

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



CP(2017)15

Report submitted by the Bulgarian authorities  
on measures taken to comply with  
Committee of the Parties Recommendation  
CP(2016)2 on the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings

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REPUBLIC OF BULGARIA  
**COUNCIL OF MINISTERS**

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NATIONAL COMMISSION FOR COMBATING TRAFFICKING IN HUMAN  
BEINGS

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*Subject: Report on measures taken to address 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*

In response to Recommendation CP(2016)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Bulgaria, as adopted at the 18th meeting of the Committee of the Parties on 23 May 2016, the National Commission for Combating Trafficking in Human Beings under the Council of Ministers of the Republic of Bulgaria would like to inform the Committee of the Parties on the following:

1. In its role of a National Rapporteur or equivalent mechanism, as well as of a coordinator of the National mechanism for referral and support of victims of human trafficking and enhancing the national policy on combating human trafficking and protection of victims, the Secretariat of the NCCTHB is the focal point for the provision of a coordinated reply on the part of Bulgarian institutions, concerning the remarks in Recommendation CP(2016)2;
2. The Secretariat of the NCCTHB prepared a draft report on measure taken to address the Recommendation and sent official request to all institution-members of the National Commission for input, feedback and comments on the document;
3. By 16 May 2017, a total of 11 official letters have been received from the following institutions: the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Labour and Social Policy, the Ministry of Education and Science, the State Agency for Child Protection, the Supreme Prosecution Office of Cassation, the Supreme Court of Cassation, the Commission for Withdrawal of Criminal Assets, the National Council on Cooperation on Ethnic and Integration Issues and the State Agency on National Security.
4. Five of those institutions submitted letters with comments on different points made in Recommendation CP(2016)2: the Ministry of Labour and Social Policy, the Ministry of Justice, the Supreme Prosecution Office of Cassation, the Commission for Withdrawal of Criminal Assets and the State Agency for Child Protection.
5. The Secretariat of the NCCTHB prepared a comprehensive and integrated response to the recommendations of the Committee of the Parties, incorporating also the responses of the respective institutions. It is available hereunder and is submitted within the requested deadline of 23 May 2017.

## Report

to address

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

*1. Improve the timely identification of victims of trafficking in human beings, in particular by:*

*A) 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.*

In July 2016, the Council of Ministers approved the National Referral Mechanism (NRM) as the official and mandatory document regulating the coordination and the various stages of work in approaching the cases of victims of trafficking (VoT), in congruence with the Combating Trafficking of Human Beings Act (CTHBA), as well as the interaction of institutions engaged in the process of identification, referral, provision of assistance and support and long-term integration of the victims of this crime. The NRM, additionally, lays emphasis on the specific needs and necessities of VoT, making mention of the multitude of rights and social, psychological, legal and consulting services which victims are entitled to, as well as their providers. The NRM is a framework under which the institutions represented in the National Commission for Combating Trafficking in Human Beings (NCCTHB) fulfil their obligations stipulated in the CTHBA.

In order to widen the knowledge about the NRM and improve its implementation in practice, the NCCTHB conducts annually trainings for stakeholders, both at expert and managerial level. Thematic trainings are included in the Commission's National Strategy for Combating Trafficking in Human Beings for 2017-21, as well as the National Programme for Combating Trafficking in Human Beings for 2017, in the Trainings and Qualification section. Similarly and in compliance with the general framework, NRM trainings are also part of the annual Programmes of the Local Commissions for Combating Trafficking in Human Beings (LCCTHBs).

More specifically, in July 2016 the NCCTHB Secretariat held a general seminar/training for LCCTHBs on the matter; the LCCTHBs will hold similar events for local stakeholders. The LCCTHB in Varna already organised a large training for representatives of the police and the prosecutor's office in the autumn of 2016. In addition, the NCCTHB makes use of every public forum or training on trafficking in human beings (THB) to highlight the importance of the NRM as an officially endorsed and mandatory document related to the responsibilities and obligations of all institutions and non-governmental organisations (NGOs) involved in countering the crime.

Regarding the financing of activities described in the NRM and the National Programme for Combating THB and Supporting VoT, every institutional member of the NCCTHB has an allocated budget. The NCCTHB Secretariat is a redistributor of funds of the Council of Ministers, which it uses to support its general activities (including coordination of the NRM implementation). In parallel, it relies on additional funding from external projects and programmes it implements.

