

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Bulgaria - 2021

***THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY
LABOUR Protocol of 2014 P029 to the Forced Labour Convention***

REPORTING

Fulfillment of Government's reporting obligations

p29 Fulfillment of Government's reporting obligations

Yes

Involvement of Employers' and Workers' organizations in the reporting process

91. When preparing its report, did the Government consult? [10.1]

a) The most representative employers organizations?, b) The most representative workers organizations?, c) The competent authorities?

92. To which employers organizations was the report sent? [12] Please provide the list

Bulgarian Chamber of Commerce and Industry Bulgarian Industrial Association; Bulgarian Industrial Capital Association Confederation of Employers and Industrialists in Bulgaria Union for Private Economic Enterprise

93. To which workers organizations was the report sent? [13] Please provide the list

Confederation of Independent Trade Unions in Bulgaria (CITUB); Confederation of Labour "Podkrepa";

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

<p>83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]</p>	<p>Yes</p>
<p>84. Please provide details and provide any relevant URL(s) [6.2]</p>	<p>There are no changes in the consultation procedure reported during the previous years.</p>
<p>95. Did employers organizations comment on the report? [11a]</p>	<p>No</p>
<p>96. Did workers organizations comment on the report? [11b]</p>	<p>No</p>
<p>97. Please provide URL(s) to the responses and comments of the employers and workers organizations to the above questions, if you have received them</p>	<p>We have not received any comments from the social partners yet. In case we receive any comments we will translate them in English and send them electronically to the ILO in due course.</p>
<p>Workers' organizations</p>	
<p>83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]</p>	<p>Yes</p>
<p>84. Please provide details and provide any relevant URL(s) [6.2]</p>	<p>There are no changes in the consultation procedure reported during the previous years.</p>
<p>95. Did employers organizations comment on the report? [11a]</p>	<p>No</p>
<p>96. Did workers organizations comment on the report? [11b]</p>	<p>No</p>
<p>97. Please provide URL(s) to the responses and comments of the employers and workers organizations to</p>	<p>We have not received any comments from the social partners yet. In case we receive any comments we will translate</p>

<p>the above questions, if you have received them</p>	<p>them in English and send them electronically to the ILO in due course.</p>
<p>EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL</p>	
<p>Ratification</p>	
<p>Ratification status</p>	
<p>p29 Ratification status</p>	<p>C029 and C105: ratified P029: not yet ratified</p>
<p>Ratification intention</p>	
<p>61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?</p>	<p>Likely</p>
<p>62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?</p>	<p>1. Currently, priority is given to other ILO instruments. A working group has been established with regard to the Collective Bargaining Convention, 1981 (No. 154) with a task to prepare an analysis that includes specific measures to be taken for the implementation of the requirements arising from the provisions of the ILO Convention No 154, as well as a review of the existing national legislation in the areas covered by the Convention with the aim of identifying possible amendments and/or additions. 2. The Bulgarian legislation complies with the requirements in the Protocol with regard to the elimination and prevention of forced labour, including forced labour as a result of trafficking in human beings. There are provisions in the Protocol that fall outside the scope of the Ministry of Labour and Social Policy and concern fields of competence of other Ministries. Therefore, reaching an agreement on</p>

ratifying the Protocol turns to be a long-term process that involves consent of different stakeholders that have set different priorities. 3. There is a need of an in-depth analysis of the national legislation in particular with regard to the compensation of victims of forced labour and access to remedies. Currently the possibility of compensating all victims of forced labour, regardless of its source is not regulated in the Bulgarian legislation. Interpretations and analyzes of ILO with regard to the provisions concerned of Protocol could be helpful in this regard.

Existence of a policy and or plan of action for the suppression of forced or compulsory labour

63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]

Yes

65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]

There are no changes since the last reporting - the labour legislation is developed and approved with the active participation of the social partners (Article 2 of the Labour code).

