation.

- Enhance the role of NGOs in the training and awareness raising of the competent authorities in relation to refugees and persons seeking international protection in Bulgaria.

- Enhance the role of NGOs in order to facilitate the access to health care of persons seeking and beneficiaries of international protection by conducting information campaigns about their right to

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access and treatment; inform physicians of the rights and needs of persons seeking protection; provide information in a language understandable for patients.

- Involve NGOs in addressing problems regarding access to education for child refugees, children seeking international protection and without a legal status, as well as in preparing teachers to meet the educational needs of children who are not proficient in Bulgarian.

- Reinstate NGO programmes for assisting beneficiaries of international protection in finding accommodation.

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