

**BULGARIA (2016-2017)**

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

<b>REPORTING</b>	<b>Fulfilment of Government's reporting obligations</b>	YES.	
	<b>Involvement of Employers' and Workers' organizations in the reporting process</b>	YES, in preparing the 2017 report, the Government has consulted the following employers' and workers' organisations: the Bulgarian Chamber of Commerce and Industry; the Bulgarian Industrial Association; the Bulgarian Industrial Capital Association; the Confederation of Employers and Industrialists in Bulgaria; the Union for Private Economic Enterprise; the Confederation of Independent Trade Unions in Bulgaria; and the Confederation of Labour "Podkrepa".	
<b>OBSERVATIONS BY THE SOCIAL PARTNERS</b>	<b>Employers' organizations</b>	Yes.	
	<b>Workers' organizations</b>	No.	
<b>EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>Ratification</b>	<b>Ratification status</b>	Bulgaria has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		<b>Ratification intention</b>	<b>2017 AR:</b> The Government indicated its intention to ratify the 2014 Protocol.
	<b>Existence of a policy and / or plan of action for the suppression of forced or compulsory labour</b>	<p><b>2017 AR:</b> The Government indicated that there are national policy and plans of actions for the prevention of all forms of forced labour as well as for combating trafficking in persons for the purposes of forced or compulsory labour. Bulgaria pays particular attention to combating human trafficking, including trafficking for the purposes of forced labour. Passed on 7 May 2003 (effective 20 May 2003), the Combating Human Trafficking Act focuses on prevention and on the protection of victims, particularly women and children. It defines for the first time the notions "reflection period" and "recovery period" and determines the special protection for victims of traffic who assist the investigation. The law sets out the institutional framework and the interaction between the governmental and non-governmental institutions on designing the national policy. A National Commission for Combating Human Trafficking (NCCHT) is established under the act. It monitors the compliance with the law, develops the policy for counteracting human trafficking and establishes local commissions. The national commission determines and directs the national strategy for addressing the problem, takes part in the international cooperation for fight against the problem, organises the conduct of information, elucidatory and educational campaigns for individuals from risk groups, designs programmes for training of staff to perform functions for prevention and counteraction of human trafficking, monitors the work of the local commissions.</p> <p><b>2016 AR:</b> Since 2005, Bulgaria approves every year a national programme for preventing and counteracting human trafficking and protection of victims thereof. The programme is designed in NCCHT. The 2016 National Programme envisages new activities in the context of prevention of human trafficking for the purposes of labour exploitation, as well as prevention of trafficking risks among the vulnerable ethnic minorities. Activities for improvement of the mechanisms for identification of victims of trafficking among asylum seeking migrants are</p>	

		<p>envisaged for the first time under the programme. This year's priority is on restoring the operation of the shelters of NCCHT for temporary accommodation of victims of trafficking with a view to overcoming the consequences of trafficking and providing adequate support to the victims.</p>
	<p><b>Measures taken or envisaged for systematic and coordinated action</b></p>	<p><b>2017 AR:</b> Freedom of labour and prohibition of forced and compulsory labour are fundamental principles in the Bulgarian legislation. They are regulated in Article 48 (3) and (4) of the Constitution of the Republic of Bulgaria, according to which every citizen is free to choose an occupation and a place of work and no one may be compelled to perform forced labour. They are also fundamental principles of labour law which are proclaimed not only in the Supreme Law but also in the Labour Code (LC). The legal guarantees for their realisation are laid down in the Labour Code, for example, the employment relationship may originate through the free and voluntary will of the individual; where the employee disagrees with the obligations he has to perform, an employment relationship does not originate (Article 63 (3) of the Labour Code); Article 326 of the Labour Code provides the worker or employee with the opportunity to terminate his employment contract unilaterally, upon a written notification to the employer, without the need to provide arguments and reasons; there is also a prohibition of performing extra work, etc. The Penal Code and the Combating Human Trafficking Act also contain provisions on forced labour. In the Penal Code, the legislator has incriminated the acts of recruitment, transportation, hiding or admittance of individuals or groups of people for the purposes of using them for forced labour (Article 159a and Article 418 of the Penal Code). Bulgaria is a full EU member and thus the supra-national EU acquis are applicable on national territory. Good European practices of combating exploitative work practices have been transposed into the Bulgarian legislation. According to Directive 2011/36/EU of the European Parliament and of the Council of 13 December 2011 on preventing and combating human trafficking and protecting its victims, transposed by the Bulgarian State, forced labour is a form of exploitation. The directive qualifies all forms of exploitation as crimes and harmonises the sanctions for the exploiters and the undertakings making use of forced labour. It also contains provisions on prevention, protection of victims and compensation to victims. In 2015, the Council of Ministers of the Republic of Bulgaria adopted Decision No. 243/16.04.2015, approving the Protocol to Convention No. 29 of ILO and Recommendation No. 203 of ILO on supplementary measures for the effective suppression of forced labour and making a proposal to the National Assembly to take cognisance of the Protocol and the Recommendation on the grounds of Article 86 (1) of the Constitution of the Republic of Bulgaria. The decision was discussed and adopted by the 43rd National Assembly on 14 May 2015. According to the Penal Code (PC) of the Republic of Bulgaria, a person who compels another to do, to omit or to suffer something contrary to his will, using for that purpose force, threats or abuse of his authority, shall be punished by imprisonment for up to six years (Article 143 (1)). Therefore, the use of force in order to compel a person to perform work for which he has not offered himself voluntarily is an act punishable under the Penal Code.</p>
	<p><b>Measures taken or envisaged to prevent forms of forced labour</b></p>	<p><b>2017 AR:</b> According to the Government, the measures taken or envisaged include: a) campaigns and events for raising the awareness of different target groups about the possibilities for protection against forced labour and for safe travel abroad (university and school students, representatives of the Roma community, young people, migrants, long-term unemployed persons, employers); b) regular labour inspections, carried out by the General Labour Inspectorate; c) adoption of Labour</p>

