

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Bulgaria - 2022

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

REPORTING

Fulfilment of Government's reporting obligations

p29 Fulfilment of Government's reporting obligations

yes

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

91. When preparing its report, the Government consulted [10.1]

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

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

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

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

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

94. Please describe the consultation process(es). [10.2]

The information in the current report was sent to the social partners for comments and remarks.

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
84. Please provide details and provide any relevant URL(s) [6.2]	They are integral part of many campaigns. The labour legislation is developed and approved with the active participation of the social partners (Article 2 of the Labour code).
95. Did employers organizations comment on the report? [11a]	No

Workers' organizations

83. Have employers and or or workers organizations been consulted in the development and implementation of adopted measures? [6.1]	Yes
84. Please provide details and provide any relevant URL(s) [6.2]	They are integral part of many campaigns. The labour legislation is developed and approved with the active participation of the social partners (Article 2 of the Labour code).
96. Did workers organizations comment on the report? [11b]	No

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification intention

61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?	Likely
62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?	Priority is given to the ratification of other international labour standards. Nevertheless, Bulgaria respects the principles enshrined in the 2014 Protocol to Convention No. 29 and takes targeted actions to combating and preventing forced labour in all its forms, including as a result of trafficking in human beings. As we have noted in previous reports, there are provisions in the Protocol that fall outside the scope of the Ministry of Labour and Social Policy and

	<p>concern fields of competence of other Ministries. Therefore, reaching an agreement on ratifying the Protocol turns to be a long-term process that involves consent of different stakeholders. There is a need of an in-depth analyze of the national legislation in particular with regard to the compensation of victims of forced labour and access to remedies. Currently the possibility of compensating all victims of forced labour, regardless of its source is not regulated in the Bulgarian legislation. Legal interpretations of ILO and a summary of good practices with regard to the provisions concerned of Protocol could be helpful in this regard.</p>
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Existence of a policy and or plan of action for the suppression of forced or compulsory labour

<p>63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]</p>	<p>Yes</p>
<p>65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]</p>	<p>There are no changes since the last reporting - the labour legislation is developed and approved with the active participation of the social partners (Article 2 of the Labour code).</p>
<p>68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]</p>	<p>Yes</p>
<p>69. Please describe these measures. [1.5]</p>	<p>The main form of forced labour that occurs in the country, as well as in connection with Bulgarian citizens abroad, is forced labour as a result of human trafficking. For the reporting period, a National Programme for the prevention and counteraction of human trafficking and protection of victims for 2022 (the National Programme) was adopted. Therein are included activities to prevent human trafficking for the purpose of labour exploitation among vulnerable groups and individuals. The responsible institutions are the Administration of the National Commission for Combating Human Trafficking, the local commissions and the Ministry of Labour and Social Policy. Partners are the General Labour Inspectorate Executive Agency (GLI EA), the Employment Agency (Labour Office directorates), the Ministry of the Interior and NGOs. The goal is increased awareness of specific and vulnerable groups (permanently unemployed; persons looking for opportunities to enter the labour market in other member states of the European Union, and other risk groups) about the risks of being involved in human trafficking for the purpose of labour exploitation. This includes the participation of the secretaries of the local commissions for combating human trafficking in labour</p>