Regarding the evaluation and assessment of the application and implementation of the NRM, it is currently carried out by the Vienna-based International Centre for Migration Policy Development (ICMPD) in its capacity as an independent and impartial external organisation. The NCCTHB actively assist the process of evaluation and looks forward to its conclusions and recommendations.

*B) 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.*

In 2016, the General Labour Inspectorate Executive Agency implemented a total of 585 inspections of firms engaged in mediation between Bulgarian nationals and employers abroad, as well as of firms seconding employees abroad and Bulgarian firms hiring foreign nationals. Some of the inspections followed up on signals from citizens, while others were initiated by the National Revenue Agency. In addition, in 2016 the Labour Inspectorate participated actively in public debates defining the phenomenon of THB for labour exploitation and initiated information and awareness-raising campaigns targeting groups at risk and the society as a whole, contributing to the overall understanding and readiness to combat the crime.

Over the past year, the Labour Inspectorate took active part in the work of the Permanent Expert Group (consisting of representatives of the institutions and NGOs) under the NCCTHB. A series of meetings, roundtables, seminars and working groups were organised on national and international level, including with the participation of trade unions, on issues related to the free movement of workers, the cases of trans-border employment and provision of services, the application of social security regulations, etc. Resulting from these activities and in view of strengthening counteraction against undeclared work in trans-border employment services, the Inspectorate invited its counterparts from France, Belgium, Spain and Norway to sign bilateral agreements. More specifically, in fulfilment of the ongoing National Programme the Labour Inspectorate held a two-day training with inspectors to build on existing expertise and qualifications, especially with regard to the topical amendments in the EU normative framework and its implementation in Bulgarian law, responding to the labour movement tendencies in Europe.

As regards the activities of the NCCTHB, in 2016 the Commission registered 43 signals for potential VoT for labour exploitation and 16 signals for the first three months of 2017. It conducted a national campaign for raising public sensitivity about the risk of trafficking for labour exploitation under the slogan, "Better informed than exploited." The campaign comprised a roundtable in June 2016, press campaign with paid publications and ads, brochures, stickers and posters, internet banners, advertising materials in the stations and trains of the Sofia metro, distribution of information materials in police precincts, offices of the National Employment Agency, NGOs, a 20-second video shown on television and in the Sofia metro, as well as materials sent for dissemination to the LCCTHBs.

A separate campaign was devoted to the risks of being involved in a labour exploitation situation in the Czech Republic, which has been one of the key destinations of THB for labour exploitation for Bulgarian nationals. Also, as part of a joint project with the Embassy of the Kingdom of the Netherlands in Sofia, a working meeting was held with the secretaries of the LCCTHBs and representatives of Roma organisations working in vulnerable communities and helping the activities of Roma mediators. It was agreed that general prevention and information campaigns be held on local level so that minority groups are kept informed about potential risks linked to labour exploitation.

*C) 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*

The NCCTHB regards prevention and countering trafficking among third-country nationals as especially important and challenging, noting their vulnerability in relation to this crime. Measures for improving the identification of VoT among third-country nationals are a component of both the National Strategy for Combating THB for 2017-21 and the annual plans for the implementation of the Strategy.

In June 2016, the NCCTHB organised an international forum in Sofia aimed at reaching an inter-institutional consensus and vision for combating THB in the context of mixed migration flows. The event was attended, among others, by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Ambassador Madina Jarbussynova. The forum was a platform for exchange of experience in improving the identification and assistance of VoT who are third-country nationals. The key recommendations and good practices were the basis of practical trainings held at the end of 2016 for representatives of Bulgaria's State Agency for Refugees, the Bulgarian Red Cross and social workers.

The rights of VoT who are third-country nationals are the topic of discussion at the majority of expert debates organised by the NCCTHB. The 2017 Programme for Combating THB and Protection of Victims includes also activities for prevention of THB among third-country nationals.

At end-2016 and the beginning of 2017, a short awareness-raising film was produced warning of the risks of illegal migration and human trafficking. The film was shown in the Special Centres for Temporary Accommodation of Foreigners under the Ministry of the Interior, and based on it a comprehensive information campaign will be developed for the purpose of prevention of THB among third-country nationals.

The NCCTHB Secretariat has received a total of two signals for potential VoT nationals of third countries.

