

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



CP(2023)02

**Report submitted by the authorities
of Bulgaria
on measures taken to comply with
Committee of the Parties Recommendation
CP/Rec(2021)01 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Third evaluation round

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Measures taken in accordance with the Recommendation on the implementation of the Convention on Action against Trafficking in Human Beings, adopted at the 28th meeting of the Committee of the Parties of the CATHB

Report on behalf of Bulgarian authorities including contribution from the following institutions: Ministry of the Interior, Ministry of Justice, Ministry of Labour and Social Policy, Ministry of Foreign Affairs, Supreme Court of Cassation, Supreme Cassation Prosecutor's Office, State Agency for Child Protection, Secretariat of the National Commission for Combating Trafficking in Human Beings¹

1. Take further steps to facilitate and guarantee access to justice for victims of THB:

- a lawyer is appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not he/she wants to co-operate with the authorities and/or make an official statement;
- adequate funding is made available for the provision of legal assistance, legal representation and interpretation/translation to victims of THB placed in shelters;
- Bar Associations encourage training and specialisation of lawyers to provide legal aid to trafficking victims, and ensure that trafficking victims are systematically appointed a specialised lawyer (paragraph 69);

Legal aid in Bulgaria is regulated under the Legal Aid Act which aims to guarantee persons equal access to justice by means of ensuring and granting effective legal aid.

Legal aid is organized by the National Legal Aid Bureau (NLAB) and the Bar Council.

Organisation of the work of NLAB, structure, composition and functions of various departments in his administration are determined by regulations to be adopted by the Council of Ministers. Function, objectives and tasks of NLAB are accessible in English [here](#).

The **appointment of lawyers** under the Legal Aid Act shall be made by the relevant investigating authorities and the court.

The Government, through the budget of the National Legal Aid Bureau, ensure the financing of the legal aid provided to victims of human trafficking.

The Centre for Training of Lawyers “Krustyu Tsonchev” at the Supreme Bar Council together with the NLAB periodically organise trainings for lawyers, including on topics related to human trafficking. Such trainings for lawyers are also conducted by NGOs.

In 2022 the administration of NCCTHB invited the National Legal Aid Bureau and the National Council for Assistance and Compensation to Victims of Crime (NCACVC) to join the Permanent working group under NCCTHB.

In 2023 the administration of NCCTHB, NLAB and the secretariat of the NCACVC developed a **training programme** and are planning to organise a series of capacity building events for lawyers included in the National Registry for Legal Assistance as well as for representatives of services providers including the specialised services and the crisis ones (social workers, care workers, psychologists etc.) with the main objective to build their

¹ Including the relevant enclosed Appendixes 1-4

capacity on the available procedures for victims of human trafficking to access their rights including the right to remedies.

2. Make additional efforts to guarantee effective access to compensation for victims of THB

- ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
- ensuring that the Prosecutor's Office applies in practice Article 51 of the CCP by claiming compensation on behalf of child victims in the course of the criminal trial;
- making full use of the legislation on freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of THB, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim;
- introducing a procedure through which victims are entitled to obtain a decision on compensation from the offender as part of the criminal trial and requiring courts to state, where applicable, why compensation is not considered;
- including the topic of compensation in the training programmes for lawyers, prosecutors and judges and encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of THB;
- facilitating access to state compensation by setting up as a matter of priority a victim compensation fund which uses confiscated assets of perpetrators of human trafficking to fund compensation and reparation, and simplifying the procedure and eligibility criteria for claiming compensation (paragraph 111);

The Prosecutor's Office of the Republic of Bulgaria elaborated a new organization of the work on cases and pre-trial proceedings for trafficking in human beings established with the *Instructions for the organization of the work of the Prosecutor's Office on cases and pre-trial proceedings initiated for human trafficking* approved by the Prosecutor General in 2022 in order to create a unified mechanism in relation to the management and supervision of human trafficking cases, effective protection of victims, overcoming difficulties in prosecutorial practice and strengthening the working capacity on human trafficking cases, the inter-agency and international cooperation. The Instructions are accessible in Bulgarian language [here](#).

The Instructions introduce **the requirement to clarify the financial situation of the offender** and persons related to him, including the proceeds of crime to fulfill the recommendation and to ensure that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim is part of the criminal investigations.

The Instructions introduce also the requirement that **in case the victim of trafficking in human beings is a minor** and is unable to defend his/her rights and legal interests, i.e. does not have a legal representative, the possibility of applying Article 51 of the Criminal Procedure Code by bringing a civil action in his/her favour shall be assessed when bringing the case to court with an indictment.

The Instructions require as well **actions to be taken to secure both the fine and compensation and the forfeiture of property**. It is also required that in every case of an established benefit derived from the offence for which an indictment has been filed, an application to be made in the judicial proceedings for its forfeiture to the state, return or restitution, or for the award of its equivalent where it is missing or expropriated. In addition, the Instructions also introduce rules on the actions to be taken when a legal person is found to have been enriched by human trafficking by requesting the imposition of interim measures under the Administrative Violations and Sanctions Act and in the judicial phase of the trial, by requesting the forfeiture to the state of the direct or indirect benefit gained from the offence or its return or restitution to the entitled person, or in its absence - for the award of its equivalent in BGN. It is explicitly indicated what actions are to be taken in this regard when the benefit is subject to forfeiture under the Criminal Code.

In addition, after the introduction of the Instruction, a follow-up examination was carried out in connection with its implementation. According to the data received, the organisation created by the Instruction has been introduced in all Prosecutor's Offices, and at the time of the inspection 698 magistrates were appointed to work on human trafficking cases including 510 prosecutors, 36 junior prosecutors, 123 investigators and 29 junior investigators.

The right for **financial compensation** of victims of human trafficking is regulated under the Crime Victim Assistance and Financial Compensation Act in compliance with the Council Directive 2004/80/EC relating compensation to crime victims and Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

Financial compensation may be provided to victims who have suffered material damage as a result of the following crimes: terrorism; intentional murder; attempted murder; intentional grievous bodily harm; sexual abuse; rape; **trafficking in human beings**; a crime committed by order or under a decision of an organised criminal group; another serious premeditated crime resulting in death or grievous bodily harm, as consequences of offence defined by statute.

The National Council for Assistance and Compensation to Victims of Crime under the Ministry of Justice is the coordination body.

Information about the right to compensation is provided by the authorities of the Ministry of the Interior, investigators and crime victim support organisations.

As Bulgaria has already stated, there are effective legislative provisions in the Criminal Procedure Code (CPC) which ensure that the victims of crimes, including those of trafficking in human beings, are entitled to obtain **compensation from the offender as part of the criminal trial** – and the compensation covering both material and immaterial damages, suffered by the victim as a result of the crime (*Art. 51, Art. 73 para. 1 and para. 4, Art. 84 – Art. 88, including, of the CPC*). Furthermore the Criminal Procedure Code also provides that if victims file a claim for compensation of the damages suffered, the courts are obliged to make a pronouncing on the claim (*Art. 301, para. 1, point 10, Art. 301, para. 3, Art. 307 of the CPC*). In addition, according to Art. 34 of the CPC, each act of the court must contain the following: information about the time and location of issuance; denomination of the issuing court, the

case-file number in which it is issued; the names of panel members, of the prosecutor and the secretary; **reasoning**; an operative part and signatures of panel members.

Please see in **Appendix 1** extract of the Criminal Procedure Code, consisting of the applicable legal provisions, ensuring the effective implementation of the Recommendation.

In relation to the recommendation to make further efforts to ensure effective access to compensation for victims of trafficking in human beings, it is necessary to note that the victim of trafficking in human beings is entitled to bring a civil claim in the criminal proceedings against the defendant for damages from this crime before the court of first instance. In the “trafficking of human beings” cases, there is a practice for the victims to bring civil claimss for damages against the perpetrator of the crime /trafficker/, and in the case of a sentence of conviction, an order is also achieved for the civil claim.

It is also possible that such a claim is not filed in the first instance proceedings in the criminal case or that the court refuses to accept for consideration a civil claim filed in the criminal proceedings, and in this case the victim is entitled to file **a claim for damages before a civil court** under the provisions of the Obligations and Contracts Act, and the effective sentence of the criminal court has binding force for the latter. (Argumentation from Article 300 of the Civil Procedure Code - “An effective sentence of a criminal court shall be binding upon the civil court which examines the civil consequences of the act, regarding whether the act has been committed, the wrongfulness of the said act and the guilt of the perpetrator.”)

The victim of trafficking in human beings, having the qualities of a victim of a crime, respectively constituted as a private prosecutor and/or civil plaintiff in the trial phase of the criminal proceedings, has options, guaranteed by the procedural law, to protect his/her rights and legal interests, to have a trustee being among these options (Article 75 of the Criminal Procedure Code), as well as to have a trustee appointed by the court, in the event that he/she is not able to pay attorney’s fee, wants to have a trustee and the interests of jurisdiction demand so (Article 100, paragraph 2 of the Criminal Procedure Code). Depending on the specifics of the case, it is also possible to appoint a special representative under the conditions of Article 101 of the Criminal Procedure Code.