		<p>Migration and Labour Mobility Act (2016); d) Ensuring freedom of association and guaranteeing the right to collective bargaining are an integral part of the country's policy for elimination of forced labour; and e) the labour legislation is developed and approved with the active participation of the social partners (Article 2 of the Labour Code).</p>
	<p><b>Measures taken or envisaged to protect victims of forced labour</b></p>	<p><b>2017 AR:</b> The Government reported that the measures taken or envisaged include: 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; h) specific measures for children and migrants. In Bulgaria, the fight against human trafficking (also for the purpose of forced labour) is included in the regular curriculum of the Police Academy at the Ministry of Interior, the Diplomatic Institute at the Ministry of Foreign Affairs and the National Institute of Justice which provides training to judges, prosecutors and investigators. Seminars and training programmes on human trafficking for labour exploitation and on best practices of addressing the problem are organised for policemen, prosecutors and judges. The Bulgarian legislation complies with the requirements for the abolition and prevention of forced labour set out in the 2014 Protocol to ILO Convention No 29. The area in which further efforts are being made relates to compensating the victims of forced labour, as set out in Article 4 of the ILO Protocol. At present, the provision of financial compensation to all victims of forced labour is not yet regulated in the national legislation. At this stage, victims of forced labour could receive financial compensation under the Crime Victim Assistance and Financial Compensation Act (CVAFCA) only if the circumstances provided for therein are present. Under the terms and procedure of the CVAFCA, assistance may be granted to victims who have suffered material and non-pecuniary damages from general crimes. Financial compensation shall be provided to victims who have suffered material damage from the offences referred to in Article 3(3), including: human trafficking, crime committed by order or under a decision of an organized criminal group; other serious intentional crimes that have resulted in death or serious bodily injury. The forms of assistance are provided pursuant to the principle of confidentiality before the opening of the criminal proceedings, during or within an appropriate period after the closing of the criminal proceedings, in accordance with the needs of the victims. Psychological counselling and help is provided free of charge by specialists – psychologists from the victim support organisations, in accordance with the needs of the victim and his mental condition. The victims of crime who are in immediate risk of secondary victimisation and re-victimisation, threat or revenge are provided with shelter or other appropriate temporary accommodation. According to Article 12 of CVAFCA, the victims of crime are entitled to a lump-sum financial compensation which is provide upon entry into force of: i) a guilty verdict, including in cases tried in the defendant's absence; ii) an agreement for settlement in the pre-trial proceedings; iii) a prosecutorial or court instrument by which criminal proceedings are discontinued; and iv) a prosecutorial or court instrument by which criminal proceedings are dismissed on the grounds of failure to identify the perpetrator of the crime. The financial compensation consists in the State awarding a cash amount which shall not exceed BGN 10 000. According to Article 14, the financial compensation covers, jointly or separately, pecuniary damages caused by a crime and consisting in: 1) medical expenses, except for expenses covered by the National Health Insurance Fund; 2) lost income; 3) legal fees and litigation costs; 4) lost support to dependents; 5) funeral</p>