	<p>exchanges, distribution of informational materials, etc. Among the strategic objectives of the National Plan for 2022 are overcoming the consequences of human trafficking and reintegrating victims into society by providing assistance, support, aid and protection, and tracking the development and trends in the crime of "human trafficking", its prevention and counteraction, development of international cooperation through exchange of good practices etc. The General Labour Inspectorate Executive Agency (GLI) has a key role in the fight against forced and child labour, carrying out controls throughout the country on compliance with labour legislation. Child labour is prohibited in Bulgaria. The statutory minimum age for starting work is 16, while education is compulsory. Until reaching the age of majority, persons may start work only with permission from the Labour Inspectorate. For children under the age of 16, permits are issued exceptionally, mainly for gifted children - for participation in music and theatre ensembles, circus troupes and film productions. The employment of minors without the permission of the Labour Inspectorate is classified as a crime. During each inspection, labour inspectors must check whether there are employed persons under the age of 18 without a permit. In established cases, the prosecutor's office is notified. Minors shall work under relieved working conditions. They shall work not more than 7 hours a day in a five-day working week. Night and overtime work is prohibited for them. For the first five months of 2022, 2,060 permits were issued for hiring minors. During the period, there was a significant number of permits issued for persons under the age of 16 – 275. (with 20 in 2021), but almost all of them are for the participation of children in film productions. There is also a serious increase in the total number of issued permits compared to their number for the five months of 2021, when it was 858. For the whole of 2021, the Labour Inspectorate issued 7,958 work permits for minors. GLI works towards raising the awareness of jobseekers regarding the risks of fraud and violation of their labour rights and participates in the identification of victims of trafficking for the purpose of labour exploitation, in the activities of defining concepts and identifying measures to prevent and counteract this type of crime. As a member of the Permanent Working Group of the National Commission for Combating Human Trafficking, the Labor Inspectorate contributes to the work of the Commission with the aim of countering labor exploitation.</p>
<p>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</p>	<p>Yes</p>
<p>71. Please describe these data. [1.6.1]</p>	<p>The Executive Agency General Labour Inspectorate collects information on cases of labour exploitation. The National Commission for Combating Trafficking in Human Beings collects information about the victims of forced labour resulting from trafficking in human beings. Data on criminal proceedings and imposed penalties for trafficking in human beings including for the purposes of forced labour is maintained also by the Prosecutor's Office of the Republic of Bulgaria. Statistics are provided in the current report.</p>

Measures taken or envisaged for systematic and coordinated action

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

Detailed information is given in the points below with regard to new developments, as well as in our previous reports under the Questionnaire.

Measures taken or envisaged to prevent forms of forced labour

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

Yes

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

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

75.f. Please provide a description of measures taken or envisaged:

A number of information campaigns and prevention activities have been carried out, detailed in this questionnaire.

75.f. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:

All groups.

Measures taken or envisaged to protect victims of forced labour

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

Yes

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

a) Training of relevant actors for identification of forced labour practices, b) Legal protection of victims, c) Material assistance for victims, d) Medical and psychological assistance for victims, e) Measures for the rehabilitation and social and professional reintegration of victims, f) Protection of privacy and identity, g) Appropriate accommodation, h) Specific measures for children, i) Specific measures for migrants

Measures taken or envisaged to facilitate access to remedies

78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]

No

Cooperation with other Member States, international / regional organizations or NGOs

81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]

Yes

82. Please briefly describe the modalities of this cooperation. [5.2]

- Meetings of the European Network of National Rapporteurs and equivalent mechanisms on human trafficking - during the reporting period, 4 virtual consultative meetings were held to exchange information in relation to the progress of the member countries in combating human trafficking. The main focus was on the preparation of a new European Strategy for Combating Trafficking in Human Beings 2021-2025. - Participation of the NCCHT secretariat in two online meetings for the exchange of experience and practices between the representatives of the Network of Anti-Trafficking Coordinators from Southeast Europe. - Participation of representatives of the NCCHT secretariat in the 28th and 29th meeting of the Committee of the Parties to the CE Convention on Combating Trafficking in Human Beings. - Participation in the 21st high-level conference of the Alliance against Trafficking in Persons to the OECD "Countering the Demand: Addressing the Root Cause of Trafficking in Persons" - Participation in the 30th session of the United Nations Commission on Crime Prevention and Criminal Justice, in connection with the presentation of the 2020 Report on Trafficking in Persons to the United Nations Office on Drugs and Crime (UNDOC), as well as in a series of events, to exchange experience and increase the capacity of professionals working to combat human trafficking. - Bilateral cooperation programme between the Ministry of Labour and Social Policy and the Federal Ministry of Labour and Social Affairs of the Federal Republic of Germany 2021-2022 - representatives of the NCCHT secretariat participated in a series of virtual meetings, within the framework of the Bilateral Programme. In addition to discussions related to the improvement of working conditions for Bulgarian citizens seeking a different type of employment in Germany, the NCCHT secretariat and the department of the Federal Ministry committed to combating human trafficking for the purpose of labour exploitation planned and conducted joint activities on the prevention of human trafficking and the protection of victims, including a series of workshops, with the aim of improving interaction and coordination in the identification and referral of victims of trafficking and planning the preparation of a Bilateral Mechanism for