*2. Ensure that all presumed and identified victims of trafficking receive adequate assistance and support, according to their needs, including by:*

*A) re-opening the two State shelters as a matter of priority*

In early 2016 the NCCBTH re-opened the two specialised state shelters for VoT. In addition, in the same year a first of its kind social service in Bulgaria was launched – a shelter for long-term integration of victims of trafficking – as regulated by the CTHBA and different from the social services regulated by the Social Assistance Act and its Rules of Application.

*B) providing a sufficient number of places around the country for all victims of trafficking who need safe accommodation*

In early 2016, the NCCTHB launched five specialised services for VoT: three residential services (shelters) in Varna and Burgas and two consultation services in the same two cities. After the addition of these services, which take into account the concrete needs of the victim and the specificity of every case, the State is financing the largest number of specialised services exclusively for victims of trafficking since the entry into force in 2003 of the CTHBA (regulating the State's obligation to provide services to VoT). In addition, by mid-2017 the NCCTHB plans to open two new services for children and adult VoT in Sofia as part of a project under the Bulgarian-Swiss Cooperation Programme.

Separately, there are 22 crisis centres on the territory of Bulgaria which are by definition social services for children and adults who are victims of violence, including VoT. They were opened and function as State-delegated operations and are financed entirely by the State budget. The financing is regulated by the State Budget Act for the respective year, the Decree for its implementation and the Public Finances Act. The funds for social services from the State-delegated operations are allocated from the State budget and the local authorities' budgets under rules defined by a Decision of the Council of Ministers. A portion of these 22 centres are managed by NGOs contracted by local authorities, awarded via tenders or direct negotiations, when a single candidate applied.

The capacities for accommodation of VoT in Bulgaria at the present moment are adequate and corresponding to the existing needs and the received signals for assistance.

Also, progress has been registered in the cooperation and coordination process with NGOs and international organisations which supply services to VoT in 2015 and the first half of 2016. In a series of working meetings, various channels of communication and information exchange have been agreed in order to better and more effectively manage the different cases and react timely to the received signals and submitted cases.

*C) providing assistance adapted to the specific needs of male victims of trafficking, including safe accommodation*

A study carried out by the NCCTHB in early 2016 has demonstrated that formally and informally identified male VoT prefer, and benefit from, social services of consultative rather than residential character. Male victims of human trafficking are a separate group with specific needs and much different characteristics from those of the groups of women and children, especially when the person has been homeless or continuously unemployed. There also exist specificities regarding cases of trafficking for forced labour and exploitation and the cases of organised begging and exploitation of individuals for begging. As was mentioned above, in most of the cases of THB for labour exploitation, the victims, and especially male victims, do not desire accommodation – in some cases they seek social or legal aid and support. The demand for residential social services rather comes from victims of trafficking for begging. In July 2017 the NCCTHB will open a new shelter for VoT in Sofia which will be equipped to accommodate male VoT. It is important to note that in Paragraph 1, Point 25 from the Additional Provisions of the Rules for Application of the Social Assistance Act, the social service “crisis centre” is defined as one from which can benefit all individuals regardless of gender, social status, ethnic background, etc. At the same time, the NCCTHB Secretariat, the specialised services under the Ministry of Labour and Social Policy (MLSP) and the Social Assistance Agency (SAA), as well as contracted service providers (mainly NGOs) offer consultation services, legal and psychological support to male victims of the crime. The International Organisation of Migration (IOM) offers possibilities of shelter and protection in hospices and/or temporary stay at rented external premises, as well as monitoring and general coordination of the cases.

In 2016, the IOM in collaboration with the NCCTHB has provided assistance and support (humanitarian, healthcare, social, consultation and legal) to 44 male VoT. In eight of the cases, the victims were referred to a specialised health institution and/or to an externally rented premise or a hotel. The expenses were covered by the IOM, and the cases were coordinated with the NCCTHB.

*D) 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*

At present, there is one functioning shelter for long-term reintegration of VoT with a capacity of four and two accommodated victims (as of March 2017). Institutional efforts are directed towards granting a certain time period of partial autonomy to the VoT, so that they could start planning on their own an independent life, budget and gradual and complete return to society, without at the same time entirely discontinuing the institutional care for them.

Additionally, as part of the social programme for working with victims of THB under the other social services provided the NCCTHB, it is envisaged that VoT are involved in various professional trainings and courses, allowing them to obtain certificates for capability in a given sphere. For the period from end-2015 to end-2016, in the Varna shelter five out of six accommodated female victims passed such trainings and subsequently successfully joined the labour market.

