



**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**

**Recommendation CP(2016)2
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Bulgaria**

*adopted at the 18th meeting of the Committee of the Parties
on 23 May 2016*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as “the Convention”), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Bulgaria on 17 April 2007;

Recalling Committee of the Parties’ Recommendation CP(2012)2 of 30 January 2012 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria and the report of the Bulgarian authorities on measures taken to comply with this recommendation, submitted on 27 January 2014;

Having examined the second report concerning the implementation of the Convention by Bulgaria, adopted by GRETA at its 24th meeting (16-20 November 2015), as well as the comments of the Bulgarian Government received on 11 January 2016;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal framework for combating trafficking in human beings, by expanding the definition of trafficking in human beings, and adopting a provision concerning the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so;
 - the increase of the number of local commissions for combating trafficking in human beings and the setting up of a specialised court for organised crime;
 - the efforts made to provide training on human trafficking to relevant professionals, to expand the categories of staff targeted, and to promote a multi-stakeholder approach;
 - the adoption of policy documents and action plans in the area of gender equality, for the prevention of violence against children and for Roma integration, which have the potential of preventing human trafficking by tackling the root causes of this phenomenon;

- the steps taken to prevent trafficking for the purpose of labour exploitation by raising awareness, appointing “labour attachés” in countries where many Bulgarian nationals seek employment and strengthening the capacity of labour inspectors to detect forced labour;
- the development of methodological guidance by the State Agency for Child Protection and the carrying out of inspections in crisis centres where child victims of trafficking may be placed;
- the efforts made in the area of international co-operation, both when it comes to co-operation in the investigation of trafficking cases and participation in projects aimed at improving the prevention of human trafficking, strengthening the protection of victims, and developing data collection;

2. Recommends that the Bulgarian authorities take measures to address the following issues for immediate action identified in GRETA’s report:

- improve the timely identification of victims of trafficking in human beings, in particular by:
 - ensuring that the National Referral Mechanism (NRM) is effectively implemented in practice, including by backing it up with adequate funding and by periodically training all relevant professionals on the NRM; the envisaged evaluation of the functioning of the NRM should be carried out as a matter of priority, with a view to ensuring that whenever there are reasonable grounds to believe that a person is a victim of trafficking in human beings, he/she is provided with all the assistance and protection measures provided for in the Convention, regardless of whether an investigation into trafficking is opened;
 - increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation, by further reinforcing the capacity of labour inspectors and providing the Labour Inspectorate with the resources required as well as training to effectively prevent and combat trafficking in human beings;
 - paying increased attention to detecting victims of trafficking among foreign workers, asylum seekers and persons placed in immigration detention centres; training on the identification of victims of trafficking and their rights should be provided to staff of the State Agency for Refugees and the Migration Directorate;
- ensure that all presumed and identified victims of trafficking receive adequate assistance and support, according to their needs, including by:
 - re-opening the two State shelters as a matter of priority;
 - providing a sufficient number of places around the country for all victims of trafficking who need safe accommodation;
 - providing assistance adapted to the specific needs of male victims of trafficking, including safe accommodation;
 - ensuring adequate funding and staff to work with victims of trafficking in human beings and to facilitate their reintegration into society by providing them with vocational training and access to the labour market;
 - guaranteeing access to health care to all victims of trafficking;
- improve the identification of and assistance to child victims of trafficking, in particular by:
 - ensuring that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking by paying particular attention to children in care institutions, Roma children and unaccompanied foreign minors;
 - providing further training to stakeholders (police, service providers, NGOs, child protection authorities, social workers) and guidance for the identification of child victims of THB for the purpose of exploitation of begging and exploitation of criminal activities and the identification of boys victims of sexual exploitation;

- providing adequate support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training;
 - ensuring long-term monitoring of the reintegration of child victims of trafficking;
 - ensuring that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child;
 - reviewing the application of the guardianship system for child victims of trafficking and paying increased attention to children who are trafficked by their parents or other family members;
 - urgently initiating consultations with relevant destination countries and EU institutions with a view of adopting effective cross-border mechanisms of identifying children at risk to be re-trafficked as well as of effective reporting on such cases to the consular or diplomatic missions of Bulgaria or the State Agency for Child Protection and the provision of adequate assistance and protection in accordance with the Convention;
 - taking steps to address the problem of unaccompanied minors disappearing by providing suitable safe accommodation and adequately trained supervisors or foster parents;
- review the legislation in order to ensure that the recovery and reflection period is specifically defined in law as provided for in Article 13 of the Convention and that all possible victims of trafficking are offered a recovery and reflection period and all the measures of assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period; spell out the procedure for granting a recovery and reflection period and issue the authorities performing identification with clear instructions stressing the need to offer the recovery and reflection period as defined in the Convention, i.e. not making it conditional on the victim's co-operation and offering it to victims before formal statements are made to investigators;
 - adopt measures to facilitate and guarantee access to compensation to victims of trafficking, including by:
 - ensuring that all victims of human trafficking, regardless of nationality and residential status, are eligible for State compensation;
 - enabling victims of trafficking to exercise their right to compensation by building the capacity of legal practitioners to support victims to claim compensation;
 - including victim compensation into training programmes for law enforcement officials, prosecutors and judges;
 - making full use of the existing legislation on the freezing and forfeiture of assets to secure compensation to victims of trafficking.
 - make full use of the available measures to protect victims and witnesses of trafficking in human beings and prevent intimidation during the investigation and during and after the court proceedings.

3. Requests the Government of Bulgaria to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **23 May 2017**.

4. Recommends that the Government of Bulgaria takes measures to implement the further conclusions of GRETA's second evaluation report.

5. Invites the Government of Bulgaria to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.