Regarding the recommendation **to set up as a matter of priority a victim compensation fund which uses confiscated assets of perpetrators of human trafficking**, the administration of NCCTHB included the topic in the discussion forum *“Sustainability of national anti-trafficking policies. Improvement of the mechanisms for data collection and analysis. Utilisation of confiscated assets from convicted traffickers for the benefit of victims”* organised in October 2022.

Following the active discussions related to possible short-term and long-term measures to create mechanisms for the immediate use of the confiscated funds and properties in order to contribute to the improvement of the living environment of victims of human trafficking accommodated in the specialised services as well as for direct compensation for formally identified victims and the possibilities for amendments of the existing regulations, the Secretariat of NCCTHB held a series of working meetings with representatives of the Ministry of Finance, the National Revenue Agency and the National Customs Agency. According to the feedback of the respective authorities, the necessary amendments of a series of legal acts and regulations is difficult to be achieved in the current circumstances of political

dynamics. In order to support the specialised services and to improve the living environment of the accommodated victims of human trafficking, the respective institutions suggested a **procedure for in-kind donation of confiscated basic necessities goods**, received by the administration of NCCTHB which are in process of distribution among the specialised and crisis services providers.

3. Take further measures to strengthen the criminal justice response to THB

- *ensuring that human trafficking offences are proactively and promptly investigated, making use of special investigation techniques in order to gather material, documental, financial and digital evidence and not having to rely exclusively on testimony by victims or witnesses;*
- *requiring consideration of allocation of specialist financial investigators to every THB case;*
- *sensitising prosecutors and judges to the rights of victims of THB, and encouraging the development of specialisation amongst prosecutors and judges to deal with THB cases;*
- *strengthening efforts to investigate, prosecute and convict traffickers for labour exploitation;*
- *ensuring that THB prosecutions lead to effective, proportionate and dissuasive sanctions for those convicted. If an alternative charge is preferred in THB cases, this should be recorded and monitored by the Prosecutor's Office. The plea-bargaining procedure should be used only exceptionally in human trafficking cases, subject to appropriate safeguards, where the reduction of a sentence is clearly outweighed by the advantages offered by the plea agreement (these advantages being indicated in the judicial decision approving the agreement) and the agreement is not in any way detrimental to the rights of the victims, including their access to compensation;*
- *ensuring that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 135)*

To fulfill the recommendation **to ensure that human trafficking offences are proactively and promptly investigated**, making use of special investigation techniques in order to gather material, documental, financial and digital evidence and not having to rely exclusively on testimony by victims or witnesses, the *Instructions for the organization of the work of the Prosecutor's Office on cases and pre-trial proceedings initiated for human trafficking* include:

- putting in place an organisation in relation to information received about trafficking in human beings including taking immediate action in cases where the complaint is made by the victim
- work on opened cases of trafficking in human beings to be carried out as a matter of priority, if possible, in cases of need for verification under Article 145, paragraph 2 of the Judiciary System Act to be carried out within a short timeframe
- applying a proactive approach to the investigation of human trafficking cases, in which evidence is not primarily or solely tied to the interrogation of the victim, and where the victim refuses to testify or subsequently changes his or her testimony,

efforts are required to identify other witnesses to the act as well as written, material or electronic evidences

- quick and proactive work on cases of human trafficking regarding the assessment of the need to carry out an examination, the interview of the injured person and whether it is necessary to carry it out before a judge with a view to securing the testimony for the purposes of future legal proceedings, collecting some of the necessary data by using the existing possibilities for remote access to them
- the investigating authorities to use actively the available channels for international operational cooperation and in case of a delay in the execution of the request for legal assistance - to seek the assistance of an executing competent authority, as well as Eurojust, when the delay is more than six months
- the administrative heads of the Regional Prosecutor's Offices to create an organisation for the exact implementation of the Instructions and control for the timely administration of files and cases of human trafficking, as well as to organise a coordination meeting every six months with the heads of the relevant local offices of the Ministry of the Interior to review the deadlines and the implementation of the instructions on files and pre-trial proceedings of this category
- inclusion in the plans for control and audit of the Regional Prosecutor's Offices for this category of cases

Regarding the recommendation **to allocate a specialist financial investigators to every THB case** the Instructions introduce a requirement for the specialisation of investigators to investigate cases of human trafficking as well as to make an assessment according to the characteristics of the specific case whether the investigation should be assigned to the National Investigation Service. A requirement has also been introduced when there is also a junior investigator/investigators in the team of the Regional Prosecutor's Offices, if possible, at least one of them to be included in the group of investigators specialised in these cases. All specialised investigators should undergo training on the investigation and criminal prosecution of human trafficking cases with specific topics that are a mandatory part of the training including the financial aspects of the crime, explicitly outlined.

Regarding the recommendation **to sensitise prosecutors and judges to the rights of victims of THB**, and encouraging the **development of specialisation amongst prosecutors and judges** to deal with THB cases, a similar organisation was created under the Instructions for the specialisation of prosecutors in cases of human trafficking which is also provided for the Instance Prosecutor's Offices, including regional, appellate and the Supreme Cassation Prosecutor's Office.

The Instructions established a National Network of Prosecutors designated to work on human trafficking cases giving a platform for opinions and discussions on specific topics related to the investigation and prosecution to be exchanged. On the internal web page of the Prosecutor's Office a directory "Trafficking in Human Beings" has been created including methodological acts, training materials and any other useful information related to the topic updated regularly.

A link to the online training platform of the Council of Europe HELP is published on the internal web page of the Prosecutor's Office where a training module is available in relation to human trafficking for the purpose of labour exploitation.

In order **to ensure that THB prosecutions lead to effective, proportionate and dissuasive sanctions for those convicted**, the Instructions require that when a proposal to conclude an agreement is made and the amount of the possible penalty is discussed, the public danger of the act and the perpetrator should be thoroughly assessed in accordance with the specific factual situation in the case regardless of the legal possibility of applying Art. 55 of the Criminal Code to reduce the penalty. As stated above, specific requirements have also been introduced for submitting requests for the withdrawal of the benefits acquired by the accused or their return/restoration to the entitled person.

During the reported period the **General Directorate Combating Organised Crime (GDCOC)** to the Ministry of Interior has carried out the following activities, which are directly related to the recommendations of the Third evaluation round of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings:

In 2021, the GDCOC organised a workshop on "Countering Trafficking in Human Beings", for police officers and magistrates.

In 2021, GDCOC officers participated as lecturers in a seminar on "Practical Instructions for Identifying and Counteracting Trafficking in Human Beings", organised by the Local Commission for Combating THB in Blagoevgrad, during which border police officers were trained.

During the above-mentioned two seminars, the participating experts built their capacity in the field of special techniques for investigation of THB cases, the possibilities for conducting international cooperation in cross-border cases and the interaction at national level with all the competent institutions and organisations in the country.

During the lectures, issues related to the timely identification of victims of human trafficking were discussed. In addition, the following topics were included: information about victims' rights, such as: the right to be accommodated in specialised shelters for victims of trafficking; the right to receive medical, psychological and free legal aid; the right to receive financial compensation and the right to protection under the special procedures provided in the Criminal Procedure Code, the Act on the Protection of Persons at Risk in Connection with Criminal Proceedings and the Combating Trafficking in Human Beings Act.

In 2021, 2022 and 2023, representatives of the THB Sector to the GDCOC participated in a number of trainings, some of which were conducted on the following topics: "Countering Money Laundering", "Trafficking in Children", "Trafficking in Human Beings for Labour Exploitation" and others. These trainings contributed to the professional competencies of the experts working in the field of THB and have contributed to more effective counteraction of this type of criminal activity.

In 2022 and 2023, representatives of the THB Sector to the GDCOC held information sessions with students in different schools in Sofia.

In 2021, 2022 and 2023, the THB Sector to the GDCOC actively implemented the available tools for international cooperation with foreign partnering authorities in different EU countries. In the framework of this cooperation, joint police operations were conducted during which several Bulgarian OCGs engaged in cross-border trafficking in human beings for sexual and labour exploitation were neutralised.

The Executive Agency "General Labor Inspectorate" continues to carry out commitments to counter manifestations of labour exploitation and/or trafficking, within the scope of its powers. The Labour Inspectorate is taking action in accordance with its powers, in particular in the event of detected violations, including delayed or unpaid wages, lack of employment contracts, violations of working hours, poor working conditions, unlawful overtime, etc. In addition, the Labour Inspectorate carries out regular inspections of the activities of labour intermediaries and recruitment agencies, employers and local persons employing or recruiting third-country nationals. The Labour Inspectorate continues to conduct joint initiatives to counter undeclared work within the framework of bilateral international cooperation agreements. With the support of the European Labour Authority, the Labour Inspectorate was actively involved in joint and coordinated inspections with other Member States in the previous year, mainly in the agriculture, construction and transport sectors. In the event of violations found which are beyond the competence of the Labour Inspectorate the matter is referred to the competent authority, including the Prosecutor's Office.

In 2023 the Labour Inspectorate is planning to organise online training for labour inspectors focusing on the topics related to the measures and tools in case of violations leading to labour exploitation; identification of the concepts of "labour offence", "labour exploitation" and "trafficking in human beings for labour exploitation"; cross-border cases of labour exploitation: identification of victims of labour exploitation and interaction with competent authorities in cases of trafficking for forced labour.