*E) guaranteeing access to health care to all victims of trafficking*

First aid and urgent medical assistance is free and guaranteed in Bulgaria by law. The healthcare expenses for VoT are often covered by the budget of the social service where they are accommodated. Funds for such expenses and for restoring health insurance rights are also allotted in the budget of the NCCTHB.

*3. Improve the identification of and assistance to child victims of trafficking, in particular by:*

*A) 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*

The State Agency for Child Protection (SACP) is the leading institution and State body responsible for cases of children victims of trafficking. In 2016, SACP was approached 28 times regarding cases of children VoT for labour or sexual exploitation, and its experts coordinated the repatriation of 16 children. Two of the cases are of children coming from Afghanistan. As regards unaccompanied foreign minors, a coordination mechanism among the institutions was not signed in 2016 due to incompatibilities with acting legislation. SACP plans to devise and introduce in 2017 a Coordination Mechanism for Referral and Care for Children Seeking or Granted Asylum, including unaccompanied or separated minors.

An inter-institutional working group has been set up and is functioning by the SACP Chairman whose task is to develop an Algorithm for work on cases of foreign minors on the territory of Bulgaria; the Algorithm will improve the cooperation among the institutions and organisations working in this sphere.

Regarding children accommodated at institutions and specialised services, SACP has opened and is promulgating a hotline, 116 111, available for children to submit signals about violation of their rights.

The NCCTHB on its part has acknowledged that children in specialised institutions, Roma children and those from marginalised groups are particularly vulnerable to THB. The LCCTHBs organise information sessions at facilities for parentless children or at schools attended by such children; the latest such sessions took place in 2016 in Veliko Tarnovo, Ruse and Montana. The sessions include explanation of the term human trafficking, discussions and film projections, and they often take place on the occasion of international days dedicated to vulnerable groups. The NCCTHB envisages mapping of vulnerable Roma communities and targeted prevention campaigns across the country as part of its 2017 National Programme.

*B) 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*

Trainings of social workers, service providers and police officers have been part of NCCTHB's National Programmes for 2016 and 2017 as well as the programmes of the LCCTHBs. The LCCTHBs held more than 30 professional fora and trainings for specialists (with an outreach of over 1,000 people) in 2016. In the same year, LCCTHB – Varna alone coordinated the training of over 130 experts on identification and referral of VoT, including investigating police and inspectors and representatives of the Varna regional administration and smaller municipalities.

In 2016, as part of a campaign on the occasion on the EU Anti-Trafficking Day (18 October), the NCCTHB highlighted novel and unfamiliar forms of THB. The campaign aimed at capacity building of experts active in combating THB in the detection of three specific forms of trafficking: trafficking of men and boys for the purpose of exploitation, trafficking for sham marriage and trafficking for organ and body tissues. A regional discussion forum took place in Pazardzhik in November 2016 under the heading, "Novel forms and tendencies in trafficking of young men and boys for sexual exploitation," jointly organised by the LCCTHBs in Pazardzhik and Plovdiv and attended by experts from Peshtera. The forum presented the participants with the opportunity to establish new connections and exchange opinions on new tendencies in this particular form of crime. In 2016 the NCCTHB also completed the production of a short educational and awareness-raising documentary on the topic targeting experts active in this sphere.

In 2017, the NCCTHB plans to mobilise local institutions and NGOs with regard to identified groups at risk which are sources of trafficking of men and boys for sexual exploitation. Field research took place in two Roma neighbourhoods in Peshtera in the beginning of the year. The preliminary findings were presented to stakeholders and local authorities in Peshtera in May 2017.

SACP, on its part, plans a series of trainings for the relevant institutions as well as activities for prevention of exploitation of children for begging, pickpocketing and vagrancy. Some of the envisaged activities address early warning when indications of potential risk are present. The Agency's Programme features a series of lectures and information campaigns targeting the involvement of children as victims of THB.

*C) 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*

Bulgaria has a well-structured and functioning system of social services on community level. Social workers in the locality are responsible for the inquiry into the child's background, evaluation of the parental capacity and the referral of the child and the family to the social services provided in the community.

For children victims of trafficking, the above mentioned State-financed 22 crisis centres across the country are open and functioning. Accommodation is provided for up to six months, administered by the Court. Until the Court judgement, the regional directorate of the Social Assistance Agency arranges for temporary accommodation. The crisis centres for children victims of violence and traffic are a chance for them to move to a secure environment and receive basic services – provision of shelter and food, healthcare and psychological assistance, development of life and social skills, education, preparation of the child for reintegration into the family, and if it is impossible, provision of other protection measures in accordance with the Child Protection Act.