		<p>expenses; and 6) other pecuniary damages. Where the victim has died as a result of the crime, the right to support and to financial compensation shall pass to his heirs or co-habitee.</p> <p><b>2016 AR:</b> The National Commission for Combating Human Trafficking plays a key role. It conducts investigations and collects information about human trafficking for forced labour. It directs and monitors the operation of the local commissions for combating human trafficking and the centres for protection and support of the victims of human trafficking; it registers individuals and non-profit legal persons providing shelter for victims of human trafficking for labour exploitation and other purposes; it determines and directs the implementation of the national policy and strategy for counteracting human trafficking; designs and submits annually to the Council of Ministers for approval the National Programme for Preventing and Counteracting Human trafficking and Protecting the Victims Thereof. Centres for provision of assistance to victims of human trafficking, where the victims are provided with food, clothes, medicines, receive medical aid and consultations with psychologists, are operational in Bulgaria.</p>
	<p><b>Measures taken or envisaged to facilitate access to remedies</b></p>	<p><b>2017 AR:</b> According to the Government, victims of forced labour have the right to information and counselling regarding their rights, obtain free legal assistance and their exploiters will be penalized through a variety of ways including by confiscation of assets. According to the Penal Code (PC) of the Republic of Bulgaria, a person who compels another to do, to omit or to suffer something contrary to his will, using for that purpose force, threats or abuse of his authority, shall be punished by imprisonment for up to six years (Article 143 (1)). Therefore, the use of force in order to compel a person to perform work for which he has not offered himself voluntarily is an act punishable under the Penal Code. As regards the human trafficking for the purposes of forced labour, according to Article 159a (Section IX of the Penal Code), an individual who recruits, transports, hides or admits individuals or groups of people in view of using them for forced labour, shall be punished by imprisonment of one to eight years and a fine from BGN three thousand (3,000) up to BGN twelve thousand (12, 000). Where the act has been committed: 1) with regard to an individual who has not turned eighteen years of age; 2) through the use of coercion or by misleading the individual; 3) through kidnapping or illegal imprisonment; 4) through abuse of a status of dependency; 5) through the abuse of power; 6) through promising, giving away or receiving benefits; and 7) by an official, during or in connection with the performance of his duties, the punishment shall be imprisonment from three to ten years and a fine from BGN ten thousand (10 000) to BGN twenty thousand (20 000). According to the Penal Code (Article 159b (1)), an individual who recruits, transports, hides or admits individuals or groups of people and guides them over the border of the country for the purposes of forced labour shall be punished by imprisonment from three to twelve years and a fine from BGN ten thousand (10,000) to BGN twenty thousand (20,000). Where the act has been committed with regard to an individual who has not turned eighteen years of age, through the use of coercion or by misleading the individual, through kidnapping or illegal imprisonment, through abuse of a status of dependency, through the abuse of power, through promising, giving away or receiving benefits, by an official during or in connection with the performance of his duties, the punishment shall be imprisonment from five to twelve years and a fine from BGN twenty thousand (20,000) to BGN fifty thousand (50,000) (Article 159b (2)). According to Article 159c of the Penal Code, the use of an individual, who is the victim of human trafficking,</p>