The Employment Agency publishes and updates information on the official website about the registered companies that have received a certificate from the Ministry of Labor and Social Policy for carrying out employment mediation activities for the Republic of Bulgaria and/or for other countries, the registered companies that provide temporary employment, information materials in the section "International activity" and "Advice when looking for work abroad, in order to protect against human trafficking", which emphasize the risks of unregulated employment and possible abuses in terms of payment, social and health insurance, the rights and obligations of workers; a directory with contact details of the Services for labor and social affairs to the embassies of Bulgaria in Berlin, Vienna (also serves Switzerland), Madrid (also serves Portugal), Athens (also serves Cyprus) and London (also serves Dublin), to resolve difficulties encountered by Bulgarian citizens working in the respective country.

The Employment Agency regularly conduct information sessions with priority and/or minority groups, with unregistered and inactive persons, Job Fairs, Career Days, Open Door Days and others, where information is provided and the topic "Prevention and counteraction of human trafficking and victims protection" is discussed. The Employment Agency organizes as well consultations on the topic of prevention of human trafficking in remote settlements throughout the country. Through outsourced workplaces and mobile employment offices, job seekers outside the country receive professional advice from employment agents, psychologists and EURES assistants on employment issues in other countries.

The activity of Roma labour mediators, case managers and psychologists, whose efforts aimed at promoting active behavior in the labor market of inactive and discouraged persons including to educate themselves and/or register in labor offices are part of efforts to combat human trafficking. Roma mediators work in neighborhoods with a population of

predominantly Roma ethnic origin which are at particular risk and in need of prevention. The mediators hold formal and informal, group and individual meetings with the persons which is the first step towards informing and determining the personal chance to start work.

Any job seeker can apply for a job vacancy in the countries of the European Economic Area and the Swiss Confederation. The efforts of EURES employees from the Employment Agency, together with EURES experts from other employment services in the EU/EEA aim at prevention of illegal employment and labor exploitation.

To meet the need that arose as a result of the military conflict in Ukraine, in March 2022, mobile teams to work with Ukrainian citizens were established at each Directorate of the Labor Bureau (DLB). The teams worked in the field, visiting sites with a concentrated presence of Ukrainian citizens fleeing the war. Mobile teams were constantly present, in the first months of the conflict at the border posts with Romania and the sea border and then made periodic field visits. They maintained constant contact with the local authorities and participated in the work of the headquarters at the local level, and visited the transport hubs and crisis headquarters for the arrival of Ukrainian citizens. From 03 June 2022, persons with temporary protection status are registered in DLB as jobseekers and use counseling services, referral to vacant jobs, both in the primary labor market and in subsidised jobs.

4. Further improve the identification of victims of THB

- *making a budgetary allocation of the implementation of the NRM;*
- *providing further systematic training to officials of the SAR, migration officials, border police staff, as well as social workers, medical and other staff working at facilities for asylum seekers and detained migrants, focusing on the identification of victims of trafficking and the procedures to be followed, including by providing operational indicators to enable staff to proactively identify victims of trafficking and refer them to specialised structures;*
- *enabling specialised NGOs with experience in identifying and assisting victims of trafficking to have regular access to facilities for asylum seekers and detained migrants;*
- *systematically informing all asylum seekers, in a language they can understand, about their rights in the framework of the asylum procedure, and the legal rights and the services available to victims of trafficking;*
- *ensuring that pre-removal risk assessments prior to all forced removals from Bulgaria fully assess the risks of trafficking or re-trafficking on return, in compliance with the obligation of non-refoulement (paragraph 238);*

NCCTHB operates with the same budget defined in 2020 with a slight increase in the heading for remuneration in 2022 by the initiative of the former Chair of NCCTHB amended by a decision of the Council of Ministers.

In 2022 and 2023 an amendment of the subsistence heading of the budget was not made due to the factors related to the political dynamics. The subsistence heading covers all the activities included in the National Annual Programmes as well as the funding of the specialised services.

NCCTHB budget for 2022 is publicly accessible in Bulgarian language [here](#).

Nevertheless, the administration of NCCTHB coordinates effectively the **National mechanism for referral and support of trafficked persons in Bulgaria**. Signals for people at risk or people involved in human trafficking are received directly at the administration, via e-mail or phone, or are referred by the hotline operated by the A21 Campaign (an NGO member of the Permanent working group under NCCTHB) or by other institutions, international and non-governmental organisations.

In 2021 a total of 76 signals were received by the administration of NCCTHB. The total number of informally identified victims of THB including children of victims of trafficking is 132: 86 women (including 20 minors) and 46 men (including 16 minors). According to the form of exploitation: 62 for sexual exploitation, 47 for labour exploitation, 5 for forced bagging, and 1 for pregnant women for the purpose of newborn selling.

In 2022 a total of 101 signals were received by the administration of NCCTHB including 93 informally identified victims of human trafficking: 65 women (including 6 minors) and 28 men (including 2 minors). According to the form of exploitation: 33 for sexual exploitation, 18 for labour exploitation, 3 for forced bagging, and 2 for forceful subjection.

In the period January – March 2023 the total number of signals received by the administration of NCCTHB is 19, including 16 informally identified victims of human trafficking: 13 women and 3 men. According to the form of exploitation: 9 for sexual exploitation and 6 for labour exploitation.

Report of the signals received by the hotline operator for 2022 and the first quarter of 2023 is available in English in **Appendix 2**.

At present under the NCCTHB, there are **seven services, specialised specifically for adult victims of trafficking in human beings** (victims can be accommodated with their children). It includes 5 services financed directly by the budget of the NCCTHB: 2 shelters for temporary accommodation, 1 shelter for subsequent reintegration and 2 consultative services – centers for protection and support in the regions of Varna and Burgas as well as 2 services on the territory of Sofia city: shelter for temporary accommodation and center for protection and support. For the services in Sofia is ensured external funding within a project, implemented by the NCCTHB under the Internal Security Fund. All the services have accommodation capacity of 26 beds. Additionally on the territory of Sofia city since January 2020 a Crisis Center with priority accommodation of children victims of trafficking is functioning as a state delegated service accommodated in property provided by the NCCTHB under a contract with Sofia Municipality.

Victims of trafficking also benefit from the social services, including Crisis centers for victims of violence and human trafficking throughout the country (in 2023: 20 for children and 8 for adults): state-delegated activity, upon their request and in compliance with the provisions of the Law on Social Assistance and the Regulations for the implementation of the Law on Social Assistance.

In 2021 a total of 42 persons were accommodated and in 2022 a total of 51 persons received accommodation and support in the specialised services. In some cases, the accommodation of women and their children was undertaken, in view of the need for protection. In 2022 among the accommodated persons were two informally identified third-country nationals: a Ukrainian citizen at risk was temporarily accommodated as well as a

victim of human trafficking for the purpose of forced subjection and labour exploitation of Philippine nationality.

A total of 35 persons received accommodation and support in the specialised services as of March 2023. For the first quarter of 2023 almost all of the accommodated victims of human trafficking in the specialised services are witnesses in criminal proceedings.

In 2022 the administration of NCCTHB and the specialised services providers in the city of Varna assisted informally identified third-country national exploited for forced subjection and labour exploitation in a private property owned by citizens of another third-country.

The victim expressed a willingness to cooperate to the investigative authorities and the status of special protection would give the victim the right to receive a residence permit. The exploiters left the territory of Bulgaria and the initiation of a pre-trial proceeding was extremely difficult in their absence.

With the assistance of the Migration Directorate to the Ministry of the Interior, at the official request of the administration of NCCTHB, the person's temporary residence permit was extended twice for the whole period of six months on humanitarian grounds. At the same time, with the assistance of the specialised services providers, the survivor managed to find a new job in Bulgaria and the employer assisted in obtaining a work permit.

This example of the coordination of the NRM shows that the system comprises available instruments to provide effective support and access to rights of third-country nationals - victims of human trafficking no matter if they are formally or informally identified.

Trainings organised by the administration of the National Commission for Combating THB and the Local Commissions

In 2021 the administration of NCCTHB and the local anti-trafficking coordinators in 10 municipalities throughout the country, organised a total of 20 capacity building events. In 2022 a total of 22 capacity building events were organised and in the period January – May a total of 5 events were conducted.

The target groups included professionals from the public and non-governmental sector working in the field with focus on the improvement of the mechanisms of identification as well as the investigation and prosecution of cases of human trafficking including:

- Trainings for law enforcement representatives, police officers, border police representatives, investigators, prosecutors and magistrates focusing on THB and illegal migration; practical tools in counteraction and investigation of human trafficking; cybercrimes and human trafficking and collecting evidences through ICTs; best practices in the investigation and prosecution: pre-trial and judicial phase of the cases including legal aid and social support; victim-centered approach in interviewing victims of human trafficking; corroborating evidences in the investigation and prosecution in addition to victims' testimonies; the role of the victims and the specialised services in the process of investigation and prosecution.
- Trainings for law enforcement representatives, social workers and services providers, psychologists, employment agents, local authorities, specialists working in the field of education, teachers, Roma health, educational and labour mediators, media representatives focusing on the NRM and first-level of identification; the risks of involvement in human trafficking including social networks and the ICTs;

the rights of the victims of human trafficking and available assistance and support; labour rights violations and THB for the purpose of labour exploitation; targeted raising awareness and prevention of human trafficking within the most vulnerable groups.