As part of efforts to improve the work with children victims of THB and exploitation, in 2016 SACP organised an inter-institutional meeting with the administrators of the crisis centres in cooperation with the SAA and hosted by the mayor of the town of Alfatar. As a result, crisis centre administrators submitted to SACP proposals for improving cooperation on cases of children VoT. SACP summarised the proposals and prepared Methodological Guidelines for those involved in the provision of the crisis centre service and in the Child Protection Departments of the SAA's regional directorates on how to work with children victims of trafficking and exploitation, aiming to improve the care for this vulnerable group.

The NCCTHB, separately, plans to launch the first specialised shelter for 10 children VoT on the territory of the capital Sofia by mid-2017, as part of a joint project with the Bulgarian-Swiss Cooperation Programme. Currently there are 17 functioning crisis centres for children who suffered some form of violence or are victims of trafficking (11 are solely for children, and six offer services both for children and adults). In the first six months of 2016, a total of 32 children have been accommodated and taken care of in these centres.

*D) ensuring long-term monitoring of the reintegration of child victims of trafficking*

According to the Coordination Mechanism for Referral, Care and Protection of Repatriated Bulgarian UAM and Children – Victims of Trafficking Returning from Abroad, after the expiry of the period of accommodation at the crisis centre the social workers at the Child Protection Department in the local community perform a risk assessment for the future accommodation of the child – return to the family or accommodation in a different residential service. The social workers' monitoring of every case continues for at least a year.

Starting in 2006, another protection measure is applicable to children under the Bulgarian Identification Documents Act, according to which under-age persons who have been involved in or exploited for begging, prostitution, sexual violence, dissemination of pornographic materials or obtaining an unlawful income are banned from leaving the country, are not issued passports or substituting documents, while those already issued are confiscated. These measures are aimed at protection of the child and his/her best interests and are applied for two years.

As part of the above-mentioned project under the Bulgarian-Swiss Cooperation Programme, the NCCTHB envisages an evaluation of the long-term care for children victims of THB. One specific long-term measure will be a training of the personnel for the planned Sofia shelter at the Drehscheibe centre for children in Austria.



*E) ensuring that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child*

As mentioned in the previous section, in congruence with the law and SACP's procedures, after the expiry of the period of accommodation at the crisis centre the social workers at the Child Protection Department in the local community perform a risk assessment for the future accommodation of the child – return to the family or accommodation in a different residential service. The social workers' monitoring of every case continues for at least a year.

*F) 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*

Bulgarian legislation does not stipulate special rules or procedures for establishing guardianship and custody for special groups of children. The conditions for starting a procedure for the appointment of a guardian or custodian of a child are exhaustively described in the provisions of the Family Code:

- The identity of the child's parents is unknown
- The parents are deceased
- The parents are under full guardianship
- The parents are deprived of their parenting rights

All these conditions are in their nature facts of legal significance and must be corroborated with official written documents (birth certificate, death certificate, court judgement). That is why, with regard to children VoT as well as all other children at risk, a court judgement withholding parenting rights should be present, and this is difficultly achieved in court.

SACP has long been appealing for amendments of the Family Code, in the procedure for establishing guardianship and custody of children, to the effect that temporary withholding of parenting rights is introduced. This provision would facilitate the use of special measures for protection of children VoT and offer a better protection for foreign minors on the territory of Bulgaria.

The Ministry of Justice has prepared a draft Amendment Act to the Family Code, which was put to public scrutiny on 29 August 2016. However, the proposed amendments vis-à-vis guardianship and custody concern solely foreign unaccompanied minors and under-age persons and refugees from military conflicts who are on the territory of Bulgaria. The Ministry of Justice does not participate in the Coordination Mechanism for Referral, Care and Protection of Repatriated Bulgarian UAM and Children – Victims of Trafficking Returning from Abroad, and therefore does not have direct observations on the practical problems in this area, including as concerns the application of existing legislation. As of this moment, the MoJ does not have information of submitted concrete cases or proposals linked to resolving problems of children trafficked by their parents or family members which would call for amendments to Chapter 9, "Relationships between Parents and Children," or Chapter 11, "Guardianship and Custody," of the Family Code, or indicate to a possible direction of these amendments. In case such proposals are submitted, they will be analysed and if a necessity is seen, corresponding legal amendments will be drafted in a timely manner.