68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]

Yes

69. Please describe these measures. [1.5]

The crime of trafficking in human beings is one of the necessary forms of international crime. Therefore, a strategic and complex approach is applied to counteract this form of criminal activity, with efforts being made by all competent institutions, the non-governmental sector and society as a whole. The role of the

National Commission for Combating Trafficking in Human Beings is extremely important, as well as of the non-governmental organizations specializing in providing support to victims of trafficking. There is good coordination and interaction between all bodies and institutions involved in the process, which is not limited to the consequences of human trafficking, when it has already taken place, but is also aimed at the preventive activity of trafficking. A National Strategy for Combating Trafficking in Human Beings was approved at a meeting of the NCCTHB (2017 - 2021). The National Strategy for Combating Trafficking in Human Beings is a key policy document that formulates the priorities and objectives related to the effective and long-term response - both to the crime itself and to its consequences. The Strategy addresses also the issue of trafficking in persons for the purposes of forced and compulsory labour. The objectives and priorities set in the National Strategy for Combating Trafficking in Human Beings 2017-2021 are in line with those set out in the EU Strategy for the Elimination of Trafficking in Human Beings 2012-2016, as well as with the objectives and priorities set out in the overall European legislation, adjusting and regulating the purposeful work on the problem. In the long run, the National Strategy aims to create a comprehensive policy in the field of human trafficking, which will regulate the type and system of measures through which to achieve operational, effective and efficient interaction and coordination at horizontal and vertical level between all departments, institutions. and organizations, including the civil sector, engaged in work on the issue. The strategy sets the following national priorities: active prevention in society with a focus on vulnerable groups;

	<p>increased identification, protection, assistance and support for victims of trafficking in human beings, regardless of their ethnic, national, religious or gender background; effective prosecution and punishment of the crime of trafficking in human beings; enhanced inter-ministerial and international coordination and cooperation; immediate, competent and responsive to the real needs of the child, response to victims of child trafficking. At the operational level, this strategic document is implemented through the annual national programs for prevention and counteraction to human trafficking and protection of victims, as participation in the activities is offered by all institutions represented in the National Commission, the commission administration, the Local Commissions for Combating Trafficking in Human Beings in the Country (LCCTHB) to the municipalities and the non-governmental and international organizations, part of the Permanent Working Group (PWG). Detailed information is provided also under the previous reporting.</p>
<p>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</p>	<p>Yes</p>
<p>71. Please describe these data. [1.6.1]</p>	<p>The Executive Agency General Labour Inspectorate collects information on cases of labour exploitation. The National Commission for Combating Trafficking in Human Beings collects information about the victims of forced labour resulting from trafficking in human beings. Data on criminal proceedings and imposed penalties for trafficking in human beings including for the purposes of forced labour is maintained also by the Prosecutor's Office of the Republic of Bulgaria. Detailed reference for the</p>

criminal proceedings for trafficking in human beings for crimes under Art. 159a-159d of the Penal Code (by objectives), including data for the first quarter of 2021, is attached to this report. In an appendix and a detailed reference for the number of examined and completed proceedings for crimes under Art. 159a-159g of the Penal Code (trafficking in human beings), defendants and convicted persons, as well as the type of penal sanctions imposed for 2019 and 2020. Attached find also data on victims of trafficking, including by type and sex.

Measures taken or envisaged for systematic and coordinated action

64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]

A detailed information on legislation and measures has been provided in the previous reports under the questionnaire. Herewith, we provide information on changes in the relevant legislation introduced during the reporting period: In 2019, amendments were adopted to the Combating Trafficking in Human Beings Act (CTHBA) and the Rules on the organization and activity of the National Commission for Combating Trafficking in Human Beings (NCCTHB). The ANCCCTHB has been actively working to achieve this result in the last few years, and the activity has been included in several of the annual National Programs. In October 2019, the National Assembly finally adopted amendments to the CTHBA at second reading. The amendments prepared by the ANCCCTHB were submitted by the Council of Ministers. The proposed amendments to the Law are dictated by the need to comply with the international legal instruments to which Bulgaria is a party, as well as by the need to eliminate contradictions in provisions that the practice has proven to be inapplicable. The changes in the CTHBA aim to improve the means and

mechanisms of the NCCTHB for management and control of the CTHBA structures, as well as to upgrade the organization and coordination between the separate departments and organizations related to functions under the law. The changes introduced include:

- A clear definition of a period for unconditional support for victims of trafficking in human beings is introduced, with clear regulation of its functions and duration (the so-called "recovery and reflection period"), in line with the recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Council of Europe Convention on Action against Trafficking in Human Beings.
- The role of the NCCTHB as a national coordinator for the implementation of the National Referral Mechanism for Victims of Human Trafficking (NRM) and as a national reporting body is confirmed;
- The possibility to open specialized shelters for subsequent reintegration of victims of human trafficking at the initiative of the NCCTHB is being supplemented;
- Inapplicable texts have been removed (such as the participation of a SANS representative in the NCCTHB).