- In order to enhance the mechanisms of identification of victims of human trafficking among third-country nationals and in particular among people fleeing the war in Ukraine, in 2022 five trainings were organised by the administration of NCCTHB and UNHCR Bulgaria targeting volunteers, regional and municipal crisis headquarters' representatives, regional structures of the relevant authorities and NGOs working in the field in Blagoevgrad, Burgas, Plovdiv, Sofia and Varna.
- The State Agency for Refugees (SAR) and international organisations working with migrants and third-country nationals have a key function in the NRM in view of the high vulnerability of migrants and asylum seekers to be involved in human trafficking and exploitation.

Third-country nationals are targeted in planned information sessions and capacity-building events for officials are conducted starting in 2022 and continuing in 2023. The activities are organised together with representatives of the international organisations and the non-governmental sector (part of the Permanent working group under NCCTHB) and the State Agency for Refugees.

In addition, within the framework of the *Bilateral Programme for Cooperation between the Ministry of Labour and Social Policy (MLSP) of Bulgaria and the Federal Ministry of Labour and Social Affairs (FMLS) of Germany* a *Bilateral mechanism for referral and coordination of cases of human trafficking for forced labour and labour exploitation between Germany and Bulgaria* was created and distributed among the relevant authorities, international and non-governmental organisations in both countries.

Within the framework of the Bilateral Programme, the Secretariat of NCCTHB together with the relevant structures in Germany organised an online seminar for Bulgarian-speaking social workers and representatives of the network of Roma health and labour mediators, other stakeholders working in the field including institutions and non-governmental organisations. In addition, three workshops for professionals were held with a focus on the joint efforts to improve the identification of THB cases and targeted prevention among vulnerable communities, seasonal workers and labour migrants.

As a leading structure in the fight against trafficking in human beings, the **General Directorate Combating Organised Crime (GDCOC) to the Ministry of the Interior** participates annually in the international operations organised by Europol "Joint Action Days" with a different focus: prevention and combating trafficking in human beings for sexual exploitation, trafficking in human beings for forced labour and trafficking in children. The operations are in implementation of the EMPACT Operational Action Plan on the priority area "Trafficking in human beings". Representatives of other police services are also involved in the operations. Depending on the focus of each of the operations, representatives of different institutions, such as the NCCTHB, the General Labour Inspectorate and others, participated in the same operations. In the framework of these operations, persons meeting the risk profile of potential victims were checked at BCPs throughout the country; companies recruiting

Bulgarians for work abroad were checked throughout the country; information materials were distributed and discussions were held with travellers at BCPs.

The **State Agency for Child Protection** has developed a Project proposal under procedure BG05SFPR002-2.004-"Upgrading of the capacity of child protection systems", Operational program "Development of human resources 2021-2027", entitled "Effective policies for all children".

In one of the activities of the project, it is envisaged that experts from the State Agency on Child Protection will support the workers in the "Child Protection" departments of the "Social support" Directorates, medical personnel working with children from medical institutions, employees of the Ministry of Interior - inspectors from the Children's Pedagogical Room and Regional Offices at the regional directorates of the Ministry of the Interior, employees from the municipalities - representatives from the Local Juvenile Delinquency Commissions and the "Social Activities" Directorate, employees from the Regional Directorates of Education, Regional health inspectorates, Regional Courts in the country, Regional Prosecutor's Offices. One of the main topics of these trainings will be the work on cases of unaccompanied Bulgarian children and child victims of trafficking returning from abroad."

In the last few years the **Agency for Social Protection (ASP)** in partnership with UNHCR Bulgaria and UNHCR's partnering organisations, as well as through partnership with IOM Bulgaria, UNICEF Bulgaria, Bulgarian Red Cross, Bulgarian Helsinki Committee (BHC) and others, provides international experience and expertise in the field of protection and care of refugee and migrant children in the context of migration flows and crisis. Trainings and workshops aimed at working with unaccompanied children, foreign citizens and refugee children for social workers from the child protection system are held periodically, with the support of international and non-governmental organisations.

Unaccompanied minors housed in the centers of the State Agency for Refugees (SAR) are children at risk under the Child Protection Act, in this regard a file is opened in the Social Assistance Directorate in case of a child at risk, a social worker is appointed to provide support to the unaccompanied child and to assist in guaranteeing his rights and interests during his stay and residence in SAR centers. Children are informed about their rights and obligations as asylum seekers. For the obligation to attend school, to comply with the rules of the center. If necessary, psychologists are involved to provide psycho-social support to the children. Children are consulted about the risks they are exposed to if they decide to continue their journey to Western Europe in the wrong way (trafficking, abuse, channeling), as well as what to expect from their international protection procedure.

For every unaccompanied minor who is seeking asylum in Bulgaria is appointed a lawyer under the Asylum and Refugees Act, who represents the child. The presence of a legal representative is extremely important for children, because they take care of their legal interests before all administrative bodies until they reach the age of majority or until they are reunited with an adult family member on the territory of Bulgaria.

Social workers from Child Protection Departments are involved and engaged at all stages related to work with unaccompanied children, foreign nationals and refugee children, from their initial establishment in the territory of the country to providing a permanent and long-term solution that to guarantee their rights and interests to the maximum extent.

The Ministry of Foreign Affairs regularly participates in all seminars held by the National Commission for Combating Human Trafficking. The Ministry also participates on regular basis in the meetings organized by the respective authorities, as well as by non-governmental organizations. The exchange of views is greatly appreciated as it outlines areas where more effort is needed.

Current and new employees of the Ministry of Foreign Affairs are given the opportunity to attend courses organized by the Diplomatic Institute, which aim to prepare professionals on the topic of combating human trafficking.

In 2022, the Diplomatic Institute increased the number of academic activities regarding this important topic, organizing a number of lectures and presentations by professionals which are identified by course participants as 'relevant', 'comprehensive' and 'useful'.

During the Consular Diplomacy Course held in April 2022, attended by 35 employees, the topic of combating human trafficking was subject of five lectures given by different guest speakers. Apart from focusing on the theoretical and legal framework, some practical procedures for prevention, counteraction and protection of victims of human trafficking and inter-institutional cooperation were studied. The topic was also considered in the context of the migration crisis. In the Pre-mandate Training Course held in May 2022 a total of 22 diplomats attended a lecture dedicated to cooperation between the Ministry of Interior and the Ministry of Foreign Affairs to counter organized crime in the field of human trafficking. At the Trainee Attaché Course in June 2022 a total of 18 future diplomats attended lectures on case identification and combating human trafficking and solved practical cases.

The Diplomatic Institute continued its activities in organizing courses on combating and preventing human trafficking in 2023. At the Trainee Attaché Course that took place from 27 February until 19 May 2023, a total of 14 future diplomats attended lectures on combating and preventing human trafficking. Additionally, in May 2023, during the Consular Diplomacy Course a total of 33 future consular officers were trained to identify and prevent cases of human trafficking.

The Ministry of Foreign Affairs (MFA) cooperates closely with the Administration of the National Commission for Combating Human Trafficking, the Ministry of Interior, the State Agency for Child Protection and the Ministry of Labor and Social Policy on cases of human trafficking for the purpose of labour and sexual exploitation.

Our diplomatic missions maintain active contacts and provide support to the competent Bulgarian authorities and institutions, namely: the General Directorate Combating the Organized Crime of the Ministry of Interior, the Prosecutor's Office, National Commission for Combating Human Trafficking, the State Agency for Child Protection, as well as others non-governmental and international organizations - International Organization for Migration (IOM), Animus Association Foundation, A21 Campaign Foundation, etc.

The Ministry of Foreign Affairs participates in the implementation of the national policy on combating the human trafficking. The Ministry is part of the institutional framework of the National Referral Mechanism to support victims of trafficking. Through its consular services, it provides professional and timely assistance to victims of trafficking abroad.

Our diplomatic missions undertake a number of measures to prevent human trafficking and protect the Bulgarian citizens abroad by communication with the Bulgarian

citizens, cooperation with the foreign authorities and creating the profile of potential victims of human trafficking who seek help in diplomatic missions.

Citizens are urged to contact the Bulgarian embassies before going to work abroad. They are advised to study the labor legislation of the country they intend to work and to know their rights.

Bulgarian citizens are necessarily informed of the following:

- 1) Not to go to work abroad unless they have received complete information, verified from at least two different sources, about: the place they are going, the work they will do, the conditions of residence and the institutions they can turn to in case of problems;
- 2) Plan in advance and provide sufficient funds for initial accommodation or to cover travel expenses back to Bulgaria;
- 3) Never sign documents and contracts whose contents are unfamiliar (especially if they are in a foreign language they do not understand). They must always keep the original or the copy of the signed documents;
- 4) Always do an additional check of the job offer – the company registration in the respective country, the company website, etc.;
- 5) Act with caution when offered any informal assistance in finding a job from acquaintances and friends.