*G) 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*

Throughout 2016, the Ministry of Foreign Affairs (MFA) has been regularly providing information to the Administration of the NCCTHB on more significant cases of consular assistance and protection given to Bulgarian nationals victims of trafficking for labour exploitation, sexual exploitation and sham marriages. The referral activities carried out by Bulgarian consular officials abroad are a direct implementation of the NRM, adopted in July 2016.

On its part, the State Agency for Child Protection deems it particularly important to develop international cooperation mechanisms on instances of children at risk, so that urgent protection measures could be undertaken, especially when the circumstances point to serious risk for the children's safety. In order for the cooperation on these cases on EU level to be improved, it is necessary to upgrade the coordination of all concerned services within the EU framework to create swift channels of communication carrying data on children, as well as increase efforts at countering children's rights violation.

The Bulgarian Child Protection Act guarantees special protection by the State to every child at risk (Article 5) and regulates the right of every child of protection against involvement in activities unfavourable to his or her physical, psychological, moral and educational development. Every child has the right of protection against being used for begging, prostitution, dissemination of pornographic materials and obtaining an unlawful material income, as well as against sexual violence.

The application of the Coordination Mechanism for Referral, Care and Protection of Repatriated Bulgarian UAM and Children – Victims of Trafficking Returning from Abroad has led to a reduction in the referred cases. This is owing to an improved coordination in applying a multidisciplinary and inter-institutional approach to children involved in activities under Article 11 of the Child Protection Act. These results come after the joint efforts of all responsible institutions (SACP, SAA, MoI and MFA) and the improvement of collaboration on local level – the Social Assistance Agency's regional directorates, MoI's police precincts, local authorities and providers of the crisis centre services, and the non-governmental sector. Work in multidisciplinary teams on national and local level on all cases of children in need is the correct approach to curtailing the scale of violence and trafficking of children. This is the approach which SACP introduced in its daily work with the institutions and NGOs in Bulgaria, thus fulfilling one of its key functions: coordination and monitoring of the cases related to violation of children's rights.

Within the EU framework, transnational legislation exists – Regulation (EC) 2201/2003 and the Hague Convention of 1996 – which introduces modes of interaction among countries on cases when protection measures for children have been undertaken in a different Member State. Currently, Regulation 2201/2003 is being revised to encourage those working in the systems of protection to use the established mechanisms of cooperation in Europe. Reduction of response time in children-related cases as well as more active use of the diplomatic and consular missions is envisaged, as well as collaboration of the police and social services of Member States in light of ensuring fast communication channels and competent services' action in the child's best interest.

*H) taking steps to address the problem of unaccompanied minors disappearing by providing suitable safe accommodation and adequately trained supervisors or foster parents*

The increased refugee flow towards the territory of the Republic of Bulgaria over the last years led to the emergence of a separate target group of children needing protection – the group of the unaccompanied foreign minors, including those seeking or granted asylum. Particularly vulnerable is the group of unaccompanied minors, deprived of the opportunity to receive protection and care from their parents or other close relatives. In this context, a priority in the efforts of state institutions is guaranteeing the rights of unaccompanied minors and under-age foreigners and the preservation of their best interest by securing conditions for their protection against physical and psychological violence, guaranteeing the right to life and personal development and preventing damages to the children's dignity and discrimination against them.

Unaccompanied foreign minors, including those seeking or granted asylum in Bulgaria, fall into the category "children at risk" under the Child Protection Act. Children from this target group have the same rights as Bulgarian children deprived from parental care.

At present, the accommodation of unaccompanied foreign minors in residential services and/or institutions is done in accordance with the provisions of the Child Protection Act: in families of relatives and friends (not applicable, given the fact that most of these children travel with adults who cannot prove kinship or kinship does not exist), in a foster family and in residential social services specialised for children.

Under the Asylum and Refugees Act, unaccompanied minors seeking or granted asylum can be accommodated in other places offering special facilities for minors and under-age persons. According to the provisions of the Foreigners in the Republic of Bulgaria Act (FRBA), the structures of the MoI can issue an ordinance for short-term accommodation, for taking steps towards initial identification and proof of foreign status, while "foreigners, who are presumably minor or under-age, are accommodated on special premises separated from the adult foreigners with short-term accommodation. Unaccompanied minors or under-age persons are accommodated only as a last resort and after an assessment of the child's best interest" (Article 44, Paragraph 13 of the FRBA). In October 2015, an amendment was introduced to the Asylum and Refugees Act introducing the appointment of a representative of the child and by which, among other things, the appointment of guardians/custodians to unaccompanied minors seeking asylum was substituted by the appointment of legal representatives during the procedure of granting asylum.