		<p>for forced labour is punished with imprisonment from three to ten years and a fine from BGN ten thousand (10,000) to BGN twenty thousand (20,000). Where the act qualifies as dangerous recidivism or has been committed at the orders or under a decision of an organized criminal group, the punishment shall be imprisonment from five to fifteen years and a fine from BGN twenty thousand (20,000) to BGN one hundred thousand (100,000), the courts being also competent to impose confiscation of some or all of the possessions of the perpetrator (Article 159d).</p> <p><b>2016 AR:</b> Under the terms and procedure pursuant to the Crime Victim Assistance and Financial Compensation Act (CVAFCA), support is provided to victims who have incurred financial and non-financial damages who have incurred financial damages as a result of crimes under Article 3 (3), including human trafficking, crimes committed by order or under a decision of an organised criminal group; other serious premeditated crimes resulting in death or grievous bodily harm, as consequences of offence defined by statute. Victims can receive legal aid and counselling. The persons guilty of imposing or using forced labour are prosecuted and penalised. However, there is still lack of an established mechanism for provision of compensations to all victims of forced labour.</p>
	<p><b>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</b></p>	
	<p><b>Cooperation with other Member States, international / regional organizations or NGOs</b></p>	<p><b>2017 AR:</b> The Government indicated that it cooperates with other member states, international, regional and non-governmental organisations. Cooperation with the ILO has been made, in particular under ILO's International Programme on the Elimination of Child Labour (IPEC), for combating all forms of child labour, including compulsory child labour as the worst form of child labour under Convention No. 182 of ILO concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. Cooperation has been made within the EU and the Organisation for Security and Cooperation in Europe (OSCE). Bulgaria also cooperates closely with Romania, Greece and other countries in the region on combating and preventing human trafficking for forced labour. The National Commission for Combating Human Trafficking is the partner of the Romanian National Agency against Trafficking in Persons which is the beneficiary of the project "Integrated approach for prevention of trafficking for the purposes of labour exploitation in countries of origin and countries of destination", financed by the European Commission. International conference to facilitate the exchange of experience between the institutions working on counteraction of human trafficking for the purposes of forced labour was organised within the project.</p>
	<p><b>Promotional activities</b></p>	<p><b>2016 AR:</b> In May 2016, the National Commission for Combating Human Trafficking launched its annual campaign for prevention of human trafficking for the purposes of labour exploitation under the slogan "Better be informed than exploited!" Different initiatives aimed at raising the public awareness of the risks of becoming victims of human trafficking for the purposes of forced labour are organised at the national and at the local level within the campaign. With the partnership of Metropolitan AD, the citizens of the capital city have the opportunity to receive basic information on safe labour migration through video clips, information boards and leaflets. The national commission and the nine local commissions for combating human trafficking realise events for raising the awareness of different target groups about the possibilities for</p>

		<p>protection against forced labour and for safe travel abroad – university and school students, representatives of the Roma community, institutionalised young people, permanently unemployed persons, etc. Moreover, a national meeting for counteraction of human trafficking and protection of victims, entitled “Preparing a strategy for combating human trafficking in Bulgaria”, was held in Sofia. The event was organised by the National Commission for Combating Human trafficking and took place on 26 January 2016.</p>	
	<b>Special initiatives/Progress</b>		
<b>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</b>	<b>According to the social partners</b>	<b>Employers’ organizations</b>	
		<b>Workers’ organizations</b>	
	<b>According to the Government</b>	<p>The Government reported that the population is not very sensitive on forced labour. Many people do not know where to submit an alert if they become victims or witnesses of forced labour practices and whom to address for support. There is lack of centralised collection of data on forced labour. It is important to strengthen the legislative framework, especially with regard to the provision of support and compensation provided to victims of forced labour. The shortage of resources is also a problem. Some of the victims of forced labour are involved in such labour by dishonest recruitment agencies and intermediaries. Migrants, who are a vulnerable population group, are at greater risk of being involved in forced labour. The illegal status of a large number of migrants create additional favourable conditions for dishonest employers to abuse this position of migrants and to make them victims of forced labour. Lack of more specialised training of public servants to deal with all forms of forced labour.</p>	
<b>TECHNICAL COOPERATION NEEDS</b>	<b>Request</b>	<p><b>2017 AR:</b> The Government indicated that technical cooperation with ILO will contribute to the faster and more comprehensive design of national policies and to taking adequate steps to combat forced labour. As regards the victims of forced labour, it will enable exchange of good practices on the necessary legal tools for identification, protection, recovery and rehabilitation of victims and for other forms of support and assistance. The provision of technical assistance by ILO for the implementation of legislative reforms will contribute to a better coordination of policies and measures towards restricting and eliminating forced labour and ensuring relevant legal protection tools which will facilitate the abolition of this vicious practice and the provision of support to the victims. Support for collecting national data on forced labour is also very important due to the fact that there are no statistics at national level regarding all forms of forced labour. Other areas of cooperation include: assessment of the obstacles identified and their impact on the realization of the principle, awareness-raising and mobilization activities, collection and analysis of data and information, guidance on the development of the national policy and plan of action, strengthening the legal framework, capacity building for the competent authorities, promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations, and exchange of experiences with other countries or regions.</p>	
	<b>Offer</b>	<b>NIL.</b>	