Consular officers monitor potential cases of involvement in human trafficking for the purpose of labor exploitation and pay attention to ways to prevent risky situations and ensure safe labor migration.

Explanatory materials for human trafficking prevention, provided by the Bulgarian authorities, are always available at the premises of the Bulgarian consular offices. The cooperation between the consular offices at the embassies of the EU member states is also used as a source of information.

When a signal about potential victims of human trafficking is received by phone or e-mail, the consular officers conduct interviews with the Bulgarian citizens. If necessary, the potential victims are urged to contact the Bulgarian or local authorities responsible for filing a report. If necessary they are provided accommodation at the respective crisis centers, as is the case in most European countries.

To combat human trafficking for the purpose of sexual exploitation, the consular officers and the representatives of the Ministry of Interior at the embassies exchange information when necessary to inform the relevant authorities.

In the majority of cases, the requests for assistance from the competent local authorities to the consular offices are limited to an admission for the issuance of temporary passports for return to Bulgaria.

The embassies are in contact with the local police and social services, to resolve problems, prevent similar cases in the future and improve cooperation between the competent authorities of both countries.

Regarding the recommendation **Bulgarian authorities to implement the other proposals for action of GRETA's Third evaluation round** the following measures were taken:

Regarding the **non-punishment provision** in addition to the existing Art. 16a of the Criminal Code, the provision of Art. 329, para. 1 of the Criminal Code, regarding the receipt of non-labor income in an illegal or immoral manner, was declared unconstitutional at the request of the Prosecutor General, by Decision of the Constitutional Court No. 13 of September 27, 2022.

As for the provision of Art. 16 of the Criminal Code no acquittals have been established so far due to its non-application. Nevertheless, information was requested from all Prosecutors' Offices regarding the existence of cases in which this provision was applied with a view to clarifying the existence of possible inaccuracies in its application.

Regarding **the right to information**, the *Instructions for the organization of the work of the Prosecutor's Office on cases and pre-trial proceedings initiated for human trafficking* outlines the scope of all rights and opportunities of which the victims of human trafficking should be notified. Information on the rights of victims of trafficking in human beings published in accordance with the Instructions is available in English in **Appendix 3**.

Regarding the recommendation to ensure **child-sensitive procedures for obtaining access to justice and remedies** the Instructions introduce requirements applicable when the victims are children, including strict compliance with the provisions of Article 140 of the Criminal Procedure Code when questioning a minor witness when taking measures to avoid contact with the accused including in specially equipped premises or via video conference. The Instructions include as well measures to avoid preliminary meetings between the victim and the offender and his defender and possibly during the testimony by using blue rooms for interviewing. The recommendation to carry out interrogations by investigative bodies or prosecutors specially trained for this purpose is achieved through the already introduced specialisation and the corresponding trainings.

A social worker from the Social Assistance Directorate (SAP) must be present at the hearing and counseling of the child and if necessary, another suitable specialist. The court or administrative authority orders the hearing to be held in the presence of a parent, guardian, custodian, other person caring for the child, or another relative known to the child, except in cases where this is not in the best interest of the child.

In Art. 15, para. 6 of the Child Protection Act stipulates that in every case the court or the administrative body shall notify the SAP of the child's current address, the provisions of the Civil Procedure Code shall apply to the notification by the court, and the provisions of the Administrative Procedure Code shall apply to the notification by the administrative body code. The SAP sends a representative who expresses an opinion and provides a report. SAP may represent the child in the cases provided for by law. The child has the right to legal aid and appeal in all proceedings affecting his rights or interests.

Regarding the recommendation **to refine the data collection system on victims of trafficking** since 01 January 2022 with an Order RD-02-03/1.04.2022 of the Prosecutor General data about the formally identified victims of human trafficking is reported only according to the newly formed pre-trial proceedings and do not include data related to the observed ones as the practice was so far.

Following GRETA's recommendation, in 2022 **the administration of NCCTHB** included as indicators the recovery and reflection period, residence permits, international protection, compensation and penalties imposed on traffickers applicable for the data related to victims accommodated and supported in the specialised services.

In addition, in 2022, the administration of NCCTHB invited representatives of the National Statistical Institute (NSI) to join the Permanent working group under NCCTHB in order to contribute to the improvement of the processes of collection, analysing and reporting of data.

The matter was included as a topic in the discussion forum "*Sustainability of national anti-trafficking policies. Improvement of the mechanisms for data collection and analysis. Utilisation of confiscated assets from convicted traffickers for the benefit of victims*" organised in October 2022 as well as during the last regular meeting of the Permanent working group with a conclusion that creating a comprehensive and functional data collection system for human trafficking is a process requiring broad research and analysis of the existing models, analysis of the necessary legal amendments, need analysis related to the technical support and maintenance of a data collection system in order to correspond to the environmental scan and the possible long-term outcome.

Enclosure:

Appendix 1: extract of the Criminal Procedure Code

Appendix 2: National hotline report for 2022 and 2023

Appendix 3: Information on the rights of victims of trafficking in human beings published in accordance with the Instructions for the organization of the work of the Prosecutor's Office of the Republic of Bulgaria on cases and pre-trial proceedings initiated for trafficking in human beings

Appendix 4: List of trainings reported by the Supreme Cassation Prosecutor's Office

Appendix 1: extract of the Criminal Procedure Code

"Criminal Procedure Code

Content of the acts

Article 34

Each act of the court must contain the following: information about the time and location of issuance; denomination of the issuing court, the case-file number in which it is issued; the names of panel members, of the prosecutor and the secretary; reasoning; an operative part and signatures of panel members.

.....

Civil action by the prosecutor

Article 51

Where the victim, on account of being underage or of a physical or mental deficiency, is unable to defend his/her rights and legal interests, the prosecutor may bring a civil action to his/her benefit.

.....

Measures for securing the civil claim

Article 73

- (1) The court and the bodies entrusted with pre-trial proceedings shall be obligated to explain to the victim that he/she has the right to bring, in the course of court proceedings, a civil claim for the damages caused by the offence.
- (2) Upon request of the victim or his/her heirs or of the prejudiced legal person filed in the course of pre-trial proceedings, the competent court of first instance, sitting in a panel of one, in camera, shall apply measures to secure a forthcoming claim pursuant to the procedure set forth in the Code of Civil Procedure.
- (3) In the hypotheses under Article 51, the measures under Paragraph 2 shall be applied upon request of the prosecutor.
- (4) In court proceedings the requests under paragraphs 2 and 3 shall be examined by the court hearing the case.

.....

Section IV

Civil claimant

Individuals who may take part in the proceedings as civil claimants

Article 84

- (1) The victim or his or her heirs and the legal persons, which have sustained damages from the criminal offence, may file in the course of court proceedings a civil claim for compensation of the damages and be constituted as civil claimants.
- (2) A civil claim may not be lodged in the course of court proceedings where it has already been lodged pursuant to the Code of Civil Procedure.

Application for a civil claim

Article 85

- (1) The application for a civil claim shall indicate: the full name of the author and of the individual against whom the claim is filed; the criminal case in which it is filed; the criminal offence which has caused the damages, as well as the nature and amount of damages for which compensation is claimed.
- (2) The application can be made orally or in writing.
- (3) (Amended, SG No. 63/2017, effective 5.11.2017, SG No. 7/2019) The civil claim shall be lodged latest before the start of the operative hearing and for private claim cases until the opening of the judicial investigation before the first-instance court.

Individuals against whom a civil claim may be filed

Article 86

Civil claims in court proceedings may be filed both against the defendant in court and against other persons who incur civil liability for the damages caused by the crime.

Rights of the civil claimant

Article 87

- (1) (Supplemented, SG No. 110/2020, effective 30.06.2021) The civil claimant shall have the following rights: take part in court proceedings; demand security for the civil claim; examine the case-file and obtain excerpts that he/she needs; produce evidence; make requests, comments and raise objections, as well as to file appeal from acts of the court which infringe upon his or her rights and legal interests. Requests, remarks, objections, as well as appeals against acts that violate his/her rights and legitimate interests may be made electronically, signed with a qualified electronic signature.
- (2) The civil claimant shall be allowed to exercise the rights under paragraph 1 inasmuch as he/she needs to substantiate his/her civil claim, in terms of grounding and amount.

Procedure for examination of a civil claim

Article 88

- (1) In the course of court proceedings, the civil claim shall be examined pursuant to the rules of this Code, and Code of Civil Procedure shall apply insofar as no relevant rules are herein contained.
- (2) The examination of a civil claim shall not make grounds for the continuation of a criminal case.
- (3) Where court proceedings are terminated, the civil claim shall not be examined; however it may be filed before a civil court.

.....