Since 1 August 2016, an amendment to the Pre-School and School Education Act has been in force whose purpose is to guarantee intellectual, emotional, social, spiritual-moral and physical development and support of every child relevant to his/her age and individual necessities. In fulfilment of the provisions of the above law, the Ordinance on the Bulgarian Language for Children and Schoolchildren Seeking and/or Granted Asylum on the Territory of Bulgaria, provides for additional training in the Bulgarian language as a foreign language for the purpose of the children's better integration.

In the National Programme for Child Protection, which is annually drafted by SACP with the participation of the other State bodies responsible for child protection, envisages for 2017 the following activities in support of all children seeking or granted asylum:

- Drafting of methodological guidelines for raising the capacity of services on community level for working with foreign unaccompanied children;
- Analysis of problematic areas and marking the difficulties in working with children of migrants. Drafting of proposals for concrete practical steps for work;
- Training of professionals working with children on the topics of countering radicalism and terrorism;
- Inspections by SACP's Chief Directorate on Children's Rights Control in various facilities regarding the upholding of the child's right to protection from all forms of violence;
- Monitoring by SACP of the Registration-Reception Centres of the State Agency for Refugees;
- Adoption of the Coordination Mechanism for Inter-Institutional Cooperation with regard to all children refugees or asylum-seekers (accompanied or unaccompanied).

In executing a decision of the National Child Protection Council dated 2 March 2017, an inter-institutional working group was established and began its work for the purpose of developing an Algorithm for working on cases of unaccompanied foreign minors, including refugees on the territory of Bulgaria. The working group is led by the SACP, with all responsible institutions represented: the State Agency on Refugees, the IOM, the Ministry of Education and Science, the Ministry of Labour and Social Policy, the Ministry of Health-care, the MoI, the SAA, local authorities, NGOs, UNICEF and UNHCR. The aim is to improve, by means of the the Algorithm, the coordination among institutions towards guaranteeing the rights of unaccompanied minors and finding solutions in their best interest. The work on the Algorithm is expected to be completed in May 2017.

In the process of accommodation of foreign minors, under the Child Protection Act, at the facilities envisaged for accommodation of Bulgarian children deprived of parental care, a series of difficulties were noted regarding the social and cultural adaptation and integration of the foreign minors as well as overcoming the language barrier. In this context, it was decided at a session of the National Child Protection Council to launch specialised services for accommodation of unaccompanied minors for the purpose of providing quality care for this group of children. To that effect, a Financial Standard for Foreign Children Care will be devised with the support of the Ministry of Finance. In executing the decision of the National Council, as well as on the recommendation of the Council of Ministers, the SACP together with the Bulgarian Red Cross drafted a conceptual project for the creation of a Specialised

Centre for temporary accommodation of unaccompanied and separated foreign children to be submitted for external financing. Such a Centre would provide integrated services and support for these children in the spheres of migration, child protection, shelter and asylum; methodological guidelines will be drafted for the experts who will work with them.

In connection with the recommendation to address the problem of disappearing unaccompanied minors, it should be noted that in undertaking measures for protection, the responsible officials are guided by the interests and necessities of the child with the aim to guarantee secure and protected environment. According to the provision of acting Bulgarian legislation, including the Child Protection Act, "actions for tracking the missing child are undertaken immediately."

Regarding the recommendation for adequately trained supervisors or foster parents, it should be noted that in order to expand the possibilities for support of this group of children, a new module was developed in 2014 for training foster families in providing foster care to unaccompanied foreign minors seeking or granted asylum in Bulgaria. The module is part of the Programme for Training Candidates for Foster Families, which is part of the Methodology for the conditions and manner of granting the foster care service. A key contributor to the development of this service and the application of innovative practices is also the "Welcome me 2015" operation carried out under the EU's Operational Programme "Human Resources Development" for 2014-20, implemented by the SAA in partnership with more than 140 local authorities in the country. The operation's goal is to improve and expand the foster care service and its affirmation on local level as an alternative form of bringing up children at risk (in a family environment). The innovative element concerns the support for developing a "specialised foster care for children with disabilities; children victims of violence and trafficking; unaccompanied migrant children" as well as the measures towards raising the quality of foster care via monitoring.