Referring between the two countries. - High-level meeting on the anniversary of the UN Global Plan of Action to Combat Trafficking in Human Beings - during the meeting, a Political Declaration on the Implementation of the UN Global Plan of Action to Combat Human Trafficking in Human Beings was adopted. - Meeting for the exchange of experience with the relevant departments of the Republic of Argentina - exchange of experience and practices between the Secretariat of the NCCHT, representatives of the Ministry of Foreign Affairs and the Prosecutor's Office of the Republic of Bulgaria, representatives of the Embassy of the Republic of Argentina in Bulgaria and the Argentine service responsible for combating human trafficking. - During the reporting period, representatives of the NCCHT secretariat took part in a number of international conferences, round tables and forums dedicated to issues related to countering human trafficking, among which: a round table on the topic "Combating technology-facilitated human trafficking in the region of Central Asia and the Asian Partners for OECD Cooperation"; an expert workshop on "Establishing international standards for administrative data on human trafficking", organized by the International Organization for Migration (IOM) and the United Nations Office on Drugs and Crime (UNDOC); international conference "Follow the Money: Financial Aspects of the Fight against Human Trafficking", organized by the Working Group on Combating Human Trafficking of Austria; a round table on "Collection of data on victims of trafficking" organized by the Romanian National Agency for Combating Trafficking in Human Beings and a number of other events.

Promotional activities

90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]

The full reports of the Local Commissions to Combat Trafficking in Human Beings are posted on their official pages on the website of the National Commission for Combating Trafficking in Human Beings – www.antitrafficking.bg.

Special initiatives or Progress

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

Victims 2021 Total victims 132 Women, of them 86 juveniles (14-18 years) 11 minors (below 14 years) 9 Men, of them 46 juveniles (14-18 years) 10 minors (below 14 years) 6 purpose - sexual exploitation 47 Women, of them 45 juveniles 4 minors 0 Men, of them 2 juveniles 1 minors 0 purpose - labour exploitation 61 Women 23 Men 38 purpose - begging 5 Women 4 Men 1 Children of victims of trafficking 9 juveniles 0 minors 9 pregnant women with the aim of selling their child 1 The Supreme Court of Cassation (SCC) participates as a responsible institution under the National Programme for 2021 under activity 5.4. (Creation of an electronic register of human trafficking cases examined by the Supreme Court of Cassation, in which the cassation decisions will be included together with copies of the verified appeal acts and copies of the verdicts of the first instance)

	and activity 5.5. (Periodic analysis of the data included in the electronic register) from Section V "Research, analysis and statistical reporting of data related to human trafficking". On the website of the Supreme Court of Justice, the register of human trafficking cases is located in the "Court practice" section (http://www.vks.bg/registar-trafik-hora.html).
90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]	The full reports of the Local Commissions to Combat Trafficking in Human Beings are posted on their official pages on the website of the National Commission for Combating Trafficking in Human Beings – www.antitrafficking.government.bg .

CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the Government and social partners

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]	a) Lack of awareness,b) Lack of information and data,c) Social values, cultural traditions,d) Social and economic circumstances,h) Challenges linked to the labour recruitment and placement process,i) Challenges linked to migration policies
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TECHNICAL COOPERATION NEEDS

Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]	Yes
88. If so, please indicate the needs in this area by level of importance (not important, less important, important, most important) [9.2]	<p>b) Awareness-raising and mobilization activities => Most Important</p> <p>c) Collection and analysis of data and information => Most Important</p> <p>d) Guidance on the development of the national policy and plan of action => Most Important</p> <p>e) Strengthening the legal framework => Important</p> <p>f) Capacity building for the competent authorities => Most Important</p>

g) Inter-institutional coordination => Most Important

o) Exchange of experiences between countries or regions;
international cooperation => Most Important