Section VI

Pronouncement of the sentence

Issues to be considered by the court in pronouncing the sentence

Article 301

- (1) In pronouncing the sentence, the court shall consider and decide on the following issues:
1. whether there is an act done, was it perpetrated by the defendant, and was it culpably perpetrated;
 2. whether the act constitutes a crime and whether its qualification is correct;
 3. whether the defendant is subject to punishment, what punishment needs to be determined, and in cases under Article 23 - 25 and 27 Criminal Code, what aggregate punishment to be imposed on him/her;
 4. whether there are grounds for exemption from criminal responsibility under Article 61, paragraph (1) and Article 78a, paragraph (1) of the Criminal Code;
 5. whether the defendant should be exempted from serving the punishment, what must be the probation period in case of conditional sentencing, and in the cases under Article 64, paragraph (1) of the Criminal Code - what educative measure should be imposed;
 6. (supplemented, SG No. 27/2009, effective 1.06.2009, amended, SG No. 13/2017, effective 7.02.2017) what initial regime shall be set for serving the punishment of deprivation of liberty;
 7. who should be entrusted with the educational work in the cases of conditional sentencing;

8. (amended, SG No. 109/2008) whether the conditions under Articles 68 through 69a and Article 70(7) of the Criminal Code are at hand, and what punishment should the defendant serve;
9. whether the grounds pursuant to Article 53 of the Criminal Code are at hand;
10. should the civil claim be honoured and to what extent;
11. how to dispose of the pieces of material evidence;
12. who should be charged with the costs of the case.

.....

Pronouncement on the civil claim

Article 307

The court shall make pronouncement on the civil claim also where it finds the defendant not guilty, criminal responsibility being extinct, or where the defendant should be exempted from criminal responsibility.

.....

Right to appeal or protest

Article 318

- (1) Proceedings before the intermediate appellate review instance shall be instituted by protest of the prosecutor or by appeal of the parties.
- (2) (Amended, SG No. 32/2010, effective 28.05.2010) The prosecutor shall file a protest where he/she finds that the sentence is wrong.
- (3) The defendant may appeal the sentence in all its sections. The defendant may also appeal it only with regard to the reasons and the grounds for acquittal.
- (4) The private complainant and the private prosecutor may appeal the sentence if their rights and legal interests have been infringed upon. They may not file appeal against the sentence where it has been issued in accordance with the requests they had made.
- (5) The civil claimant and the civil defendant may appeal the sentence only with regard to the civil claim, if their rights and legal interests have been infringed upon.
- (6) Appeals may be filed also by the counsels."

Appendix 2: National hotline report for 2022 and 2023

ABOUT THE BULGARIAN NATIONAL HUMAN TRAFFICKING HOTLINE

From 1st of April 2022 to 31 of March 2023	QUARTER 2 2022			QUARTER 3 2022			QUARTER 4 2022			QUARTER 1 2023			TOTAL
	04	05	06	07	08	09	10	11	12	01	02	03	
TOTAL CALLS to the Hotline	73	64	77	95	113	78	92	99	71	85	64	69	980
TOTAL Human Trafficking - RELATED calls	58	42	58	68	77	55	57	65	42	41	43	53	659
% calls HT-related								65.7	59.2				67,24 %
No. OF POLICE REPORTS SENT	3	1	4	3	5	3	3	2	1	2	1	3	31
CASE BREAKDOWN													
VICTIMS UNCONFIRMED	1	2	2	1	3	5	1	7	2	5	6	5	40
VICTIMS IDENTIFIED	0	0	3	4	5	0	1	2	8	1	1	2	27
victims referral via HL	0	0	0	1	0	2	0	0	0	0	0	1	4
Victims - ID Ops	1	0	1	0	1	0	2	2	0	0	0	0	7
SURVIVORS INTO A21 CARE by HL	0	0	0	2	4	2	1	0	2	0	0	0	11
SURVIVORS TO PARTNER CARE	0	0	0	0	0	0	0	0	1	1	1	1	4
NON-HT CASE REFERRED	1	1	0	2	1	0	1	1	1	1	1	0	10
Job Vetting Requests	1	1	5	1	3	1	1	0	1	2	2	1	19
Suspicious Job Identified	0	1	1	0	1	1	1	0	0	1	1	1	8
Professionals Trained	116			0			134			114			364

Appendix 3: Information on the rights of victims of trafficking in human beings published in accordance with the Instructions for the organization of the work of the Prosecutor's Office of the Republic of Bulgaria on cases and pre-trial proceedings initiated for trafficking in human beings

Information on the rights of victims of trafficking in human beings published in accordance with the Instructions for the organization of the work of the Prosecutor's Office of the Republic of Bulgaria on cases and pre-trial proceedings initiated for trafficking in human beings

https://prb.bg/bg/pub_info/opovestyavane-na-dokumenti/vtreshni

Trafficking in human beings is a criminal activity that is expressed in actions to recruit, transport, accept or hide people in the country or abroad with specific goals specified in the Criminal Code (Article 159a of the Criminal Code), namely:

- for the purpose of sexual exploitation
- for the purpose of labor exploitation
- for the purpose of begging
- for the purpose of selling body organs, tissues and eggs, as well as
- to pregnant women for the purpose of selling their newborn children

According to the current legislation, the possibility of assistance and financial compensation is provided for the victims of human trafficking.

Within the framework of the initiated pre-trial proceedings, the victims of human trafficking have relevant procedural rights, as well as the possibility of defense and special protection.

Assistance and Financial Compensation

According to Art. 8, para. 1 of the Law on Assistance and Financial Compensation of Victims of Crime Victims of Human Trafficking can receive:

1. assistance in the following forms:

- medical assistance in emergency situations in accordance with the Law on Health;
- psychological consultation and assistance;
- free legal aid in accordance with the Law on Legal Aid;
- practical help.

2. financial compensation.

Victims who have suffered material and non-material damage from human trafficking can receive assistance, and victims who have suffered property damage from such a crime can receive financial compensation.

When the victim has died as a result of the crime, the right to support and financial compensation passes to his heirs or to the person with whom he was de facto cohabiting.

The right to support and financial compensation from the state is granted to Bulgarian citizens or citizens of European Union member states who have suffered from human trafficking, and to foreign citizens - in the cases stipulated in an international treaty to which the Republic of Bulgaria is a party.

Victims of human trafficking can benefit from assistance and financial compensation when the crime was committed on the territory of the Republic of Bulgaria or when it was committed outside its territory and the victim is a Bulgarian citizen.

For more information: National Crime Victims Assistance and Compensation Council
Address: Ministry of Justice, Expert Commission of the National Council for Assistance and Compensation of Victims of Crime, Sofia 1040, Slavyanska St. No. 1

Website: www.compensation.bg

Email: compensation@justice.government.bg

Contact person, according to Art. 18, para. 7 of the Law on Assistance and Financial Compensation of Crime Victims: Georgi Spasov - Secretary of the Council, Deputy Chairman of the Expert Commission,

Email: g.spasov@justice.government.bg, phone: 02/9237 359.

Reception days: Tuesday and Thursday - from 1:00 p.m. to 4:00 p.m. in the Ministry of Justice building at 2A Dondukov Blvd., 7th floor, room 726.

Medical assistance in emergency situations

According to Art. 99 of the Health Act, the state organizes and finances a system for providing medical assistance in emergency situations.

An emergency is an acute or sudden change in a person's health that requires immediate medical attention. Medical assistance in these conditions should be aimed at preventing death, severe or irreversible morphological and functional damage to vital organs and systems, or complications in childbirth, endangering the health and life of the mother or fetus.

Free psychological consultation and help Practical help

Free psychological consultation and assistance is provided by specialist psychologists from the organizations to support victims of human trafficking.

Practical help is provided by specialist psychologists from organizations to support victims of human trafficking.

Practical help is expressed in the placement of relevant information boards and other materials on the rights of victims of crimes under this law in a prominent place, in the creation of a calm and favorable environment when making contact with them, in the provision of information about the risk of secondary and repeated victimization, intimidation or retaliation, and in providing advice on how to prevent them.

Victim support organizations provide shelter or other suitable temporary accommodation for crime victims who are at immediate risk of secondary and repeated victimisation, intimidation and retaliation.

For more information:

Association of Crime Victim Support Organizations.

Tel. 02/ 981 93 00

Tel. 02/ 980 02 62

Free legal aid

According to Art. 22, para. 1, item 7 of the Law on Legal Aid from Trafficking, people who do not have the means and wish to use a lawyer can use free legal aid related to:

- consultation and/or preparation of documents with a view to reaching an agreement before the commencement of legal proceedings or for the filing of a lawsuit, for the initiation or conduct of proceedings for the issuance of an individual administrative act and/or its challenge under administrative procedure, including consultation and/or preparation of documents under chapter five "a", section II (provision of legal assistance on the national telephone for legal assistance and in a regional counseling center);
- representation in out-of-court proceedings.

Legal aid is provided by lawyers and organized by the National Legal Aid Bureau.

National Legal Helpline – 070018250.

For more information: National Legal Aid Office

Address: Sofia 1421, Razvigor St. No. 1

Phone: +359 2 8193200

Email: nbpp@nbpp.government.bg

Web page: <http://www.nbpp.government.bg>.

Financial compensation

The financial compensation is expressed in a one-time grant by the state of a sum of money, the maximum amount of which cannot exceed BGN 10,000.

The financial compensation covers, together or separately, the property damages that are a direct consequence of the crime and are expressed in:

- treatment costs, with the exception of costs covered by the budget of the National Health Insurance Fund;
- lost income
- costs of paying court and administrative costs
- lost means of maintenance
- funeral expenses
- other property damages.