At the end of 2019, the work on the preparation of a draft amendment to the second regulations of the CTHBA - Regulations for temporary shelters and centers for protection and assistance to the victims of trafficking in human beings, adopted by Council of Ministers №49/2004. The regulatory amendment of the Regulations is necessary in view of the lack of legal regulation for the shelter service for subsequent reintegration of victims of human trafficking, along with the procedure for detection, organization of work and conditions for admission. The current Rules of Procedure do not

correspond to the amendments to the Act of October, 2019.

Measures taken or envisaged to prevent forms of forced labour

74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]

Yes

75. If so, please indicate the type of measures, [2.2]

a) Information, education and awareness raising targeting especially people in vulnerable situation and employers,b) Strengthening and broadening of the coverage of legislation, particularly labour law,c) Regulation and supervision of the labour recruitment and placement process,d) Supporting due diligence by the public and private sectors,e) Addressing the root causes that perpetuate forced labour,f) Promotion of safe and regular migration,g) Education/vocational training,h) Capacity building for the competent authorities,i) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations,j) Basic social security guarantees,k) Other

Measures taken or envisaged to protect victims of forced labour

76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]

Yes

77. If so, please indicate the type of measures [3.2]

a) Training of relevant actors for identification of forced labour practices, b) Legal protection of victims, c) Material assistance for victims, d) Medical and psychological assistance for victims, e) Measures for the rehabilitation and social

	<p>and professional reintegration of victims, f) Protection of privacy and identity, g) Appropriate accommodation, h) Specific measures for children, i) Specific measures for migrants</p>
Measures taken or envisaged to facilitate access to remedies	
<p>78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]</p>	<p>Yes</p>
<p>79. If so, please indicate the type of measures, [4.2]</p>	<p>a) Information and counselling for victims regarding their rights, b) Free legal assistance, e) Access to remedies and compensation, f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges, g) Provision for authorities not to prosecute victims for acts which they have been compelled to commit, h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons</p>
<p>80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]</p>	<p>Yes</p>
Cooperation with other Member States, international / regional organizations or NGOs	
<p>81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]</p>	<p>Yes</p>

Special initiatives or Progress

85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and protected, penalties imposed on perpetrators). [7]

Information has been provided under point 64.

CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the social partners

Employers' organizations

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

a) Lack of awareness, b) Lack of information and data, c) Social values, cultural traditions, d) Social and economic circumstances, h) Challenges linked to the labour recruitment and placement process, i) Challenges linked to migration policies

Workers' organizations

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

a) Lack of awareness, b) Lack of information and data, c) Social values, cultural traditions, d) Social and economic circumstances, h) Challenges linked to the labour recruitment and placement process, i) Challenges linked to migration policies

According to the Government

86. What are the main obstacles encountered by your country with regard to realizing the principle of

a) Lack of awareness, b) Lack of information and data, c) Social values, cultural traditions, d) Social and economic

<p>effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]</p>	<p>circumstances, h) Challenges linked to the labour recruitment and placement process, i) Challenges linked to migration policies</p>
<p>TECHNICAL COOPERATION NEEDS</p>	
<p>Request</p>	
<p>87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]</p>	<p>Yes</p>
<p>88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]</p>	<p>c) Collection and analysis of data and information => Most Important</p> <p>d) Guidance on the development of the national policy and plan of action => Most Important</p> <p>g) Inter-institutional coordination => Most Important</p> <p>j) Vocational training, job-creation and income-generation programmes for at-risk populations => Most Important</p> <p>o) Exchange of experiences between countries or regions; international cooperation => Most Important</p>