*4. 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*

In implementing the National Programme for Combating Trafficking in Human Beings and Victim Protection for 2016, the NCCTHB launched activities for amending the CBTBA towards incorporating into the texts an explicit definition of the "recovery and reflection period." A consultation process with stakeholders with regard to the implementation of the CTHBA is proceeding on expert level as a result of which a draft amendment act to the CTHBA and its Rules of Application will be drafted.

*5. Adopt measures to facilitate and guarantee access to compensation to victims of trafficking, including by:*

*A) ensuring that all victims of human trafficking, regardless of nationality and residential status, are eligible for State compensation*

According to Bulgarian legislation, all victims of THB, regardless of nationality or residential status, are entitled to State compensation. In 2016, an amendment to the Support and Financial Compensation to Victims of Crime Act was passed which partially introduces the provisions of EU Directive 2012/29/EU of the European Parliament and the Council for establishing minimum standards for the rights, support and protection of victims of crime and substitution of Framework decision 2001/220/JHA of the Council. The amendments were published and entered into force on 6 October 2016. An Amendment Act to the Criminal Procedural Code was also drafted, fully transposing the Directive; its submission to the Council of Ministers for passing is due. In addition to receiving compensations from the State, VoT are entitled to ones from the perpetrators as well, in case they have won civic cases against the traffickers.

*B) enabling victims of trafficking to exercise their right to compensation by building the capacity of legal practitioners to support victims to claim compensation*

As part of the revised NMR passed by the Council of Ministers in July 2016, a network of lawyers specialising in defending VoT was included as a partner/reference point to assist investigation and prosecution. These lawyers had been previously trained in the framework of an international project for Bulgaria, Romania and Slovakia supported by the EU and in cooperation with the Netherlands Helsinki Committee and other NGOs, aiming to improve access to specialised legal aid for victims of THB in Bulgaria. In the follow-up to the project, the NCCTHB Secretariat held a series of focus groups and discussions with lawyers, prosecutors, judges and investigating police officers; the project was completed with a roundtable and discussion in January 2017 in Sofia.

*C) including victim compensation into training programmes for law enforcement officials, prosecutors and judges*

In the implementation of the National Programme for Combating THB for 2017, the NCCTHB envisages in October and November 2017 specialised trainings for judges, magistrates and investigating police officers focusing on compensation for VoT and in partnership with the Bulgarian Centre for Gender Studies.

*D) making full use of the existing legislation on the freezing and forfeiture of assets to secure compensation to victims of trafficking*

In Section II, Chapter Seven "a", Article 90a of the Bulgaria Criminal Assets Forfeiture Act (amended and supplemented, SG No. 103 of 27.12.2016), the legislator has provided for compensation for the victims of crime by the state, in particular "victims of human trafficking." In case of forfeiture of the illegally acquired property in favour of the state, the state shall be liable to the property suffered to the amount of the value of the decommissioned property for the damages caused by the offense under Art. 22, Paragraph 1 of the law, where the assets of the persons responsible for the damage are not sufficient for their recovery. All persons injured by the offense are compensated in proportion when the value of the property is less than the total value of the liabilities. As soon as the benefit has been paid, the State enters into the rights of the compensated person, except for cases in which the indemnity corresponds in whole or in part to the object of the property being seized.

*6. 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*

Minimum standards of protection are laid down in Bulgarian law and are applied at national and regional level (non-traumatising questioning, blue room and videoconferencing). As part of forums, seminars and public events, the NCCTHB provides stakeholders with information in support of non-traumatising questioning and avoiding recurrent traumatising to VoT. In July 2016, amendments to the Support and Financial Compensation to Victims of Crime Act were published which extend the role and responsibility of supervising prosecutors to inform victims not only about their rights but also guaranteeing the support corresponding to their needs, which to minimise the traumatic contact between the accused and the victim-witness. Due to their extreme importance, these issues are also included as part of the training programme of the Prosecutor's Office of the Republic of Bulgaria. In order to raise the awareness and sensitivity of prosecutors and investigative bodies, the NCCTHB Secretariat envisages a specialised training on the topic in October 2017.

In 2016, a news conference was held in Pazardzhik which highlighted non-traumatising hearing of children witnesses or victims of crime, in the so-called blue rooms. The first blue room was opened in Pazardzhik in 2008. Since then it has been used 72 times. The youngest beneficiary of the service was three-years-old, in criminal proceedings.