In the event of death of the victim as a result of the crime, the right to financial compensation passes to his children, parents, spouse or the person with whom he was in de facto cohabitation.

The financial compensation is provided after the entry into force of:

- the conviction, including in cases where the case was considered in the absence of the defendant;
- the agreement to resolve the case in the pre-trial proceedings;

- the prosecutor's or judicial act by which the criminal proceedings were terminated, with the exception of cases where the termination is based on Art. 24, para. 1, items 1, 7, 8a and 9 of the Criminal Procedure Code;
- the prosecutor's or court act by which the criminal proceedings were suspended due to non-disclosure of the perpetrator of the crime.

Property damages are proved by the victims with expense-justification documents.

Financial compensation is not provided when the victim:

- has been convicted in the last 5 years before submitting the application for financial compensation for terrorism; premeditated murder; attempt to kill; intentional grievous bodily harm; fornication; rape; human trafficking; crimes committed on the order or in fulfillment of a decision of an organized criminal group or other serious intentional crimes, which resulted in death or serious bodily injury;
- received compensation in another way;
- did not notify the competent authorities of the commission of the crime, unless for valid reasons he could not do so.

The application for financial compensation is submitted to the National Council for Assistance and Compensation of the victim of the crime within one year from the entry into force of the act of the judicial authority. The application can also be submitted through an organization for the support of victims or through the regional governor at the current address of the victim. Samples of the application, as well as other relevant documents, can be accessed at <https://compensation.bg/site/documents/>.

For more information:

National Crime Victim Support and Compensation Council (contact details above).

Association of Victims of Crime Support Organizations (contact details above).

National Commission for Combating Trafficking in Human Beings

Sofia 1797, "Dr. G. M. Dimitrov" Blvd. No. 52A,

phone: 02 807 80 50

Email: office@antitraffick.government.bg ;

Official website: www.antitraffick-government.bg

Information regarding the legal regime for assistance, financial compensation and procedural rights for human trafficking committed in EU member states

The diplomatic representations of the Republic of Bulgaria in the member states of the European Union inform in writing the Bulgarian citizens who are there and have suffered from crimes on the territory of the host country, as well as their children, parents, spouse or the person with whom he was in de facto cohabitation - if they wish, for the competent authorities in this country, to whom they can turn regarding the procedure for receiving support and financial compensation, for the possibility to submit an application for financial compensation to the competent authority of the other member state through the National Council, as well as for the terms and conditions for receiving the relevant type of assistance on the territory of the Republic of Bulgaria.

The national regimes of the EU countries regarding the provision of support and assistance to victims of crime can be found at the following website: https://e-justice.europa.eu/171/BG/victims_rights_by_country.

The national compensation regimes for victims of serious premeditated crime in EU countries can be found at the following website:

https://e-justice.europa.eu/491/BG/if_my_claim_is_to_be_considered_in_this_country

A Bulgarian citizen who has suffered from human trafficking committed in another member state of the European Union may submit an application for financial compensation to the competent authority of the other member state through the National Council.

Measures to protect and assist victims of human trafficking under the Anti-Trafficking in Human Beings Act

For the protection and assistance of victims of human trafficking, there are:

- Shelters for temporary accommodation of persons who have declared that they are victims of human trafficking. These shelters provide normal living conditions and personal hygiene; provide the accommodated persons with food and medicine; provide emergency medical and psychological assistance; assist accommodated persons in establishing contact with their relatives, as well as with specialized departments and organizations; during the period of stay they provide free legal assistance and appropriate language assistance for persons who do not speak Bulgarian.
- Shelters for subsequent reintegration. These shelters provide normal living conditions and personal hygiene and support the social inclusion of victims of human trafficking, as well as
- Centers for the protection and assistance of victims of human trafficking. The centers provide information on the administrative and judicial procedures that govern the assistance and protection of victims of human trafficking, in a language they understand; provide specialized psychological and medical assistance; support the reintegration of the victim into the family and social environment.

Reception in the shelters is carried out at the request of the persons for a period of not less than 30 days, which can be extended at the proposal of the relevant shelter, the local commissions, the bodies of the pre-trial proceedings or the court, when the person has expressed a desire to do so.

Procedural Rights and Possibility of Defense in Pre-court Proceedings

According to Art. 15 of the Civil Procedure Code, the victim is provided with the necessary procedural means to protect his rights and legitimate interests.

Procedural rights of the victim of human trafficking, including when he is a witness in criminal proceedings

Rights of an injured person

According to Art. 74 of the Criminal Code, the victim is the person who suffered property or non-property damage from the crime. Upon death of the person, this right passes to his heirs.

In pre-trial proceedings, the victim has the following rights:

- to be informed of his rights in criminal proceedings;
- to receive protection for his security and that of his relatives;
- to be informed about the progress of the criminal proceedings;
- to participate in the proceedings according to the provisions of this Code;
- to make requests, notes and objections;
- to appeal the acts that lead to the termination or suspension of the criminal proceedings;
- to have a trustee;
- to receive a written translation of the decree to terminate or suspend the criminal proceedings, if he does not speak Bulgarian.

The authority that initiates the pre-trial proceedings shall immediately notify the victim of this if he has indicated a summons address in the country or an email address.

The rights of the victim arise if he expressly requests to participate in the pre-trial proceedings and indicates an address in the country for summoning and notification of the proceedings. With the express consent of the victim, which can be withdrawn at any time, the summons and notification can also be made to the e-mail address specified by him.

Requests, notes, objections, as well as appeals of acts that lead to the termination or suspension of criminal proceedings, can be made in writing or electronically, signed with a qualified electronic signature.

Right to bring a civil action

According to Art. 84 of the Civil Code, the victim or his heirs, who have suffered damages from the crime, can file a civil claim for damages in the court proceedings and establish themselves as civil plaintiffs. The civil action cannot be brought in court proceedings when it is brought according to the procedure of the Code of Civil Procedure.

The civil claimant has the following rights: to participate in the court proceedings; to request security for the civil action; to familiarize himself with the case and make the necessary extracts; to present evidence; to make requests, notes and objections and to appeal the acts of the court that harm his rights and legitimate interests. Requests, notes, objections, as well as appeals against the acts that harm his rights and legal interests, can be made electronically, signed with a qualified electronic signature.

When the victim, due to minors or physical or mental deficiencies, cannot protect his rights and legal interests, the public prosecutor can file a civil claim in his favor.

Right to appoint trustee and special representative

When the civil claimant presents evidence that he is unable to pay attorney's fees, wishes to have a guardian and the interests of justice require this, the court hearing the case as a first instance appoints him a guardian.

When the interests of the minor or minor victim and his parent, guardian or guardian are contradictory, the relevant body appoints a special representative - a lawyer. A special

representative - a lawyer, is also appointed to the victim when he is incapacitated or has limited legal capacity and his interests conflict with the interests of his guardian or trustee. The Special Representative participates in the criminal proceedings as a trustee.

Possibility of defense within the framework of initiated pre-trial proceedings

Measures to protect the victim

According to Art. 67 of the Criminal Procedure Code, at the proposal of the prosecutor with the consent of the victim or at the request of the victim, the relevant court of first instance may prohibit the accused:

- to approach the victim immediately;
- to make contact with the victim in any form, including by telephone, electronic or regular mail and fax;
- to visit certain settlements, areas or objects where the victim resides or visits.

The ban is lifted after the case is concluded with an effective verdict or when the proceedings are terminated on other grounds. The injured party can request the court to revoke the ban at any time.

The court notifies the victim of the possibility of issuing a European Protection Order. The court also informs about this possibility in the cases of a probationary measure imposed by a sentence under Art. 42b, para. 3, item 1 of the Criminal Code. (Art. 310 of the Civil Code).

Informing a victim with a specific need for protection

A specific need for protection in the course of pre-trial proceedings is present when it is necessary to apply additional means of protection against secondary and repeated victimization, intimidation and revenge, emotional or mental suffering, including to preserve the dignity of victims during interrogation. To establish a specific need for protection of a witness in connection with his participation in the criminal proceedings, an expertise may be appointed.

According to Art. 67a of the Civil Procedure Code, the prosecutor in the pre-trial proceedings and the court in the judicial proceedings shall immediately notify the victim with specific protection needs in cases where:

- the accused violated the measure of remand house arrest or detention;
- the remand house arrest or remand measure taken is revoked or replaced by a signature or guarantee.

According to Art. 417a of the Criminal Procedure Code, the relevant prosecutor immediately notifies the victim with specific protection needs and in the cases of Art. 415 of the Criminal Code (when he postpones the execution of the punishments of deprivation of liberty and probation) or of Art. 417 of the Civil Procedure Code (when ruling on deduction of the time of detention and deprivation of rights).

Measures for the protection of the witness in accordance with the Code of Criminal Procedure

According to Art. 123 of the Civil Code, at the request of the witness or with his consent, the prosecutor or the court take measures for his immediate protection, when there are sufficient grounds to assume that as a result of the testimony, a real danger to the life or health of the witness has occurred or may occur, of his ascendants, descendants, brothers, sisters, spouse or persons with whom he is particularly closely related.

Witness protection is temporary and is implemented through:

- provision of personal physical security by the authorities of the Ministry of Internal Affairs or by the employees of the Bureau of Protection under the Minister of Justice - if necessary, in cases where this is expressly assigned to them by a prosecutor;
- keeping his identity secret.

Personal physical protection can also be provided in relation to ascendants, descendants, brothers, sisters, spouse or persons with whom the witness is in particularly close relations, with their consent or with the consent of their legal representatives.

The relevant authorities of the pre-trial proceedings and the court have direct access to the protected witness, and the defender and the trustee - if the witness is named by them.

Protection measures are canceled at the request of the person in respect of whom they were taken, or when the need for their application ceases.

Special protection of the witness and/or his relatives under the Law on the Protection of Persons at Risk in Criminal Proceedings

Within 30 days of taking a measure for immediate protection under Art. 123 of the Civil Procedure Code, the prosecutor or the court may propose the inclusion of the witness or his ascendants, descendants, brothers, sisters, spouse or persons with whom he is in a particularly close relationship, in the protection program under the conditions and in accordance with the Law on the Protection of persons threatened in connection with criminal proceedings.

Under this law, endangered participants in criminal proceedings (witness, private prosecutor, civil claimant), as well as persons directly related to them (ascending, descending, brothers, sisters, spouse or persons with whom they are in a special relationship) can receive special protection under this law. close relations).

Threatened persons may receive special protection when the testimony, explanations or information of those threatened persons provide evidence of essential importance in criminal proceedings for serious intentional crimes of a general nature and for all crimes committed at the behest or in execution of a decision of an organized criminal group .

Special protection is implemented through:

Preliminary protection, representing a set of measures that provides immediate protection to a threatened person. The preliminary protection is applied until the act of the Minister of Justice is issued or until the decision of the Protection Council is made for such protection for a period of up to 30 days, which can be extended if necessary by no more than 30 days. Preliminary protection includes the following measures:

- ✓ Personal physical security – an activity to protect his bodily integrity from illegal encroachments, their prevention and interception, in which the person fulfills the safety instructions prescribed by the Bureau of Protection or by the relevant official. Security can be 24/7, for certain hours or for certain occasions.

- ✓ Protection of property - activity to prevent illegal encroachments on movable or immovable property that the person uses or lives in.
- ✓ Placement in a safe place - immediate transfer of the threatened person to another place other than his usual place of residence.

The program for the protection of endangered persons, which is a complex of measures and includes:

- ✓ change of residence in the country;
- ✓ change of place of work;
- ✓ change of nursery school or institution in pre-school, school and higher education;
- ✓ relocation to another country under specific conditions (if the protection of the person cannot be carried out in the Republic of Bulgaria or to ensure his temporary residence for a certain period in the other country, as well as personal physical protection, if this is necessary);

Special protection may also include activities to provide social, medical, psychological, legal and financial assistance, supporting the integration of the person in the new environment.

Provision of special protection is carried out on the proposal of the district prosecutor, and in court proceedings - of the court, through the Bureau of Protection, to the Minister of Justice.

The offer to grant protection is made ex officio or at the request of the threatened person; of the investigating authority or the supervising prosecutor. When not ruling ex officio, the district prosecutor or the court examines the request immediately after receiving it and submits a reasoned proposal to the Minister of Justice. The refusal of the prosecutor or the court to make an offer may be appealed to a higher court.

Interrogation of a witness with a special need for protection. Interrogation of a minor or minor witness

According to Art. 139 of the Criminal Procedure Code, interrogation of a witness with specific protection needs is conducted while taking measures to avoid contact with the accused, including through a video conference or telephone conference, in accordance with the provisions of this Code.

Interrogation of minors and underage witnesses in the country may be carried out by taking measures to avoid contact with the accused, including in specially equipped premises or by video conference.

According to Art. 280 of the Civil Procedure Code, a minor witness or a witness with specific protection needs, who was questioned in the criminal proceedings, is questioned again only when his testimony cannot be read under the conditions and according to the order of Art. 281 CPC or the new interrogation is of utmost importance to reveal the truth. The interrogation takes place while taking measures to avoid contact with the defendant, including in specially equipped rooms.

The statements of a witness, given in the same case before a judge in the pre-trial proceedings or before another panel of the court, are read when the witness is a minor or with specific protection needs and the accused and his defense attorney were present during his questioning (Article 281 of the Criminal Procedure Code).

Interrogation of a protected witness

The participation in criminal proceedings of endangered persons who have received special protection in the sense of this law, if there is an opportunity for this, is carried out through a video conference or a telephone conference in accordance with the Criminal Procedure Code.

Interrogation of persons in respect of whom a measure of protection has been taken under the Law on the Protection of Persons Threatened in Connection with Criminal Proceedings may be carried out with taking all possible measures to keep his identity secret. In these cases, the transcripts of the minutes of the witness's interrogation without his signature are presented immediately to the accused and his defense counsel, and in court proceedings - to the parties, who may put questions to the witness in writing. Interrogation of the person by video conference or telephone conference is carried out with a changed voice, and by video conference - with a changed image of the witness.

Informing about the rights in the process and the possibility of protection of the victim, as well as the witness, is carried out by the authority of the pre-trial proceedings.

Possibility of special protection under the Anti-Trafficking in Persons Act for participants in criminal proceedings identified as victims of human trafficking

Persons who have been identified as victims of human trafficking and have expressed their agreement to cooperate in the investigation of the crime and its perpetrators may be granted special protection status for the duration of the criminal proceedings, which includes:

- granting a permit for long-term residence on the territory of the Republic of Bulgaria for citizens of third countries - in accordance with the Law on Foreigners in the Republic of Bulgaria;
- continuation of the stay in the shelters.

The notification of the possibility to receive this special protection is carried out by the authorities of the pre-trial proceedings and the same is provided if, within a period of one month, the persons declare their agreement to cooperate in the detection of the crime. When the victim of trafficking is a child, this period can be extended up to two months at the proposal of the State Agency for Child Protection.

The granting of a status of special protection is carried out by a decree of the prosecutor, and the stay in the shelters continues in accordance with the period determined by the decree and cannot exceed the period for the completion of the criminal proceedings.

A granted status of special protection shall be terminated by the prosecutor before the expiry of the period determined by him, when:

- the person has renewed his contacts with the perpetrators of the crime, for the disclosure of which he declared his cooperation;
- the prosecutor considered that the declared consent was apparent or
- there is a danger to public order and national security.

The prosecutor's decree not granting special protection status under the Anti-Trafficking in Human Beings Act or terminating such a status is subject to appeal to the higher prosecutor.

Appendix 4: List of trainings reported by the Supreme Cassation Prosecutor's Office

The magistrates, prosecutors and investigators participate in regular trainings. Since July 1st 2021 the following trainings of magistrates have taken place:

July 1st 2021 – December 31st 2021

1.	Project "Overcoming the Limits to Effective Police Investigation to Protect Women Victims of Trafficking and Improve Accountability Mechanisms"	National Commission for Combating Trafficking in Human Beings, Justice and Internet Foundation July 27	1 prosecutor
2.	Regional expert meeting on "Preventing child trafficking, with a focus on their forced involvement in criminal activities in South-Eastern Europe"	National Commission for Combating Trafficking in Human Beings July 6 - 7 online	1 prosecutor
3.	Investigation and actions of the prosecutor in cases with the subject: Human trafficking in the EU	National Institute of Justice September 23 – 24, Brussels	2 prosecutors
4.	Trafficking in Persons: Practices in Investigation and Prosecution. Legal process and legal protection. Victim protection and support	National Commission for Combating Trafficking in Human Beings and National Institute of Justice November 18-19	13 prosecutors 4 investigators
5.	Human trafficking with factual and legal complications - Part II	National Institute of Justice 19.10 – 10.11. online	6 prosecutors
	A total of 5 trainings		23 prosecutors 4 investigators

2022			
1.	Investigation and actions of the prosecutor in cases with the subject: Human trafficking	European Judicial Training Network April 5 – 6 Bucharest Romania	2 prosecutors
2.	Human Trafficking. Financial investigations	European Judicial Training Network May 16 – 18 Hague The Netherlands	1 prosecutor
3.	Human trafficking and sexual exploitation	European Judicial Training Network May 23 – 27 Budapest Hungary	1 junior investigator
4.	Video conference on: "Implementing a gender-responsive approach to combating human trafficking"	OSCE February 22	1 prosecutor
5.	Regional Expert Meeting of the Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings in South East Europe	National Commission for Combating Trafficking in Human Beings, July 05-06 юли, Herzog Novi, Montenegro	2 prosecutors
	A total of 5 trainings		6 prosecutors 1 junior investigator
January 1 st 2023 – June 1 st 2023			
1.	Financial Investigation of Human Trafficking	March 23-24 Sofia, National Institute of Justice	10 prosecutors 1 investigator – in presence 14 prosecutors 12 investigators – online
2.	Combating human trafficking	May 22-26 Sinaia Romania, International Justice Mission, Romania	1 prosecutor

	A total of 2 trainings		25 prosecutors 13 investigators
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